

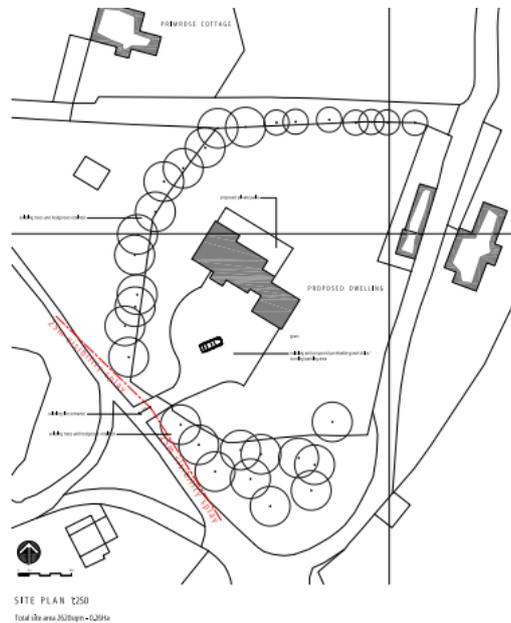
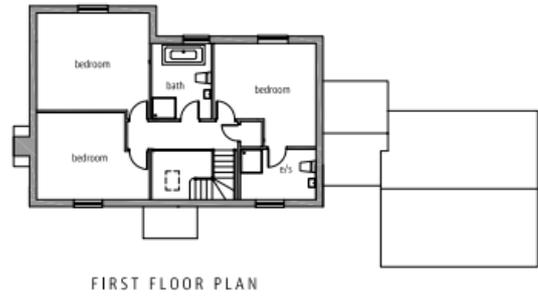
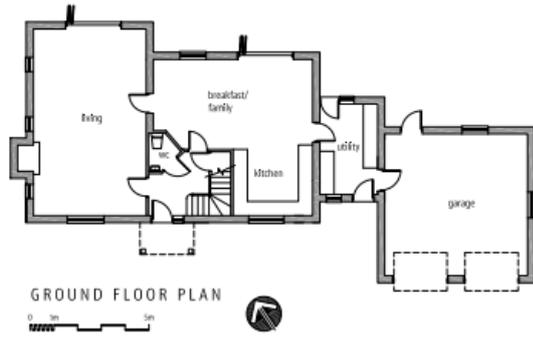
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|----------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>MEETING:</b>                                                | <b>PLANNING AND REGULATORY COMMITTEE</b>                                                                                                                                                                                                                                              |
| <b>DATE:</b>                                                   | <b>4<sup>th</sup> August 2021</b>                                                                                                                                                                                                                                                     |
| <b>TITLE OF REPORT:</b>                                        | <b>203907 - PROPOSED NEW DWELLING AT LAND AT WOODSIDE STABLES, FROM GREAT HALL ROAD TO ST WULSTANS ROAD, WELSH NEWTON, NP25 5RT</b><br><br><b>For: Boughton per Mr David Kirk, 100 Chase Road, Ross-On-Wye, Herefordshire, HR9 5JH</b>                                                |
| <b>WEBSITE LINK:</b>                                           | <a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=203907&amp;search-term=203907">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=203907&amp;search-term=203907</a> |
| <b>Reason Application submitted to Committee – Redirection</b> |                                                                                                                                                                                                                                                                                       |

**Date Received: 11 November 2020    Ward: Llangarron    Grid Ref: 351279,217490**  
**Expiry Date: 5 August 2021**

Local Member: Cllr Swinglehurst

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

- 1.1 The application site comprises of stables and associated hardstanding lying to the east of St Wulstans Road in the centre of Welsh Newton Common. The site is bounded by hedgerows and a field access gate onto the road.
- 1.2 The application seeks full planning permission for the erection of a detached, one and a half storey, three bedroom dwelling in place of the stables, with an attached double garage. The proposal will be 6 metres to the ridge. The design includes dormer windows on the first floor and the materials will be a mix of natural stone and render under a slate roof.
- 1.3 This application is on the same site as a refusal (P190827/F), which was subsequently dismissed at appeal. This application seeks to amend and address the details and plans that were the reason for refusal in the previous application.
- 1.4 Below is the proposed block plan indicating the dwelling and the relationship with the existing dwellings, and dwelling elevations and floorplan.



