

AGENDA

Planning Committee

Date: **Wednesday 21 January 2015**

Time: **10.00 am**

Place: **The Shire Hall, St Peter's Square Hereford HR1 2HX**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

Tim Brown, Democratic Services Officer

Tel: 01432 260239

Email: tbrown@herefordshire.gov.uk

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Agenda for the Meeting of the Planning Committee

Membership

Chairman
Vice-Chairman

Councillor PGH Cutter
Councillor PA Andrews

Councillor AJM Blackshaw
Councillor AN Bridges
Councillor EMK Chave
Councillor BA Durkin
Councillor PJ Edwards
Councillor DW Greenow
Councillor KS Guthrie
Councillor J Hardwick
Councillor JW Hope MBE
Councillor MAF Hubbard
Councillor JG Lester
Councillor RI Matthews
Councillor RL Mayo
Councillor PJ McCaull
Councillor FM Norman
Councillor J Norris
Councillor TL Widdows
Councillor DB Wilcox

AGENDA

	Pages
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY)	
To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.	
3. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
4. MINUTES	7 - 42
To approve and sign the Minutes of the meetings held on 10 December 2014.	
5. CHAIRMAN'S ANNOUNCEMENTS	
To receive any announcements from the Chairman.	
6. APPEALS	43 - 46
To be noted.	
7. P141849/O LAND OPPOSITE OLD HALL, STOKE PRIOR, HEREFORDSHIRE, HR6 0LN	47 - 60
Site for 8 dwellings (all matters reserved).	
8. S123177/F LAND EAST OF 20 BELMONT AVENUE, HEREFORD, HR2 7JQ	61 - 74
Erection of three storey sheltered accommodation block with associated parking and landscaping.	
9. P141901/N WALL END FARM, MONKLAND, LEOMINSTER, HR6 9DE	75 - 88
Proposed agricultural anaerobic digester (AD) plant for farm diversification and production of renewable energy.	
10 P143252/F LAND ADJOINING KINGSLEANE, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9SP	89 - 114
Proposed development of 12 nos. dwellings, consisting of 4 nos. affordable and 8 nos. open market. Works to include new road and landscaping.	

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- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Planning Committee held at The Shire Hall, St Peter's Square Hereford HR1 2HX on Wednesday 10 December 2014 at 10.00 am

Present: Councillor PGH Cutter (Chairman)
Councillor PA Andrews (Vice Chairman)

Councillors: AJM Blackshaw, AN Bridges, ACR Chappell, EMK Chave, BA Durkin, PJ Edwards, DW Greenow, J Hardwick, JW Hope MBE, MAF Hubbard, JA Hyde, FM Norman, J Norris, RJ Phillips, J Stone and TL Widdows

111. APOLOGIES FOR ABSENCE

Apologies were received from Councillor KS Guthrie, RI Matthews, RL Mayo, PJ McCaull and DB Wilcox.

112. NAMED SUBSTITUTES

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor ACR Chappell attended the meeting as a substitute member for Councillor RI Matthews, Councillor JA Hyde for Councillor RL Mayo, Councillor RJ Phillips for Councillor DB Wilcox, and Councillor J Stone for Councillor KS Guthrie.

113. DECLARATIONS OF INTEREST

Agenda item 7 P141917 Land West of Patrick Orchard, Canon Pyon

Councillor DW Greenow declared a pecuniary interest because he had employed the applicant as an agent for a separate application of his own and left the meeting for the duration of the item.

Agenda item 8 P 133411/CD Model Farm, Hildersley, Ross-on-Wye

Councillor AJM Blackshaw declared a non-pecuniary interest as a former Cabinet Member who had had responsibility for the Scheme.

Councillor ARC Chappell declared a non-pecuniary interest as a former Cabinet Member who had had responsibility for the Scheme.

Councillor RJ Phillips declared a non-pecuniary interest as a former Cabinet Member who had had responsibility for the Scheme and as Chairman of the Local Enterprise Partnership Funding Forum.

Agenda item 9 P141022/F Land at Pinsley Road, Leominster

Councillor AN Bridges declared a non-pecuniary interest as an employee of Network Rail.

Councillor FM Norman declared a non-pecuniary interest as a relative lived in the vicinity.

Agenda item 10 – P!40903/F Land Adjacent to Hightown Cottage Peterstow.

Councillors PGH Cutter, BA Durkin, J Hardwick and JA Hyde, declared non-pecuniary interests as members of the Wye Valley AONB Joint Advisory Committee.

114. MINUTES

It was noted that a revised set of Minutes had been circulated correcting the omission of some conditions and an informative from Minute no 106 in the original draft. A Member referred to correspondence questioning the omission of these matters from the original Minutes. It was confirmed that the omission had been corrected in the amended Minutes and that the amended Minutes were consistent with the decision notice.

The Planning Lawyer reported that an informative had been omitted from the decision notice issued for application P141550/O – Land West of Upper Court Road Bosbury (Minute no 107 refers). The decision notice could not be amended and she sought and received confirmation that the Committee approved the informative as reflected in the Minutes.

Councillor J Hardwick commented that Minute no 102 needed to be corrected to state that he had declared an interest in relation to Agenda item 7 because he knew the applicant and some objectors.

RESOLVED: That the Minutes of the meeting held on 19 November 2014, as amended, be approved as a correct record and signed by the Chairman.

115. CHAIRMAN'S ANNOUNCEMENTS

The Chairman drew attention to the inclusion in the report template of a section explaining the reason why each application had been submitted to the Committee.

He added congratulations to Councillor PJ Edwards and his fiancée on their forthcoming marriage and also to Councillor DW Greenow and his fiancée on their forthcoming marriage.

He informed Members that it was expected that the next meeting on 21 January 2015, would need to be an all day meeting.

116. APPEALS

The Planning Committee noted the report.

(The Committee considered agenda item 8 – P133411 – Model Farm Hildersley before agenda item 7 – P141917- Land west of Patrick orchard, Canon Pyon.)

117. P141917/F LAND WEST OF PATRICK ORCHARD, CANON PYON, HEREFORD, HR4 8NY

(Proposed construction of 27 dwellings to include 9 affordable, new access, sustainable drainage and landscape works.)

(Councillor DW Greenow left the meeting for the duration of this item.)

The Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

In accordance with the criteria for public speaking, Mr G Vaughan, Chairman of Pyons Group Parish Council spoke on the Scheme. Mr C Nugent, a resident, spoke in objection. Mr R Pryce, the applicant, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, the local ward member, Councillor AJM Blackshaw spoke on the application.

He commented on a number of issues including:

- The village had been identified as appropriate for proportionate growth. The Strategic Housing Land Availability Assessment 2012 assessed the site as having low or minor constraints.
- If the application was approved this would provide sufficient growth for the life of the core strategy, allowing for some infill development.
- The applicant had consulted the Parish Council. Some aspects relating to design and layout required further discussion.
- The site was adjacent to the settlement boundary. Part of the site had been identified for development in the Neighbourhood Plan.
- He was not aware of the A4110 suffering impassable flooding at the site's location.
- He highlighted the internal advice set out in section 4 of the report.
- The Parish Council was not opposed in principle to the Scheme. However, it wanted further consideration to be given to the design of the development.
- It was noted that some amendments had already been made to the Scheme. He requested that the applicant, Parish Council and officers should give further consideration to the density of development on the southern part of the site.
- On balance he supported the application.

In discussion the following principal points were made on the application:

- The communication between the applicant and the Parish Council was welcomed.
- The site was in a location that had been identified in the draft Neighbourhood Plan.
- The development was well planned.
- It was requested that conditions relating to slab levels and surface water management were carefully applied.
- The retention and provision of trees was welcomed although it was noted that they needed to be properly managed.
- Funding towards road safety was preferable.
- The Principal Planning Officer confirmed that it was the Council's intention to manage the public open space in the first instance before seeking to find a partner to do so.

The local ward member was given the opportunity to close the debate. He reiterated his support.

RESOLVED: That subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, officers named in the Scheme of Delegation to Officers are authorised to grant planning permission, subject to the conditions below and any other further conditions considered necessary.

1. **A01 Time limit for commencement (full permission)**
2. **B01 Development in accordance with the approved plans**
3. **C01 Samples of external materials**
4. **The recommendations set out in Section 5 of the ecologist's report from Ecology Services dated April 2014 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a plan showing habitat enhancement proposals integrated with the landscape plans should be submitted to, and be approved in writing by, the local planning authority, and the scheme shall be implemented as approved.**

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reasons:

To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of Herefordshire Unitary Development Plan.

To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006

5. **Prior to commencement of the development, a Tree Protection Plan to include orchard trees and hedgerow following "BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations" should be compiled based upon this survey should be submitted to, and be approved in writing by, the local planning authority, and the scheme shall be implemented as approved.**

An appropriately qualified and experienced arboricultural clerk of works should be appointed (or consultant engaged in that capacity) to oversee the arboricultural mitigation work.

Reasons:

To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of Herefordshire Unitary Development Plan.

To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006

6. **E01 Site investigation - archaeology**
7. **H06 Vehicular access construction**

8. H11 Parking - estate development (more than one house)
9. H17 Junction improvement/off site works
10. H18 On site roads - submission of details
11. H19 On site roads - phasing
12. H20 Road completion in 2 years
13. H21 Wheel washing
14. H27 Parking for site operatives
15. I16 Restriction of hours during construction
16. L01 Foul/surface water drainage
17. L02 No surface water to connect to public system
18. L03 No drainage run-off to public system
19. L04 Comprehensive & Integrated draining of site
20. G10 Landscaping scheme
21. G11 Landscaping scheme - implementation
22. G18 Provision of play area / amenity area
23. G19 Details of play equipment
24. I26 Interception of surface water run off / proposed pollution control method

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. **HN01 Mud on highway**
3. **HN08 Section 38 Agreement & Drainage details**
4. **HN15 Affected street lighting or illuminated signs**
5. **HN28 Highways Design Guide and Specification**
6. **HN05 Works within the highway**

7. HN17 Design of street lighting for Section 278

118. P133411/CD MODEL FARM, HILDERSLEY, ROSS-ON-WYE, HR9 7NN

(Hybrid planning application for the development of employment uses including B1 (16,500 sq.m GFA), B2 (8,900 sq.m GFA) and B8 (4,000 sq.m) including full details of the access, internal road infrastructure and circulation routes, and landscaping within a landscape buffer zone providing surface water attenuation and planting.)

The Principal Planning Officer gave a presentation on the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor PGH Cutter one of the two local ward members, spoke on the application.

He indicated his support for the development and the employment opportunities it would provide noting that the Highways Agency had now withdrawn its objection to the access to the site. He requested that residents should be provided with reassurance that the development would not increase the risk of flooding and that there should be an appropriate buffer between employment uses on the site and the adjoining residential areas. It would also be important to keep the tenant of the farm informed as any development took place.

In discussion the following principal points were made on the application:

- The local ward member's comments on the need to ensure that the drainage arrangements were sound and that an appropriate buffer zone was provided for the adjoining residential areas were supported.
- Landscaping would be important to ensure the business park blended in to its surroundings.
- Such a site was needed in the area.
- It was requested that reports on applications involving the use of agricultural land should state the grade of the land.

The local ward member had no additional comment.

RESOLVED: That planning permission be granted subject to the following conditions:

1. **A02 – Time limit for submission of reserved matters**
2. **A03 – Time limit for commencement**
3. **A04 – Approval of reserved matters**
4. **A05 – Plans and particulars of reserved matters**
5. **F06 – Restriction on use**
6. **The development hereby approved shall be limited to the following combined gross external floor areas for Class B uses as defined by the Town & Country Planning (use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification:**

- B1 – 16,500 square metres gross floor area
- B2 – 8,900 square metres gross floor area
- B8 – 4,000 square metres gross floor area

Reason: In order that the local planning authority can consider the implications on highway safety and the network capacity of any intensification in use and to comply with Policy T8 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

7. G10 – Landscaping scheme
8. G11 – Landscaping scheme - implementation
9. G14 – Landscape management plan
10. H03 – Visibility splays
11. H17 – Junction improvements/off site works
12. H31- Outline travel plan
13. I33 – External lighting
14. The recommendations set out in Section 5.2 of the ARUP ecologist's report dated December 2013 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of Herefordshire Unitary Development Plan. To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006

15. No occupation of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure the protection of controlled waters and to comply with Policy DR7 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

- 16. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.**

Reason: To ensure the protection of controlled waters and to comply with Policy DR7 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

- 17. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:**
- a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice.**
 - b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors.**
 - c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.**

Reason: To ensure that potential contamination is removed or contained to the satisfaction of the local planning authority and to comply with Policy DR10 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

- 18. The Remediation Scheme, as approved pursuant to condition no. (1) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in**

writing with the Local Planning Authority in advance of works being undertaken.

Reason: To ensure that potential contamination is removed or contained to the satisfaction of the local planning authority and to comply with Policy DR10 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

19. L01 Foul/surface water drainage
20. L02 No surface water to connect to public system
21. L03 No drainage run-off to public system
22. Prior to the commencement of the development hereby approved a detailed survey of the existing culvert under the former railway embankment shall be completed. The survey should establish whether the culvert is blocked or damaged and that it has sufficient capacity to accommodate the outflows from the proposed attenuation ponds.

Prior to the commencement of any development, the findings of the report shall be submitted to and approved in writing by the local planning authority. If the report concludes that that the culvert has insufficient capacity the report should also recommend a range of measures to be implemented to ensure that sufficient capacity is available. The development shall be carried out in accordance with the approved details.

Reason: To ensure that effective surface water drainage facilities are provided for the proposed development and to protect nearby dwellings from an increased risk of flooding in compliance with Policy DR4 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. N11A Wildlife and Countryside Act 1981 (as amended) - Birds
3. N11C General
4. HN04 Private apparatus within highway
5. HN28 Highway Design Guide and Specification
6. HN05 Works within the highway

119. P141022/F LAND AT PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NN

(Proposed demolition of existing building and erection of 29 dwellings with associated private drive, landscaping and external works.)

The Principal Planning Officer gave a presentation on the application, which had been deferred by the Committee on 29 October, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

He highlighted correspondence from the Environment Agency and the proposal that officers be authorised to approve the application after consultation with the Chairman and local members, subject to the objections raised being addressed.

In accordance with the criteria for public speaking, Mr P Ellis of Leominster Town Council spoke in opposition to the Scheme. Mr M Tomkins the applicant spoke in support.

Neither of the two local ward members had been able to attend the meeting. Councillor JM Bartlett had submitted a statement. This had been circulated to Members of the Committee. The principal points were:

- The recommended provision of a clause requiring an overage payment was to be welcomed.
- Concerns remained that the proposal represented overdevelopment which would have knock on effects on infrastructure such as Pinsley Road.
- In relation to drainage and flooding issues here were outstanding objections from the land drainage engineer, Welsh Water and the Environment Agency.
- In summary there were still fundamental questions and outstanding objections that had not been resolved and the application was therefore not sound.

In discussion the following principal points were made on the application:

- The discussions that had taken place with the applicants had resulted in improvements such as the inclusion of a clause requiring an overage payment.
- The concerns over flooding and drainage expressed by the Environment Agency, Welsh Water and the land drainage engineer were serious and of concern too to the adjoining residents.
- The development represented overdevelopment.
- The development would not be of benefit to the area or the Town. It did not conserve or enhance the location.
- A park would be preferable.
- The traffic generated by the development would create problems. The width of the road was below the Council's standard.
- The development would provide starter homes and meet a housing need.
- A concern was expressed about the quality of the development. Smaller properties need not be of poor design.
- Account should be taken of the reasons for the Town Council's objection to the proposal.

The Planning Lawyer commented that it would be quite difficult to defend a refusal of the application in the event of an appeal given the previous grant of permission for development on the site and the weight that needed to be given to the presumption in favour of sustainable development in accordance with the National Planning Policy Framework.

The Development Manager commented that the scheme was a reduction on the 30 dwellings previously approved. He supported the view that an appeal would be difficult to defend. There was no objection from the Transportation Manager. The principal reason for deferring the scheme had been addressed by the provision of an overage clause. It was proposed that concerns about flooding and drainage would be subject to further discussion and authority granted to approve the scheme only if those concerns were overcome. The current site was an eyesore and needed to be developed.

The Highways Manager commented that Pinsley Road was narrow but was a cul-de-sac and could be regulated. There should not be problems with traffic queuing at the access.

RESOLVED: That officers named in the Scheme of Delegation to Officers be authorised to grant planning permission after consultation with the Chairman and local ward members subject to the objections raised by the Environment Agency being addressed and the completion of an agreement under Section 106 of the Town & Country Planning Act to secure an overage payment if the scheme exceeds a baseline profit margin that planning permission be granted subject to the following conditions:

1. **A01 – Time limit for commencement (full permission)**
2. **B01 – Development in accordance with approved plans**
3. **C01 – Sample of external materials**
4. **F14 – Removal of permitted development rights**
5. **G10 – Landscaping scheme**
6. **G11 – Landscaping scheme – implementation**
7. **H13 – Access, turning area and parking**
8. **H17 – Junction improvement**
9. **H21 – Wheel washing**
10. **H27 – Parking for site operatives**
11. **No development shall take place until the following has been submitted to and approved in writing by the local planning authority:**
 - a) **a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice.**
 - b) **if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of**

all the potential pollutant linkages and an assessment of risk to identified receptors.

- c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment and to comply with Policies DR6 and DR10 of the Herefordshire Unitary Development Plan and the guiding principles of the National Planning Policy Framework.

12. The Remediation Scheme, as approved pursuant to condition no. 11 above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment and to comply with Policies DR6 and DR10 of the Herefordshire Unitary Development Plan and the guiding principles of the National Planning Policy Framework.

13. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment and to comply with Policies DR6 and DR10 of the Herefordshire Unitary Development Plan and the guiding principles of the National Planning Policy Framework.

14. Prior to the first occupation of any of the dwellings hereby approved, details of the boundary treatment of the site shall be submitted to the local planning authority for their written approval, in consultation with Network Rail. The development shall be completed in accordance with the approved details and shall be completed before the first occupation of any of the dwellings. The treatment should take the form of a trespass proof fence and should be of a minimum

height of 1.8 metres. It should be located wholly within the application site and provision should be made for its maintenance and renewal.

Reason: In order to protect public safety and the integrity of the rail network and to comply with Policy DR2 of the Herefordshire Unitary Development Plan and the guiding principles of the National Planning Policy Framework.

15. The recommendations set out in Section 4.13 of the ecologist's report dated July-October 2012 should be followed in relation to the identified protected species and Section 4.10 and 4.11 in relation to swifts on new buildings. Prior to commencement of the development, a full working method statement should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan and to comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006.

16. L04 – Comprehensive and integrated draining of site
17. E01 Site investigation - archaeology

Informatives:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. N11A – Wildlife and Countryside Act 1981 (as amended) - Birds
3. N11C – General
4. HN04 – Private apparatus within the highway
5. HN05 – Works within the highway
6. HN28 – Highways Design Guide and Specification

120. P140903/F LAND ADJACENT TO HIGHTOWN COTTAGE, PETERSTOW, HEREFORDSHIRE

(Proposed erection of two dwellings.)

The Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

It was noted that it was proposed to amend the recommendation to provide for it to commence within 3 years rather than 1 year in accordance with Department of Communities and Local Government guidance.

In accordance with the criteria for public speaking, Mr C Goldsworthy, the applicant's agent spoke in support of the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, the local ward member, Councillor JA Hyde, spoke on the application.

She commented on a number of issues including:

- Peterstow was not a defined main village in the Unitary Development Plan. However, it had many amenities and the emerging Core Strategy identified Peterstow as a village that could accommodate proportionate housing growth of approximately 14% (approx. 18 dwellinghouses). The development represented a small step to meet need in a sympathetic way.
- The Parish Council had no objection.
- The Scheme had been designed to have the minimum impact. Conditions would protect the setting.
- The development was appropriate.

In discussion the following principal points were made on the application:

- The wording in the report that no weight could be given to the Neighbourhood Plan at this stage was questioned. It was suggested that "very little weight" would be a better phrase.
- The development was in an appropriate setting on the edge of the village, was well designed of modest size and sustainable.
- It was confirmed that there was no other access to the site.

