

DELEGATED DECISION REPORT

APPLICATION NUMBER

163209

Land at Poplars Meadow, Adjoining Merton Lodge, Ewyas Harold, Herefordshire,

CASE OFFICER: Mr Matt Tompkins

DATE OF SITE VISIT: 19/10/2016

Relevant Development **National Planning Policy Framework**
Plan Policies:

Herefordshire Local Plan – Core Strategy

Policies SS1, SS2, SS3, SS4, SS6, RA1, RA2, LD1, LD2, SD1, SD4

Abbeydore and Bacton, Ewyas Harold Group and Kentchurch Joint Neighbourhood Development Plan

Relevant Site History: **None applicable to this development**

CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
Parish Council	X		X		
Transportation	X		X		
Ecologist/Landscape Officer	X		X	X	
PROW	X		X		
Neighbour letter/ Site Notice	X	X			
Welsh Water	X		X		
Local Member	X		X		

PLANNING OFFICER'S APPRAISAL:

Site description and proposal:

The application site is the roadside part of a long, narrow field which extends between the B4348 and the River Dore to the south. The site is flanked by residential development on both sides. The site is listed as a Special Wildlife Site for its 'traditional unimproved hay meadow'. However, site management has palpably changed over the intervening 20 years which has resulted in the significant alteration of the sites character, now having a character akin to a grazed field. The land slopes steadily down from the road to the River Dore. Outside of the site, and to the other side of the River Dore, further residential development is provided either side of the B4347 before rising again towards Rowlestone further south. A public right of way runs to the east of the application site. Another PROW (The Herefordshire Trail) intersects the subject field, c. 100 metres to the south-east of the application site itself.

The application seeks outline permission with all matters reserved for the provision of a single dwelling on the application site.

Representations:

The Council's **Ecologist** initially objected as follows:

The proposed development falls directly on a recognised Local Wildlife Site (SWS-SO32/015) (Protected through Core Strategy Policies LD2 & LD3) which was originally designated as LWS for its ecology as a species rich, traditional unimproved hay meadow. This management has obviously changed over the intervening 20 years as identified in the Ecological Report by Acer Ecology surveyed in March 2016 and the site is now reduced to rough, semi-unimproved grassland as indicated by the botanical surveys (sub-optimal timing). Despite the current degraded flora there is a good chance that the original seed pool remains viable and a return to low intensity traditional hay meadow management could lead to restoration of the species rich flora. I also note the other recommendations in the ecological report over working methods and mitigation and biodiversity enhancements.

As the 'blue line' boundary includes the whole of the designated LWS area I would suggest that mitigation for the loss of the development area the applicant agrees to reinstate a traditional low input and low intensity management on the remaining area to encourage the restoration of the species rich hay meadow that the site was originally designated for. This could be achieved by a Condition requiring the submission and approval of a minimum 10 year management plan for the remaining grassland/Dulas Brook bank area.

Notwithstanding the above discussion I would recommend the inclusion of a condition to ensure the working methods, mitigation and enhancements as detailed in the Ecological Report are carried out – this can be through a standard condition.

If the proposed development is not going to be connected to mains sewage then details of the proposed system should be supplied. The outfall from any private system should be by means of a suitable soakaway (or secondary reed bed system) to ensure that no residual nitrogen, phosphates or suspended particles can enter any local watercourse – thus maintaining local water quality and protecting local and downstream ecology.

Upon receipt of the further requested information, this objection was withdrawn and approval with appended conditions recommended:

Having now received and read through the additional ecological (botanical) survey and revised recommendations included in the report by Acer Ecology dated November 2016. I am happy that the proposed working methods, mitigation are appropriate. The recommended enhancement and improved long-term management regime for the retained area of semi-unimproved grassland (Local Wildlife Site) would ensure the restoration of the LWS and offers significant "betterment" for this remaining area of ecologically important local habitat.

The detailed working methods, mitigation and enhancements included in the updated ecological report should be included as Conditions with any planning permission;

I am happy that overall this development will enable a degraded LWS to be returned to a similar hay meadow condition and flora that it was originally designated for. With this betterment of the retained area of LWS I am happy to support the application, subject to relevant conditions.