## 2. Policies

### 2.1 Herefordshire Local Plan – Core Strategy (CS):

- SS1 - Presumption in Favour of Sustainable Development
- SS2 - Delivering New Homes
- SS3 - Releasing Land For Residential Development
- SS4 - Movement and Transportation
- SS6 - Environmental Quality and Local Distinctiveness
- RA1 - Rural Housing Distribution
- RA2 - Housing in Settlements Outside Hereford and the Market Towns
- MT1 - Traffic Management, Highway Safety and Promoting Active Travel
- LD1 - Landscape and Townscape
- LD2 - Biodiversity and Geodiversity
- LD3 - Green Infrastructure
- SD1 - Sustainable Design and Energy Efficiency
- SD3 - Sustainable Water Management and Water Resources

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

## 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](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 (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                     |

## 3. Planning History

### 3.1 **P190827/F** – Proposed new dwelling. Refused at Planning Committee 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 was subsequently, dismissed at appeal on the basis that the proposed 4 bedroom property would be contrary to the NDP policy WNL5 and Core Strategy policy RA2. *“The proposed housing would not be suitable to the location, as it exceeds the housing size limit for the number of bedrooms and therefore fails to accord with Policy WNL5 of the NDP. It would also fail to accord with Policy RA2 of the CS where it seeks to deliver schemes that generate the size of housing that is required in a particular settlement, reflecting local demand. The scheme would cause significant harm to the development strategy for the area.”*

*Appeal Dismissed 22<sup>nd</sup> Oct 2020*

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

#### **4. Consultation Summary**

##### 4.1 Statutory Consultations

###### **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.

###### **Welsh Water**

As the applicant intends utilising a private treatment works, we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal. However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

###### **Forestry Commission**

No comments to make

##### 4.2 Internal Council Consultations

###### **Area Engineer – Team Leader**

The proposal submitted includes an access to serve a single dwelling. The following observations are a summary of the highways impacts of the development:

It is noted from the traffic data collection volume survey that the network usage in this location is light. As a result the introduction of a single dwelling could not result in a cumulative impact that could be classed as severe as set out in the NPPF.

The access proposed meets the visibility requirements and the associated rationale is acceptable in demonstrating the access amendments will not result in an unacceptable impact on road safety. This is based on the results from the 24 hour 7 day traffic survey used to support this application and paying regard to the content of the DfT’s Manual for Streets 2 document. The access meets the highway in a perpendicular fashion. This maximises visibility and ensures that turning movements can happen efficiently.

The amendments required to form the access will require separate permission from the local highway authority to make the connection to the carriageway. This is likely to be in the form of a Section 184 Licence and details of this can be found by following the link below. The proposed

access specification meets the requirements of the Section 184 licence. This is acceptable and a licence should be applied for in the event that permission is granted.

It should be noted that the red line to the site does not connect to the carriageway of the public highway and the land ownership of the section between the carriageway edge and the site boundary as set out by the red line on the site plan is questionable. This may form part of the common and if this is the case the applicant should satisfy themselves that appropriate rights exist to form this vehicular crossing.

Vehicular accesses over 45m in length from the highway boundary to the face of a building should be referred to a Building Regulation Approved Inspector. In these circumstances, access and turning for emergency vehicles may be required, refer to Section 6.7 of Manual for Streets. The vehicle turning area is adequate for the scale of the dwelling.

The parking provided equals or exceeds one 2.4m x 4.8m space per bedroom to a maximum of 3 spaces. This element of the proposal is acceptable. It is clear from the submission that cycle parking can be appropriately accommodated in the garage without compromising on-site parking provision.

For any works within the extent of the highway permission from the LHA will be required. Details of obtaining this permission can be found at:

[https://www.herefordshire.gov.uk/downloads/download/368/dropped\\_kerb\\_documents](https://www.herefordshire.gov.uk/downloads/download/368/dropped_kerb_documents)

There are no highways objections to the proposals, subject to the recommended conditions being included with any permission granted.

In the event that permission is granted the following conditions and informative notes are recommended.