The local ward member had no additional comment to make.

RESOLVED: That planning permission be granted subject to the following 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 shall be carried out in strict accordance with the following approved plans (including materials specified thereon):-

- **Application Site Plan – Drawing number 13/707.01A (Scale 1:1000) received 24 March 2014;**
- **Proposed Site Plan – Drawing number 13/707.04D (Scale 1:200);**
- **Proposed Ground Floor Plan for Plot 1 – Drawing number 13/707.05B (Scale 1:50 @ A2) received 31 October 2014;**
- **Proposed First Floor Plan for Plot 1 – Drawing number 13/707.06B (Scale 1:50 @ A2) received 31 October 2014;**
- **Proposed Elevations Plot 1 – Drawing number 13/707.10D (Scale 1:100 @ A2) received 31 October 2014;**
- **Proposed Ground Floor Plan for Plot 2 – Drawing number 13/707.07B (Scale 1:50 @ A2) received 31 October 2014;**
- **Proposed First Floor Plan for Plot 2 – Drawing number 13/707.08/B (Scale 1:50 @ A2) received 31 October 2014;**
- **Proposed Elevations for Plot 2 Drawing number 13/707.11C (Scale 1:100 @ A2) received 31 October 2014;**

Reason: To ensure adherence to the approved plans and in the interests of a satisfactory form of development and to comply with Policies DR1, H13, HBA4 and HBA6 of the Herefordshire Unitary Development Plan 2007;

3 Notwithstanding the provisions of condition 2 above, prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:-

- **A full written detail as to the precise natural slate to be used upon the roofs;**
- **A full written detail as to the precise natural stone to be used upon the elevations;**
- **A full written detail as to the precise rainwater goods to be used (including their colour);**
- **Written details of the permeable surfacing material to be used upon driveway and vehicle manoeuvring/parking area(s);**
- **Full details fo all external lighting (if any);**
- **Full details (siting, design and material) detail of any proposed means of enclosure (fences, gates, walls or other means of enclosure)**

The development shall not commence until the Local Planing Authority has given such written approval. The Development shall be carried out in full accordance with the approved details and thereafter maintained as such.

Reason:- To ensure a satisfactory appearance to the development in accordance with Policies DR1, H13, HBA4, HBA6 and LA1 of the Herefordshire Unitary Development Plan 2007.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended, including the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no development normally permitted by Classes A, B, C, D, E, F and G of Part 1 and Classes A of Part 2 of Schedule 2 of Article 3 of the General Permitted Development Order 1995 shall be carried out without the express consent of the Local Planning Authority.**

Reason:- To safeguard the architectural integrity of the scheme and to safeguard the character and appearance of the area in accordance with Policies DR1, H13, HBA4, HBA6 and LA1 of the Herefordshire Unitary Development Plan 2007.

- 5 The car parking areas shown upon Proposed Site Plan – Drawing number 13/707.04D (Scale 1:200) hereby permitted shall be permanently kept available for the parking of private motor vehicles;**

Reason:- In the interests of highway safety and to ensure that the site is not dominated by the parking of private motor vehicles thus ensuring that the character and appearance of the landscape is not adversely affected, in accordance with Policies T11 and LA1 of the Herefordshire Unitary Development Plan 2007;

- 6 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping using indigenous species. The submitted scheme of landscaping using indigenous species must include details of the location of all planting, the species, size and density of planting;**

Reason:- To ensure that the development is satisfactorily integrated into the locality, in accordance with Policies LA1 and LA6 of the Herefordshire Unitary Development Plan 2007;

- 7 All planting in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellinghouses hereby permitted or completion of the development (whichever is the sooner). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local planning Authority gives written consent to any variation;**

Reason:- To ensure that the development is satisfactorily integrated into the landscape, in accordance with Policies LA1 and LA6 of the Herefordshire Unitary Development Plan 2007;

- 8 Other than works in relation to the vehicular access shown upon 'Proposed Site Plan – Drawing number 13/707.04D (Scale 1:200), the existing frontage hedgerow along the eastern boundary shall be retained. If within a period of five years any part of that hedgerow dies, is removed or becomes seriously damaged or diseased it shall be replaced in the next planting**

season with plants of similar size and species unless the Local Planning Authority gives written consent to any variation;

Reason:- To ensure that the existing roadside hedge which makes a positive contribution to the character and appearance of the area is maintained in accordance with Policy LA5 of the Herefordshire Unitary Development Plan 2007;

- 9 The recommendations set out in section 5 of the ecologist's report dated August 2013 shall be followed in relation to native trees, hedgerows and birds. Prior to commencement of the development, a habitat enhancement plan incorporating the recommendations should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved;

Reasons:-

- a) To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan.
 - b) To comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006.
- 10 An appropriately qualified and experienced ecological clerk of works shall be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reasons:-

- a) To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan.
- b) To comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006.

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. N11A – Wildlife and Countryside Act 1981 (as amended) - Birds

3. N11C – General

Appendix 1 - Schedule of Committee Updates

The meeting ended at 12.32 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 10 December 2014(am)

Schedule of Committee Updates/Additional Representations

Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.

SCHEDULE OF COMMITTEE UPDATES

P141917/F - PROPOSED CONSTRUCTION OF 27 DWELLINGS TO INCLUDE 9 AFFORDABLE, NEW ACCESS, SUSTAINABLE DRAINAGE AND LANDSCAPE WORKS AT LAND WEST OF PATRICK ORCHARD, CANON PYON, HEREFORDSHIRE, HR4 8NY

For: Mr Pryce per Mr Russell Pryce, Unit 5, Westwood Industrial Estate, Pontrilas, Hereford, Herefordshire HR2 0EL

ADDITIONAL REPRESENTATIONS

One additional letter of representation has been received from Chris Nugent Canon Court. This letter has been circulated to Members and has been published to the website. The letter provides a response to comments from the Emergency Planning Officer and further comments on sites that may be sequentially preferable for development in Canon Pyon as identified in the emerging Neighbourhood Plan.

Three additional letters of support have also been received that confirm that whilst there is surface water that runs from Nupton Lane past the Nags Head the run-off is not so deep or run so fast that it has been impossible to drive or walk through. They also confirm that the site will be in an ideal location in the middle of the village.

OFFICER COMMENTS

The additional queries in respect of the sequential testing have been further considered through reference to the 2012 Strategic Housing Land Availability Assessment that clearly identified that the site with Planning Permission to the south and the application site were the two sequentially preferred sites in the village for residential developments.

NO CHANGE TO RECOMMENDATION

P141022/F - PROPOSED DEMOLITION OF EXISTING BUILDING AND ERECTION OF 29 DWELLINGS WITH ASSOCIATED PRIVATE DRIVE, LANDSCAPING AND EXTERNAL WORKS AT LAND AT PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NN

For: Mr Tomkins per Mr T J Ford, 30 Grove Road, Hereford, Herefordshire, HR1 2QP

ADDITIONAL REPRESENTATIONS

Correspondence has been received from the Environment Agency. Based on the detail contained within the Flood Risk Assessment submitted they are minded to object to the proposal and request additional information in order to make an informed decision on the flood risk associated with this site.

They note that the site lies within Flood Zones 2 and 3 and therefore expect confirmation that the Sequential Test has been considered and that there are no alternative sites in an area of lower risk.

They also advise that The FRA must confirm that the development will be safe over its lifetime and will not act to increase flood risk elsewhere.

They conclude that the FRA does not currently demonstrate that the development is safe when climate change impacts are considered or that flood risk elsewhere will not be increased as there is insufficient detail on the flooding of the site during a 1 in 100 year plus climate change events.

One further letter of representation has been received expressing concern that there has been no archaeological investigation of the site. It also reiterates concerns raised about the density of the scheme.

The Council's Archaeologist has commented on the application in light of the additional representation received and raises no objection to the proposal subject to the imposition of a condition to require archaeological investigation prior to the commencement of development.

OFFICER COMMENTS

The comments made by the Environment Agency have not taken into account additional information submitted by the applicant's agent following an initial consultation response from the council's Land Drainage Engineer. The further information addressed similar concerns raised by the Land Drainage Engineer to those latterly raised by the Environment Agency. The Environment Agency have indicated in a separate email that their concerns relate solely to fluvial flood risk and it is not envisaged that the objection made is insurmountable.

The matter of sequential testing has also been raised. The site is predominantly located within Flood Zone 2 and the NPPF requires that consideration be given to sites in less vulnerable locations in the first instance.

There will be sequentially better sites to develop in Leominster in terms of flood risk – the proposed site for the urban expansion being one. However, there are other material planning considerations to be taken into account and these are as follows:

- The fact that this is previously developed land
- The fact that planning permission has previously been granted for residential development on the site.
- The fact that two separate developments have been granted immediately adjacent that also lie within a Flood Zone 2 area
- The fact that the Council does not have a five year housing land supply.

All of these matters weigh heavily in favour of the development and it is not consider that it would be reasonable to refuse the application on grounds that there are sequentially preferable sites.

CHANGE TO RECOMMENDATION

The imposition of an additional condition to require archaeological investigation of the site prior to the commencement of development.

In light of the comments outstanding from the Environment Agency it is recommended that the application is delegated to officers to approve in consultation with the Chairman and local members, subject to the objections raised being addressed.

**P140903/F - PROPOSED ERECTION OF TWO DWELLINGS
AT LAND ADJACENT TO HIGHTOWN COTTAGE,
PETERSTOW, HEREFORDSHIRE,**

**For: Mrs Roberts per Mr Colin Goldsworthy, 85 St Owen
Street, Hereford, Herefordshire, HR1 2JW**

CHANGE TO RECOMMENDATION

Amend condition 1 to read:-

- 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;

MINUTES of the meeting of Planning Committee held at The Shire Hall, St Peter's Square Hereford HR1 2HX on Wednesday 10 December 2014 at 2.00 pm

Present: Councillor PGH Cutter (Chairman)

Councillors: AJM Blackshaw, AN Bridges, EMK Chave, PJ Edwards, DW Greenow, KS Guthrie, J Hardwick, JW Hope MBE, JA Hyde, JG Lester, FM Norman, J Norris, Roger and TL Widdows

In attendance: Councillor P Sinclair-Knipe

121. APOLOGIES FOR ABSENCE

Apologies were received from Councillors PA Andrews, BA Durkin, MAF Hubbard, RI Mathews, RL Mayo, PJ McCaull, and DB Wilcox.

122. NAMED SUBSTITUTES

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor JA Hyde attended the meeting as a substitute member for Councillor RL Mayo and Councillor RJ Phillips for Councillor DB Wilcox.

123. DECLARATIONS OF INTEREST

Agenda item 4: P141408/F Barley Close, Woodseaves Road, Eardisley

Councillor JW Hope declared a non-pecuniary interest because he know residents as the local ward member.

Councillor RJ Phillips declared a non-pecuniary interest as a School Governor at Lady Hawkins' School.

Agenda item 5: P141687/F Mid-Summer Orchard, (Land at Oakley Cottage) Ridge Hill

Councillor PJ Edwards declared a non-pecuniary interest because he had at one time been Cabinet Member with responsibility for the provision of Travellers sites.

Councillor DW Greenow declared a non-pecuniary interest because he knew the Clerk to the Parish Council, one of the public speakers.

(The Committee considered agenda item 5 first followed by agenda item 4.)

124. P141408/F BARLEY CLOSE, WOODSEAVES ROAD, EARDISLEY, HEREFORDSHIRE

(Proposed residential development comprising 16 open market houses and 9 affordable homes.)

The Senior Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

In accordance with the criteria for public speaking, Mr C Skelton, of Eardisley Parish Council spoke in opposition to the Scheme. Ms N James, a resident, spoke in objection. Mr J Spreckley, the Applicant's agent, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, the local ward member, Councillor JW Hope MBE spoke on the application.

He commented that whilst 55 letters of objection had been received these had come from 30 homes. There were 270 residences in Eardisley. This implied that the majority had no objection to the proposal. The proposed development was in the centre of the village which had plentiful amenities.

In discussion the following principal points were made on the application:

- The proposal seemed to be acceptable, appearing to fit in well, being of modest size and containing a range of properties.
- It was unfortunate that the Parish Council remained opposed to the development. It seemed that a good level of consultation had occurred.
- It was requested that further consideration be given to bridging the Folly Brook area to ensure access to the site. It was also suggested that S106 monies could be used to improve the gully opening in Woodseaves Road to help address concerns about flash flooding. The Highway Manager commented that drainage issues would be considered as part of the detailed design.
- Clarification was sought on the means of escape in the event of a flood. The Senior Planning Officer referred to the comments of the Emergency Planning Officer which had been included in the update to the Committee.
- In relation to the S106 agreement which referred to a payment to Kington Youth Services it was requested that consideration be given to supporting local community providers.
- It was questioned why the access to the development could not be directly off the A4111. The Highways Manager commented that the necessary visibility splays could not be provided.
- Buildings needed to be sustainable. Construction to a level above Code Level 3 of the Code for Sustainable Homes would be preferable.
- It was requested that consideration be given to the public open space provision to maximise the public benefit.

The Development Manager clarified in relation to the S106 agreement that the level of contribution to St Mary's Roman Catholic School was in accordance with a policy agreed in 2008. Discussion of the S106 provisions could be held with the Chairman and local ward member. The design of the Scheme including drainage would be governed by the proposed conditions,

The local ward member had no additional comments.

RESOLVED: That subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, officers named in the Scheme of Delegation to Officers are authorised to grant full planning permission, subject to the conditions below and any other further conditions considered necessary.

1. **A01 Time limit for commencement (full permission)**
2. **B01 Development in accordance with the approved plans**
 - Amended site plan - drawing number 1541.00E.
 - Elevations and floor plans - House type A - drawing number 1541.01C
 - Elevations and floor plans - House type B - drawing number 1541.02B
 - Elevations and floor plans - House type C - drawing number 1541.04A
 - Elevations and floor plans - House type D and E - drawing number 1541.05B
 - Elevations and floor plans - House type F - drawing number 1541.07.
 - Landscape master plan date stamped Herefordshire Council 7 May 2014 on landscaping issues unless subject to conditions as attached below and amended footpath gradient detail submitted in support of the application.
3. **H13 Access, turning area and parking**
4. **H17 Junction improvements/off site works**
5. **H18 On site roads - submission of details**
6. **H20 Road completion in 2 years**
7. **H29 Secure covered cycle parking provision**
8. **F14 Removal of permitted development rights**
9. **C01 Sample of external materials (to include colour and sample of external render).**
10. **D04 Details of window sections, eaves, verges and barge boards.**
11. **D05 Details of external joinery finishes**
12. **D10 Specification of guttering and downpipes**
13. **All external doors and windows will be of timber construction in perpetuity.**
Reason: In consideration of the location of the development and to comply with Policies HBA4 and HBA6 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.
14. **G09 Details of boundary treatments (Detail will also be included with regards to boundary treatments between individual dwellings which will not be of close boarded fencing.**
15. **G10 Landscaping scheme**
16. **G11 Landscaping scheme implementation**

17. **Prior to commencement of the development, a species and habitat enhancement scheme must be submitted to, and be approved in writing by, the local planning authority, and the scheme shall be implemented as approved. An appropriately qualified and experienced ecological clerk of works must be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.**

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NCI, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006

18. **L01 Foul/surface water drainage**
19. **L02 No surface water to connect to public system**
20. **L03 No drainage run-off to public system**
21. **I16 Restriction of hours during construction**
22. **I51 Details of slab levels**
23. **Before construction works commence on site, a hydraulic modelling assessment shall be undertaken by the developer in liaison with Dwr Cymru Welsh Water, in order to assess the effect the proposed development will have on the existing water supply network, together with any necessary associated infrastructure works.**

Reason: To protect the integrity of the existing water supply system.

24. **There shall be no beneficial use or occupation of any of the buildings hereby approved until such time that any necessary water infrastructure works required by the hydraulic modelling assessment referred to in the above condition have been completed and approved by Dwr Cymru Welsh Water and the Local Planning Authority has been informed in writing of its completion.**

Reason: To ensure that the proposed development does not adversely affect the integrity of the existing water supply system.

25. **L04 Comprehensive & Integrated drainage of site**
26. **I55 Site Waste Management**
27. **I52 Finished floor levels.**
28. **Flood Risk Management Plan**

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. Management Plan for Residential Parking.**
- 3. Road layout as amendments to the turning head**
- 4. N11A**
- 5. N11C**
- 6. HN10 No drainage to discharge to highway**
- 7. HN08 Section 38 Agreement & Drainage details**
- 8. HN04 Private apparatus within highway**
- 9. HN28 Highways Design Guide and Specification**
- 10. HN13 Protection of visibility splays on private land**
- 11. HN05 Works within the highway**

125. P141687/F MID SUMMER ORCHARD, (LAND AT OAKLEY COTTAGE), RIDGE HILL, HEREFORDSHIRE, HR2 8AG

(Change of use of land from agriculture to a one family traveller site, with stationing of one mobile home, one touring caravan, parking and turning area, re-designed access and septic tank.)

The Senior Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

In accordance with the criteria for public speaking, Mrs K Greenow Clerk to Lower Bullingham Parish Council, spoke in opposition to the Scheme. Mrs S Glover, a resident, spoke in objection.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, the local ward member, Councillor P Sinclair-Knipe spoke on the application.

He commented on a number of issues including:

- He acknowledged that applications of this type were often contentious. However, there was a distinction to be drawn between a recent application at Bosbury determined by the Committee (*application P141538 – Bosbury – 8 October 2014*) which the Committee had approved. In contrast to that application, the applicant had no local connection. In addition that application had had only 4 letters of objection. In this case there were 54 letters of objection – virtually the entire local community.
- The Parish Council and the objector who had spoken at the meeting had asserted that the report contained a flawed interpretation of the legislation and he supported that view.

- An application for a bungalow on that site by the former owner of the land had been refused.
- He did not support the application.

In discussion the following principal points were made on the application:

- Reference was made to the application at Bosbury determined by the Committee on 8 October 2014 (*application P141538*) which the Committee had approved. It was suggested that in contrast to that application there was no local connection with the area and no justifiable need. In addition the site was not in a sustainable location there being no local facilities, no employment opportunities and an infrequent bus service. The report stated that the lane to the site “is a rather hostile environment for pedestrians”. Account should be taken of a recent appeal against refusal of permission for a dwelling in the locality near to the application site which had been rejected.
- Account needed to be taken of the view of the local community and the draft Neighbourhood Plan.
- In response to a comment that there were two authorised travellers’ sites in the vicinity the Head of Development Management and Environmental Health commented that there were rarely vacancies at the Watery Lane site and occasionally 1-2 pitches were vacant at the Grafton site. However, the issue was that the County as a whole had a shortfall of gypsy/traveller sites.
- The name of the site’s location, Ridge Hill, and of a neighbouring property, Three Counties View, gave an indication as to the nature of the site. The development would be visible and have a negative impact on neighbours and be dominant in the landscape. It would have an adverse effect on the countryside.
- The proposal to have closed board fencing would be out of keeping with the area.
- It was suggested that the site was not suitable being in an isolated location and difficult to access.
- Travelling families were welcome and such sites should be accommodated where possible. However, there was a strong belief that this would not be a sustainable location and that there was insufficient access to local facilities.

The Development Manager commented that the site was sustainable. Legislation provided that such applications should be treated differently, and national policy was that account had to be taken of the absence of a five-year supply of deliverable gypsy/traveller sites. He cautioned that if permission were refused, in his view, taking into account previous appeal decisions, the Council would lose an appeal.

The Planning Lawyer supported the comments of the Development Manager. She referred to paragraphs 6.3 of the report onwards highlighting paragraphs 6.7 and 6.8. She advised that a local connection should not be a focal point in the decision. She emphasised that reasons for refusal based on policy would be required. In her view the impact on the setting would be very difficult to argue as a ground for refusal and the view that the site was isolated and not sustainable would be difficult to support. A shortfall in the provision of traveller sites would be highlighted at appeal.

The local ward member was given the opportunity to close the debate. He considered that the possibility of an appeal was not a good ground for supporting the application and the view of the local Community should prevail.

The following grounds for refusal were advanced: H7, H12, S1, DR2, DR3, LA2 and Paragraph 55 of the NPPF and sections 4 and 11 were also relevant. Particular note was

made of the effect on setting, and the unsustainable location, including the isolation of the site, the lack of amenities and the lack of transport links.