Welsh Water does not object subject to conditions restricting connection to the mains supply.

Ewyas Harold Parish Council supports the planning application subject to favourable Ecological comments being received.

The **local member** does not object to the application being approved by delegated powers, subject to (now received) favourable ecological advice being received.

Pre-application discussion:

161651/CE Pre-application discussion agreed the principle of development but concerns were expressed for the design of the dwelling. Further, the sites ecological status as an SWS was highlighted and the need for a ecological survey stressed. A speed survey and highway design guide compliant access arrangements were also requested.

Appraisal:

Policy Context

Section 38 of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is repeated at paragraph 14 of the NPPF.

The Herefordshire Local Plan ('HLP') is the adopted development plan and comprises the Core Strategy and supplementary documents, including Neighbourhood Development Plans (NDPs). The NPPF is the most pertinent other material consideration.

The Core Strategy is the Council's adopted spatial strategy for 2011 – 2031 setting the overall strategic planning framework for the county. In terms of housing, Policy SS2 advocates the proportionate growth of Hereford, the market towns and a number of rural settlements (listed at figures 4.14 and 4.15 of that document). Pertinently to this application, detailed Policy RA1 describes the approach taken to developing Herefordshire's rural areas whilst Policy RA2 provides a decision taking mechanism for residential development in rural settlements.

The application site is located within the Neighbourhood Area of Abbeydore and Bacton, Ewyas Harold Group and Kentchurch. The NDP for the area has completed the Regulation

14 draft plan consultation stage. Only limited weight can be apportioned to the NDP given its relatively early stage of preparation and a number of unresolved objections. Most pertinently, Policy EH1 discusses housing within the village of Ewyas Harold.

The NPPF requires at paragraph 47 that Council's maintain a 5 year supply of housing land, which in Herefordshire Council's case must be supplemented by a 20% buffer for persistent under supply. The Council cannot currently demonstrate a five year supply of housing land and accordingly local policies relevant to the supply of housing should not be considered up to date as prescribed by paragraph 49 of the NPPF.

The purpose of this caveat is to ensure that Councils are incentivised to plan for and to provide sufficient housing to meet the requirements of projected population growth. In this instance the application site is considered to be within a settlement identified for proportionate growth by the Core Strategy and the NDP. Accordingly, the principle of developing the site for residential purposes is supported – discussed in detail below. It is also relevant that both local policy documents are predicated on the aims and objectives of the National Planning Policy Framework in seeking to support residential development in sustainable locations.

On this basis, it would be counterintuitive to suggest that, for the purposes of this application, the Core Strategy's and NDP's housing supply policies no longer attract significant weight; there being no conflict with the premise of RA2. Rather, the significance of potential conflict with the locational aspects of those policies arises when housing is proposed outside of settlements at figures 4.14 or 4.15 of the Core Strategy the settlement boundaries of which are defined by the NDP. For this reason, I consider Policy RA2 and the strategic housing policies of the Core Strategy to retain full weight for decision taking purposes. Similarly, NDP Policy EH1 continues to attract the limited weight established above.

Principle of development

Core Strategy Policy RA2 supports, in principle, the development of sites in or adjacent to the main built up part of settlements identified at figures 4.14 and 4.15 in order to help sustain local services and facilities and to meet the needs of the community. NDPs will allocate specific land for new housing by indicating levels of suitable and available capacity in each village, effectively prescribing a boundary for each settlement.

Further, development proposals will be expected to comply with the four detailed criteria of Policy RA2 which are as follows:

1. Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area.
2. Their locations make best and full use of suitable brownfield sites wherever possible;
3. They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting; and
4. They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlements, reflecting local demand.

As discussed in the 'policy context' chapter of this report, the NDP is sufficiently advanced to attract limited weight only. As advised by paragraph 4.8.23 of the Core Strategy the principle of development will therefore be largely determined for its relationship with the main built form of the settlement – essentially, the decision taking mechanism outlined in Policy RA2.