- CAB - Visibility Splay Required (2.4m x 25m)
- CAE - Access Construction Specification
- I11 - Mud on Highway

All applicants are reminded that attaining planning consent does not constitute permission to work in the highway. Any applicant wishing to carry out works in the highway should see the various guidance on Herefordshire Council's website.

### **Tree Officer**

I have no objections to the proposed erection of a single dwelling subject to conditions.

### Conditions

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

CKA – Retention of existing trees

CKF – Specifications for tree planting

### **Land Drainage**

#### Fluvial Flood Risk

Review of the Environment Agency's Flood Map for Planning (Figure 1) 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 Applicant has proposed a soakaway feature to drain surface water runoff from the proposed development, with details provided in the Drainage Strategy Report. It is acknowledged that the worst case infiltration rate of  $1.5 \times 10^{-5}$  m/s is acceptable for discharge of surface water runoff to ground. The applicant should now provide site specific calculations to size the soakaway, as the calculations provided within the Drainage Strategy Report are based on a previous planning application for the site, which details a different site layout to the one now proposed. The location of the soakaway should also be relevant to the current site plans. It should be noted that soakaways should be located a minimum of 5m from building foundations, that the base of soakaways and unlined storage/conveyance features should be a minimum of 1m above groundwater levels, and must have a half drain time of no greater than 24 hours. The proposed maintenance arrangements for the surface water drainage system is acceptable, it is assumed that this will be undertaken by the site owner.

#### Foul Water Drainage

As there is no foul public sewer within 30m of the proposed development site, the Applicant should demonstrate that the proposals are compliant with the general Binding Rules and are in accordance with the Building Regulations Part H Drainage and Waste Disposal. The Applicant has provided details of percolation test results which suggest that discharge of treated effluent to ground is viable with a Vp result of 20.8. A package treatment plant with discharge to a drainage field is proposed. Site specific plans have not been provided showing the location of the proposed drainage features. Site specific calculations have not been provided based on the proposed development. The calculations provided are based on a previous planning application and site layout. No detail has been provided regarding depth to groundwater.

The following must be adhered to for Package Treatment Plants:

- The drainage field should be located a minimum of 10m from any watercourse, 15m from any building, 50m from an abstraction point of any groundwater supply and not in any Zone 1 groundwater protection zone. The drainage field should be sufficiently far from any other drainage field, to ensure that overall soakage capacity of the ground is not exceeded.
- Drainage fields should be constructed using perforated pipe, laid in trenches of uniform gradient which should not be steeper than 1:200. The distribution pipes should have a minimum 2m separation.
- Drainage fields should be set out in a continuous loop, i.e. the spreaders should be connected. If this feature is missed, it will gradually clog with debris and the field will become increasingly ineffective. Foul water drainage must be separated from the surface water drainage. The Applicant should provide evidence that contaminated water will not get into the surface water drainage system, nearby watercourse and ponds.

#### Overall Comment

In principle we do not object to the proposals, however we recommend that the following information is provided prior to the Council granting planning permission:

- Submission of 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.

*Following addition information additional comments received*

Thank you very much for the information, we are happy to Condition the remaining two points

### **Conservation Manager (Ecology)**

It is noted that a previous application for a similar (but greater occupancy) dwelling was refused and the refusal upheld at appeal – application ref 190827 (appeal determination 22<sup>nd</sup> October 2020). No ecology related reasons for original refusal were raised, or questioned/countered at the appeal process and considerations by PINS

There is no reason for the LPA Ecology to consider any differently with approx.12 months since previous refusal and under 12 months from appeal decision.

The site is within the River Wye SAC catchment and a relevant Habitat Regulations Assessment is again triggered by the changes in occupancy now subject to consideration and decision. It is noted that the only change in potential effects from the HRA process previously completed is the reduction in maximum potential occupancy.

