

# DELEGATED DECISION REPORT

## APPLICATION NUMBER

### 201837

Land to the south of 1 - 2 Church Hill, St Weonards, Hereford, HR2 8QA

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**CASE OFFICER: Mr David Gosset**

**DATE OF SITE VISIT: ...30<sup>th</sup> September 2020.....**

**Relevant Development  
Plan Policies:**

**Herefordshire Local Plan – Core Strategy  
Policies:**

- SS1 - Presumption in favour of sustainable development
- SS2 - Delivering new homes
- SS3 - Releasing land for residential development
- SS4 - Movement and transportation
- SS6 - Environmental quality and local distinctiveness
- SS7 - Addressing climate change
- RA1 - Rural housing distribution
- RA2 - Housing in settlements outside Hereford and the market towns
- H3 - Ensuring an appropriate range and mix of housing
- 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
- SD2 - Renewable and low carbon energy
- SD3 - Sustainable water management and water resources
- SD4 - Waste water treatment and river water quality

**NPPF**

**Relevant Site History: None**

### CONSULTATIONS

	Consulted	No Response	No Objection	Qualified Comment	Object
Parish Council	X	X			

Transportation	X		X	X	
Ecologist	X		X	X	
Natural England	X		X		
Welsh Water	X		X		
Tree Officer	X		X	X	
Press/ Site Notice	X	X			
Local Member	X		X		

## PLANNING OFFICER'S APPRAISAL:

### Site description and proposal:

The application site lies to south of Nos 1 and 2 Church Hill, St Weonards. The site is accessed from the C1236, a one way road which travels South West from the A466. Currently the application site appears to form part of the extended curtilages associated with Nos 1 and 2 Church Hill. The site has a number of large mature trees but is predominantly laid to grass. The site slopes down from East to West in alignment with the surrounding topography.

The proposal is for the erection of 2 detached dwellings, of matching design. The dwellings are set over two storeys with living accommodation on the ground floor and 3 bedrooms proposed on the first floor. The dwellings approximately align with the existing dwellings with a NNW-SSE ridgeline. Both dwellings include Solar PV panels on the rear elevation roof pitch.

### Representations:

#### Area Engineer (Local Highways Authority):

##### Initial Comment:

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

*The any amendments required to form the access will require separate permission from the local highway authority. 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 visibility shown on the submitted drawing appear to not be achievable due to obstruction. Below is an extract from SK01 that is included within the transport note that illustrates this point and this should be reviewed and resolved in order to demonstrate that the intensification of the access can occur without resulting in an unacceptable impact upon road safety. The shown hedgerows appear to obstruct these lines and the highway boundary is considered to be the front face of a well-trimmed hedge to account for the lawful boundary treatments present in environments such as this.*



*The splay to the west is not shown, but will appear to be constrained in a similar way.*

*The access meets the highway in a perpendicular fashion. This maximises visibility and ensures that turning movements can happen efficiently.*

*The proposed access specification is not shown. The details of the way in which the access drains is not included in the proposal. It is not acceptable for water to shed from accesses onto the public highway as a result condition CAE should be attached to any permission granted to ensure that this is addressed prior to construction.*

*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. Due to the fact that the shared private drive exceeds 45m from the highway to the front face of a building.*

*The first 10m of the drive needs to be 4.7m wide or more. This is demonstrated in the proposal and therefore this element is acceptable in highways terms. The access arrangements should also be referred to a building regulations inspector to ensure compliance to those regulations.*

*The parking provided meets the requirements of Herefordshire Council's Highways Design Guide and turning is included within the design of the provision. There would be benefit to including provision of visitor spaces for the existing dwellings if this can be accommodated. It is unclear from the submission if cycle parking is to be included. This is a requirement for all new developments and as such Condition CB2 should be applied to ensure its delivery.*

*The proposals are considered unacceptable in highways terms for the following reasons:*

- *Visibility arrangements appear unachievable to demonstrate that the intensification of the access that will result as part of the proposal do not have an unacceptable impact on road safety*

