

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>18 January 2023</b>
<b>TITLE OF REPORT:</b>	<b>222020 - PROPOSED DEVELOPMENT OF 2 DWELLINGS. AT STEEPWAYS, WELSH NEWTON, HEREFORDSHIRE, NP25 5RT</b>  <b>For: Ms 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=222020&amp;search-term=222020">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=222020&amp;search-term=222020</a>
<b>Reason Application submitted to Committee - Redirection</b>	

Date Received: 21 June 2022

Ward: Llangarron

Grid Ref: 351160,217490

Expiry Date: 23 August 2022

Local Members: Cllr Elissa Swinglehurst,

## 1. Site Description and Proposal

- 1.1 The application site comprises part of a field used for grazing, lying on the corner of St Wulstans Road and a private road in the centre of Welsh Newton Common. The site is bounded by trees along the roadside and there is an existing access gate in the eastern corner into the wider field.
- 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 dwellings proposed are detached, one and a half storey, three bedroom properties with communal living space on the ground floor and bedrooms above.
- 1.4 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.
- 1.5 The ridge height for the proposed dwellings is 6.0 metres. Plot 1 has 155sq metres of usable floorspace and has an attached garage to the dwelling. Plot 2 has 203sq metres of usable floorspace, and has a detached garage.
- 1.6 The elevations of the two proposed dwellings can be seen below:



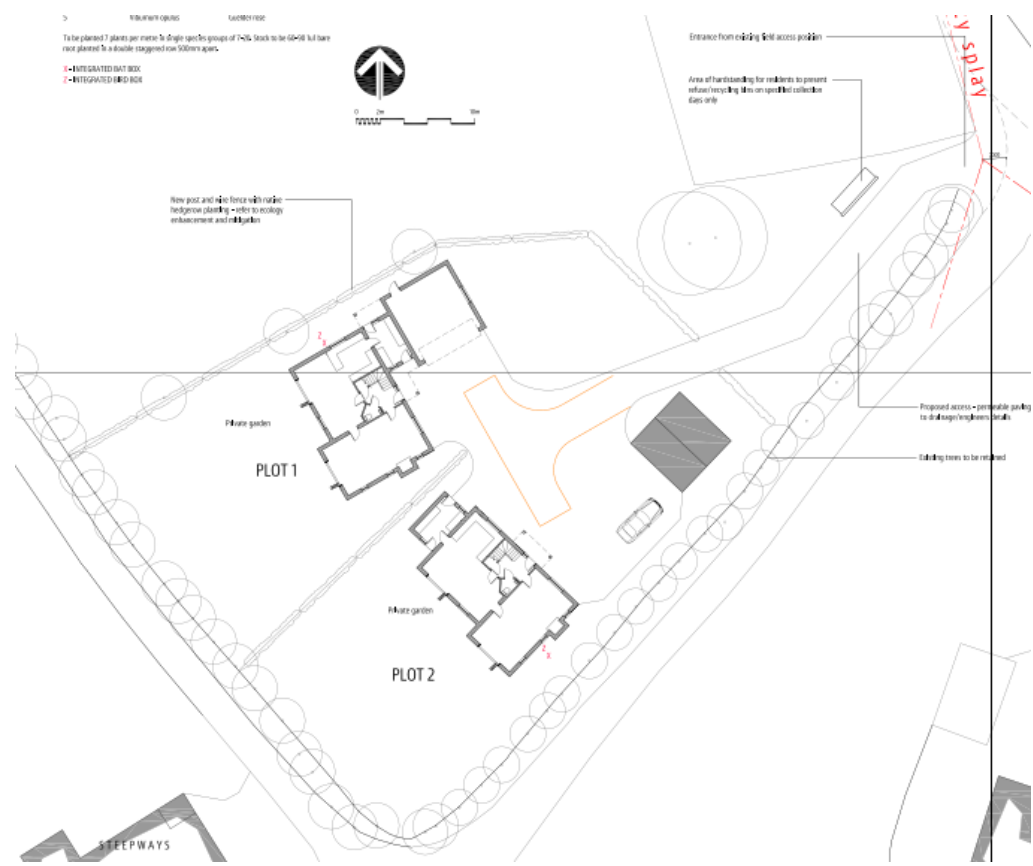
Further information on the subject of this report is available from Mrs G Webster on 01432 261803

Plot 1



Plot 2

1.7 The site already benefits from approval of two dwellings of the same design and scale. The difference in this proposal is that the access is proposed to come from the existing access to the field (to the east of the site) rather than a new access being created in the hedgerow (to the south east), and the plots are rotated on the site to run in a north/ south line rather than east / west.