RESOLVED: That planning permission be refused on the grounds set out below and officers named in the scheme of delegation be authorised to finalise the drafting of the reasons for refusal for publication: H7 – Housing in the Countryside outside settlements, H12 – Gypsies and other travellers, S1 – Sustainable development, DR2 – Land use and activity, DR3 - Movement, LA2 – Landscape Character and Areas Least resilient to change and Paragraph 55 of the NPPF and sections 4 and 11.

Informative

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. However, due to the harms which have been clearly identified within the reasons for the refusal and which are so fundamental to the proposal it is not possible to negotiate a satisfactory way forward, and approval has not been possible in this instance.

126. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix 1 - Schedule of Committee Updates

The meeting ended at 3.45 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 10 December 2014 (pm)

Schedule of Committee Updates/Additional Representations

Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.

**P141408/F - PROPOSED RESIDENTIAL DEVELOPMENT
COMPRISING 16 OPEN MARKET HOUSES AND 9
AFFORDABLE HOMES AT BARLEY CLOSE, WOODSEAVES
ROAD, EARDISLEY, HEREFORDSHIRE,**

**For: R S Preece & Son per Mr James Spreckley, Brinsop
House, Brinsop, Hereford, Herefordshire HR4 7AS**

OFFICER COMMENTS

The Section 106 agreement Draft Heads of Terms attached to the Committee report in Section 3 refers to a total contribution towards off-site play area as being £65,121 This should read as £29135 and therefore the total Section 106 is £160090.

OFFICER COMMENTS

Paragraph 1.7 of the Committee report refers to the site being subject to the SHLAA as a site with low/minor constraints. This refers to the south east part of the site subject to the SHLAA report, the site forms part of a larger area subject to the SHLAA report, to which it is considered the site as a whole does have significant constraints. However although considered appropriate for development, it is acknowledged that the south east corner is prominent at one of the main road junctions in the village and is located within the Conservation Area.

ADDITIONAL REPRESENTATIONS

The Emergency Planning Officer has responded to the application indicating:

The EA complex surface water mapping indicates that the proposed access & egress point could be flooded to a 'Significant' hazard level, dangerous for most people for a 1 in 100 event (1% AEP). On the EA Risk of Flooding from Surface Water map this same point is designated with a High risk zone. As safe access at the proposed access & egress point may not be able to be maintained during a flood event the FRA proposes alternative pedestrian access via a route leading out east of the development. The site map indicates that this route will direct residents around or near to an attenuation pond, an open body of water which, during a flood event, could become flooded in excess of 0.39m (the permanent pond level is not clearly marked). As this pond is potentially an additional hazard some thought should be given to having appropriate control measures in place. This could be in the form of landscaping, signage or buoyancy aids; these control measures will have to be maintained and reviewed.

As the site is not for use by vulnerable persons, and is clearly above any expected flood levels, there should be minimal impact on resourcing arrangements in regards to evacuation of the site. One concern could be the rescue of residents vehicles if they choose to enter deep flood waters and so this risk should be communicated to them, especially to those unfamiliar with the area.

If the application is successful I would recommend that a flood risk management plan is put in place to ensure that residents are fully aware that vehicular access & egress to this site could be denied; the potential that due to climate change the frequency of the denial may

increase in the future; and that the proposed alternative pedestrian access can be managed and maintained in an appropriate and safe way.

OFFICER COMMENTS

The comments as made by the Emergency Planning Officer are noted and it is recommended that an additional condition is attached to any approval notice with regards to the requirement for details of a flood risk management plan.

ADDITIONAL REPRESENTATIONS

A letter has been from a member of the Eardisley Steering Group for the Eardisley group neighbourhood plan raising concerns about the applicants community engagement with the public prior to submission of the application for planning consideration and how this has been commented upon in the report to Committee.

OFFICER COMMENTS

Information as indicated in the report to Committee is based on information submitted by the applicant in support of the application with regards to community consultation. It is clear that the applicants did engage with the Community prior to submission of the application as advised in the National Planning Policy Framework on consultation with local communities.

ADDITIONAL REPRESENTATIONS

A further letter of objection from a member of the public has been received issues raised can be summarised as follows:

Concerns about changes to the 'attenuation pond' and its impacts on the site. Comment is also made about drainage and ditch design and who will be responsible for their upkeep. Concerns about a suggested footpath along the A4111 and adjoining hedgerow and proposed new planting of trees which is not considered desirable for the outlook from the Grade II* listed Upper House and its setting. Issues are also raised about internal footpaths and plantings to the north, outside of the application site and loss of on site amenity space. Concerns are also raised about the principle of development on site in relationship to the Eardisley Neighbourhood Plan.

OFFICER COMMENTS

The amended plan does refer to changes to the on site attenuation pond, however the changes are considered minor and the applicant proposes a pond with biodiversity interest, this is welcomed on ecological grounds and amenity space can still be included in the overall layout of the site. The Draft Heads of Terms attached to the Committee report indicates a payment to off-site play area facilities/improvements. The Management company will be responsible for its management/maintenance.

Concerns have also been raised about the impact of the development on the setting of the nearby Grade II* listed house known as Upper House Farm.

Impacts on the setting of this listed building as well as the other listed buildings in the vicinity and Conservation Area are a material consideration in the determination of this application.

Paragraph 132 of the NPPF indicates in relationship to the historic environment:

'when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through

alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.'

Paragraph 134 of the NPPF states:

'where a development proposal will lead to less than substantial harm to the significance of a designated asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'.

It is acknowledged that the Grade II* Upper House faces into the site and that views into the site do form part of its setting. However the dwelling forms part of the village built environment and no longer forms part of a farmstead that it once did. Barns to the north of the house have been converted to residential use and beyond these are new build dwellings. It is not a principal elevation of the dwelling that faces towards the site.

The site is separated from the dwelling by the A4111 public highway and the site plan indicates the attenuation pond and landscaping planting on opposite side of this roadway to the dwelling. It is considered that this will integrate the development into the setting of the dwelling as well as be of benefit to the wider Conservation Area and setting of other listed buildings.

It is noted that English Heritage raises no objections and the response from the Conservation Manager, has indicated that the listed buildings to the south-east of the development site form a tight knit cluster and that the significance of these dwellings and the other listed buildings on the southern side does not rely on their association with the surrounding countryside and therefore it is considered that the alteration in setting does not constitute harm. In relationship to the grade II* listed dwelling and its associated listed barns, the Conservation Manager has concluded that the development will not be severely detrimental to their setting. This complex is located on the edge of the village and has a setting that incorporates both village and countryside and the proposal will not have a detrimental effect on the setting of the barns or farmhouse.

In conclusion it is therefore considered that the scheme will not be detrimental to the settings of the various listed buildings in the vicinity of the site or Conservation Area although it is acknowledged that there will be change. The scheme is considered to comply with Policies HBA4 and HBA6 of the UDP and advice as set out in the NPPF.

Also of material consideration is the requirement for more houses and the situation the Council presently faces with a lack of a demonstrated five year land supply. The village of Eardisley is mostly surrounded by land that is designated as prone to flooding in accordance with the EA flood risk data maps. The site of this development is not within the flood plain other than a small section on its frontage alongside the access into the site from the adjacent public highway. The applicant has demonstrated a safe means of pedestrian access in the event of a flood in a northerly direction from the site, with a condition attached to any approval notice issued as recommended by the Emergency Planning Officer this is considered acceptable. Therefore the development is also considered to be in accordance with advice as set out in paragraph 134 of the NPPF.

Concerns raised about the application in relationship to the Eardisley Neighbourhood Plan are covered in the report.

CHANGE TO RECOMMENDATION

Add condition regarding the need for a flood risk management plan.

P141687/F - CHANGE OF USE OF LAND FROM AGRICULTURE TO A ONE FAMILY TRAVELLER SITE, WITH STATIONING OF ONE MOBILE HOME, ONE TOURING CARAVAN, PARKING AND TURNING AREA, RE-DESIGNED ACCESS AND SEPTIC TANK AT MID SUMMER ORCHARD, (LAND AT OAKLEY COTTAGE), RIDGE HILL, HEREFORDSHIRE, HR2 8AG

For: Miss Janes, Hillrise Bungalow, Upper Raice, Pontypool, NP4 5XE

ADDITIONAL REPRESENTATIONS

A further letter has been received from Jill and John Moulton of Kingscote, Ridgehill.

OFFICER COMMENTS

The letter raises no additional issues.

NO CHANGE TO RECOMMENDATION

MEETING:	PLANNING COMMITTEE
DATE:	21 JANUARY 2015
TITLE OF REPORT:	APPEALS

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To note the progress in respect of the following appeals.

Key Decision

This is not an executive decision

Recommendation

That the report be noted.

APPEALS RECEIVED

Application 141234/F

- The appeal was received on 31 December 2014
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr & Mrs Matthew Ord
- The site is located at Land at, Bleathwood, Middleton, Little Hereford, Herefordshire, SY8 4LQ
- The development proposed is Proposed erection of one detached dwelling with detached double garage
- The appeal is to be heard by Written Representations

Case Officer: Mr A Prior on 01432 261932

Application 142712/O

- The appeal was received on 30 December 2014
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Non determination
- The appeal is brought by J M & M E Harrington
- The site is located at Land at Blackway Farm, Lower Eggleton, Ledbury, Herefordshire, HR8 2UN
- The development proposed is Proposed erection of an agricultural workers dwelling
- The appeal is to be heard by Hearing

Case Officer: Mr Andrew Stock on 01432 383093

Application 140965/F

- The appeal was received on 23 December 2014
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission (Householder)
- The appeal is brought by Mr A Burton
- The site is located at Land off Lower Cross Lane, off High Street, Kington, Hereford, HR5 3AX
- The development proposed is proposed vehicular access and erection of a garage.
- The appeal is to be heard by Householder Procedure

Case Officer: Mr Philip Mullineux on 01432 261808

Application 132643/F

- The appeal was received on 5 December 2014
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Draycott Developments
- The site is located at Land adjacent to Linton Court, Bromyard, Herefordshire
- The development proposed is Development for five dwellings.
- The appeal is to be heard by Written Representations

Case Officer: Mr Matt Tompkins on 01432 261795

APPEALS DETERMINED

Enforcement Notice 133552/ENF

- The appeal was received on 29 July 2014
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr Paul Colley-Davies
- The site is located at The Hut, Winforton Woods, Winforton, Hereford, HR3 6EB
- The breach of planning control alleged in this notice is: without planning permission the material change of use of a railway hut situated within the land to a building used for residential purposes.
- The requirements of the notice are: permanently cease the residential use of the said railway hut a identified within the land.
- The main issue(s) were: The Hut has been used as a single dwelling house for a continuous period of more than four years without material interruption prior to (a) (in the case of the LDC appeal) 21 November 2013, and (b) (in the case of the enforcement notice appeal) 21 May 2014, so as to be immune from enforcement and consequently lawful.

Decision:

- The appeal was Dismissed on 31 December 2014

Case Officer: Mr M Tansley on 01432 261815

Application 133297/U

- The appeal was received on 28 April 2014
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Lawful Certificate
- The appeal was brought by Mr Paul Colley-Davies
- The site is located at The Hut, Winforton Woods, Winforton, Hereford, HR3 6EB
- The development proposed was Application for a Lawful Development Certificate for the use of The Hut as a dwelling
- The main issue was: The Hut has been used as a single dwelling house for a continuous period of more than four years without material interruption prior to (a) (in the case of the LDC appeal) 21 November 2013, and (b) (in the case of the enforcement notice appeal) 21 May 2014, so as to be immune from enforcement and consequently lawful.

Decision:

- The application was Refused under Delegated Powers on 16 January 2014
- The appeal was Dismissed on 31 December 2014

Case Officer: Mr M Tansley on 01432 261815

Application 140570/O

- The appeal was received on 28 August 2014
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by G R & H C Davies
- The site is located at Land at Wharton, Leominster, Herefordshire
- The development proposed was Residential development and new vehicular access onto B4361, with some matters reserved.
- The main issue(s) were: (i) the effect of the proposal on the supply of housing, and ii) whether the proposal represents sustainable development.

Decision:

- The application was Refused under Delegated Powers on 20 May 2014
- The appeal was Allowed on 10 December 2014

Case Officer: Mr A Prior on 01432 261932

If members wish to see the full text of decision letters copies can be provided.



MEETING:	PLANNING COMMITTEE
DATE:	21 JANUARY 2015
TITLE OF REPORT:	P141849/O - SITE FOR 8 DWELLINGS (ALL MATTERS RESERVED) AT LAND OPPOSITE OLD HALL, STOKE PRIOR, HEREFORDSHIRE, HR6 0LN For: Mr Williams per Berrys, Willow House East, Shrewsbury Business Park, Shrewsbury, Shropshire, SY2 6LG
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=141849&search=141849
Reason Application submitted to Committee – Contrary to Policy	

Date Received: 18 June 2014

Ward: Hampton Court Grid Ref: 352570,256318

Expiry Date: 18 August 2014

Local Member: Councillor JW Millar

1. Site Description and Proposal

- 1.1 The application site is to the south east of the main built up area of Stoke Prior. It is linked to the main part of the village by the class C1110 road that leads north-westwards and downhill to the centre of the village. This classified road leads uphill in the opposite direction to the Three Rivers Ride. This paddock adjoins The Trug on the western boundary and The Hollies on the eastern or upside boundary. Old Hall Farmhouse is on the opposite side of the classified road and to the north-west of it is Fir Tree Cottage a grade II listed building, the nearest listed building to the application site, albeit on the other side of the C1110 road.
- 1.2 There is a spring running along the northern boundary of the site and a public footpath between 10 and 16 metres further north and running roughly parallel to the northern boundary.
- 1.3 The site gains access off the northern side of the C1110 road. There is well established hedgerow along the roadside and along the rear or northern boundary of the 0.54 hectares site. A new access will be created providing visibility splays of 2.4 x 43 metres. This will entail the removal of hedgerow across the site frontage. An indicative layout plan has been submitted providing for 6 detached dwellings and a pair of semi-detached dwellings i.e. a total of 8 dwellings. Three dwellings will be affordable. The indicative plan also provides details for a surface water holding/attenuation pond that will discharge into an existing watercourse. Details are also provided for a highway surface water pipe attenuated to greenfield run-off rate. The development will be served by a private sewage treatment plant that will be used in connection with a reed bed system before discharging into the aforementioned surface water/attenuation pond. An orchard will be planted on land between the proposal site and The Trug.
- 1.4 This application is in outline with all matters reserved for future determination.

Further information on the subject of this report is available from Mr A Prior on 01432 261932

- 1.5 This proposal has been the subject of community consultation at a Parish Committee meeting in June 2014, following consultation with neighbouring properties a month earlier. It is stated that as a result the number of dwellings was reduced from 14 to 8 dwellings and measures provided for an attenuation pond and highway water attenuation pipes.

2. Policies

National Planning Policy Framework

- 2.1 The following sections are of particular relevance:

Introduction	-	Achieving Sustainable Development
Section 6	-	Delivering a Wide Choice of High Quality Homes
Section 7	-	Requiring Good Design
Section 8	-	Promoting Healthy Communities
Section 11	-	Conserving and Enhancing the Natural Environment
Section 12	-	Conserving and Enhancing the Historic Environment

- 2.2 Herefordshire Unitary Development Plan 2007 (UDP)

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S6	-	Transport
S7	-	Natural and Historic Heritage
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
H6	-	Housing in smaller settlements
H7	-	Housing in the Countryside Outside Settlements
H13	-	Sustainable Residential Design
HBA4	-	Setting of listed buildings
T8	-	Road Hierarchy
LA2	-	Landscape Character and Areas Least Resilient to Change
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping
NC1	-	Biodiversity and Development
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity

- 2.3 Herefordshire Local Plan – Draft Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
SS6	-	Addressing Climate Change
RA1	-	Rural Housing Strategy
RA2	-	Herefordshire's Villages
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Local Distinctiveness
LD2	-	Landscape and Townscape
LD3	-	Biodiversity and Geo-Diversity
SD1	-	Sustainable Design and Energy Efficiency

- SD3 - Sustainable Water Management and Water Resources
- ID1 - Infrastructure Delivery

2.4 Neighbourhood Planning

Humber, Ford and Stoke Prior Group Parish Council have designated a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The area was designated on 21 May 2013. The Group Parish Council are drafting a Neighbourhood Development Plan for the area. There is no timescale for proposing/agreeing the content of the plan at this stage, but the plan must be in general conformity with the strategic content of the emerging Core Strategy. At the present time no weight can be attached to the plan.

- 2.5 The Unitary Development Plan 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/planning-and-building-control/planning-policy/unitary-development-plan>

3. Planning History

- 3.1 None

4. Consultation Summary

Internal Council Advice

- 4.1 Transportation Manager: No objection.

Development is acceptable as far as highways are concerned.

Note:

Garages to be 6m by 3m internally per car space

Covered and secure cycle parking required for each dwelling

Two and three bed houses = 2 car spaces; 4 beds = 3 spaces

- 4.2 Conservation Manager (Historic Buildings): No objection subject to more details.

The proposed development is situated on the edge of Stoke Prior, a small village with a large proportion of listed buildings. These listed buildings, including Fir Tree Cottage which is situated to the west of the proposed site, tend to be single dwellings in larger plots either directly addressing the street or set well within the plot. The unlisted buildings of the local area follow a similar pattern of development.

The proposed scheme is sited to the west of Fir Tree Cottage and would form part of the wider setting of the listed building. Fir Tree Cottage is not an isolated building currently – there are agricultural and other buildings located to the south and west and development does already form part of its setting. The proposed scheme would represent a change in the surrounding built environment of the listed building and the village centre. However, insofar as the listed building is concerned, it is not considered development on this site would harm the wider setting of the listed building subject to site layout and the design, number and materials of the proposed houses. The proposed development would be screened from the listed building by the proposed planting of an orchard at the site's north-western end that relates to historic uses of the site and the local area. This is a positive aspect of the proposals. It is acknowledged that the proposed scheme is an outline application. In developing a full application, consideration should be given to the architectural and historic characteristics of the village and the listed building in closest proximity to the site. It should be demonstrated that the established pattern of development and palette of materials has informed the site layout and house design. This is essential if the development is to be

Further information on the subject of this report is available from Mr A Prior on 01432 261932

successfully integrated into the village and its context. The proposed site layout is indicative but it shows a scheme that is too suburban in character. This will need to be overcome to be a successful scheme in design and historic environment terms at the planning stage.

4.3 Conservation Manager (Ecology): No objection.

I have read the comprehensive ecological report from Star Ecology and I understand this site to be of low value with little evidence of protected species. There are opportunities identified for biodiversity enhancement on the site which I would like secured by way of conditions.

4.4 Housing Manager: No objection.

The Housing Team in principle supported the above outline application for 8 units of which 3 will be affordable. The Housing Need Survey for the area identifies a need of 16, although it was undertaken in 2007, however in this period only 4 affordable dwellings have been completed in the area. Early discussions with the agent took place around bed size and tenure, although these are to be confirmed at the reserved matters stage it was indicated to the agent that a mix of social rent and intermediate housing would be required, if the latter for Low Cost Market then initial sale price would be the price stipulated within the Technical Data of the Planning Obligations Supplementary Planning Document.

The units are to be developed to Lifetime Homes, DQS and the minimum code for Sustainable Homes Level 3, they are also to be allocated to those with a local connection to the parish of Ford, Humber & Stoke Prior.

4.5 Parks and Countryside Manager : No objection .

It is noted that there was no pre-application for this proposal.

POS Policy Requirement

In accordance with UDP Policy developments of less than 10 are required to provide POS on a pro rata basis. This is usually as an off-site contribution but in this instance the applicant appears to have provided opportunities for both on and off-site POS provision/s.106 contributions to be determined. However it is not clear if the on-site provision as described below will provide recreational opportunities and community use and public access. For instance:

Provision on site: The indicative layout plan identifies an area of land an orchard and an attenuation pond located next to the orchard.