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

*CAE - Access Construction Specification*

*CB2 - Provision of Secure Cycle Parking*

*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.*

*Comment following amended details:*

*This comment is to be read in conjunction with the previous highways comment for the site.*

*The amended access arrangements and updated Transport Statement for the site address the previous outstanding highways comments for the site. As a result there are no highways objections to the proposals, subject to the following conditions being applied in the event that permission is granted.*

*CAB – Access Visibility in accordance with drawing number SK01 Rev B – (2.0m x 46m)*

*CAE - Access Construction Specification*

*CB2 - Provision of Secure Cycle Parking*

*I11 - Mud on Highway*

Tree Officer:

*The information provided by the tree report - Arboricultural Impact Assessment and Method Statement - Savills demonstrates the design and access will have only a minor impact on the existing trees.*

*Where trees have been identified for removal they will need to be replaced to ensure the existing canopy cover is maintained.*

*Conditions –*

*CK9 - Trees In accordance with plans*

*Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan: Arboricultural Impact Assessment and Method Statement - Savills*

*Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the*

*Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.*

*CKF - Specification for Tree Planting*

*Prior to completion or first occupation of the development whichever is sooner, a full specification of all proposed tree planting shall be submitted to and approved in writing by the local planning authority.*

*The specification shall include the quantity, size, species and position or density of all trees to be planted. As well as cultivation details - how they will be planted and protected and the proposed time of planting.*

*All tree planting shall be carried out in the first planting season following the occupation of the building, in accordance with the approved plant specification as well as BS 8545: - Trees from nursery to independence within the landscape. Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans.*

**Ecology:**

*The site is within the River Wye SAC catchment. A habitat regulations assessment process is required. This process must consider potential pathways for phosphates to enter the River Wye SAC hydrological network and if any additional foul water flows or loads created by the development.*

*From information available, the location of the site is situated in an area at lower risk to the River Wye SAC hydrology. HRA AA will be required please see guidance above and the Council Website.*

*For further information:*

☐ *Herefordshire Council's advice and local requirements, including HRA; [https://www.herefordshire.gov.uk/download/downloads/id/20561/habitats\\_regulations\\_assessment\\_hra\\_guidance\\_note.pdf](https://www.herefordshire.gov.uk/download/downloads/id/20561/habitats_regulations_assessment_hra_guidance_note.pdf)*

*A positive HRA AA is required Prior to Planning Approval - The applicant has proposed Foul Water Connection to WW mains and Surface Water SuDs with approval in principle from WW. Relevant Drainage Conditions are required to secure the appropriate mitigation and achieve a positive HRA AA approved by the LPA and NE.*

*Foul water strategies should demonstrate sustainable foul water drainage strategy appropriate to the scale and location, water quality and water efficiency must be fully compliant with legislation, NPPF, Core Strategy Policy SD4, SS1 SS6, LD2 and relevant building regulations.*

*Any proposed surface water scheme must also be fully compliant with legislation, CS policies SS1 SS6, SD3 and LD2 and all other appropriate and relevant legislation or regulations. Surface water should be disposed of in line with Policy SD3 and the CIRIA SuDS Manual (2015) C753. A Sustainable Drainage System (SuDS), in line with the council's guidance (accommodating biodiversity enhancement features is strongly suggested) and should be designed and*

*integrated into the landscape design linking green corridors to increase biodiversity value whilst providing an opportunity for biodiversity net-gain.*

*The LPA completed HRA will be submitted to NE for their approval.*

*From an Ecological perspective, the following planning conditions will be required and included in any final planning approval.*