Ewyas Harold is a large village which straddles the B4347, before clustering at the cross roads with the C1213 where the main village facilities are found. Facilities include a village stores, fish & chip takeaway, two pubs, a school, two butchers and three churches. Small cul-de-sacs protrude from the B4347 in a westerly direction at regular intervals. At the north-eastern extreme of the village, a large nucleated residential estate is provided, known as Elmdale.

The application site is between two dwellings, with the significant part of the village to the south and east and Elmdale Housing estate to the east. On this basis, I conclude that the site is within the settlement of Ewyas Harold. Further, in proposing one dwelling, the development would comply with prevailing wayside settlement pattern at this point of the village, thereby demonstrating an appropriate spatial relationship therewith as required by Policy RA2. The principle of development is therefore policy compliant.

Design

Policy RA2 requires the design and layout of development proposals to reflect the size, role and function of the settlement. It also requires that development proposals are appropriate to their context and make a positive contribution to the environment. Also relevant to matters of design are Policy SD1, which reinforces the need to uphold local distinctiveness and requires that the amenity of neighbours is safeguarded; and Policy LD1 which requires that site selection and development design is positively influenced the local landscape.

All matters are reserved for later consideration though indicative elevations have been provided. The application site is capable of accommodating a dwelling of a layout, scale and appearance which necessarily upholds the character and appearance of its built and natural context. Further, the site is of a size which can accommodate a dwelling whilst upholding the amenity of neighbours as required by Policy SD1. Therefore, I find no irrevocable discordance with the Core Strategy's design policies at this Outline stage.

However, the site is prominent to public view both from the roadside and from the open countryside to the south, particularly the well used Herefordshire Trail PROW, and thus it is imperative that a reserved matters submission is sensitive to its setting. The submitted indicative design fails in this regard being of a scale, appearance and massing which is out of keeping with its context. These significant design issues will need to be addressed prior to a reserved matters submission.

Ecology

Core Strategy Policy LD2 requires that developments protect the biodiversity value of a site, particularly priority species and their habitats. The proposed development falls directly on a recognised Local Wildlife Site (SWS-SO32/015) protected by Policies LD2 & LD3. The SWS was originally designated as LWS for its ecology as a species rich, traditional unimproved hay meadow. This management has obviously changed over the intervening 20 years as

identified in the Ecological Report by Acer Ecology surveyed in March 2016 and the site is now reduced to rough, semi-unimproved grassland as indicated by the botanical surveys (sub-optimal timing).

Despite the current degraded flora there is a good chance that the original seed pool remains viable and a return to low intensity traditional hay meadow management could lead to restoration of the species rich flora.

As the 'blue line' boundary includes the whole of the designated LWS the Council's Ecologist recommended that, as mitigation for the loss of the development area, the traditional low input and low intensity management on the remaining area be reinstated to encourage the restoration of the species rich hay meadow that the site was originally designated for. The amended ecology report recommends enhancement and improved long-term management regime for the retained area of semi-unimproved grassland (Local Wildlife Site) to ensure the restoration of the LWS whilst offering significant "betterment" for the remaining area of ecologically important local habitat. This would be achieved by a Condition requiring the submission and approval of a minimum 10 year management plan for the remaining grassland/Dulas Brook bank area.

It is also noted that other recommendations in the ecological report suggest working methods and mitigation and biodiversity enhancements.

Considering the initial submission as supported by the updated ecology survey, holistically, the development will enable a degraded LWS to be returned to a similar hay meadow condition and flora that it was originally designated for. With this betterment of the retained area of LWS, the application is compliant with the biodiversity objectives of Core Strategy Policies LD2 and LD3.

Highway safety

The Council's Movement and Transportation policies SS4 and MT1 require that development proposals provide appropriate access to the highway network as to obviate impediment or a safety reduction thereto. It also requires that sufficient parking and manoeuvring space is provided internally to allow one to enter and leave the site in a forward gear.