- Orchard: The land set aside at the front of the site for an orchard, has been provided to enhance the village character, be sensitive to neighbours' concerns and implement recommendations in the ecological assessment that fruit trees will enhance the site's biodiversity and attractiveness to insects, birds and bats. There is no mention of its use as POS or future ownership as a "community orchard".
- SUDS: The attenuation pond area can become part of the public domain and provide informal recreational opportunities but will need to be designed to take account of health and safety and standing water issues. If this is practical design should be in accordance with national SUDS guidance and will require a detailed ecological/site management plan and annual work plan. The Council doesn't as yet have a SuDS strategy and advises developers to use CIRA guidance but with reference to DEFRA's draft of the revised SuDS guidance (currently being finalised) and to reference other useful SUDs and wildlife guidance from the Wildfowl & Wetland/RSPB which are available from the susdrain website.

Future Maintenance: Details of future maintenance and ownership are not provided for these areas. Suitable management and maintenance arrangements will be required to support any provision of open space and associated infrastructure within the open space in line with the Council's policies. This could be by adoption by Herefordshire Council with a 15 year commuted sum plus appropriate replacement costs; by the Parish Council or by a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

S.106 Contributions: It is noted in the Planning Statement that the heads of terms may include "a contribution towards the cost of new or enhancement of existing open space, play, sport and recreation facilities in lieu of such being provided on site". This will be "negotiated with the council during the consideration of the application and should be linked to evidence of need for open space etc".

We wouldn't require an off-site contribution if the on-site orchard and/or SUDs area can provide POS for informal recreation. However, if this is not practical we would expect an off-site contribution from the market houses only. There are no existing areas of POS or recreation/play in Stoke Prior. Therefore, in the more rural areas, such as this, it is appropriate to use the contribution towards improving quality/accessibility or the more natural and semi natural green space and recreational rights of way. Priorities for spend will be identified through local consultation e.g. the local parish council and any existing or developing neighbourhood plans and existing management plans such as the Council's Public Rights of Way Improvement Plan.

In accordance with the SPD on Planning Obligations this would equate to:

- 1 bed: £193
- 2 bed: £235
- 3 bed: £317
- 4 bed: £386

5. Representations

5.1 Humber, Ford and Stoke Prior Group Parish Council response is as follows:

The Group Parish Council considered the outline planning application for 8 new houses on the site opposite Old Hall Farm, Stoke Prior, at its meeting held on 16 July 2014. A representative of Berry Bros, agent for the applicant, was present to answer questions, and there were 21 members of the public present. Members of the public asked questions of the agent, and made comments either at the meeting or in writing beforehand.

Members of the public raised a number of concerns about the proposed development, especially the problems which this concentration of new housing would have for managing surface-water and foul-water drainage, given the existing flooding problems which are increasingly common in the village. The substantial increase in traffic was also a concern.

In extensive discussion, the Council noted that Stoke Prior needs to grow sustainably in the near future, and that this site might be suitable for some development. However, the scale of this proposed development for a single site in the context of the village is too great: Under the existing policy (UDP Policy H6) the proposed development does not meet the criteria for infilling of small gaps between houses within the settlement. The emerging policy - Core Strategy Policy HR1 - has a target of 15% growth for Stoke Prior by 2031, which on the analysis in the Rural Housing Background Paper (March 2013) of there being 71 houses in

Further information on the subject of this report is available from Mr A Prior on 01432 261932

the main village envelope, would be 11 houses (of which one has already been granted permission). The proposed 8 houses would be a disproportionately large amount of the remaining target growth for the village for the next 17 years on one site, which is not particularly well-related to the main body of the village (as envisaged in paragraph 5.31 of the Rural Housing Background Paper). The community is in the process of preparing a Neighbourhood Development Plan which consider the most appropriate locations for the target housing growth.

The Council also noted that, arising from the scale of the proposed development, there are serious local concerns concerning aspects of its sustainability: Access to the site is along a narrow road, and there would be a substantial increase in vehicle traffic using this one stretch of road, especially when added to that which will come from the new houses further down this road which have yet to be completed. There are also already serious problems throughout the village with surface water run-off, and concentrating this many new houses on one site is not the best option for how to address and mitigate this problem.

The Council therefore resolved to recommend refusal of the outline application, but considered that a smaller development on this site might be more appropriate.

5.2 Ten letters of representation, including one from the CPRE have been received. The content is summarised below

- Wait until neighbourhood plan; more input needed from Parish Council and local community
- Too many dwellings: already development approved not implemented for 6 and 7 houses respectively
- Not in keeping with our listed building
- Narrow road not capable of taking more traffic
- More parking required
- Flooding of lane will be exacerbated
- High water table
- Most roads in village in and out flood
- Planners and Environment Agency need to undertake an assessment in relation to flooding
- Existence of spring and watercourse
- No assessment for attenuation pond: if it fills up still end up in watercourse that floods onto our property
- Pond hazard to children
- Contamination of River Lugg from the stream known as the Prill
- Often cannot get into property due to flooding
- Car written off due to flood water.

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

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

6.1 Stoke Prior is identified as a smaller village within the HUDP and is also identified as a candidate village for proportionate growth over the lifetime of the emerging Hereford Local Plan to 2031. The indicative growth target is 12%. This is though a starting point for villages and is dependent on local circumstances.

- 6.2 The application is made in outline with all matters reserved and involves the erection of 8 dwellings with 35 % affordable housing. The site is fringed by hedgerow and trees and is on the fringe of Stoke Prior. As with many recent residential proposals, the application is predicated on the Council's lack of housing land supply.
- 6.3 Taking the characteristics of the site into account the main issue is whether, having regard to the supply of housing land, the proposals would give rise to adverse impacts, having particular regard to the likely effects upon the character and appearance of the area, heritage assets in the form of a listed building, the Neighbourhood Plan, existing surface water and foul drainage arrangements and increased traffic movements such that these would significantly and demonstrably outweigh the benefits of the development so as not to contribute to the achievement of sustainable development.

Planning Policy

- 6.4 S38 (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."
- 6.5 In this instance the Development Plan for the area is the Herefordshire Unitary Development Plan 2007(UDP). The plan is time-expired, but relevant policies have been 'saved' pending the adoption of the Herefordshire Local Plan - Core Strategy. UDP policies can only be attributed weight according to their consistency with the NPPF; the greater the degree of consistency, the greater the weight that can be attached.
- 6.6 The two-stage process set out at S38 (6) requires, for the purpose of any determination, assessment of material considerations. In this instance, and in the context of the housing land supply deficit, the NPPF is the most significant material consideration for the purpose of decision-taking. NPPF Paragraph 215 has the effect of superseding UDP policies with the NPPF where there is inconsistency in approach and objectives. As such, and in the light of the housing land supply deficit, the housing policies of the NPPF must take precedence over the UDP housing supply policies and the presumption in favour of approval as set out at NPPF paragraph 14 is engaged *if* development can be shown to be *sustainable*.
- 6.7 NPPF Paragraph 14 states that for decision making, the presumption in favour of sustainable development means:
- *"Approving development proposals that accord with the development plan without delay;&*
 - *Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:-*
- *any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted."*
- 6.8 In the context of the HUDP and the Council's acknowledged shortfall of housing land supply it is the second bullet point and the weighing of positive and negative impacts that is relevant in this case. The decision-taker must decide whether the development before them is representative of sustainable development having regard to the NPPF as a whole if the positive presumption is to be engaged.
- 6.9 Although not expressly defined, the NPPF refers to the three dimensions of sustainable development as being the economic, environmental and social dimensions.
- 6.10 The economic dimension encompasses the need to ensure that sufficient land is available in the right places at the right time in order to deliver sustainable economic growth. This includes the supply of housing land, which is further reinforced in Chapter 6 – Delivering a wide choice

of high quality homes. Paragraph 47 requires that local authorities allocate sufficient housing land to meet 5 years' worth of their requirement with an additional 5% buffer. Deliverable sites should also be identified for years 6-10 and 11-15. Paragraph 49 states:

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites."

- 6.11 The social dimension *also* refers to the need to ensure an appropriate supply of housing to meet present and future needs and this scheme contributes towards this requirement with a mix of open market and affordable units of various sizes. Fulfilment of the environmental role requires the protection and enhancement of our natural, built and historic environment; and, as part of this, helping to improve biodiversity.
- 6.12 In this instance officers consider that in terms of access to goods, services and employment opportunities the site is sustainably located within one of the largest villages in proximity to a main population centre (Leominster) whereas the delivery of 8 dwellings, including 35% affordable, and informal open space would contribute towards fulfilment of the economic and social roles. These are significant material considerations telling in favour of the development. In this case, it is the assessment of the development's approach to fulfilment of the environmental role, with specific reference to landscape character and the impact on the setting of a listed building that is critical.

Impact on landscape character, visual amenity and heritage assets

- 6.13 NPPF Paragraph 109 states that valued landscapes should be protected and enhanced. Paragraph 113 advises local authorities to set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. It goes further, however, and confirms that *'distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.'* Appeal decisions have also confirmed that although not containing the 'cost-benefit' analysis of the NPPF, policies LA2 (landscape character), and LA3 (setting of settlements) are broadly consistent with chapters 11 and 12 of the NPPF.
- 6.14 The key issue revolves around the contribution that the existing site makes to the amenity of this part of the village. The proposal retains hedgerow and trees on three sides together with the retention of hedgerow along part of the roadside boundary. The development will have an impact but this can be mitigated by the planting of trees on what is a site that currently has poor biodiversity value. Conditions will be imposed requiring the formulation of detailed planting and management proposals to ensure that an appropriate form of development is brought to fruition at the Reserved Matters stage.
- 6.15 The harm to landscape character is localised in an edge of village location that officers do not consider prejudicial to the character of the village.
- 6.16 The next issue relates to the setting of a heritage asset, the grade II listed Fir Tree Cottage to the west of the application and on the other side of the classified road. This roadside dwelling comprising stone work and black and white timber framing makes a significant contribution to the amenity of this part of the village. It is evident though given the proposal site is sufficient distance away from the western end of the site adjoining The Trug that new housing development will not be viewed together with the listed building; this is also given the fact that a buffer zone in the form of an orchard will be planted at the western end of the rectangular shaped site. This area of planting will provide visual break between the listed building and

proposal site. This will though be dependent upon a scheme being submitted at the detailed or reserved matters stage reflecting the local vernacular, this in accordance with the advice of the Conservation Manager (Historic Buildings) who raises no objection to the proposal. Therefore, the proposal accords with Policy HBA4 and Chapter 12 of the National Planning Policy Framework.

Transport

- 6.17 Whilst, the means of access is a reserved matter it needs to be assessed at this stage as regards the visibility achievable and the impact that the removal of hedgerow would have on the amenity of the site and its environs. The proposed access point as indicated on the submitted plan would provide the optimum level visibility achievable and will enable vehicles to enter and leave the classified road safely. Hedgerow will need to be removed along the roadside, this impact can though be mitigated by the planting of new hedgerow, which will be required to block off the existing field gate access close to the boundary with The Trug.
- 6.18 Parking provision can be improved upon, as recommended by the Transportation Manager and raised in representations received, together with the provision of secure cycle storage. Representations have been raised in relation to the number of vehicles that will be generated by the development, together with approved schemes in Stoke Prior. It is though considered that the road system, notwithstanding the narrowness of roads in the locality, can handle the additional traffic generated from what is a modest proposal site. It is noted that the Transportation Manager raises no objection.

Neighbourhood Plan

- 6.19 Representations are made primarily on the basis that it would be premature to determine this application whilst the Neighbourhood Plan is progressing albeit not for imminent adoption. Whilst it is acknowledged that were it possible it would be preferable for the community to direct development opportunities particularly given that Stoke Prior is identified as a larger village in the Core Strategy, nevertheless the National Planning Policy Framework has primacy over an emerging Neighbourhood Plan, as well as the HUDP and the Core Strategy which has not yet been the subject of public examination. Therefore, there are no planning grounds for not determining this proposal at this time.

Foul drainage

- 6.20 This is an issue raised in some representations particularly as regards potential contamination of the River Lugg via the Prill which will be utilised by this development. Notwithstanding, the bulk of representations are concerned about surface water run-off and flooding. There is sufficient land available for providing a sustainable foul drainage system that can be made the subject of a planning condition.

Surface water drainage

- 6.21 Surface water drainage will need to be provided such that the run-off rate including at storm time is consistent with the run-off for this greenfield site. This is feasible subject to conditions controlling the run-off rate.
- 6.22 It is evident that a lot of flooding occurs in the vicinity of the site from water flowing down the adjoining highway towards properties lower down in Stoke Prior and as such the built site should not exacerbate existing difficulties. Conditions would need though to be attached to any planning approval controlling surface water flows such that they do not join the classified road. Conditions could also control rain-water harvesting and the use of impermeable surfacing around the site.

- 6.23 Also the design of the attenuation pond can be made the subject of a planning condition in order to allay fears raised in representations relating to health and safety, in relation to young children. Therefore given the scale of development mitigation for run-off can be readily achieved.

Public Open Space

- 6.24 The proposed orchard could provide much needed informal public open space which is often at a premium in smaller settlements, this is a matter that can be determined within the ambit of the Section 106 agreement.

S106 contributions

- 6.25 The S106 draft Heads of Terms are in the process of completion. Community Infrastructure Levy (CIL) Regulation compliant contributions have been negotiated and are summarised as follows:

Contributions towards education, recreation and informal open space provision and transport improvements in the locality.

Education - £21,092

Parks and Recreation - £1,930 (on basis of 5 x 4 bedroom dwellings)

Transport - £16,960 (on basis of 5 x 4 bedroom dwellings)

- 6.26 The S106 will also include provisions to ensure 35% of the development meets the definition of affordable housing (3 units), together with requisite standards and eligibility criteria

Impact on adjoining residential amenity

- 6.27 There will be no adverse impact on the amenity of residents in the vicinity of the site in terms of overlooking given that the proposed development is well contained within the site and sufficient distance away from the nearest dwellings to the east and west of the site such that overlooking will not arise. This is a matter that will be further assessed at the reserved matters stage, in the event that planning approval is granted

- 6.28 Therefore, it is considered that there are no substantive grounds for resisting development. This is a matter more appropriately determined at the Reserved Matters stage. Good standards of amenity can be achieved in accordance with HUDP policy H13 and NPPF paragraph 12.

Conclusions

- 6.29 The Council cannot demonstrate a five-year supply of housing land with requisite buffer. The housing policies of the HUDP are thus out of date and the full weight of the NPPF is applicable. HUDP policies may be attributed weight according to their consistency with the NPPF; the greater the consistency, the greater the weight that may be accorded. The pursuit of sustainable development is a golden thread running through both plan-making and decision-taking and identifies three dimensions to sustainable development; the economic, social and environmental roles.

- 6.30 When considering the three indivisible dimensions of sustainable development as set out in the NPPF, officers consider that the scheme when considered as a whole is representative of sustainable development and that the presumption in favour of approval is engaged. The site lies close to the centre of the village, with access to a local school and bus service to Leominster. It is considered that the proposal is in broad accordance with the requirements of chapter 4 of the NPPF (Promoting sustainable travel).

- 6.31 More traffic will join the C1110 road, it is though capable of taking the increased traffic volume such that with the new access point the amenity of this part of the settlement can be mitigated with roadside hedgerow planting.
- 6.32 The means of foul and surface water drainage can be provided subject to conditions in relation to foul drainage provision and standard conditions in relation to surface water management. Surface water run-off from sites such as this can be managed, particularly given the relatively low density of development and the provision of an orchard area and attenuation.
- 6.33 The development of this site will not have an adverse impact on the setting of the listed building to the west of the site given the relationship between the heritage asset and development site.
- 6.34 This application can be determined in accordance with the provisions of the National Planning Policy Framework, notwithstanding work is progressing on the Neighbourhood Plan. The planning authority cannot stall determination until such time as the Neighbourhood Plan is adopted.
- 6.35 Officers conclude that there are no overriding landscape, highways and drainage issues or other matters that should lead towards refusal of the application and that any adverse impacts associated with granting planning permission are not considered to significantly and demonstrably outweigh the benefits. It is therefore recommended that planning permission be granted subject to the applicant first entering into a planning obligation securing contributions to education, sustainable transport measures and informal public open space provision together with the provision of affordable housing in perpetuity.

RECOMMENDATION

Subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any other further conditions considered necessary.

- 1. **A02 Time limit for submission of reserved matters (outline permission)**
- 2. **A03 Time limit for commencement (outline permission)**
- 3. **AO4 Approval of reserved matters**
- 4. **GO3 Retention of existing trees/hedgerows**
- 5. **G04 Protection of trees/hedgerows to be retained**
- 6. **G09 Details of boundary treatments**
- 7. **G10 Landscaping scheme**
- 8. **H03 Visibility splays**
- 9. **H08 Access closure**
- 10. **H11 Parking- estate development (more than one house)**
- 11. **H21 Wheel washing**

Further information on the subject of this report is available from Mr A Prior on 01432 261932

- 12. H29 Secure and covered cycle parking provision
- 13. I20 Scheme of surface water drainage
- 14. I21 Scheme of surface water regulation
- 15. I16 Restriction of hours during construction
- 16. I51 Details of slab levels

Informative:

- 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. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

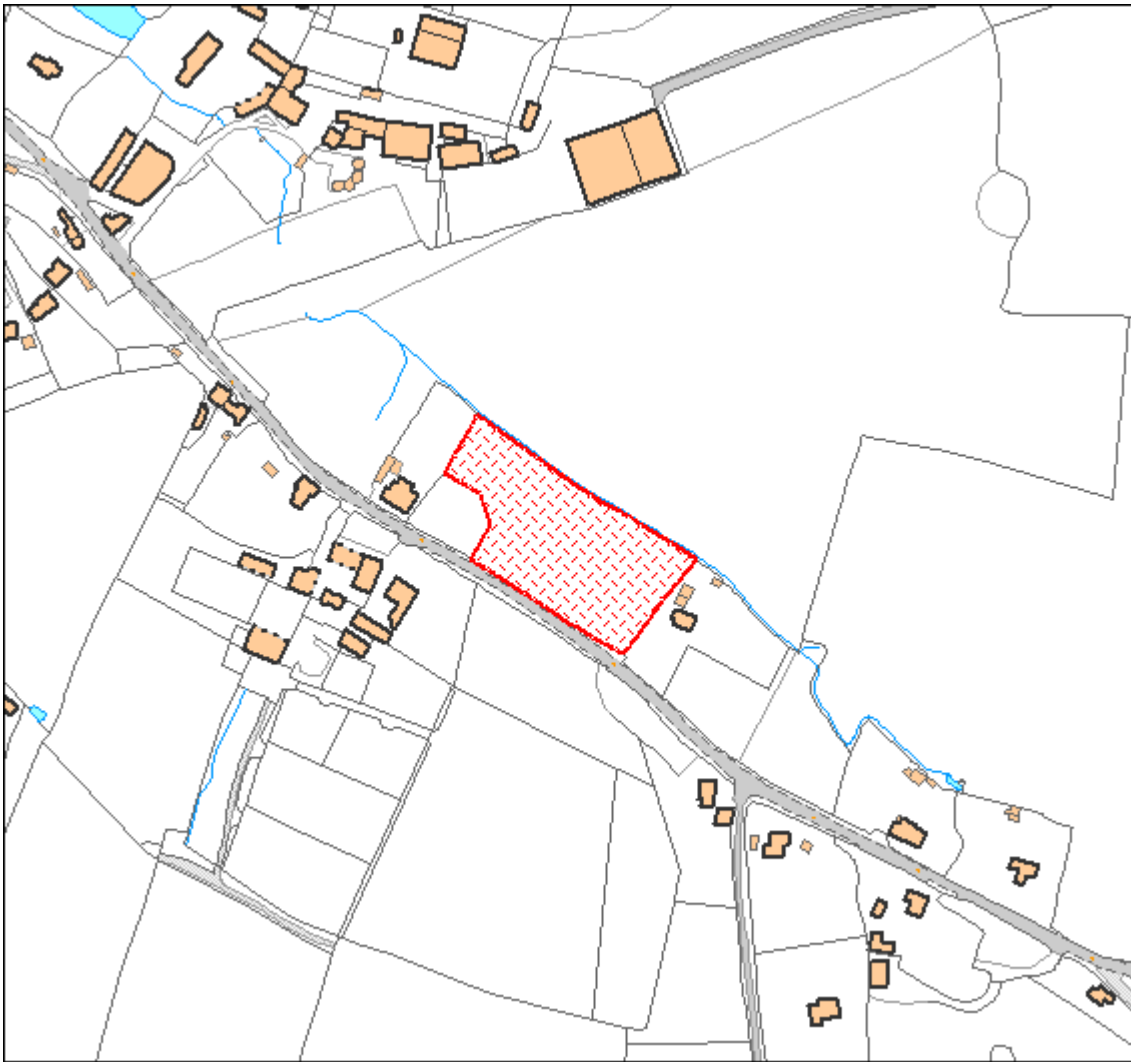
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 141849/O