2. Policies

2.1 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:-

- 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

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

- 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](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 Neighbourhood Development Plan - Made September 2019 and full weight can be afforded to the Plan, although there are no allocated sites defined in the Plan.

The relevant policies are:

- Policy WNL1 - Protecting and Enhancing Local Landscape Character
- Policy WNL2 - Green Infrastructure
- Policy WNL3 - Protecting and Enhancing Local Wildlife and Habitats
- Policy WNL4 - Building Design Principles
- Policy WNL5 - Welsh Newton Common Settlement Boundary and New Housing
- Policy WNL11 - Supporting New Communications Technologies and Broadband
- Policy WNL13 - Renewable and Low Carbon Energy Development

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/810197/NPPF\\_Feb\\_2019\\_revised.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf)

- 2.3 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 P191286/F – Proposed development of two dwelling – Refused 22/1/2020 Appeal Dismissed 20/11/2020
- 3.2 P200954/F - Proposed development of two dwellings – Non determination appeal - Appeal Dismissed 20/11/2020
- 3.3 P204346/F – Proposed development of two dwellings - Approved
- 3.4 P220026/F – Application for variation of condition 2 of P204436/F to allow revised house designs - Refused

### **4. Consultation Summary**

Statutory Consultations

#### **4.1 Welsh Water**

##### **SEWERAGE**

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.

##### **WATER SUPPLY**

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

*Further comments received 2/12/2022*

##### **WATER SUPPLY**

The water supply system in the immediate vicinity has insufficient capacity to serve the development and will also cause detriment to existing customers' water supply. The applicant is advised that as part of any future water connection application under Section 41 of the Water Industry Act (1991), a hydraulic modelling assessment and the delivery of reinforcement works may be required at the same time as the provision of new water mains to serve the new development under Section 41 and Section 51 of the Water Industry Act (1991).

Information relating to our Hydraulic Modelling Assessment process is available on our website and within our guidance notes. The area planning officer will also be able to provide you within information relating to this process

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

## Internal Council Consultations

### 4.2 **Principal Natural Environment Officer (Ecology)**

It is noted that this is basically a resubmission of previously approved planning application 204346/F (granted planning permission 5<sup>th</sup> August 2021). Minor changes to layout to secure use of an existing access reducing loss of existing hedgerow are noted and welcomed

The updated ecology report by Willder Ecology dated 23<sup>rd</sup> May 2022 refers. There are no significant changes in the ecological status of the site and the previous final ecology comments and suggested conditions by Abigail Sanders (Principal Natural Environment Officer) dated May 2021 remain relevant and appropriate.

The application triggers the requirement for a Habitat Regulations Assessment. As there are no significant changes the HRA appropriate assessment completed for previous application 203346 remains valid and is formally adopted in respect of this current application. Natural England returned a formal “no objection” response to this previous Appropriate Assessment/planning application – their ref 355468 dated 15<sup>th</sup> June 2021.

There are no further ecology comments and no objection is made.

### 4.3 **Team Leader Area Engineer**

No objections, recommends conditions

### 4.4 **Principal Natural Environment Officer (Tree officer)**

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

### 4.5 **Commons Officer**

Please note that the site is accessed over registered common land; Welsh Newton Common (CL54) and any works on common land will require section 38 consent in accordance with The Commons Act 2006.

For clarification, the current proposals regarding the access does not require section 38 consent. However any amendments or upgrading of the existing access arrangements may require section 38 consent in accordance with The Commons Act 2006.