Whilst access is a reserved matter, the DMPO requires that the access location is disclosed on plans. The 85th percentile speed of the road as indicated by submitted speed surveys requires 48 metres visibility in both directions. The initial submission did not allow for such visibility to be achieved. However, an amended plan showing the access 10 metres further east was able to demonstrate 48 metre visibility splays better utilising the curvature of the road. On this basis, a potential reserved matters submission could provide for acceptable access in accordance with Policies SS4 and MT1. Further, there is sufficient space within the site for appropriate levels of parking and turning as to allow one to enter and leave the site in a forward gear.

Drainage and flood risk

The application site is within flood zone 1, is under 1 ha in area and does not suffer from known surface water flooding. Therefore, the proposal is compliant with NPPF and Core Strategy in terms of flood risk.

Core Strategy Policy SD3 requires that development includes appropriate sustainable drainage systems (SuDS) to manage surface water appropriately having reference to the hydrological setting of the site. Development should not result in an increase in surface water runoff and should aim to achieve a reduction in the existing runoff rate and volumes, where possible.

Core Strategy Policy SD4 provides a hierarchy of preferred foul drainage techniques preferring a connection to the mains sewer. Where such a connection is not available, a package treatment plant discharging to a soakaway and a septic tank discharging to a soakaway will be considered in that order. Again, the appropriateness of each drainage method will be informed by ground conditions.

Conclusion

To conclude, as the Council are unable to demonstrate an NPPF compliant supply of housing and that there are no specific policies of the NPPF which indicate that development should be restricted, paragraph 14 of the NPPF and Policy SS1 of the Core Strategy advise that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against national policy as a whole.

The proposed development would be within the main built up part of Ewyas Harold, a settlement identified for proportionate growth by Policy RA2, with potential for a detailed scheme to have an appropriate relationship with the village. The principle of development is therefore policy compliant. The development proposal would also result in the reinstatement of a presently degraded SWS which, despite the area reduction of the SWS, would result in holistic biodiversity benefit.

Otherwise, I have found no other harm in the context of national and local policies.

The development proposal is considered to fulfil the social and economic dimension of sustainable development, whilst I have found no significant or demonstrable harm in the environmental dimension. The scheme is therefore representative of sustainable development and is recommended for approval as advised by paragraph 14 of the NPPF and Policy SS1 of the Core Strategy.

RECOMMENDATION: PERMIT ☒ REFUSE ☐

CONDITION(S) & REASON(S) / REASON(S) FOR REFUSAL:

1. C02
2. C03

3. C04
4. C05
5. C06
6. The recommendations for construction working methods and biodiversity security as identified in section 5 of the ecological report by Acer Ecology dated November 2016 shall be fully implemented as stated, unless otherwise agreed in writing by the planning authority.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework. NERC Act 2006.

7. The recommendations for species and habitat mitigation & enhancements, including the in perpetuity sensitive management of the retained semi-unimproved grassland, seeding with Yellow rattle, initial monitoring scheme and future wildflower seeding if required, as identified in section 5 of the ecological report by Acer Ecology dated November 2016 shall be fully implemented as stated, unless otherwise agreed in writing by the planning authority.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework. NERC Act 2006.

8. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

9. CBM
10. CAB 48 X 2.4M
11. CAD 5M
12. CAE
13. CAH
14. CAL
15. CAS

16. CAZ

17. CB2

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. The site is prominent to public view both from the roadside and from the open countryside to the south, particularly the well used Herefordshire Trail PROW. Thus it is imperative that a reserved matters submission is sensitively designed for its setting. The indicative design accompanying the outline submission fails in this regard being of a scale, appearance and massing which is out of keeping with its context. These significant design issues will need to be addressed in any reserved matters submission.
3. I11
4. I09
5. I45
6. I05
7. I47
8. I35



Signed:

..... Dated: 3rd January 2017

TEAM LEADER'S COMMENTS:

DECISION:

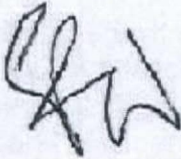
PERMIT

☒

REFUSE

☐

Signed:



..... Dated: 3 January 2017