SITE ADDRESS : LAND OPPOSITE OLD HALL, STOKE PRIOR, HEREFORDSHIRE, HR6 0LN

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Further information on the subject of this report is available from Mr A Prior on 01432 261932



MEETING:	PLANNING COMMITTEE
DATE:	21 JANUARY 2015
TITLE OF REPORT:	<p>S123177/F - ERECTION OF THREE STOREY SHELTERED ACCOMMODATION BLOCK WITH ASSOCIATED PARKING AND LANDSCAPING AT LAND EAST OF 20 BELMONT AVENUE, HEREFORD, HEREFORDSHIRE, HR2 7JQ</p> <p>For: West Mercia Housing Group per Quattro Design Architects Ltd, Imperial Chambers, Longsmith Street, Gloucester, Gloucestershire, GL1 2HT</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=123177&search=123177
Reason Application submitted to Committee – Land partly in Council Ownership	

Date Received: 9 November 2012 Ward: St Martins and Hinton Grid Ref: 350534,239190

Expiry Date: 25 February 2013

Local Members: Councillors ACR Chappell, R Preece and P Rone

1. Site Description and Proposal

- 1.1 The application site comprises a broadly rectangular parcel of land, approximately 0.1 hectare in size that lies to the north of Belmont Avenue, approximately 100m to the west of the junction with the A465 Belmont Road. The site is a fairly level, laid to hard surface and currently comprises a car park and row of garages to the east of the site. To the western boundary is the public Rights of Way (PROW) (HER63) leading from Belmont Avenue to Asda and Kindle Centre that lies to the north of the site. The surrounding residential properties are mainly two-storey, with either flat or pitched roofs. There is a mix of flats and dwellings.
- 1.2 The application is a fully detailed submission for the demolition of the garages and the erection of a three storey residential block incorporating 10 no. 1 bedroom flats, described as being sheltered accommodation. The building is sited in a linear form fronting the highway. Three car parking spaces are accommodated to the eastern side of the application site, with extensive landscaping to the front and side of the proposed building and an area suitable for growing vegetables to the north east. The rear (northern) boundary of the site with the Asda car park will be formed by a 1.8m metal security fence. The east boundary with 29 and 30 Belmont Avenue will be a 1.8m close board fence. The western boundary, adjacent to the Public Right of Way being formed by metal railings (1.8m high).
- 1.3 Internally, the ground floor is primarily communal facilities including kitchens, lounges, office/reception and laundry. There is one accessible flat to the west side of the ground floor. To the first floor there are five flats and the second floor accommodates a further four flats.

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

- 1.4 The proposed building is three storey, but uses the roof space and dormer windows in the front elevation. The building is described as having a contemporary design elevationally, whilst taking design cues from buildings in and around the site. The roofscape is varied and building elevations and footprint staggered to offer variation to the elevations. The building will be predominantly brick, with timber panelling and weatherboarding. The application submission has been amended during the course of the process to remove / omit the car parking provision within the highway verge to the south of Belmont Avenue.
- 1.5 The application is accompanied by a detailed planning statement, Ecological Appraisal and Flood Risk Assessment that has been updated through the application process.

2. Policies

2.1 National Planning Policy Framework

The following sections are of particular relevance:

- Introduction - Achieving sustainable development
- Section 6 - Delivering a wide choice of high quality homes
- Section 7 - Requiring good design
- Section 8 - Promoting healthy communities
- Section 10 - Meeting the challenge of climate change, flooding and coastal change

2.2 Herefordshire Unitary Development Plan

- S1 - Sustainable Development
- S2 - Development Requirements
- DR1 - Design
- DR2 - Land Use and Activity
- DR3 - Movement
- DR4 - Environment
- DR5 - Planning Obligations
- DR7 - Flood Risk
- H1 – Hereford and the Market Towns: settlement boundaries and established residential areas
- H13 - Sustainable Residential Design
- H14 – Re-using previously developed land and buildings
- T6 - Walking
- LA6 - Landscaping Schemes
- NC1 - Biodiversity and Development

2.3 Herefordshire Local Plan (Pre-publication Submission – May 2014)

- 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
- H1 - Affordable Housing – Thresholds and Targets
- H3 - Ensuring an Appropriate Range and Mix of Housing
- MT1 - Traffic Management, Highway Safety and Promoting Active Travel
- LD1 - Local Distinctiveness
- LD2 - Landscape and Townscape
- LD3 - Biodiversity and Geo-diversity
- SD1 - Sustainable Design and Energy Efficiency
- SD3 - Sustainable Water Management and Water Resources

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

- 2.4 The Unitary Development Plan 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/planning-and-building-control/planning-policy/unitary-development-plan>

3. Planning History

- 3.1 None relevant

4. Consultation Summary

Statutory Consultees

- 4.1 Environment Agency

Following the submission of an updated Flood Risk Assessment the Environment Agency has submitted the following comments (Sept 2014):

Having reviewed the updated Flood Risk Assessment (Ref:894, dated July 2014 v2.0) we are unable to remove our objection at this time as elements of the proposed development are deemed unsafe in line with both National and Local Policy Guidance.

Flood Risk: The existing car park falls within Flood Zone 3 (High Probability) of the River Wye but is in an area benefitting from the Hereford Flood Alleviation Scheme (FAS), which is built to a 1 in 200 year standard. The site is located approximately 115 metres behind the flood defences and relatively near to the edge of Flood Zone 3. The proposed use as sheltered accommodation would be classed as 'More Vulnerable' use in planning policy terms though occupants would be at greater risk within this category compared to standard residential dwellings. Rab Consultants have submitted an updated FRA which includes the Environment Agency's modelled River Wye flood levels and details on the flood defences. The undefended 1 in 100 year flood level is 52.47mAOD and the FRA suggests the lowest ground level on the site is 51.56mAOD. We have previously requested that a breach and overtopping analysis be undertaken so that the risk to the site in these circumstances is known. BWB have undertaken a 2D breach and overtopping analysis based on our 1D 2012 River Wye model to assess the risk to the site should either of these scenarios occur. We are satisfied with the assessment undertaken. BWB have confirmed that flooding on the site would be in the region of 1.63m deep at 53.20mAOD and that this would be classed as extreme flooding and in the 'Danger to All' risk category.

Flood Risk Assessment (FRA): In our responses of 29 January and 29 March 2013 (Our Ref: SV/2012/10675/01 and 02) we stated that 52.20mAOD was not a suitable floor level for this location. It is 270mm below the 1 in 100 year flood level, not including climate change impacts, and only just above the 1 in 50 year flood level. Based on BWB's breach and overtopping analysis, with a flood depth of 53.2mAOD, the ground floor would flood to 1 metre. We may accept this on a conversion of an existing building but not with a new build.

Section 5.2 of Rab Consultants' FRA states that it is not feasible to raise the floor levels higher than 52.20mAOD due to the proximity of adjacent buildings and links to the road. Whilst we accept that the site is defended, we naturally have concerns when new buildings could flood internally to 1 metre. Our main concern is the presence of Flat 1 of the sheltered accommodation being on the ground floor. We cannot support self contained ground floor accommodation on the ground floor of a new building which could flood to a metre. If it is not feasible to raise the ground floor levels as we have previously requested (600mm above the 1 in 100 year plus climate change level), the only solution would be to locate 'less vulnerable uses' on the ground floor i.e. storage, offices, meeting rooms, laundry etc. This would still allow 9 units within the development and the flood resilient techniques outlined in Section 5.2

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

of Rab Consultants' updated FRA incorporated to reduce damage to the ground floor in a breach or overtopping scenario.

As Herefordshire Council's Strategic Flood Risk Assessment (SFRA) states (Section 5.4.3), flood defences reduce the risk of flooding but do not eliminate risk completely and residual risk is relatively high behind flood defences. The SFRA confirms that the Sequential and Exception Tests would still apply to new development, assuming the absence of the defence. In this case, the floor level would not be satisfactory in an undefended scenario.

Flood Management and Evacuation Plan: We have to take into account the presence of the defences but, as the access route is not dry during a breach or overtopping scenario, a suitable and sound Flood Management and Evacuation Plan is key to ensuring a safe development, particularly given the use. Whilst we offer the flood warning service, we do not comment on or approve the adequacy of flood evacuation plans. We note from Section 5.3 of Rab Consultants updated FRA that discussions have already taken place with Herefordshire Council's Emergency Planning team who have advised on the plan. The information provided in BWB's breach and overtopping analysis (Annex B) is adequate to highlight the risk and allow the Emergency Planners to make an informed decision on potential risk should the management plan fail.

Whilst the site and access route is in a defended area, given the depths of flooding on the site and that it is classed as 'Danger for All' in terms of risk in a breach/overtopping scenario, we would await confirmation that the Emergency Planners have approved the Flood Management and Evacuation Plan. Herefordshire Council's SFRA confirms that permitted development behind defences must still meet safe criteria (listed in section 5.4.2 of the SFRA), taking into account breach and overtopping scenarios.

Flood storage Compensation: We agree with comments made in Section 5.1 of the updated FRA that flood storage compensation is not a key issue for the land given its size, location and the fact that it is located behind the Hereford FAS.

Summary: Whilst the site is defended from flooding from the River Wye by defences built to a 1 in 200 year standard, the defences do consist of demountable sections. The FRA contains a suitable breach and overtopping analysis which confirms that the site could flood to depths of 1.63m with internal flooding of 1 metre on the ground floor of the building at the proposed finished floor level (52.20mAOD). We would recommend to the LPA that either the floor level of the building is raised to a suitable level as per the SFRA recommendations and policies i.e. to prevent flooding assuming the defence did not exist or that Flat 1 is removed from the ground floor so that it contained less vulnerable uses only. Given the 'Danger to All' category of the site and the access/egress route, we seek confirmation that the Emergency Planners are satisfied that risk can be managed with the Flood Management Plan produced by Rab Consultants

Following meetings between the applicant and the Environment Agency a further response was submitted as follows:

I refer to a recent meeting between ourselves and consultants progressing the above development. Whilst the meeting of the 30 October 2014 was productive we are not in a position to remove our objection to the proposals. However I would offer the following comments for your consideration at this time

The issues remain as highlighted in our response dated 02 September 2014 (Our Ref: SV/2012/106705/03-L01). We recognise that the site is defended by the EA maintained Hereford Flood Alleviation Scheme which is recently constructed and should offer protection to the site. However, the proposals should be designed to ensure a safe development over its

lifetime should the defences breach or overtop i.e. by managing the residual risk. There are demountable sections of defences in Hereford which add to the risk of a breach.

As outline previously, of particular concern is the presence of Flat 1 on the ground floor of a new building which could flood internally to over a metre in depth. We suggested that the floor level be raised to 600mm above the 100 year plus climate change level but it was explained at the meeting that this was not feasible due to the need for a ramped access. The other alternative we proposed was to ensure the ground floor consisted only of Less Vulnerable uses but it was explained that the financial viability of the scheme relied on Flat 1 forming part of the proposals. The applicant is aware that we have no option but to maintain our objection on the low floor level with self contained More Vulnerable ground floor accommodation as we are not willing to set a precedent on allowing what we consider to be unsafe development behind defences.

We understand that discussions have been ongoing with your Emergency Planning team and that a Flood Management Plan has been agreed in principle. This would be required in terms of ensuring safe access/egress prior to the onset of flooding and evacuating occupants/vehicles from the site.

If you are minded to approve this application you may wish to include a condition for consideration by your Council in conjunction with your Emergency Planning Officer / Emergency Services:

Condition: Prior to the first occupation of the development, a Flood Evacuation Management Plan shall be submitted to and approved in writing by the LPA in consultation with the LA Emergency Planning Officer and Emergency Services. The Plan shall include full details of proposed awareness training and procedure for evacuation of persons and property (including vehicles), training of staff; and method and procedures for timed evacuation. It shall also include a commitment to retain and update the Plan and include a timescale for revision of the Plan.

Reason: To minimise the flood related danger to people in the flood risk area.

Informative: The Environment Agency recommends that in areas at risk of flooding, consideration be given to the incorporation into the design and construction of the development of flood proofing measures. These include removable barriers on building apertures such as doors and air bricks and providing electrical services into the building at a high level so that plugs are located above possible flood levels. Additional guidance, including information on kite marked flood protection products, can be found on the Environment Agency web site www.environment-agency.gov.uk under the 'Managing Flood Risk' heading in the 'Flood' section.

4.2 Welsh Water raise no objection subject to conditions.

Internal Consultation Responses

4.3 The Transportation Manager makes the following comments:

Parking provision is considered to be acceptable.

As the proposal results in the removal and reinstatement of two existing accesses and creation of a new access to the parking spaces, the crossings should be reinstated and the footway along the full frontage length of the development should be resurfaced at the applicant's expense upon completion of the development. Conditions are recommended.

- 4.4 The Housing Needs and Development Team fully supports the application for the sheltered housing scheme. The team have worked very closely with WM Housing as the application represents the discussions that have taken place.
- 4.5 The Conservation Manager (Historic Buildings) has no objections.
- 4.6 The Conservation Manager (Ecology) has no objection in principle to this application; however, I am concerned about the proposed parking bays. It would appear that some small trees are proposed for removal to allow for the re-alignment of the footpath. A condition for the planting of replacement trees should be imposed.

I also recommend a condition to secure the implementation of the recommendations in the ecological report by Betts Ecology dated February 2012

- 4.7 The Public Rights of Way Manager has no objections.
- 4.8 The Emergency Planning Officer has made the following comments:

Having reviewed the current Flood Evacuation Management Plan I am happy with its content but will ensure that it meets the standards set out in the EA condition before providing final written consent. This can be completed prior to occupation but after approval has been gained. Given the need for the site and the low level of risk presented I am happy for you to recommend approval and have no objections.

However, I believe strong consideration should be given to incorporating flood proofing measures into the building design. This is particularly important for fixtures like electrical services which would prove costly to move in the future.

5. Representations

- 5.1 Hereford City Council has raised no objection to the proposal.
- 5.2 Ten Letters of objection have been received that raise the following issues:
- Loss of parking space - The car park provides parking for those visiting the nearby sheltered housing, dentist, overflow parking for residents and users of Asda and Kindle centre.
 - There is already insufficient parking in the area with people parking on the corners and yellow lines. The omission of the 'additional parking' from the scheme has made the loss of parking worse. Residents of Belmont Square have no parking.
 - Highway safety – Belmont Avenue is a busy highway serving residential properties and Riverside School that has limited / no public parking.
 - (Concerns raised about diagonal parking and loss of amenity space and trees – this has now omitted from scheme)
 - Injustice to asset transfer when community value the car park.
 - New building has insufficient care parking so is not sustainable.
 - Building Height – There will be a loss of privacy and amenity from overlooking.
 - Three storey building is uncharacteristic of the area.
 - Concern about impact of building works on amenity and safety of children
 - Flood Risks – Whilst flood defended it still lies within a flood plain and this has been untested in a 1:200 flood event. The evacuation plan is flawed.
 - There are sequentially preferable sites that can be developed.
- 5.3 One letter of support has been received from Herefordshire Housing (also part owner of site).

- 5.4 The consultation responses can be viewed on the Council's website by using the following link:-
<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

- 6.1 The application falls to be considered having regard to the following key issues:

1. Principle of Development
2. Flood Risk
3. Design, Layout and Character of the Area
4. Impact upon Amenity
5. Highway Safety and Parking
6. Other matters

- 6.2 The application site lies within the urban settlement boundary of Hereford City, and as such policy H1 of the Herefordshire Unitary Development Plan would apply. This policy is supportive of residential development where compatible with the housing design and other relevant policies of the plan. The site lies within close proximity of the facilities and services offered by Hereford City and is considered to be in a sustainable location for residential development in accordance with the aims of the National Planning Policy Framework. The site is also previously developed land and as such, its re-use and re-development is encouraged within the National Planning Policy and policy H14 of the Herefordshire Unitary Development Plan.

- 6.3 The National Planning Policy Framework (paragraph 14) states that at the heart of the Framework is a presumption in favour of sustainable development that means, for decision taking, approving development proposals that accord with the development plan without delay. In this it is considered that the Unitary Development Plan policies relevant to this proposal are consistent with the guidance contained within the National Planning Policy Framework and as such significant weight can be attributed to these in the decision making process.

Flood Risk

- 6.4 The development site lies within Flood Zone 3 of the River Wye, but is defended against flooding during the 1 in 100 year flood event by the Hereford Flood Alleviation Scheme (FAS). There has been ongoing discussion with the Environment Agency and Council's Emergency Planning Officer during the course of the application process to try and address the objections detailed above in Section 4. Paragraph 103 of the NPPF advises that, when determining planning applications, Local Planning Authorities should ensure flood risk is not increased elsewhere as a consequence of the development proposed. It also requires that development is appropriately flood resilient and resistant, including safe access and escape routes where required. It also gives priority to the use of sustainable drainage systems. The HUDP is considered to be up to date with the NPPF with respect to flood risk as these objectives are reflected by the requirements of policy H7.
- 6.5 As detailed in section 4 above, the Environment Agency maintains their objection to the proposal on the basis that the site lies within an area that is 'flood defended' by the EA maintained Flood Alleviation Scheme but that there is a risk that these defences could overtop or breach in an extreme event or failure of the defences. If this occurred then there would be no safe dry pedestrian access from the site. As detailed in the Environment Agency response above, revisions to the plans to omit the ground floor flat or raise floor levels were explored by the applicant in order to address the objection. However, the quite significant increase in height of the building would not be acceptable in design terms and the loss of one flat would impact significantly on the viability of the scheme. The applicants, West Mercia Housing

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

Group, have also provided a detailed Flood Management Plan that details flood warning and evacuation procedures ensuring safe access/egress prior to the onset of flooding and evacuating occupants/vehicles from the site. The Council's Emergency Planning Manager has confirmed that these details are considered to be acceptable. With the flood warning data that is readily available from the EA and given the unit will have a facilities manager on site, the evacuation of the proposed building would occur in the event of a flood warning or severe flood warning being received.

- 6.6 Officers acknowledge that the proposal comprises highly vulnerable development within Flood Zone 3 and should not, having regard to the advice in NPPF, be permitted. This guidance, that is consistent with the Council's own policies carries significant weight and exceptions to this policy are very rarely justified. However, this guidance is just one of the material considerations that may form part of a planning judgement. In this case, careful and proper account of the risk and consequences of flooding to the development, including the management of residual risk, has been undertaken to the satisfaction of the Council's Emergency Planning Officer. The application is accompanied by a properly constructed FRA, and the development is adequately defended against flooding by the Hereford Flood Alleviation scheme. In the event of a breach or failure of the defence there would be a suitable and adequate flood management plan in place. The contents and review of this would be controlled by way of a suitably worded condition, as suggested by the Environment Agency. Construction of the building can be undertaken in such a way that can integrate flood mitigation measures and an informative note provides advice from the Environment Agency on these measures.
- 6.7 The important social role of the proposed development in providing this accommodation for the Housing Association can also be attributed significant weight in the determination of this application. It is confirmed by the Council's Housing Needs and Development Team that, they fully support this planning application for the housing scheme proposed and it is understood that this is a Council priority.
- 6.8 Both the NPPF and policy DR7 also require that a sequential test be undertaken. The NPPF is clear that inappropriate development should be avoided by directing development away from areas at high risk and confirms that local plans should apply a sequential, risk based approach to the location of development. The site has been chosen to meet a specific need of the housing association following a significant search for a suitable site for this project to meet its needs. The site is located wholly within the development boundary for Hereford and is in a sustainable location for residential development having good access to services, facilities and public transport. The proposed development therefore provides wider benefits to the community, by securing provision of housing for which there is an identified need on previously developed land in a sustainable location. These are priorities identified within the NPPF and Herefordshire Unitary Development Plan.
- 6.9 Members will also be aware of the Council's deficit in Housing Land supply and substantial weight needs to be given to the unmet need for additional housing in Herefordshire, both immediately and in the next five-years. This development would contribute to this housing need and meeting this need has been given significant weight in the NPPF in its presumption in favour of sustainable development.
- 6.10 On balance therefore, we consider that the social and economic benefits of this development, having been carefully considered in light of the flood risk and the management of this risk, would outweigh any rigid interpretation of the NPPF in this instance.