- *All foul water shall discharge through a connection to the local Mains Sewer network and surface water shall be managed through a soakaway system within the development boundary; unless otherwise agreed in writing by the Local Planning Authority.*
- *Prior to commencement of any site clearance, preparation or development, a fully detailed and specified Ecological Working Method Statement (EWMS) including details of appointed Ecological Clerk of Works, shall be provided to the local planning authority. The EWMS should consider all relevant species, but in particular bats, breeding birds, reptiles and dormouse. The approved EWMS shall be implemented in full unless otherwise agreed in writing by the local planning authority.*
- *At no time shall any external lighting be installed on the site without the written approval of this local planning authority.*
- *No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation and biodiversity enhancement features.*
- *No external lighting should illuminate any enhancement or boundary feature.*
- *Tree Protection; As per Arboricultural Impact Assessment & Method Statement. Dated 8/4/20;*
- *All biodiversity mitigation and protection proposed within the supplied PEA Wildwood Ecology Report, dated 9/4/20. report should be conditioned and supported by a final submitted Ecological Clerk of Works Statement.*
- *All biodiversity net gain proposed within the supplied PEA report should be conditioned and supported by a final submitted Ecological Clerk of Works Statement, inclusive of biodiversity net gain photographs, details of long-term aftercare for the lifetime of the development.*

Ward Councillor Fagan confirmed delegated authority via email on the 8<sup>th</sup> September 2020.

Pre-application discussion:

None.

Constraints:

Garren Brook sub catchment of the wider River Wye Special Area of Conservation  
NE Priority habitat – adjacent  
SSSI Impact Zone

Approximately 150m away: Grade II Listed: Post Office, Telephone Kiosk, Old School, The Old Forge

Approximately 250m away: Grade I Listed Church of St Weonard and a number of associated Grade II Listed assets.

Approximately 175m away: Scheduled Monument Motte Castle

#### Appraisal:

### ***Policy Context and Principle of Development***

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.”*

In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). It is also noted that the site falls within the St Weonards Neighbourhood Area, which has not published a draft Neighbourhood Development Plan for consultation and so no weight can be attributed to any draft document at this stage. The National Planning Policy Framework 2019 is a significant material consideration, but does not hold the statutory presumption of a development plan.

It is a matter of fact that currently the Council is unable to demonstrate a 5-year housing land supply. This leads to the policies for housing supply being considered out of date. As set out in paragraph 11 of the NPPF, in such circumstances that the policies most important for determining the application are considered to be out of date permission should be granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole. As such the ‘tilted balance’ in favour of development is adopted.

The spatial strategy to housing distribution within the county is set out in the CS at Policy SS2. Hereford, as the largest settlement and service centre is the recipient of up to 6,500 of the required 16,500 homes, with the market towns identified in the second tier as recipients of approximately 4,700 dwellings. Housing in the rural parts of the County is delivered across the settlements identified at figures 4.14 and 4.15 of the Core Strategy (p. 109 -110). Here the identified settlements are arranged according to the seven identified housing market areas. Figure 4.14 identifies the settlements which will be the main focus of proportionate housing development. Figure 4.15 classifies the ‘other’ typically smaller settlements where proportionate housing will be appropriate. There are 119 ‘main’ villages (figure 4.14) and 98 ‘other settlements’ (figure 4.15), giving 217 rural settlements where proportionate growth will be acceptable in principle.

It is of note that the spatial strategy for the location of housing contained within the CS is considered to be sound and consistent with the Framework; which itself seeks to avoid the development of isolated homes in the countryside through paragraph 79. It is therefore

considered that Policies RA1 and RA2 of the CS continue to attract significant weight in the decision making process despite being considered out of date.

As set out in the CS at paragraph 4.8.23 until such time as either the NDP or the Rural Areas Sites Allocation DPD defines settlement boundaries (or a reasonable alternative) any proposal has to be assessed against its relationship to the main built up form of the settlement. The Parish have not progressed an NDP and no reasonable alternative currently exists, as such it is the sites relationship with the main built up form of the settlement that will be assessed. Further to this Policy RA2 sets out the following criteria for housing growth:

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 development 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 a particular settlement, reflecting local demand.

The historic core of St Weonards is centred around the Church and scheduled Motte. Development in the village has since spread South East along Mount Way and South along the A466. Further sporadic development is evident on the Western side of the A466 including at the Old School and Numbers 1 and 2 Church Hill. These latter 2 dwellings do not abut the residential curtilages of other dwellings in the village but do clearly form a part of the built form of St Weonards.