The following notes apply to the updated HRA

- The development is for one additional residential dwelling.
- No mains sewer connection is available at this location.
- A private package treatment system is proposed to manage all foul water from the new dwelling.
- The PTP will discharge to a ground discharge soakaway drainage field on land under the applicant's control.
- From supplied percolation and test results the LPA has no reason to consider that the proposed scheme cannot be achieved at this location.
- All potential phosphate pathways are considered as fully mitigated by the proposed scheme.
- Natural England have not advised the LPA that the River Wye is failing its conservation status
- All additional surface water can be managed through appropriate on-site infiltration and soakaway systems.
- The agreed schemes for foul and surface water management can be secured by condition on any planning consent granted.

Subject to Natural England confirming a 'no objection' response to the HRA appropriate assessment submitted to them by the LPA there are no identified 'adverse effects on the integrity' of the River Wye SAC identified from this development.

Additional ecology comments (similar and based on previous application comments that remain relevant and valid. The ecology report by Wilder Ecology dated December 2018 remains valid and relevant and any local changes will be minimal and are already considered within the supplied report

Plans indicate that no removal of any trees or hedgerows will be undertaken and this can be secured by a relevant condition so as to ensure (in particular) the local dormouse population is not negatively impacted by this development.

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

The site is in an area with an intrinsically dark landscape that benefits local amenity and nature conservation, including nocturnal protected species known to be present in the. A condition to ensure all external lighting is kept to the essential minimum and any systems installed compliant with current best practice is requested.

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.

A ‘standard’ Tree Officer condition to secure protection for all trees and hedgerows should be included.

A standard landscaping condition should be included to enhancement of the ‘soft’ landscaping of the site utilising locally characteristic native species chosen to consider climate change and pest-pathogen resilience.

## **5. Representations**

### **5.1 Welsh Newton and Llanrothal Parish Council**

Following their meeting last night, 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 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

### **5.2 To date a total of 38 letters of representation have been received. The comments therein are summarised below.**

#### **36 letters of objection:**

- Unsustainable development
- Infrastructure unable to support development
- Hierarchy matrix is incorrect and false as Welsh Newton has no facilities
- The development would need to cross the common
- Development is part of a larger development by same applicants
- Habitats locally need protecting
- On greenfield site
- Light pollution
- Not a response to local need
- Travel by car a necessity
- Single track road with no through route – highway safety
- Already met housing target
- Although roof height and number of bedrooms reduced the floorspace still similar (4sqm more)
- Large pond within 100 metres will hold reptiles and amphibians
- Development is unwanted and detriment to the character of the area

- TPO's are present across the common
- Size and scale of proposed is at odds to the character of the settlement
- Has inclusion of a garage which could be converted
- Prominent position so harm to visual amenity
- Against what the NDP was looking for
- Hedgerows likely to be removed to allow for visibility splays
- Traffic survey does not reflect reality.

## 2 letters of support:

- Design has been amended to be acceptable to policy
- Reduced height and three bedrooms it will now be ideal and affordable for a young family
- Will support local services in nearby villages
- Previous reason for refusal has been addressed

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

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=203907&search-term=203907](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=203907&search-term=203907)

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

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 Development Plan (NDP). 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.*

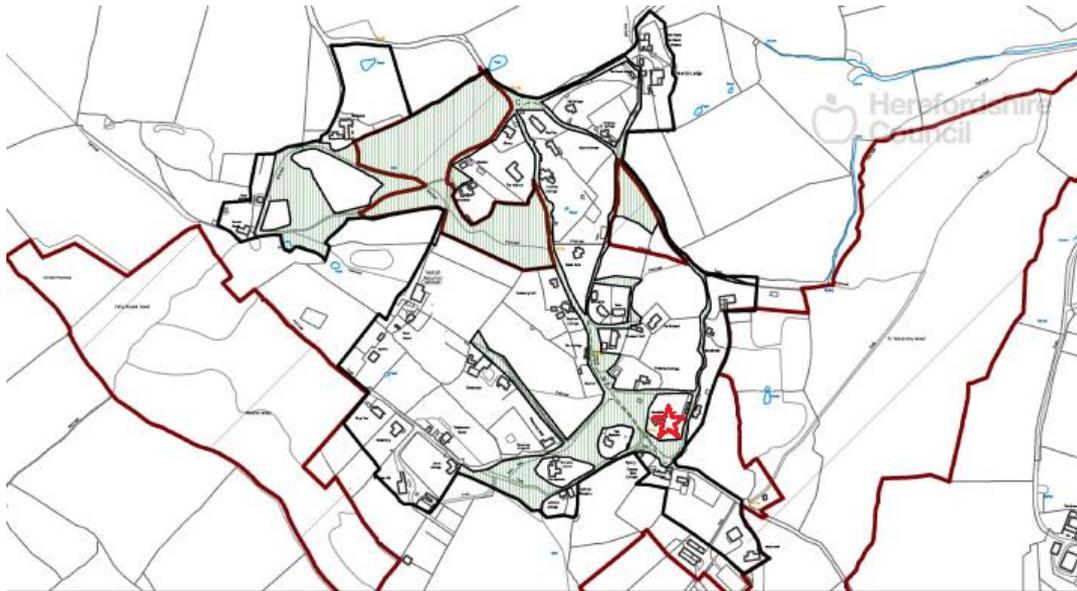
*Where there are no policies relevant to the application or the relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking account whether:*