Design, Layout and Character of the Area

- 6.11 The siting and layout of the proposed development has been informed by consideration of its immediate surroundings, following the form and pattern of development in the street scene as

the highway bends. The introduction of a third storey has raised some local objection, but the design approach, utilising the roof space and dormers in the front elevation helps this transition. The site and its surroundings are seen in the context of the much larger Asda store to its rear. The palette of materials to be used would complement the existing range of materials in the area and provide a mix of contemporary and traditional.

- 6.12 Its siting within the site has also been carefully considered, set back so not to appear incongruous or overbearing on the street scene, and allowing for the provision of a meaningful belt of landscaping to the front and west of the site along the public footpath that helps to integrate the development into the area. The landscaping and boundary treatments proposed are fully detailed in the submission and a condition is recommended to ensure works are undertaken in accordance with the requirements of policy LA6 of the Unitary Development Plan.
- 6.13 It is therefore concluded that the proposed development would not appear out of keeping or character with the area and that the design would be appropriate in the context. As such the proposal would comply with the requirements of policies DR1, DR2 and H13 of the Unitary Development Plan and with the guidance contained within the National Planning Policy Framework.

Amenity

- 6.14 The proposed siting and design of the proposed building has been considered in its concept to ensure sufficient distances between the adjacent dwellings. The orientation of the building and use of obscure glazing to the windows in the side elevation (serving secondary or bathroom windows) will protect the amenities of the adjacent properties. The building's orientation and siting also ensure that it will not have an overbearing impact on private amenity space that serves adjoining properties. As such, the proposal would comply with the requirements of policies DR2 and H13 of the Herefordshire Unitary Development Plan.

Highway Safety and Parking

- 6.15 The existing car park and garages on the site would be lost to the development. This car park is used informally (there are no parking charges in place) by local residents, customers of Asda, local shops, Kindle centre and the nearby dentist. The garages are rented by Herefordshire Housing but notice has been served on current tenants. The development would be on 'previously developed land' in a sustainable location. The car park is informal and there are other public car parks in close proximity that could serve needs of local businesses for short term visits. The proposal initially included new provision of parking bays within the grassed 'verge / amenity' space to the north of Belmont Avenue. This proposal was met by objection from local residents and the Council's Transportation Manager due to concerns about highway safety, pedestrian safety, amenity and loss of trees and landscaping. This was subsequently removed from the scheme.
- 6.16 The proposed development makes provision for three off road car parking spaces to serve the development. Given the site's location with good access to services, facilities and public transport, this relatively low provision is considered to be acceptable in this instance and in accordance with the policies DR3 and H13 of the Herefordshire Unitary Development Plan. The Transportation Manager raises no objection and conditions are recommended as below. The proposal would have no impact on the adjacent Public Right of Way.

Other matters

- 6.17 The proposed development, having regard to its sustainable location and provision of sheltered accommodation in the form proposed, would not be liable for Section 106 contributions. Nor would there be any policy requirement for affordable housing provision,

although this development is a proposal by an affordable housing provider, meeting a direct and priority need of the Local Authority. It is not reasonable to control this through a section 106 agreement and there are other mechanisms through the sale of the site, that will control this provision going forward.

- 6.18 Welsh Water have raised no objection to this proposal and recommend conditions in respect of drainage and surface water management on the site as detailed below. The proposal would therefore comply with the requirements of policy DR4 of the Unitary Development Plan.

Conclusion

- 6.19 The site is located wholly within the development boundary for Hereford and is in a sustainable location for residential development having good access to services, facilities and public transport. The proposed development therefore provides wider benefits to the community, by securing provision of housing for which there is an identified need on previously developed land in a sustainable location in accordance with both the guidance contained within the National Planning Policy Framework and Herefordshire Unitary Development Plan policies S1 and H1. The proposed development has been carefully considered in respect of its design and layout in the context of its surroundings and it is concluded that this would comply with the requirements of policies DR1, DR2, H13 and H14 of the Unitary Development Plan. The key conflict lies with the sites location within Flood Zone 3 and the subsequent objection from the Environment Agency. However, the proposals comply with the Unitary Development Plan and National Planning Policy Framework in all other respects and officers conclude that the social and economic benefits of this development, having been carefully considered in light of the flood risk and the management of this risk, would outweigh any rigid interpretation of the NPPF in this instance. As such, the proposal is recommended for approval with the following conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. C01 Samples of external materials**
- 4. G11 Landscaping scheme - implementation**
- 5. G15 Landscape maintenance arrangements**
- 6. H06 Vehicular access construction**
- 7. H08 Access closure**
- 8. H13 Access, turning area and parking**
- 9. I51 Details of slab levels**
- 10. L01 Foul/surface water drainage**
- 11. L03 No drainage run-off to public system**
- 12. Surface water discharges shall only be permitted to discharge to the public ombined sewerage system at an attenuated rate of 3 litres per second using a**

suitable flow control device.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment in accordance with the requirements of policy DR4 of the Herefordshire Unitary Development Plan and guidance contained within the National Planning Policy Framework.

13. Prior to the first occupation of the development, a Flood Evacuation Management Plan shall be submitted to and approved in writing by the LPA in consultation with the LA Emergency Planning Officer and Emergency Services. The Plan shall include full details of proposed awareness training and procedure for evacuation of persons and property (including vehicles), training of staff; and method and procedures for timed evacuation. It shall also include a commitment to retain and update the Plan and include a timescale for revision of the Plan.

Reason: To minimise the flood related danger to people in the flood risk area in accordance with the requirements of policy DR7 of the Herefordshire Unitary Development Plan.

14. I16 Restriction of hours during construction

15. F17 – Obscure windows to side elevations

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 proposed development site is crossed by a 225mm public combined sewer with the approximate position detailed on the Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3m either side of the centre line of the public sewer.
3. The Environment Agency recommends that in areas at risk of flooding, consideration be given to the incorporation into the design and construction of the development of flood proofing measures. These include removable barriers on building apertures such as doors and air bricks and providing electrical services into the building at a high level so that plugs are located above possible flood levels. Additional guidance, including information on kite marked flood protection products, can be found on the Environment Agency web site www.environment-agency.gov.uk under the 'Managing Flood Risk' heading in the 'Flood' section.
4. HN07 Section 278 Agreement

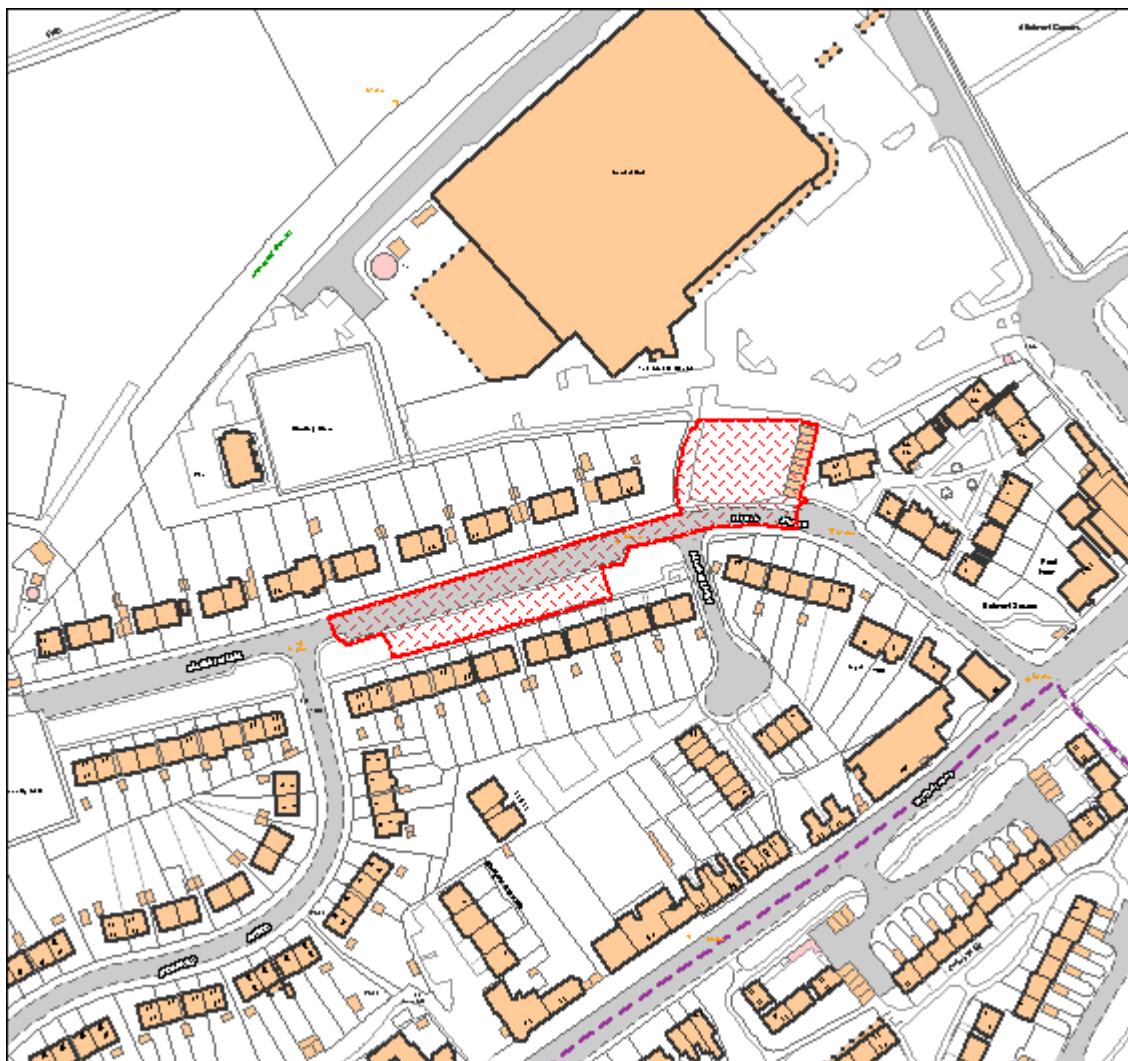
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 123177/F

SITE ADDRESS : LAND EAST OF 20 BELMONT AVENUE, HEREFORD, HEREFORDSHIRE, HR2 7JQ

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Further information on the subject of this report is available from Ms K Gibbons on 01432 261781



MEETING:	PLANNING COMMITTEE
DATE:	21 JANUARY 2015
TITLE OF REPORT:	<p>P141901/N - PROPOSED AGRICULTURAL ANAEROBIC DIGESTER (AD) PLANT FOR FARM DIVERSIFICATION AND PRODUCTION OF RENEWABLE ENERGY AT WALL END FARM, MONKLAND, LEOMINSTER, HR6 9DE</p> <p>For: Mr Bengough per Berrys, Willow House East, Shrewsbury Business Park, Shrewsbury, Shropshire, SY2 6LG</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=141901&search=141901
Reason Application submitted to Committee – Re-direction	

Date Received: 25 June 2014

**Ward: Golden Cross
with Weobley**

Grid Ref: 344747,257756

Expiry Date: 24 September 2014

Local Member: Councillor MJ K Cooper

1. Site Description and Proposal

- 1.1 Wall End Farm lies on the western edge of the village of Monkland, approximately 3 kilometres south-west of Leominster along the A44 road. The farm comprises 900 acres (364.2 hectares) of which approximately 400 acres (161.8 hectares) are let out on long-term rentals. Within the main farmyard complex there are tenanted residential barn conversions understood to be in the applicant's ownership. A grade II listed house lies 150 metres south of the site. Access to the farmyard is via a private lane from the north via the UC93001 road which forms a triangle between the A44 and the A4110 roads, also leading eastwards to Monkland Common. A southern access links the farm, cottages and barns direct to the A44. The application site occupies arable land adjoining the farmyard.
- 1.2 The proposal is to install an on-farm anaerobic digester plant as farm diversification. The development would comprise: a digester tank 25m diameter x 7m height with a domed gas membrane top rising to a maximum height of 12.5m; flat-topped digestate storage tank 25m diameter x 7m height; pasteurisation tank 7m diameter x 4m height; slurry/buffer tank 9m diameter x 4m height, feedstock shed 20m x 20m x 6m to eaves and 8.5m to ridge; feedstock clamp (three bays, each 40m x 20m x 3m high sides); standard ancillary equipment – combined heat and power (CHP) unit, feeder hoppers, separator, contingency flare, transformer/substation/control kiosk, internal hard-standings and roadways.

Further information on the subject of this report is available from Mrs D Klein on 01432 260136

2. Policies

2.1 National Policy

- National Planning Policy Framework (NPPF), with particular reference to paragraphs 6-17; sections 1, 3, 4, 10, 11 and 12; paragraphs 186-206
- National Planning Practice Guidance (NPPG)
- National Planning Policy for Waste (NPPW) [DCLG October 2014]

2.2 Herefordshire Unitary Development Plan

S1	-	Sustainable development
S2	-	Development requirements
S6	-	Transport
S7	-	Natural and historic heritage
S11	-	Community facilities and services
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
DR7	-	Flood risk
DR9	-	Air quality
DR13	-	Noise
DR14	-	Lighting
E12	-	Farm diversification
T6	-	Walking
T8	-	Road hierarchy
LA2	-	Landscape character
LA5	-	Protection of trees, woodlands and hedgerows
LA6	-	Landscaping schemes
NC1	-	Biodiversity and development
NC8	-	Habitat creation, restoration and enhancement
HBA4	-	Setting of listed buildings
ARCH1	-	Archaeological assessments and field evaluations
CF4	-	Renewable energy

2.3 Draft Revised Core Strategy

SS1	-	Presumption in favour of sustainable development
SS4	-	Movement and transportation
SS6	-	Environmental quality and local distinctiveness
LD1	-	Landscape and townscape
LD2	-	Biodiversity and geodiversity
LD4	-	Historic environment and heritage assets
SC1	-	Social and community facilities
SD2	-	Renewable and low carbon energy

2.4 Legislation and other Government Guidance

Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (the EIA Regs)

UK Renewable Energy Strategy (2009)

Anaerobic Digestion Strategy and Action Plan (DoE/DECC 2011)

UK Biomass Strategy (Defra/Dti/DfT 2007)

Further information on the subject of this report is available from Mrs D Klein on 01432 260136

Environment Agency Position Statement on Anaerobic Digestion of Manure and Slurry, 2010
www.biogas-info.co.uk – Information portal on AD (Defra/DECC)
Natural Environment and Rural Communities Act 2006 (NERC Act)
Conservation of Species and Habitats Regulations 2010 Amended 2012

- 2.5 The Unitary Development Plan 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/planning-and-building-control/planning-policy/unitary-development-plan>

3. Planning History

- 3.1 None on the site; planning permission reference 113227/F, for solar panels on an adjoining barn, was approved on 12 December 2011.

4. Consultation Summary

Statutory Consultees

- 4.1 Environment Agency: Initial 'holding objection' pending additional information on groundwater protection, local private water supplies, odour, noise, dust, surface water management. The plant would be subject to Environmental Permitting which would regulate most of the above points. Subsequent comments were provided on receipt of additional information from the applicant. The Agency has no objection and no conditions are required. Further advice also given.

Internal Consultees

- 4.2 Transportation Manager: First response: No objection; the U93001 is narrow but is lightly trafficked and able to cope with the extra use. Not all the traffic generated would need to use the lane. Second response, following local objections and additional information submitted by the applicant, confirms the 'no objection' position and states that the proposal is acceptable in highway terms. The local highway network has sufficient capacity to absorb the additional traffic. Sufficient informal passing places exist along the U930002 to allow vehicles to pass. Third response on request suggests that informal passing places should be metalled and brought up to standard via a Section 278 agreement.
- 4.3 Public Rights of Way Officer: No objection.
- 4.4 Conservation Manager (Ecology): The submitted ecology report (Turnstone, June 2014) covers the relevant aspects. Its findings and recommendations are accepted. A condition is recommended to secure biodiversity enhancement.
- Habitats Regulations Assessment screening: The pollution risk is low and the site is a considerable distance from the River Lugg SSSI and the River Wye SAC. No Likely Significant Effects.
- 4.5 Drainage Manager: No objection on flood risk and surface water management grounds. Some questions raised due to a lack of information provided; in particular regarding the access from the north which is in a higher flood risk zone. On receipt of further information, no significant concerns: pre-commencement conditions recommended to address any outstanding matters. This includes provision of a Sustainable Drainage Scheme (SuDS) surface water management plan. The applicant should demonstrate how effects from climate change, e.g. increased flood risk and flood contingency plans would be addressed.

Further information on the subject of this report is available from Mrs D Klein on 01432 260136

- 4.6 Conservation Manager (Archaeology): The archaeological potential is low; no concerns or requirements.
- 4.7 Conservation Manager (Historic Buildings): The site lies to the north of a 17th Century timber-framed house. The development could affect the setting but is viewed in the context of existing agricultural buildings and uses nearby. The impact could be mitigated by landscaping and planting. No objection.
- 4.8 Environmental Health Manager : No adverse comments. The proposal's operation is subject to Environment Agency control.

5. Representations

- 5.1 Monkland and Stretford Parish Council first response: Recommend approval but would nevertheless like to record local concerns about the volume of traffic that would be generated, after a 'huge turnout' at a recent parish council meeting. The local lanes are narrow and are used by local people for walking and riding. Concerns also raised about speed, congestion, damage to the highway by farm vehicles, potential odour nuisance from storage or poultry manure, possible noise issues, visual impact, lack of benefit to the community.
- 5.2 Further representation from the Parish Council, following submission of an additional Traffic Statement by the applicant. This questions the volumes of manure being spread and the capacity of the land to accept 8,500 tonnes of solid and liquid digestate on 200 acres which are subject to flooding. The existing passing places on the unclassified lane are un-metalled, and too small to accommodate a tractor and trailer. The lanes are not wide enough to accommodate the size of vehicle needed to be used to transport material to and from the AD and would pose a hazard to the safety of other road users. The low traffic movement numbers given and the means of calculation are questionable. Fears raised about aggressive driving by contractors, with concerns that any Traffic Management Plan would not be adhered to. A site visit is requested.
- 5.3 Thirteen representations have been received from members of the public. The points raised are summarised as follows:
- All respondents concerned about traffic volumes and the use of the minor road (U93001) to the A4110;
 - The passing places along the lane are not metalled and one is a ford;
 - Concerns about the condition of the road (potholes)
 - Preference for using the existing access south, directly onto the A44;
 - Suggestions for using one of two other existing tracks to the A44 to the west;
 - Concerns about agricultural vehicles using the road across Monkland Common to the east, including damage to verges, speeding and aggressive driving;
 - Concerns about noise and odours from the plant and the storage/movement of the feedstock and digestate;
 - Concerns about the viability of the stated volumes of digestate to be used on the land as fertiliser on land which floods.
- 5.4 The consultation responses can be viewed on the Council's website by using the following link:-
<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

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

Community engagement:

6.1 The applicant attended a Parish Council meeting on July 15th 2014, giving a short presentation about the project and being on hand to answer questions. In response to concerns expressed, a second public meeting was held by the Parish Council on 8th September 2014. This was reported as a heated debate, with the following concerns being aired:

- a) Fears that the AD plant would smell;
- b) Criticisms about the Parish Council's initial recommendation for approval whilst reporting the local concerns;
- c) Concerns about traffic. General preference for the southern route to the A44 to be used by traffic relating to the plant. Comments about aggressive driving by farm contractors

6.2 Constraints:

- Flood risk: zone 1 (low risk) on site. Zones 2 and 3 to north of site, relating to Moor Brook and the Arrow valley;
- Within the wider area for initial HRA Screening
- Grade II listed building 150 metres to south of the site

Appraisal:

Policy context and Sustainability

6.3 The National Planning Policy Framework (NPPF) carries most weight. Defra and DECC guidance recognises farm-scale anaerobic digesters (AD plants) as sustainable development for renewable energy, and the principle meets the NPPF definition of this term. Government supports AD renewable energy options in terms of strategy, funding and farm diversification. The National Planning Policy on Waste 2014 (NPPW) supports AD in its potential to process/re-use materials otherwise classified as 'waste'.