The application site is therefore in alignment with the developing settlement pattern of the village and directly abuts residential development that forms part of the main built form of the settlement. While the site is not considered to lie within the main built up area it is considered to lie adjacent to it, given the above. As such the proposal accords with the main tenant of CS RA2.

As detailed above CS RA2 seeks to ensure that sites reflect the size role and function of each settlement through their design and layout. The scale of the application site is such that it will imitate the existing curtilages of Numbers 1 and 2 Church Hill. The layout of the dwellings is similarly sensitive and utilises the same orientation as the neighbouring dwellings. While further design and landscape assessments are undertaken in the following sections it is considered that the scale and layout of the proposal is sufficient to meet the requirements of CS RA2.

Policy H3 of the Core Strategy states that residential developments should provide a range and mix of housing units which can contribute to the creation of balanced and inclusive communities. The Herefordshire Local Housing Market Assessment (available on the Council website) details the affordable and open housing market requirements across the County. The market housing required within the Ross Housing Market Area (and more specifically for 'Ross Rural' where the site lies) can be found below:



**Table 72: Estimated Size and Type of Dwellings Required 2011 to 2031 – Market Housing  
(Ross HMA)**

Type/size	Ross Urban		Ross Rural		Ross HMA	
	Number	%	Number	%	Number	%
1 bedroom	29	5.3%	51	7.4%	80	6.5%
2 bedroom	135	25.0%	168	24.3%	303	24.7%
3 bedroom	267	49.5%	436	63.2%	703	57.2%
4+ bedroom	109	20.1%	35	5.1%	144	11.7%
<b>Total</b>	<b>540</b>	<b>100.0%</b>	<b>690</b>	<b>100.0%</b>	<b>1,230</b>	<b>100.0%</b>
Houses	521	96.5%	653	94.7%	1,174	95.5%
Flats	19	3.5%	36	5.3%	55	4.5%
<b>Total</b>	<b>540</b>	<b>100.0%</b>	<b>690</b>	<b>100.0%</b>	<b>1,230</b>	<b>100.0%</b>

Source: Housing Market Model

The Housing Market Assessment demonstrates that the majority of demand over the plan period is for 3 bedroom dwellings, there is also a relatively high demand for 2 bedroom dwellings as well. Demand for larger 4+ bedroom dwellings reduces significantly to around 5%.

Both proposed dwellings are of 3 bedrooms which demonstrates adherence to both CS RA2 and H3.

Given the site has been assessed to lie adjacent to the main built form of an identified settlement and associated infrastructure along with the fact the scale and layout of the proposal aligns with the requirements of the abovementioned policies it is considered that the principle of development is acceptable. 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.

### ***Landscape Impact***

The Core Strategy seeks, via policy LD1, to ensure development proposals demonstrate how the character of the landscape and townscape has positively influenced the design, scale, nature and site selection of the proposal. Development should be integrated appropriately through the use of landscape schemes and their management. Furthermore LD1 seeks to maintain and extend tree cover where important to amenity. This is supported by CS LD3 which seeks to protect the County's green infrastructure through the protection of valued landscapes, trees, hedgerows, woodlands, water courses and adjoining flood plains.

The Landscape Character Assessment, which was adopted as Supplementary Planning Guidance (SPG) in 2004 identifies the landscape character of the site as Sandstone farmlands. This is a unique landscape characterised primarily by fields divided by straight, single species hedges. It is an upstanding agricultural landscape with a tendency for sheep to be grazed in smaller fields near the farms and land further from the farm buildings being used for agricultural crops.

The application site is well associated with the existing dwellings at 1 and 2 Church Hill and as such does not disrupt the local field pattern or network of hedgerows that are important features in the Sandstone Farmlands. While the site is undeveloped on the edge of a small settlement the proposal will have a limited impact on the wider landscape as a result of its association with the existing dwellings and existing field pattern.