- 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 able 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
- 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 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 application site being indicated by the red star:



6.10 It is clear from the above that the site is located within the settlement boundary. 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 application seeking planning permission for the erection of a single 3 bedroom dwelling, the scale and size is supported by this policy. This proposal has reduced the number of bedrooms from the previous application, to ensure compliance with the NDP policy. Also, noting the location of site in the centre of the settlement, surrounded by existing dwellings, it is not considered that the site is isolated. Welsh Newton Common is largely made up of individual, detached dwellings, often in their own plots – although there are examples of shared accesses in some cases. The site benefits from built form at the present time, albeit in the form of stables, but the erection of a dwelling would not undermine the character of the area.

6.12 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 Wulstans 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’). The Planning Inspector within the previous appeal (APP/W1850/W/20/3254946) stated ‘in the absence of a definition within the NDP of a made up

*road, I consider the site would be accessed off such a road.* With this in mind, and the proposed dwelling being accessed off this (albeit across a common like the majority of dwellings in the settlement) the proposal is found to accord with criteria of the policy also.

- 6.14 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*

- 6.15 The detail of the design is assessed under 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.
- 6.16 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.
- 6.17 The proposed dwelling is detached with communal living space on the ground floor and three bedrooms, ensuite and a bathroom on the first floor. In terms of the scale of the building proposed, the ridge height is 6 metres this is in accordance to the limit included within NDP policy WNL5. This height has been reduced from the previous application and has overcome the tension with the NDP policy. The proposal will be a one and half storey dwelling, there are two storey dwellings to the south and west of largely traditional cottage vernacular. The new dwelling would be set back from the road in a relatively spacious plot, comparable to some in the area and would be seen in the context of other properties nearby.
- 6.18 The dwelling will be constructed from a facing of natural stonework elevations with areas of render with natural 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 submission of the exact details and finishes of the materials on any approval.
- 6.19 The agent has completed the Councils Climate Change checklist, stating 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.*

- 6.20 Turning now to amenity impacts, the proposed dwelling will benefit from a large garden to the rear and side of an adequate level for a three bedroomed property. Existing trees and hedgerows will be retained along the rear, front and western side boundary to maintain privacy and also screening into the site. This is found to be acceptable, particularly noting that the dwelling will benefit from a truly private area to the side. Representations received were detailing that the floorspace of the proposed dwelling had increased since the previous application, however it should be noted that the living space of this proposed dwelling has been significantly reduced and

the floorspace now includes an attached garage to the side of the property. A condition is recommended to secure control over future extensions in order to maintain the number of bedrooms in accordance with the aims of the NDP.