6.4 The NPPF offers general support, but also protects local amenity and ensures environmental control. Farm-based AD plants are operationally regulated by the Environment Agency (EA) through Environmental Permitting Regulations, rather than through the planning system. Section 10 of the NPPF makes it clear that the 'delivery of low-carbon energy and associated infrastructure' is central to the principles of sustainable development and the need to tackle climate change. Other relevant parts include Section 3 on rural economic growth, and Section 11 which requires conservation and enhancement of the natural environment, heritage and biodiversity. AD plants can assist farming's market economy through farm diversification, supporting rural business and maximising employment opportunities in the countryside.

6.5 The relevant policies in the Herefordshire Unitary Development Plan (UDP) remain in force where they accord with the NPPF, until adoption of the emerging Core Strategy. The Revised Draft Core strategy is at an early stage of the final adoption process. Relevant policies are identified for reference but carry little weight at present. However, the policy considerations for this proposal do not conflict with them.

Environmental Impact Assessment

6.6 Anaerobic digestion/electricity generation falls within the scope of the Environmental Impact Assessment (EIA) Regulations. This proposal is just within the threshold for site area but below any thresholds for energy output. It is not in a Sensitive Area (as defined). A Screening Opinion has been issued to the effect that EIA is not required.

Principle of the development and sustainability

- 6.7 Anaerobic digestion (AD) harnesses bacteria to treat biodegradable materials ('feedstock'), producing biogas which is used (a) to generate renewable electricity and heat, and (b) to minimise farm effluent impacts. Residual CO₂ is considered 'carbon neutral', and both liquid and solid final residue (digestate) may be used as fertiliser which is less prone to toxicity than raw effluent and is virtually odourless. This can assist with Nitrate Vulnerable Zone (NVZ) requirements, and represents financial and environmental savings by reducing deliveries of purchased chemical fertilisers, which use finite resources. This proposal would generate up to 499kWe/hr output, to be directed to the grid. Defra calculations suggest this equates to the demand of over 1,000 households. Heat would also be generated, part of which would be used to maintain optimum temperature within the plant, but surplus could potentially heat nearby properties. Collectively, on-farm AD plants can contribute to reducing direct and indirect energy demand by agriculture, releasing power for other users. In principle, farm AD plants are supported by all relevant local and national policies. Debate about the use and transport of crops for this purpose continues, but the planning system has limited powers to restrict legitimate activities.
- 6.8 The Environment Agency may classify farm effluent/manure as 'waste' when it is moved between farm holdings for certain purposes. For consistency, all AD applications are therefore considered as 'waste' applications, to ensure all relevant factors are fully considered. Government funding and policy support sees farm AD as a viable renewable energy option with a variety of benefits, also supported in particular by UDP policies S1, S2, and CF4.

Operational and siting arrangements

- 6.9 Maximum annual input (feedstock) to the digester unit as proposed would be 10,000 tonnes comprising 3,600 tonnes of maize, 1,900 tonnes of grain whole-crop, 2,600 tonnes of fodder beet and 1,900 tonnes of poultry litter. Half the crops would be grown on 200 acres (81 hectares) within the farm and the other half sourced locally. Poultry litter for fertiliser spreading is already brought to the farm from a local enterprise. This would be stored within the proposed feedstock shed to reduce odour. Crops would be stored in clamps covered with plastic, to maintain quality and prevent dust.
- 6.10 The feeder wagon would also be housed within the feedstock shed. This is a mixer bin, which would be filled each day for 2-3 hours by a JCB. Mixed feedstock travels direct to the main tank. After processing, digested material would go through the separator to produce liquid digestate (to be tanked) and a dry solid material which is virtually odourless. Both elements are valuable fertilisers, reducing the demand for chemical fertilisers. The applicant has secured agreement from Western Power that suitable grid connection and capacity are available. The proposal supports sections 1 and 3 of the NPPF and helps meet the climate change targets outlined in section 10.

Transport and highways

- 6.11 Traffic and roads are key matters of concern for objectors and the points raised have been considered carefully. The Transportation Manager states that the U93001 is a lightly trafficked road with some informal passing places, which has the capacity to take the movements outlined in the application. If the proposal were to utilise the alternative southern access this would involve negotiating an un-metalled track through the working farmyard and two 'dog-leg' turns, potentially conflicting with residents and others using the track. HGVs are already required to avoid this direct access to the A44. By contrast the northern farm access is metalled, straight, and does not pass any dwellings to reach the site. Following initial objections from residents, a further Traffic Statement was received from the applicant, which explains in more detail the pattern of existing farm traffic movements. These are stated to be 6,625 tonnes of harvested maize and beet, plus importation of 1,900 tonnes of poultry manure used as fertiliser. This currently gives rise to just under 570 trailer-loads, doubled for any empty returns. Proposals for the AD plant would alter the cropping regime,

reducing the on-farm crop tonnage by over 1,000 and load movements by 72. However, an additional 4,050 tonnes of crops would be imported from other farms, annually generating 370 trailer-loads. A further 300 trailers of digestate would be moved out for fertiliser spreading within the farm-holding and to other farms. Not all these movements would affect the highways, however.

- 6.12 The report concludes that, overall, there would be just under 600 additional trailer-loads per year. The movements (as now) would involve seasonal peaks in late summer/autumn to coincide with harvesting, whilst digestate movement would be spread evenly across the period. However, these are gross figures. Some material would not be transported on the highway at all, since it would be taken direct to or from fields within the holding. The applicant proposes to use the northern access, via the U93001 and A4110 for all movements, so as to avoid passing residential properties and because the access to the A44 is not up to HGV standard.
- 6.13 The Transportation Manager has visited the site and confirms that *'the proposal is acceptable in highway terms. Whilst the proposal would generate more traffic, the local highway network has sufficient capacity to absorb it. Sufficient passing places exist along the lane (U93001) towards the A4110 to allow vehicles to pass without long delays'*. Compliance could be secured through a requirement for a Traffic Management Plan. Although not put forward as essential works, beneficial improvements could be achieved if the informal passing places were surface and upgraded to full highway standard through a section 278 agreement. The Transportation Manager has no objections, considering the U93001 to be capable of accommodating the extra farm traffic in accordance with UDP policies DR3 and T8, and the requirements in section 4 of the NPPF.

Public Rights of Way.

- 6.14 The proposal site does not directly affect any right of way, and the Public Rights of Way officer has not raised any objections. However, public footpath MK9 uses parts of the farm access from the north although not through the farm itself. Officers consider that with regard to the public footpaths the northern access is preferable, and its use can meet UDP policy T6.

Flood risk

- 6.15 The site is within flood zone 1 (low risk; suitable for any development, AD plants are classed as 'less vulnerable' development). However the Moor Brook lies immediately north of the U93001, and the River Arrow is 800 metres away at its closest point. The site is not within 100 metres of either watercourse. The overall site area is 0.8 hectare and a Flood Risk Assessment (FRA) is not required. The Drainage Advisor has no objections, but draws attention to a lack of information in the application. However she is confident that the proposal is capable of compliance and so recommends pre-commencement planning conditions to secure the necessary drainage detail. The Environment Agency has accepted the submission and has no objections or requirements on flood risk or drainage. Officers therefore conclude that the requirements of UDP policy DR7 and section 10 of the NPPF can be met.

Environmental Considerations

- 6.16 AD plants are regulated by the Environment Agency through an Environmental Permit (EP), without which operations cannot proceed. Although material considerations for planning, it is accepted that the environmental management aspects are controlled by other legislation and agencies. The Environment Agency initially imposed a 'holding objection', pending further information being provided to demonstrate whether the proposal could be granted the EP. The applicant's agent submitted the necessary detail and the Environment Agency has no objections, with no further requirements. Officers consider there is no reason why the proposal could not be compliant, and a planning condition could secure the commitments in the Supplementary Report (Berrys, October 2014).

(a) Air quality, odour

- 6.17 The AD plant is sealed and does not give off any odours or emissions. The application confirms that manure storage and feedstock mixing would take place within the building to contain odours. Crops and silage would be securely sheeted in accordance with good farming practices to prevent odour or dust nuisance. Digestate is comparatively odour-free as the ammonia will have been largely removed by the process. Final exhaust from the CHP unit would be scrubbed to the required and permitted standards. Officers consider the proposal can meet UDP policies S2, DR4, and DR7. Management of these aspects would fall under the control of the Environment Agency.

(b) Noise

- 6.18 The AD process is not noisy. The Combined Heat and Power (CHP) unit would be required to be fully enclosed and/or insulated within its housing. Pumps and stirrers would be submerged. Vehicle movements and various operations would generate some noise but these would be comparable to existing normal agricultural activities. Additional noise nuisance or conflicts with UDP policy DR13 are unlikely.

(c) Permitting

- 6.19 The Environment Agency has confirmed without prejudice that a 'Standard Rules Permit' (SRP) would be appropriate. This would include noise, odour and materials management, but AD plants are recognised as 'low-emissions' development generally. The SRP would regulate general site management, permitted activities, materials for digestion, emissions and monitoring. The Permit would also safeguard local groundwater and water supplies. The Environment Agency (EA) and the Head of Environmental Health and Trading Standards (EHO) have not raised any concerns regarding the above matters. In comparison with current manure-spreading practices it is accepted there would be a net air quality benefit and no conflict with UDP policies DR4 and DR9.

(d) Pollution prevention

- 6.20 The Permit would be the main regulator to prevent pollution. Secondary containment would be provided to an appropriate standard (CIRIA 736 July 2014) The Environment Agency has offered no objections, and has provided detailed advice for the applicant in relation to the EP process. The Head of Environmental Health and Trading Standards has not objected. An EA Briefing Note on AD (December 2008) regards imported agricultural manure and slurry as 'waste' where they are destined for AD. However, this classification is under regular review, and final residue (digestate) can be 'non-waste' if it is to be spread direct to ground as fertiliser within the same farm. These factors are technical but carry weight. The AD process itself helps pollution prevention because it can destroy pathogens and weed seeds, significantly reduces build-up of chemical fertiliser residues and prevents the uncontrolled release of methane to atmosphere. The proposal is considered capable of compliance for EP purposes and for meeting UDP policies S2, DR4, DR9 and DR10. Matters relating to fertiliser, manure and digestate spreading are governed by Defra and not through the planning system.

Landscape, visual impact

- 6.21 The Landscape Character of the proposal site is 'Principal Timbered Farmlands', typified by rolling lowlands and occasional hills. They are dominated by agriculture viewed through hedgerow trees. Loss of such trees and hedgerows is regarded as a threat to this character. Immediately to the north of the site the character changes to Riverside Meadows, associated with the Arrow valley. Annual flooding is a key factor here. Proposals for development offer opportunities to secure landscape improvements. In this case, there is a potential for new tree planting, to provide screening which would also preserve the setting of the listed property to the south. AD plants are visually similar to other familiar farm installations such

as tanks, silos and buildings. The domed gas top to one tank is the main visual change. Overall, the landscape impact is relatively low risk in the context of a working farmyard. A planting scheme which also provides biodiversity enhancement may be secured through a planning condition to meet UDP policies LA2, NC1, NC8, LA5 and LA6 and section 11 of the NPPF.

Ecology

- 6.22 The application site is not subject to any identified ecological constraints. The Senior Ecologist has no objections, and has accepted the submitted report from Turnstone Ecology, considering that it covers the relevant areas and proposes acceptable recommendations.

The National Planning Policy Framework 2012 states that *“The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity wherever possible”*. It goes on to state that *“when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity”* and *“opportunities to incorporate biodiversity in and around developments should be encouraged”*.

- 6.23 A condition to secure biodiversity enhancement is recommended, in order to meet these requirements and accord with UDP policies S7, NC1 and NC8, and section 11 of the NPPF. The scheme should complement the landscaping requirements outlined above.

Historic Buildings

- 6.24 The proposal falls within the wider setting of a grade II listed, late 17th century timber framed house approximately 150 metres south of the application site. The application identifies that vegetation and planting will provide effective screening. Officers accept that the listed building forms part of an established working agricultural landscape. The development would alter the setting of the listed house but this is in line with evolving agricultural uses and traditions across the local area. The impact on the setting of the listed house would be mitigated through associated landscaping and planting works and the Conservation Manager raises no objection. No objection is raised to the principle of development; nor any conflict with UDP policy HBA4 or section 12 of the NPPF.

Archaeology

- 6.25 The Conservation Manager(Archaeology) considers that the site is a good choice. It has already been subject to agricultural disturbance, and is well away from local heritage assets. The archaeological potential is low and there are no objections and no further requirements. No conflict with UDP policies S7 and ARCH1 or section 12 of the NPPF.

Conclusion

- 6.26 The proposal has been considered in terms of its own merits and in the context of the wider area having regard for sustainability. Objectors have commented in detail on farming practices, but the planning system cannot dictate what crops are grown or where, as this falls outside planning considerations and is subject to market forces.
- 6.27 In this case, the proposal is a small-scale digester (up to 500 kW), which would be capable of blending into the existing agricultural character of the immediate locality. There are positive opportunities: the contribution to renewable energy production; co-operation between local farmers; support for the rural economy generally through continued farm viability; possible improvements to the passing places; and potential landscape and biodiversity enhancement. Central government advice takes a positive view of the wider implications and favours sustainable development. The plant would be regulated by the Environment Agency through a permit, and is considered capable of compliance with the necessary standards. The Transportation Manager has considered the case carefully and has not objected; neither has the Conservation Manager. The application is therefore recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **A01 (C01)**
2. **B01 (C06)**
 - SA 16469/01 Proposed site layout
 - SA 16469/02 Proposed elevations
 - SA 16409/05 Site location plan
 - Details in the submitted 'Supplementary Information report (Berrys October 2014)
- 3 **Before the development hereby permitted begins a Traffic Management Plan (TMP) with respect to the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The TMP shall include the following in particular:**
 - a) **A brief overview of the transport implications of the development;**
 - b) **proposals to minimise conflict with other road users and damage to the highway and verges;**
 - c) **Proposals for improving and surfacing specified passing bays on the U93001 where the land falls within the applicant's ownership or control, subject to Highways Authority specifications;**
 - d) **measures to ensure that contractors and others in the applicants employ are aware of and comply with the details in the approved scheme;**
 - e) **Provision for a complaints procedure, for a named supervisor to record and address any substantiated problems specifically arising from this development.**

The TMP shall be implemented as approved.

Reason: To ensure a satisfactory form of development in the interests of local amenity and to comply with policies S2, DR1, Dr3, T6 and T8 of the Herefordshire Unitary Development Plan and the requirements of the National Planning Policy Framework with reference to Section 4.

4. **Before the development hereby permitted begins, a landscaping, biodiversity and habitat enhancement scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall confirm adherence to the recommendations in the submitted Ecological Assessment Report (Turnstone, June 2014) and shall also include the following in particular:**
 - a) **A survey plan showing the site and all existing trees and hedges around it, together with an indication of which are to be retained and which are to be removed;**
 - b) **For any tree or hedge that is to be retained, a Tree Protection Plan to comply with the recommendations in BS5847:2012 'Trees in relation to Design, Demolition and Construction'**
 - c) **Annotated plan to a scale of 1:500 showing the layout of proposed tree, hedge and shrub planting, grassed and/or wildflower seeding areas ;**
 - d) **Detailed written specifications comprising a native wildflower seeding mix and provision for standard trees and hedgerow planting of native species to an approved mix;**

- e) **Written specifications clearly describing the sizes, densities and planting/seeding numbers and giving details of cultivation and other operations associated with plant and grass establishment;**
- f) **Identification of target species to be encouraged and suitable habitats to be created and incorporated into the landscape design;**
- g) **The appointment of a suitably qualified and experienced named person to oversee implementation of the scheme as Ecological Clerk of Works**

Reason: To safeguard the amenity of the area , to conserve and enhance biodiversity and to ensure compliance with Policies LA5, LA6, NC1, NC8 and NC9 of the Herefordshire Unitary Development Plan, the requirements of the NPPF with particular reference to section 11, and the NERC Act 2006.

5. G11 [C97] (implementation of landscape and habitat creation scheme)

6. Before the development hereby permitted begins, a site drainage scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include the following in particular:

- a) **Overview of drainage methodology, including infiltration testing methods and results; confirmation that the impacts of climate change have been incorporated into the calculations and appropriate mitigation proposed; confirmation that any changes to surface water run-off arising from the development will not adversely affect people and property elsewhere; and flood event safety precautions for a 1 in 100 year event;**
- b) **Confirmation that the groundwater table base is in excess of 1 metre below the base of any proposed soakaways;**
- c) **A large-scale plan showing all roof and surface ‘clean’ water drainage arrangements including any rainwater harvesting proposals, permeable and impermeable surfaces, swales or water storage (Sustainable Drainage Scheme [SuDS]) to meet the draft National Standards for Sustainable Drainage;**
- d) **A large-scale plan showing drainage arrangements for lightly contaminated and dirty water; Supporting Method Statement detailing how site drainage will be managed and maintained.**

The scheme shall be implemented as approved before the first use of the development hereby permitted and shall be maintained throughout the life of the development hereby permitted.

Reason: To ensure implementation of satisfactory site drainage and to protect the water environment, in accordance with policies S2, DR2, DR4 DR7 and CF2 of the Herefordshire Unitary

8. C09 [C21] external finish colour

9. I16 [CBK] op hours during construction

10. No materials shall be used or processed in the anaerobic digester hereby permitted, other than poultry litter, animal manures and slurry, and agricultural crops/grass silage.

Reason: To ensure a satisfactory form of sustainable development, to prevent pollution or nuisances and because any other feedstock would require further consideration by the local planning authority, in accordance with policies S1, S2, DR1, DR4, DR9 and CF4 of the Herefordshire Unitary Development Plan.

11. **No Combined Heat and Power (CHP) unit shall be installed on the site unless or until it is fully sound-insulated or housed within a fully sound-insulated enclosure so as to ensure that noise levels emanating from the CHP unit do not exceed 40 dB (A) when measured in accordance with BS 4142:1997, at the nearest part of any residential curtilage to the application site.**

Reason: To safeguard the amenity of the area and to comply with policies S2, DR13 and CF4 of the Herefordshire Unitary Development Plan.

12. **In connection with the anaerobic digester hereby permitted, all reversing alarms installed on operational vehicles in the applicant's control shall be of a 'white noise' type and no other alarm type is to be used.**

Reason: In the interests of good practice, to prevent noise nuisance, to safeguard residential amenity and to comply with policies S2, DR13 and CF4 of the Herefordshire Unitary Development Plan.