The application site and surrounding topography slopes away from the A466 in an South Westerly direction and as such the site is widely visible from the South and West. The application was supported by site sections which shows the changing topography of the site:



While the proposed dwellings will sit higher than the existing two dwellings they are of a similar scale and will benefit from screening afforded to them by the retained and proposed trees and hedgerows on the site. As such views from the A466 and much of St Weonards will be limited given the topography and screening, leaving a limited impact on the local landscape character. Views from the South West will be more prominent but the sites close associated with 1 and 2 Church Hill is such that landscape impacts are limited.

The application site currently has a number of mature trees along the NW and SE boundaries, which together form a distinctive feature on the site. The application has been supported by an Arboriculture Impact Assessment and Method Statement, which concludes that 5 individual trees and 2 groups will need to be removed to facilitate the proposal. The

assessment states that the majority of these are graded U and would not be retained as living trees for longer than 10 years. Importantly the large Ash and Sycamore trees located on the SE site boundary are both to be retained. This has been reviewed by the Council's specialist Tree Officer who concluded the proposal would have a minimal impact upon the existing tree cover. While the removal of trees is compensated for in the submitted site plan specification details of these trees has been requested via a recommended condition. This will be imposed on any approval and ensures the scheme adheres to both CS LD1 and LD3.

Overall the landscape character is maintained given the site does not disrupt the local field pattern and application site appears as a natural extension to the established development pattern of St Weonards. Considering the sites topography it remains a relatively discreet site with limited adverse impacts upon the wider landscape or settlement character. The proposal is considered to adhere to both CS LD1 and LD3 in this regard.

### ***Design and Amenity***

Policy SD1 of the core strategy states that development should be designed to maintain local distinctiveness, achieved through the incorporation of architectural detailing and the use of appropriate materials. Development should safeguard amenity of existing and proposed residents and ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination and therefore scale, height and proportion needs consideration. This refers to the overshadowing or overlooking of neighbouring properties and how overbearing a structure is.

The proposed dwellings are of simple block form under dual pitched roofs. They will both read as modern versions of the existing building that forms Numbers 1 and 2 Church Hill, owing to the rendered exterior and larger window openings. The resulting design is unobtrusive but lacks local distinctiveness in regards to materials and form. However, there is no overriding character to the West of the A466 and along the C1236 and so as the proposed dwellings are in keeping with the adjacent existing dwellings no conflict with CS SD1 is identified at this stage.

The erection of two dwellings in close proximity to the existing dwellings has the potential to adversely impact the residential amenity of both existing and proposed residents, although it is of note the dwellings at 1 and 2 Church Hill are indicated as being on land owned by the applicant. Impact upon existing residents will be as a result of increased activity on the site including through vehicle movements along the proposed driveway. However given the scale of the proposal and the location of the driveway to the front of the dwellings this is considered to have a minimal impact upon the residential amenity of the residents. The site layout results in a separation distance of approximately 12.9m, which, given the matching orientation of the dwellings is sufficient to adequately protect the privacy of existing and proposed residents. Similarly the orientation and separation between the two proposed dwellings is considered sufficient.

The application site is widely visible and a condition requesting the full details of the slate and render finishes proposed will be requested to ensure the visual impact is limited and in line with CS SD1.

### ***Heritage Impact***

St Weonards has a number of listed heritage assets which are primarily focused around the historic core of the village, approximately 170 North East of the application site, the other side of the A466. The listed assets in closest proximity to the application site are, approximately 150m away the Grade II Listed Post Office, Telephone Kiosk, Old School and The Old Forge. Slightly further North East is the Scheduled Motte Castle and further still is the Grade I Listed Church of St Weonards and a number of associated Grade II Listed assets.