- 6.21 Moving onto impacts for the amenity of neighbouring dwellings, the nearest to the proposed is 1 Woodside which lies approximately 45m to the east/north east. With this distance in mind, as well as the intervening track, issues of overlooking or overshadowing are found unlikely to be experienced. As a result of the common land located to the north west/west and south as well as St Wolstons Road, such issues are also unlikely for any other neighbouring dwelling in the vicinity.
- 6.22 The Planning Inspectors decision of (APP/W1850/W/20/3254946) concluded, *'the proposal would not be harmful to the character and appearance of the area. It would accord with Policies SD1 and SS6 of the CS, where they, in part, require development to take into account the local context, that new buildings should be designed to maintain local distinctiveness, including through height, and conserve the settlement pattern and landscape.*

*The scheme would conflict with Policy WNL4 of the NDP, where it states ridge heights should not exceed 6m. Notwithstanding this, it would accord with the aims of the policy to ensure care is taken so that the height, scale and form of buildings do not impact adversely on any significant wider landscape views and should fit with the character, scale, mass and layout of the surrounding area.'*

- 6.23 In light of the above, the proposed revised scale of the dwelling has overcome the previous tensions with the NDP policy, the design of the dwelling is found to have been influenced by the locality, the materials are in keeping with the surroundings and the individual plot responds well to the character of the surrounding build form. Therefore, the proposal is found to comply with policy SD1 of the Core Strategy and policy WNL5 of the NDP.

#### *Access and Highways*

- 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 The Council's Team Leader Area Engineer has visited the site several times (and at different times in the day) for the previous application and this current application in order to assess the highways impacts as a result of one additional dwelling in this location. While the nature of the road does require some instances of reversing and the use of passing places, at the level of one dwelling this is not found to amount to a cumulative 'severe' impact. The proposed development does not present an unacceptable impact on highway safety and does not provide impacts in regards to capacity
- 6.27 With the proposal seeking permission for a single 3 bedroom property, 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.

- 6.28 The comments from the Team Leader Area Engineer in relation to the access crossing common land are noted but any works or access across common land requires the benefit of consent under the Commons Act, something separate to the granting of planning permission. The application is therefore capable of being assessed and the splays travelling across common land is not a reason to refuse a planning application.
- 6.29 At the level of development proposed, the highway impacts are not found to represent a reason to refuse the application. The associated impacts on highway safety and the capacity of the road would not result in the residual cumulative impacts being severe. As directed by the NPPF, and corroborated by the lack of objection from the 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*

- 6.30 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.
- 6.31 The application is accompanied by an Ecology Report which the Council's Ecologist has viewed. He is content with the recommendations and mitigation therein and recommends that this be conditioned on any approval. Biodiversity enhancement will also be conditioned on any approval, making it clear that there should be no illumination of of any habitat enhancement or boundary feature. With the site falling within the River Wye Special Area of Conservation (SAC) catchment, a Habitat Regulationd Appropriate Assessment (HR AA) has been carried out and sent to Natural England for their approval. They have confirmed they have no objections to the proposal.
- 6.32 The Council's Tree Officer does not object to the application subject to conditions being attached to any approval relating to the development being carried out in accordance with the submitted tree survey, the retention of existing trees and specifications of tree planting being submitted to the local planning authority.
- 6.33 In light of the foregoing, 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*

- 6.34 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).
- 6.35 Foul water will be disposed of using a private treatment plant with outfall into soakway drainage fields. Surface water will be disposed of using a Sustainable Urban Drainage system. Given the size of the site and the supporting information, the methods are found to be policy compliant and achievable on the site.

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

*Other matters*

- 6.37 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 an 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.
- 6.38 It is likely that previous to the adoption of the Core Strategy, Welsh Newton Common saw little new housing as it was not identified as a settlement for growth under the previous Unitary Development Plan. This notwithstanding, there has been a clear shift in policy and it is acknowledged that development in rural settlements bring forward economic, social and environmental benefits.
- 6.39 While the development of Woodside Stables is commented upon within the NDP this is as a conversion scheme. Notwithstanding this, the proposal for a new build has been set out above and assessed against policies within the Core Strategy and NDP as a whole.
- 6.40 There is no such thing as a precedent within planning and each application is assessed on its own merits. Furthermore, an application is not assessed on who the applicant, whether they are a local person or what their intention is after gaining permission – the relevant policies are applied consistently. For the avoidance of doubt, planning permission goes with the land as opposed to the applicant.
- 6.41 It is acknowledged that the site will cross common land in order to gain access to the site (albeit there is an existing access onto the site that will be utilised). However, any such agreement would be the subject of a Section 38 consent under the Commons Act and separate to the granting of any planning permission. Notice was served in the newspaper as a result of there being no known owner of the common and as such the planning application is valid and capable of being assessed.
- 6.42 The housing targets within the settlement are a minimum. Considering the 14% indicative growth across the Ross on Wye Housing Market Area a minimum 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. 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.
- 6.43 The Council do not have an adopted Community Infrastructure Levy and at the scale of the proposal (for one dwelling) developer contributions are not sought.