### 4.6 **Land Drainage Consultant**

Our knowledge of the development proposals has been obtained from the following sources:

- Application for Planning Permission;
- Proposed Site Plan (Ref: 924-PL04 Rev A); and
- Drainage Strategy Report (Ref: 0923/R02 – May 2019).

#### *Overview of the Proposal*

The Applicant proposes the construction of two dwellings and appropriate car parking. The site covers an area of approx. 0.42ha and is currently a field used for equestrian purposes. No additional information in relation to flood risk and/or drainage has been provided since our previous comments dated 12th May 2020 (under App. No. 200954) and 22nd March 2021 (under App No. 204346).

#### *Flood Risk*

##### *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 1.6x10<sup>-5</sup>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, as with 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 proposal was to provide 1 package treatment plant to serve Plots 1, 2 and 3. 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<sup>3</sup> per day.

### *Overall Comment*

We do not object the proposed development; however, we request that the following 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
- The highway to the properties is unsuitable for an increase in traffic
- There are concerns that drainage from this site will impact the Lower Wye SAC.

### **5.2** In response to the public consultation a total of 27 objectors commented on the application throughout the process, the objections detailed the following points:

- Welsh Newton Common should not be identified as a RA2 settlement for development
- The revised Local Development Plan currently being undertaken may remove Welsh Newton Common from the list and would therefore become open countryside

- Access will be close to two mature beech trees with low canopies, these are to be retained according to tree report, but could be damaged from vehicles or root damage
- The PTP will be on land to be retained by the applicants therefore access and maintenance could be a problem in the future
- A section 38 permission will still be required as a new domestic entrance crosses the common
- Access visibility will be poor from the existing access as it is set back in the hedge line and will come out to a bend
- Protected species are present near the site, including Great Crested Newts and bats
- Site adjoins common land, identified and protected in the NDP as important green space
- Won't meet local need nor be affordable
- Narrow road network around the village and proposal will increase traffic
- Should have low carbon technologies and electric car charging points
- No facilities such as shop, pub, village hall and only once a week bus service
- The parcels of land within the village give Welsh Newton Common its distinctive character
- Increase in noise and disruption during construction phase and during day to day living after
- No more large homes needed in the village
- Drainage to the development is a problem
- Adds pressure to an already overstretched water supply

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=222020&se-arch-term=222020](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=222020&se-arch-term=222020)

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.'*

#### *Location of residential development*

- 6.4 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.
- 6.5 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.
- 6.6 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.
- 6.7 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.
- 6.8 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:





6.9 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.

6.10 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.

6.11 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*

6.12 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.

- 6.13 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.
- 6.14 The dwellings proposed are detached, one and a half storey properties with communal living space on the ground floor and bedrooms above.
- 6.15 In terms of the scale of the buildings proposed, the ridge height measures 6 metres – a limit specifically included within policy WNL5.
- 6.16 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 comprise of render and stone, these materials are not found to be out of keeping with the locality or unacceptable in principle. However, it is considered appropriate to condition exact details and finishes of the materials on any approval.
- 6.17 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.*
- 6.18 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, however, given the separation in excess of 35m, 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 or overlooking are not anticipated.
- 6.19 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*

- 6.20 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)
- 6.21 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.*

- 6.22 The proposed development does not present an unacceptable impact on highway safety and does not result in detrimental impacts in regards to capacity. With the proposal seeking permission for 2 x 3 bedroom properties, there is a minimum provision of 2 car parking spaces per dwelling detailed which 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. There are no objection raised by the Highways Engineer.
- 6.23 This proposal seeks to improve the overall access arrangements by comparison to the previously approved site by utilising an existing access to the paddock in the eastern boundary corner, off the main through road of Welsh Newton Common, rather than via the hedgerow along the south eastern boundary as approved in P204346.
- 6.24 It is noted that the access road will be of a longer distance for the two dwellings in this proposal (approx. 40 metres from the main road access), however there will be no removal of hedgerow due to the existing access being utilised. In addition the access road will run alongside the south eastern boundary hedgerow which will provide screening on the additional hard surfacing and will be of permeable paving to provide continued drainage. Visibility splays are demonstrated to be sufficient to meet requirements. Electric vehicle charging points will be conditioned.
- 6.25 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*