Policy LD4 states that development proposals should protect, conserve and enhance the heritage assets and wider historic environment that they affect. This includes emphasising the original form and function through the use of sympathetic design, contributing to the character and distinctiveness of the local townscape. The scope of the works required to protect, conserve and enhance heritage assets and their settings should be proportionate to their significance. This is supported by Paragraph 190 of the NPPF which states that when making decisions a Local Planning Authority should identify and assess the particular significance of any heritage asset that may be affected. Furthermore it directs decision makers to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Special regard has to be given to the desirability of preserving and enhancing historic assets and their setting. Under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Herefordshire Council, as the local planning authority, is required, when considering development which affects a listed building or its setting:

*“to have special regard for the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

The proposed dwellings are well separated from all of the above assets given the distance, intervening field and hedgerows, the road infrastructure (both A466 and C1236) and the sloping topography which results in the application site being significantly lower than the main core of the village. As such there is a very limited visual connection between the application site and the nearby heritage assets. Furthermore the scale and layout of the proposed dwellings has been sensitively considered so as to limit the impact upon the character of the settlement this further reduces the visual impact of the proposed dwellings and removes any notable harm to any of the above assets.

Overall the proposal is therefore not considered to have any effect upon the character or setting of the historic environment and as such no conflict with CS LD4 is identified. Scheduled Ancient Monuments and Grade I Listed Buildings are of national importance and as directed by paragraph 193 of the NPPF the preservation of these assets should be afforded the greatest weight. However, no impact upon the setting of the heritage assets has been identified and so no harm is apparent to attribute weight to.

### ***Highways and Transport***

Policy SS7 requires proposals to focus development to the most sustainable locations and reduce the need to travel by private car. This aim is reflected by policies SS4 and MT1, which stipulate that proposals should facilitate a genuine choice of travel modes such as a walking, cycling and public transport. These policies are reflective of the National Planning Policy Framework objectives to guide development to sustainable locations.

Furthermore policy MT1 of the CS seeks to ensure that developments, among other things, are sited, designed and laid out in a manner which ensures the safe and efficient flow of traffic, safe entrance and exit and have the appropriate operation manoeuvring space to accommodate all modes of transport.

The Local Highways Authority has reviewed the proposal to utilise the existing access for an additional two dwellings and confirmed that the visibility splays achievable at the egress to the C1236 is sufficient to safely accommodate the intensification. The internal layout of the site was similarly reviewed and considered to provide sufficient turning, manoeuvring and parking space for the two dwellings.

The application site benefits from easy access to the services, albeit limited, St Weonards provides which includes a Post Office, School, Church and bus stop with services north to Hereford and south to Monmouth. As such proposed residents will be able to access some services without the reliance upon a private motor vehicle. Furthermore the applicant has proposed cycle storage for both dwellings to enable a wider choice of sustainable transport methods and in alignment with CS MT1 and SS7.

Subject to technical conditions relating to the visibility splay and surfacing the proposal is considered to adhere to both CS SS7 and MT1.

### ***Ecology and Biodiversity***

Policy LD2 of the CS seeks the conservation, restoration and enhancement of biodiversity and geodiversity assets. As such, development will not be permitted where it has the potential to harm these assets or reduce the effectiveness of the ecological network of sites. The introduction, restoration and enhancement of biodiversity and geodiversity features will be actively encouraged.

The application has been supported by a Preliminary Ecological Appraisal which concluded that the development has the potential to impact foraging and commuting bats, nesting birds and common reptiles and as such sets out recommendations including a lighting strategy, reptile mitigation strategy, supervision of vegetation removal at appropriate time of year to avoid nesting birds and gaps in fencing for hedgehogs. Further enhancements are proposed in the biodiversity enhancements scheme proposed which includes an insect home, two bird boxes and two bat boxes.

These details have been assessed by the Council's Ecologist who confirmed they had no objection subject to securing the abovementioned mitigation via condition and the provision

of an Ecological Working Method Statement prior to site clearance (pre-commencement condition agreed with agent acting for the applicant).

Given the range of mitigation and protection methods set forward and secured via condition it is considered the development would not have an undue impact upon local wildlife or habitats and provides appropriate biodiversity net gain enhancements in line with requirements of CS LD2.

### ***Flooding and Drainage***

According to Environment Agency mapping the application site does not lie within or adjacent to any flooding hazards, fluvial or surface water and as such is not considered to be at risk of flooding.

The soils map notes the area around St Weonards to be freely draining loamy soils

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).