*Planning balance and conclusion*

- 6.44 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.

- 6.45 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 Plan in relation 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. With the site being accessed directly off St Wulstons Road, it is considered to be accessed off a 'made up road'.
- 6.46 The design of the dwelling proposed is found to be in keeping with the variety within Welsh Newton Common as a whole – they take reference from traditional proportions and materials. It also avoids issues of overlooking or loss of light for both future occupants and existing residents. This proposal for one 3 bedroom dwelling is now compliant with the second bullet point of policy WNL5. The height of the dwelling has also been reduced from the previously refused application and is 6 metres to be in accordance with NDP policy WNL4.
- 6.47 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.
- 6.48 Given the lack of objection from highways, ecology, trees, Natural England and land drainage, the proposal is found to be compliant technically.
- 6.49 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 a policy compliant dwelling with the associated economic and social benefits that small developments in rural settlements support.

## **RECOMMENDATION**

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

- 1. Time limit for commencement (full permission)**
- 2. C07 Development in accordance with approved plans and materials**
- 3. C13 Samples of external materials**
- 4. C65 (Class A only with non standard reason linked to NDP policy)**
- 5. CE6 Efficient use of water**
- 6. CBK Restriction of hours during construction**
- 7. All foul water shall discharge through connection to a new private foul water treatment system with final outfall to suitable soakaway drainage field on land under the applicant's control; and all surface water shall discharge to appropriate SuDS or soakaway system; unless otherwise agreed in writing by the Local Planning Authority.**  
  
**Reason: In order to comply with Conservation of Habitats and Species Regulations (2018), National Planning Policy Framework (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies LD2, SD3 and SD4**
- 8. The ecological protection, mitigation, compensation and working methods scheme as recommended in the ecology report by Wilder Ecology dated December 2018 shall**

be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation or any biodiversity net gain enhancement features.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Habitats & Species Regulations 2018 (as amended), Policy LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006

9. Within 3 months of completion of the works approved under this planning decision notice evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation within the site boundary of at least TWO Bat roosting enhancements, FOUR bird nesting boxes and ONE Hedgehog habitat home should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No external lighting should illuminate any habitat enhancement or boundary feature.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), Habitat Regulations 2018, Core Strategy LD2, National Planning Policy Framework (2019), NERC Act 2006 and Dark Skies Guidance Defra/NPPF 2013/2019.

10. CAB Visibility splays (2.4M X 25M)
11. CAD Access gates (5m)
12. CAE - Vehicular access construction
13. CAH - Driveway gradient
14. CAI - Parking – single/shared private drives
15. CAT - Construction Management Plan
16. CB2 - Secure covered cycle parking provision
17. CK9 – Trees in Accordance with plans
18. CKA – Retention of existing trees
19. CKF – Specifications for tree planting
20. At no time shall any external lighting except in relation to safe use of the approved development be installed or operated in association with the approved development and no permanently illuminated external lighting on any building within the application boundary under this consent shall be operated at any time, without the written approval of this local planning authority.

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.

Reason: To ensure that all species and local intrinsically dark landscape are protected 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'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3

21. With the exception of any site clearance and groundwork, no further development shall take place until the following information has been submitted and approved by the local planning authority:
- Submission of a site specific layout showing the proposed location of surface water and foul water drainage features.
  - Confirmation of groundwater levels.

The approved scheme shall be implemented before first occupation of the dwelling hereby permitted.

Reason: In order to ensure 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.

22. 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. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. I11 – Mud on highway
3. I09 – Private apparatus within the highway
4. I45 – Works within the highway
5. I05 – No drainage to discharge to highway
6. I47 – Drainage other than via highway system
7. I35 – Highways Design Guide and Specification

Decision: .....