- 6.26 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.
- 6.27 The application is accompanied by a Tree Report and Survey and Ecological Assessment and Mitigation Method Statement. The Council's Ecologist has viewed this and has states that nothing differs from the previous approval, but welcomes the amended access point ensuring that the existing hedgerow on the south eastern boundary is no longer lost to to provide an access point. With the site falling within the River Wye Special Area of Conservation (SAC) catchment, a Habitat Regulations Appropriate Assessment (HR AA) was completed as part of the previous approval, as no details have altered this HRA is still valid and concluded no likely significant effect, Natural England also confirmed this outcome.
- 6.28 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 itself does not benefit from any Tree Protection Orders, but a condition ensuring those trees proposed to be retained, including the two mature beech trees near the access, will be attached to any approval as well as the development being carried out with the submitted tree survey and specifications of tree planting.
- 6.29 The proposal is found to comply with the aims of CS policies LD2, LD3, SD3 and SD4.

#### *Drainage*

- 6.30 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).

- 6.31 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.
- 6.32 The drainage strategy has not been updated since the previous application and the Council's Land Drainage Consultant is content 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*

- 6.33 It is acknowledged that development 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.
- 6.34 Welsh Water have identified that there are current capacity issues in regards to potable water within the immediate vicinity, however they do not formally object to this amended proposal but have stated that the applicant will need to undertake a hydraulic modelling assessment and the delivery of reinforcement works may be required at the same time as the provision of the new water mains to serve the development.

#### *Conclusion*

- 6.35 The design of the dwellings are found to be in keeping with the variety of house types within Welsh Newton Common as a whole, they take reference from traditional proportions and materials. The dwellings 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. The proposal is within the defined settlement boundary.
- 6.36 Given the lack of objection from highways, ecology, tree Officer, land drainage and Welsh Water the proposal is found to be technically compliant with all policies.
- 6.37 The local concerns are acknowledged and in the main can be dealt with via condition to protect the trees, ecology, residential amenity and drainage. The village of Welsh Newton Common is currently a defined settlement within policy RA2 of the Core Strategy, which is the adopted Local Development Plan, and therefore proposals need to be determined against current policy and cannot be considered against potential future policies that may arise from the revision of the Local Development Plan.
- 6.38 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 the approved plans
3. Efficient use of water
4. Electric Car Charging Point
5. Samples of external materials
6. Removal of Permitted Development Rights – Class A, B and C
7. Prior to the commencement development updated details of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the occupation of any of the buildings hereby permitted. The submission of an updated drainage strategy will need to include:
  - site specific calculations to accurately 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

**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.

8. 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.

9. Prior to first occupation of any dwellings approved under this consent 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.**

- 10. 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.**

- 11. 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.**

- 12. 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.**

- 13. Trees in accordance with plans – Welsh Newton Common Tree Report**
- 14. Retention of existing trees (5 Yrs)**

15. Remedial works
16. Visibility Splays - northbound 2.4 x 32m and southbound 2.4 x 36m
17. Access gates – 5m
18. Vehicular access construction
19. Parking – Single/shared private drives
20. Construction management plan
21. Secured cycle parking provision
22. Restriction of hours during construction
23. 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

24. 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.

#### **INFORMATIVES:**

1. Application approved without amendment
2. Mud on highway
3. Private apparatus within the highway
4. Works within the Highway
5. Drainage other than via highway system
6. The water supply system in the immediate vicinity has insufficient capacity to serve the development and will also cause detriment to existing customers' water supply. The applicant is advised that as part of any future water connection application under Section 41 of the Water Industry Act (1991), a hydraulic modelling assessment and

the delivery of reinforcement works may be required at the same time as the provision of new water mains to serve the new development under Section 41 and Section 51 of the Water Industry Act (1991).

Information relating to our Hydraulic Modelling Assessment process is available on our website and within our guidance notes. The area planning officer will also be able to provide you with information relating to this process

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

Decision: .....