The proposal is to connect to the foul water sewer mains and utilise on site SUDs to accept surface water from the development site. Welsh Water have confirmed viability of connecting to the mains sewer for foul water and as such the proposal adheres to CS SD4.

The surface water strategy aligns with the requirements on CS SD3 and I have no information that indicates this is not a viable solution on the site, as such a condition will ensure this method is utilised unless agreed otherwise in writing.

### ***Habitat Regulations Assessment***

The application site is within the Garren Brook subcatchment of the wider River Wye Special Area of Conservation (SAC) and as such the proposal triggers the Habitat Regulations Assessment (HRA) process. The required Appropriate Assessment (AA) was completed by the Council's Ecologist as the competent authority. The AA concluded that the foul and surface water drainage strategies were adequate to ensure that the proposal would not result in adverse effects on the integrity of the SAC subject to conditions ensuring the delivery of the strategies. Natural England were consulted following the HRA AA being undertaken and confirmed there was no objection to the proposal.

### ***Conclusion and Balance***

In accordance with the statutory requirement, determination must be made in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF affirms at paragraph 12 that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.

At this time the Development Plan comprises the CS. As set out in the foregoing paragraphs the development proposed is considered to accord with the CS. This is because the site lies adjacent to a main built up part of the settlement, in accordance with policy RA2 and has not been identified to have an adverse impact upon the settlement pattern and character, as a result of its location, scale and layout.

Next it is necessary to turn to the material considerations, to ascertain if these indicate if a decision should be made other than in accordance with the Development Plan. A key material consideration is the NPPF. As the application is for the supply of housing, specifically up to three dwellings, the current implications of the Local Planning Authority not being able to demonstrate a 5 year housing land supply, plus requisite buffer, as set out in the NPPF (footnote 7), must be considered. The current published position is a 3.69 year supply. At paragraph 11d the NPPF states that where policies, which are most important for decision making, are out-of-date, permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

This application is for housing, so the policies most important for determination of the application relate to housing. As per paragraph 11d, footnote 7, of the NPPF they must be considered as out of date by reason of the current housing land supply deficit. This does not mean that they attract no weight, but rather reduced weight that is determined by the decision maker.

Given the sites location and the proposal 11di is not engaged as there is not policies in the framework that provide a clear reason for refusal in this instance. Paragraph 11dii is, however, engaged, and the tilted balance adopted. The tilted planning balance, is generally assessed under the three overarching objectives of the planning system, namely the economic, social and environmental objectives. The proposal would positively contribute to the supply of housing at a time when at the county level the supply is not meeting targets. However, it is of note that the Parish of St Weonards has already exceeded its minimum proportionate growth target with the completions totalling 12 and permission for a further 52 having been granted. This is 42 dwellings in excess of its 14% minimum growth target. It is acknowledged that the growth targets set out by the CS remain a minimum but nevertheless it is clear that the policies contained in the CS have been functioning adequately to meet housing delivery in this area. Notwithstanding the above the proposal is of a small scale and

remains proportionate to the settlement of St Weonards and aligns with CS RA2 which in the absence of an NDP dictates the acceptable location of residential development along with the Framework as a whole.

There would be economic benefits during the construction phase to suppliers and trades and after occupation through increased expenditure of disposable incomes. The payment of the New Homes Bonus is also another benefit to take into account. There may be some social benefits as a result from increased residents in the village and support for local facilities. These benefits are considered to cumulatively be limited, given the small scale of the proposal and by the abovementioned lack of a shortfall of housing delivery in the Parish.

While there will be a degree of reliance on the private motor vehicle this is considered not to weigh against the proposal given the provision of sustainable transport methods and access to some services locally which exceeds many other RA2 settlements in the HMA. The scheme also provides a detailed biodiversity enhancement strategy, so this does not weigh against the scheme in environmental terms.

In terms of identified harm, there would be a degree of localised visual harm resulting from the construction of the dwellings and removal of hedgerow and some trees on the site. However the loss of trees is well justified considered the condition of the 5 individual trees to be removed, it is also mitigated by further tree planting. There will also be a temporary loss of habitats and wildlife connectivity until the mitigating planting is established.