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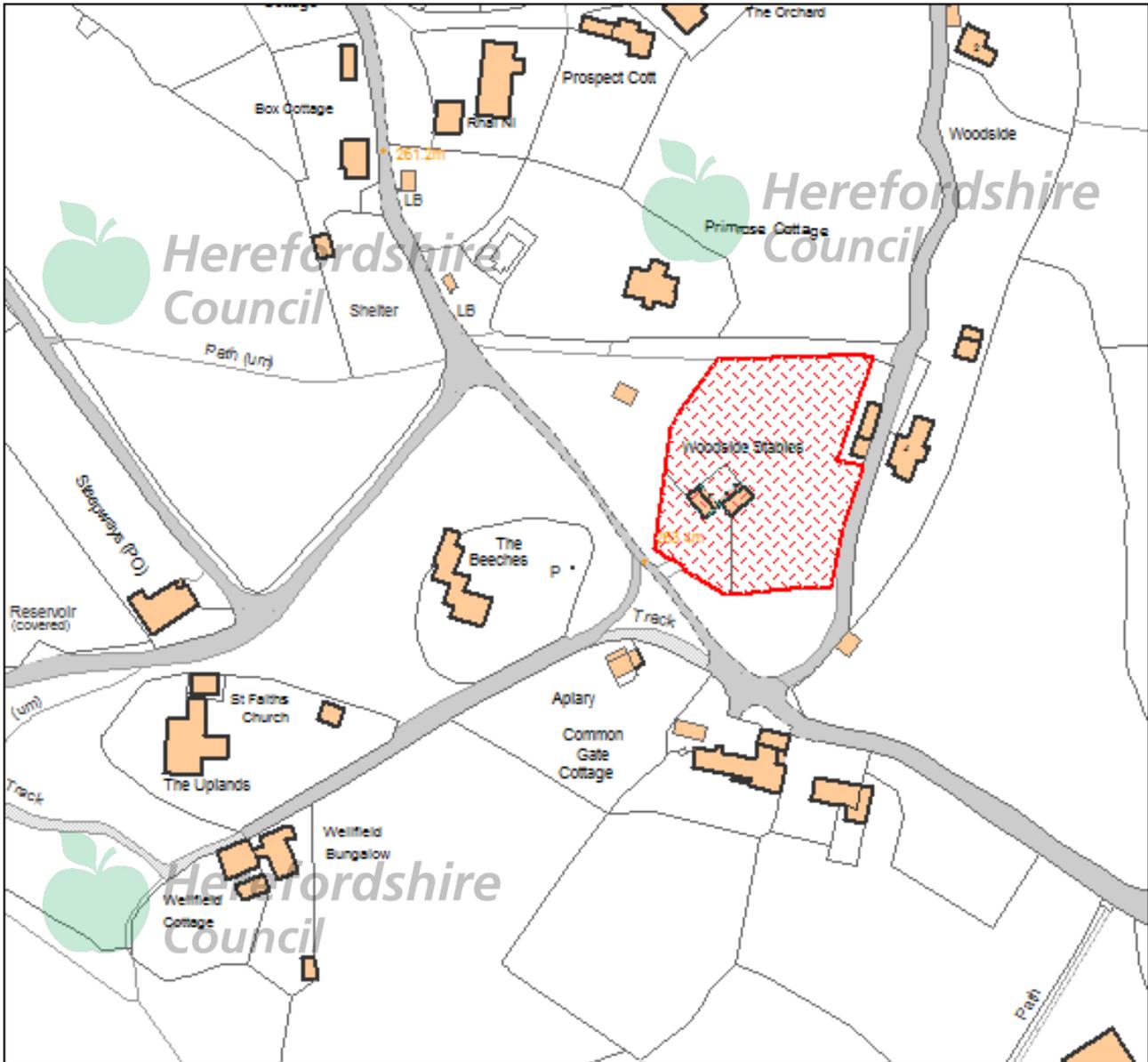
Further information on the subject of this report is available from Mrs G Webster on 01432 261803

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 203907

**SITE ADDRESS :** LAND AT WOODSIDE STABLES, FROM GREAT HALL ROAD TO ST WOOLSTONS ROAD, WELSH NEWTON, NP25 5RT

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