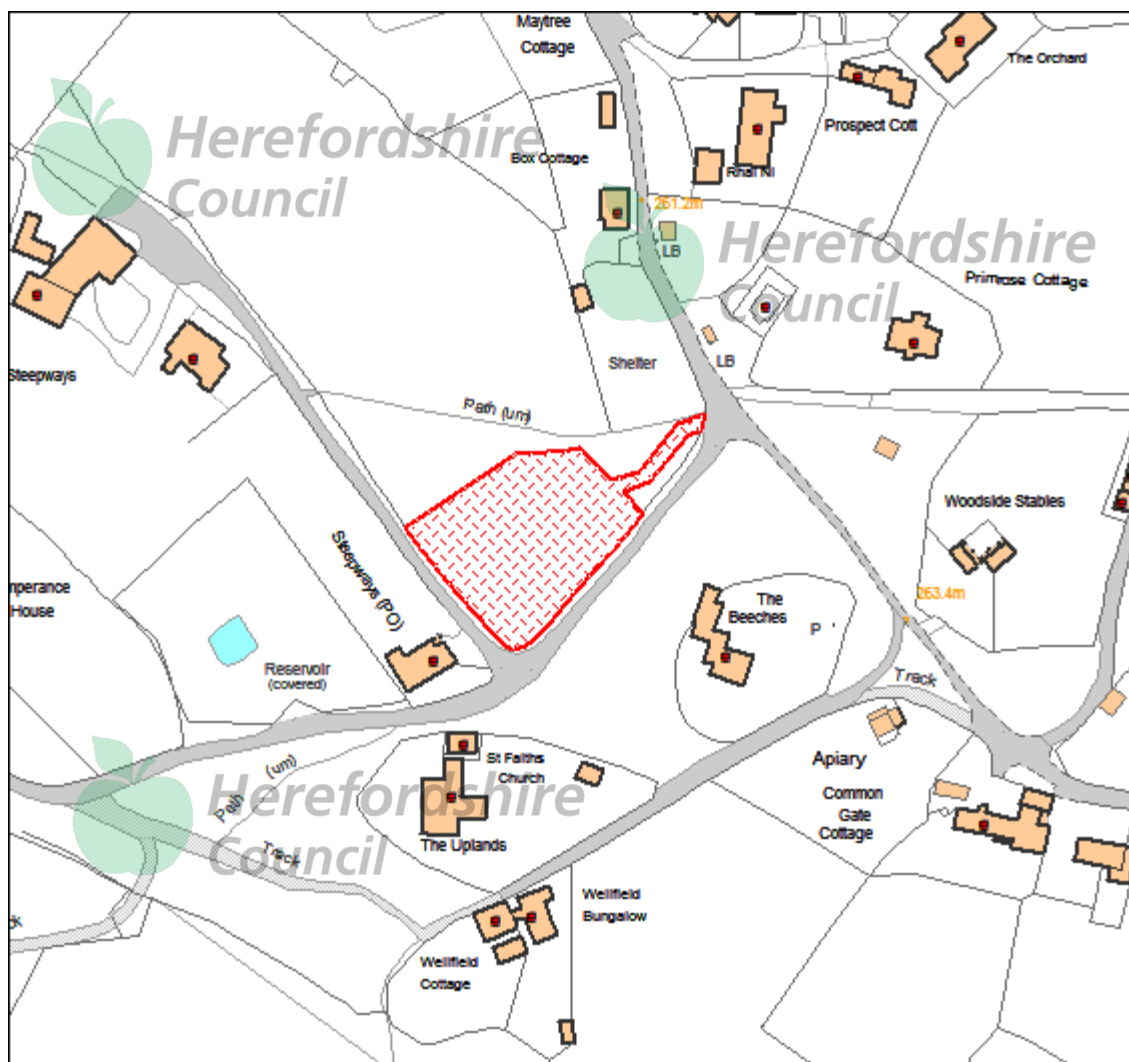
Notes: .....

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**Background Papers**

None identified.





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**APPLICATION NO:** 222020

**SITE ADDRESS :** 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