Bringing all of the above together the proposal aligns with the development plan and is considered to represent a sustainable pattern of development. In light of the tilted balance the adverse effects of the proposal identified are not considered to significantly outweigh the benefits. As such it is recommended that planning permission be granted subject to the below conditions.

**RECOMMENDATION:**    **PERMIT** ☒    **REFUSE** ☐

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

*(please note any variations to standard conditions)*

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out strictly in accordance with the approved plans (drawing nos. 7579-01-10 E, 7579-01-11 D, 7579-01-12C & CTP-19-573 SK01 B) and the schedule of materials indicated thereon.



Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy SD1 and LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

3. Prior to commencement of any site clearance, preparation or development, a fully detailed and specified Ecological Working Method Statement (EWMS) including details of appointed Ecological Clerk of Works, shall be provided to the local planning authority. The EWMS should consider all relevant species, but in particular bats, breeding birds, reptiles and dormouse. The approved EWMS shall be implemented in full unless otherwise agreed in writing by the local planning authority.

Reason: Required prior to commencement as the site has been identified as a potential habitat for a number of species and to ensure that all species and habitats are protected and conserved having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS6, LD1, LD2 and LD3.

4. With the exception of any site clearance and groundwork, no further development shall take place until full details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

5. Prior to completion or first occupation of the development whichever is sooner, a full specification of all proposed tree planting shall be submitted to and approved in writing by the local planning authority.

The specification shall include the quantity, size, species and position or density of all trees to be planted. As well as cultivation details - how they will be planted and protected and the proposed time of planting.

All tree planting shall be carried out in the first planting season following the occupation of the building, in accordance with the approved plant specification as well as BS 8545: - Trees from nursery to independence within the landscape. Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans.

Reason: To ensure locally appropriate species are planted in a manner appropriate to the site and their longevity to conform with Policies LD1 and LD3

of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

6. Prior to the first occupation of the development a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 (no.6) shall be submitted to and approved in writing by the local planning authority and implemented as approved.

Reason: To ensure compliance with Policies SD3 and SD4 of the Hereford Local Plan – Core Strategy and the National Planning Policy Framework

7. The construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

8. Before any other works hereby approved are commenced, visibility splays, and any associated set back splays at 45 degree angles shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 46 metres in each direction along the nearside edge of the adjoining carriageway as shown on drawing CTP-19-573 SK01 B. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

9. All foul water shall discharge through a connection to the local Mains Sewer network and surface water shall be managed through a soakaway system within the development boundary; unless otherwise agreed in writing by the Local Planning Authority

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework , NERC Act (2006), and Herefordshire Local Plan - Core Strategy policies LD2, SD3 and SD4.

- 10.a) At no time shall any external lighting be installed on the site without the written approval of this local planning authority.
- b) No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation and biodiversity enhancement features.
- c) No external lighting should illuminate any enhancement or boundary feature.

Reason: To ensure that all species and Dark Skies are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS6, LD1, LD2 and LD3 and the Dark Skies initiative (DEFRA-NPPF 2013/18)

11. The biodiversity mitigation and protection, including the biodiversity net gain enhancements as recommended within the supplied Preliminary Ecological Appraisal produced by Wildwood Ecology and dated 9/4/20 shall be implemented in full as stated and thereafter maintained, unless otherwise approved in writing by the local planning authority.

Reason: To ensure that all species and habitats are protected and conserved having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS6, LD1, LD2 and LD3.

12. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan: Arboricultural Impact Assessment and Method Statement - Savills

Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

13. During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00 am-6.00 pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents and to comply with Policy SD1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

## **Informatives**

PP working reason 1

*I11 - Mud on Highway*

*I30 - Wildlife and Countryside Act 1981 (as amended) – Birds*



Signed: ..... Dated: ...2<sup>nd</sup> October 2020.....

**TEAM LEADER'S COMMENTS:**

**DECISION:**

**PERMIT**

☒

**REFUSE**

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Signed: ..... Dated: 2/10/2020 .....