13. **I33 [CC2] external Lighting**

14. **I43 [CCC] amend to: 'no burning or combustion shall take place on the site other than within the CHP unit and/or the contingency flare'**

INFORMATIVES

1. **The applicant did not request any pre-application advice, but wherever possible the local planning authority has engaged with the applicant and his agent in pro-active and positive negotiation during consideration of this project. These have resulted in mutual understanding of nature of the project and the planning requirements, the key factors including local objections, and the means of securing mitigation whilst facilitating the renewable energy project. As a result, the local planning authority has been able to grant planning permission for acceptable development subject to conditions to secure sustainable development with appropriate and proportionate mitigation.**
- 2 **I30/N11A**
- 3 **I33/N11C**
- 4 **I08/HN07 [s278 agreement required]**
- 5 **The landscape/habitat conservation and enhancement scheme required by condition 4 is not constrained by the identified site boundary. Additional habitat is welcomed, and features may be proposed on adjoining land that is in the applicant's ownership or control.**
- 6 **With regards to the requirements of condition 6, any SuDS arrangements for site drainage should relate specifically to the anaerobic digester site and associated ancillary development including hardstandings. These should calculate and accommodate the likely clean, lightly contaminated, and dirty water volumes (plus 20% for climate change) quite separately from the similar work relating to the poultry units on adjoining land. SuDS drainage may also contribute to biodiversity enhancement required under condition 4**

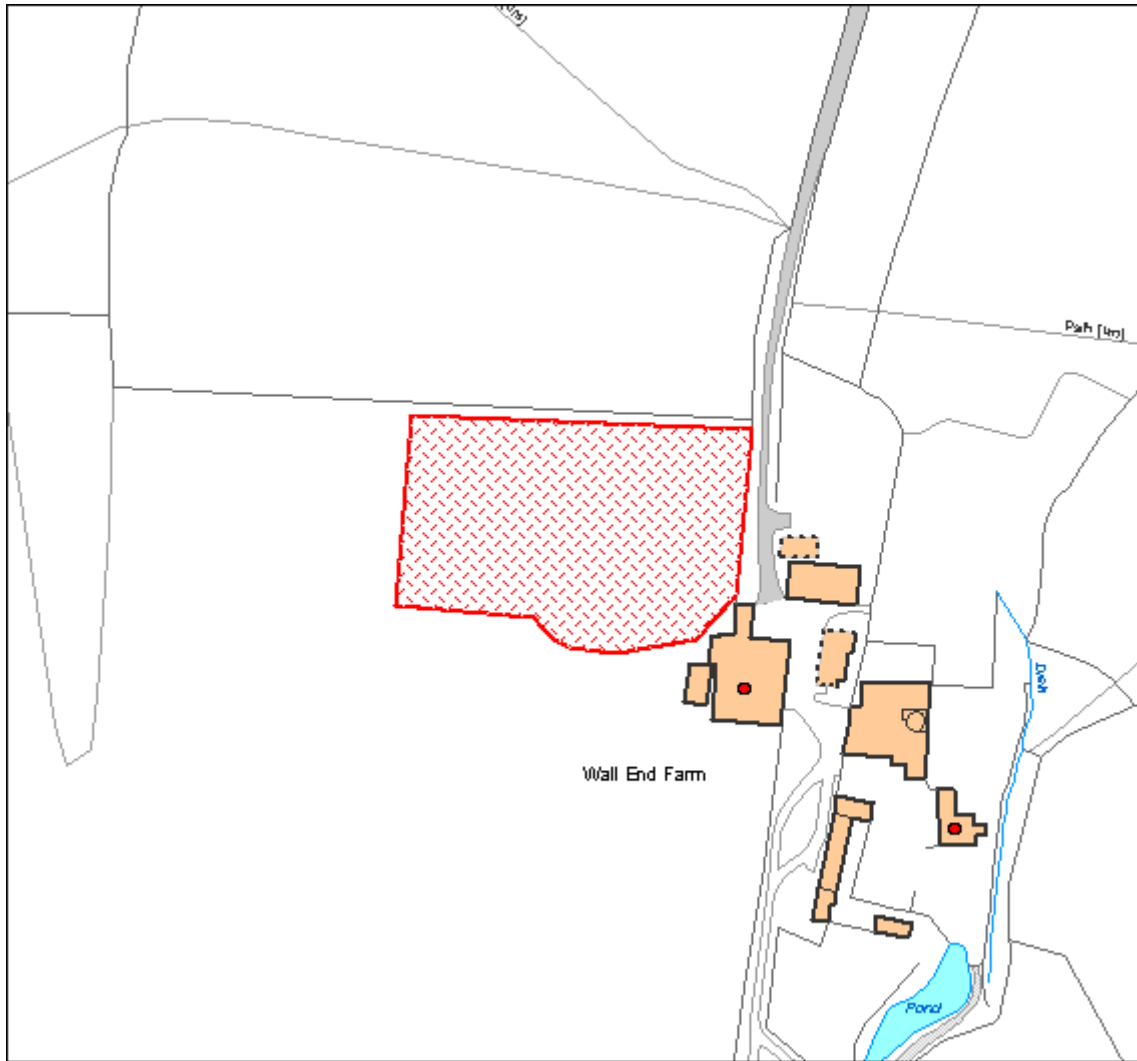
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 141901/N

SITE ADDRESS : WALL END FARM, MONKLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9DE

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MEETING:	PLANNING COMMITTEE
DATE:	21 JANUARY 2015
TITLE OF REPORT:	<p>P143252/F - PROPOSED DEVELOPMENT OF 12 NOS. DWELLINGS, CONSISTING OF 4 NOS. AFFORDABLE AND 8 NOS. OPEN MARKET. WORKS TO INCLUDE NEW ROAD AND LANDSCAPING AT LAND ADJOINING KINGSLEANE, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9SP</p> <p>For: Mr & Mrs Glynne Schenke per Mr R Mills, Les Stephan Planning Ltd, 9 Sweetlake Business Village, Shrewsbury, SY3 9EW</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=143252&search=143252
Reason Application Submitted to Committee – Contrary to Policy / Staff Application	

Date Received: 21 February 2014

Ward: Bircher

Grid Ref: 344255,261307

Expiry Date: 23 May 2014

Local Member: Councillor WLS Bowen

1. Site Description and Proposal

- 1.1 The site, which covers an area of approx. 0.63 of an hectare, is located outside, but within close proximity to the recognised settlement boundary for Kingsland, a main village in accordance with Policy H4 of the Herefordshire Unitary Development Plan. The site is located within the Kingsland Conservation Area and nearby are listed buildings (Kingsland House Grade 2* and Arbour Farm Grade 2).
- 1.2 The site is situated alongside (east) an existing housing development known as 'Kingsleane', which is an affordable housing site and it is this housing development that is located adjacent to the settlement boundary for Kingsland. The C1036 public highway adjoins the southern side of the site, which provides easy walking route to the village's community facilities such as a primary school, village hall, post office/shop, public house, church and recycling centre. The site forms part of a cultivated field and is surrounded on its southern and northern boundaries by native hedgerows.
- 1.3 The application proposes the construction of twelve dwellings, and associated access road, which will lead into the site off the existing Kingsleane access road. The breakdown of the dwellings is two 4 bed dwellings, six 3 bed dwellings and four affordable dwellings, which consist of four 2 bed dwellings.
- 1.4 The application is made in 'full' and is accompanied by a Planning statement, Design and Access statement, Archaeology, Drainage, Affordable Housing, and Heritage statements, Ecology/Biodiversity and Landscape Management reports and a draft Section 106 agreement. Also accompanying the application are detailed proposed elevation and floor plans, site layout plan and street scene. The Draft Heads of Terms drawn up in accordance with Section 106 of the Town and Country Planning Act 1990 in-line with the Council's Supplementary Planning Document on Planning Obligations, is attached as an appendix to the report.

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

2. Policies

2.1 National Planning Policy Framework

The following sections are of particular relevance:

Introduction	-	Achieving Sustainable Development
Section 6	-	Delivering a Wide Choice of High Quality Homes
Section 7	-	Requiring Good Design
Section 8	-	Promoting Healthy Communities
Section 11	-	Conserving and Enhancing the Natural Environment
Section 12	-	Conserving and Enhancing the Historic Environment.

2.2 Herefordshire Unitary Development Plan

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S7	-	Natural and Historic Environment
S10	-	Waste
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
H4	-	Main Villages: Settlement Boundaries
H7	-	Housing in the Countryside Outside Settlements
H10	-	Rural Exception Housing
H13	-	Sustainable Residential Design
H15	-	Density
H19	-	Open Space Requirements
T8	-	Road Hierarchy
NC1	-	Biodiversity and Development
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
NC8	-	Habitat Creation, Restoration and Enhancement
NC9	-	Management of Features of the Landscape Important for Fauna and Flora
LA2	-	Landscape Character and Areas Least Resilient to Change
LA3	-	Setting of Settlements
LA5	-	Protection of Trees, Woodlands and Hedgerows
HBA4	-	Setting of Listed Buildings
HBA6	-	New Development in Conservation Areas.

2.3 Supplementary Planning Guidance

- Kingsland Parish Plan
- Planning Obligations

2.4 Herefordshire Local Plan Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
SS6	-	Addressing Climate Change

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

RA1	-	Rural Housing Strategy
RA2	-	Herefordshire's Villages
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
OS1	-	Requirement for Open Space, Sports and Recreation Facilities
OS2	-	Meeting Open Space, Sports and Recreation Needs
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Local Distinctiveness
LD2	-	Landscape and Townscape
LD3	-	Biodiversity and Geodiversity
LD5	-	Historic Environment and Heritage Assesses
SD1	-	Sustainable Design and Energy Efficiency
SD 3	-	Sustainable Water Management and Water Resources
ID1	-	Infrastructure Delivery

Neighbourhood Planning

- 2.5 Kingsland Parish Council have designated a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. An emerging neighbourhood plan may be a material consideration once it has reached submission / local authority publication stage (Regulation 16). In the case of the Kingsland Parish, the Parish Council has prepared a Neighbourhood Development Plan for the area. The neighbourhood area was designated on 15th August 2014. Work has commenced and the plan but has reached draft plan (Regulation 14) stage 5th January 2104. However no weight can be attached in the decision making process at this stage.
- 2.6 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

3. Planning History

- 3.1 P140534/F – Proposed development of 12 number dwellings consisting of 4 affordable and 8 open market housing. Works to include new road and landscaping. Refused 25th June 2014.

The application was refused for the following reasons:

- The proposed development by reason of its design and layout does not enhance or preserve the Conservation Area and therefore will have a detrimental impact on the setting of the settlement. The proposed development is accordingly considered contrary to Policies HBA6, LA3 and H13 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.
- No completed Section 106 Agreement under the Town and Country Planning Act 1990 in relationship to planning obligations accompanied the application. Therefore, the proposal is considered contrary to Policy DR5 of the Herefordshire Unitary Development Plan.

- 3.2 NW09/2679/F – Residential development comprising 10 number affordable houses with car parking, shared access and landscaping. Refused 15th December 2009.

The application was refused for the following reasons:

- The application site is not considered to be adjacent to the settlement boundary of the village of Kingsland. Consequently, the proposal does not comply with policy H10 of the Herefordshire Unitary Development Plan (2007).
- The proposed development fails to preserve or enhance the character and appearance of the conservation area contrary to policy HBA6 of the Herefordshire Unitary Development

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

Plan (2007) and to guidance contained with Planning Policy Guidance 15 - Planning and Historic Environment.

- The proposed development by virtue of its location and prominent position is considered to be harmful to the landscape quality of the area contrary to Policy LA2 of the Herefordshire Unitary Development Plan (2007). The introduction of built form in this location would harm the setting and approach to the village contrary to policy LA3 of the Herefordshire Unitary Development Plan (2007).
- The application site is designated as a Special Wildlife site and is recognised as unimproved hay meadow. As such the introduction of development would be contrary to the aims of policies NC4 and NC6 of the Herefordshire Unitary Development Plan (2007) and guidance contained within Planning Policy Statement 9 - Biodiversity and Geological Conservation.
- The proposal, when considered in relation to the adjacent affordable housing site known as Kingsleane, would create a development, harmful to the social cohesion of Kingsland by virtue of not being integrated within or with meaningful context to the existing local community, contrary to policies S1 and S3.

3.3 NW08/1915/F - Residential development comprising 10 affordable housing units, car parking and shared access and landscaping. Refused 22nd October 2008.

The application was refused for the following reasons:

- The application site is not considered to be adjacent to the settlement boundary of the village of Kingsland. Consequently, the proposal does not comply with policy H10 of the Herefordshire Unitary Development Plan (2007).
- The proposed development fails to preserve or enhance the character and appearance of the conservation area contrary to policy HBA6 of the Herefordshire Unitary Development Plan (2007) and to guidance contained with PPG15 - Planning and Historic Environment.
- The proposed development by virtue of its location and prominent position is considered to be harmful to the landscape quality of the area contrary to Policy LA2 of the Herefordshire Unitary Development Plan (2007). The introduction of built form in this location would harm the setting and approach to the village contrary to policy LA3 of the Herefordshire Unitary Development Plan (2007).
- The application site is designated as a Special Wildlife site and is recognised as unimproved hay meadow. As such the introduction of development would be contrary to the aims of policies NC4 and NC6 of the Herefordshire Unitary Development Plan (2007) and guidance contained within PPS9 - Biodiversity and Geological Conservation.
- The proposal, when considered in relation to the adjacent affordable housing site known as Kingsleane, would create a development, harmful to the social cohesion of Kingsland by virtue of not being integrated within or with meaningful context to the existing local community, contrary to policies S1 and S3.
- The proposed development fails to make provision for or in lieu of a small children's /infants play area, properly equipped and fenced and therefore fails to meet the criteria of policy H19 of the Herefordshire Unitary Development Plan (2007).
- The proposal would result in unacceptable over-loading of the waste water treatment works and as such would be detrimental to the local environmental and public health, and therefore contrary to Herefordshire Unitary Development Plan policies DR2 and CF2.

- 3.4 92/418 – (Adjoining the site). Erection of ten dwellings approved 4th February 1993. Forming part of the planning approval was an associated section 39 agreement in accordance with the Wildlife and Countryside Act 1981) to ecologically manage the adjoining land and its botanical interests for a period of 10 years, expiring 3 February 2003.

4. Consultation Summary

Statutory Consultees.

- 4.1 English Heritage raises no objections, indicating the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's Conservation advice. Their responses indicate that as the application affects a conservation area, the statutory requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (s.72, 1990 Act) must be taken into account by your authority when making its decision.

The responses further state that the elevations treatment of the proposed development should be informed by the conservation area. Where the conservation area is strong in character it should reinforce the choice of materials and the rhythm and style of architectural details and form of the proposed development. If the character of the area is used in a creative way to inform the design of the new building there is an opportunity for new work to add to the design of the conservation area and create a development that reinforces the local distinctiveness of the conservation area in line with NPPF paragraphs 58 to 61. The detailed design of the scheme will be key to the success of the development. We therefore advise you to consider whether the proposed design takes these matters into consideration.

The responses indicating that If the Council is minded to approve the scheme conditions should be imposed requiring the council's prior approval of architectural details, materials and finishes in relation to both aspects of the development.

- 4.2 Welsh Water raises no objections subject to conditions with regards to foul and surface water discharges.

Internal Consultees.

- 4.3 The Parks and Countryside Manager raises no objections indicating that the final mix of housing has changed and the market housing now consists of 6 x 3 bed and 2 x 4 bed which has been acknowledged in the draft heads of terms and contributions including that for off-site play provision have been amended accordingly and are in accordance with the SPD on Planning Obligations. The initial response indicated that a contribution towards play facilities at the Millennium Green is in accordance with UDP policy requirements, the Play Facilities Study and Investment Plan and the SPD on Planning Obligations for a development of this size.

- 4.4 The Conservation Manager, (Ecology), has responded with reservations about the ecological planning history in relationship to the site and indicates *'I am bound to accept the recommendations for enhancement proposed by the ecological report given the substantial and unrealistic prospect of re-creating and maintaining the habitat for which the site was designated.'* The response recommends the attachment of a condition in order to ensure ecological mitigation is carried out as proposed.

- 4.5 The Strategic Housing Manager raises no objections.

- 4.6 The Transportation Manager recommends conditions with regards to access, parking and turning, parking for site operators and no conversion of garages to habitable accommodation.

- 4.7 The Land Drainage Manager raises no objections subject to provision of detailed surface water management design, infiltration test results, groundwater level data, drainage calculations, demonstration that the soakaways are located more than 5m from building foundations, and consideration of adoption, maintenance and siltation control.

4.8 The Conservation Manager, (Landscape), has responded to the application stating:

'Proposed Development:

The proposal comprises 12 residential dwellings with associated access and landscaping. Applications for previous smaller schemes on this site were refused in 2008 and 2009. A further scheme for 12 residential units (P140534/F) was refused in June 2014.

Site and surrounding area.

The site is a greenfield site of approximately 1 acre on land adjoining Kingsleane, Kingsland.

Landscape:

- *The application site comprises the eastern section of a large field of pasture land. To the east of the proposal is the existing development of Kingsleane and to the north and south beyond the Kingsland to Harbour Farm Road (C1036) is open countryside. The particular location of the site means that it performs a dual function; forming part of the open countryside that enhances the setting of the settlement of Kingsland, as well as maintaining a clear visual gap between the built form of West Town and Kingsleane. Given the sites prominence within the landscape, it is disappointing to note that a Landscape Appraisal to assess the impact upon both the landscape and visual amenity has not been submitted as part of the application.*
- *The site lies within the Kingsland Conservation Area. The settlement pattern of which is ribbon development that has extended along North Road. The proposal is set outside of the Village Settlement Boundary approximately 300m south of Church Road and most closely relates to the 1990's development of Kingsleane; a distinct development which has been designed in sympathy with its particular surroundings around the curvature of the road. The current proposal which comprises a cul de sac of 12 dwellings is inward looking and addresses the newly proposed street scene (Design and Access Statement October 2014). It is therefore considered that the proposed self-contained cul de sac does not integrate with the adjacent built form of Kingsleane or relate well to the character of Kingsland.*
- *The Landscape Character Type for this particular location is Principal Settled Farmlands. The strategy for which is to conserve and enhance the hedgerow pattern as well as strengthening the patterns of tree cover associated with settlements (Landscape Character Assessment 2004). It is noted that detailed landscaping plans including specifications and management details have been submitted as part of the application and these are welcomed. It can be seen from the plans that additional hedgerow planting along the western boundary as well as extensive tree planting is proposed, in line with the Landscape Character Type. It is further noted existing hedgerows are to be retained and that the area to the west of the site is within the applicant's ownership and is therefore proposed for retention as green space with opportunities for enhancement indicated.*
- *Given the particular location of this proposal and the function it performs as part of the setting of the rural settlement of Kingsland, it is considered that development in this location will impact upon the setting of Kingsland. In the event that the planning officer on weighing up the various considerations decides in favour of the proposal, I would recommend the following conditions to be applied; G04, G10 including details of SUDs proposals and boundary treatments and G11.'*

4.9 The Conservation Manager (Historic Buildings), has responded indicating:

'The site is located on the outskirts of a small cluster of dwellings known as Kingsleane, which is to the south of the main village of Kingsland. It is within the Kingsland Conservation Area which encompasses Kingsland, West Town and Kingsleane. The application is for a development of 12 dwellings arranged round a cul de sac.

Since 2008 this site has been the subject of three previous applications for housing, the first two on a smaller part of the existing field. The previous applications were considered by three different Senior Building Conservation Officers and each recommended refusal of the application. Subsequently the applications were formally refused with the last application being refused in July 2014. The Conservation Team have consistently raised strong objections to any development of the application site due to the adverse impact on the character and appearance of the Kingsland Conservation Area.

As indicated above there are three separate areas within the Kingsland Conservation Area: the main village which has developed in a linear form along a single village road; West Town which is a loose cluster of about 30 dwellings to the west of the main village; Kingsleane which is a very small cluster of housing located between Kingsland and West Town and includes the former Rectory and its outbuildings, now called Kingsland House and The Lees, both of which are grade II listed. Other than these three distinct areas the built environment is scattered and small scale.

The separation of the three areas is clearly visible when visiting the Kingsland Conservation Area and is supported by the cartographic evidence. The separation of the nodes by means of open fields is a fundamental part of the character of the conservation area. It is therefore considered critical to the preservation of the heritage asset that the balance between space and built form be respected and upheld.

As I have already commented in relation to the July 2014 application, the proposal to develop half of the field, currently separating Kingsleane and West Town, would visually link the two nodes together by significantly reducing their separation distance. The development would alter the character of the Kingsleane node by changing it to ribbon development. This would be contrary to the character of the conservation area and would neither preserve nor enhance it.

To the south of the development is the Fire Station: the proposed scheme would link the Kingsleane node to that currently detached element. Whilst an expansion to the Fire Station has previously been granted it is understood that this scheme is unlikely to be proceeding, so the site will remain as a small detached plot rather than a large facility. It currently does not dominate the views from the south but should the proposed development be constructed there will be a significant increase in built form which will link visually with the fire station and also West Town. The scale of this intrusion would be harmful to the heritage asset of the conservation area.

The layout of the proposed scheme is arranged round a cul de sac, which is not a traditional form of development in this rural context, though it has been used on infill plots in the main linear village. The access road design does allow for the retention of the existing hedgerow but this is considered inadequate compensation for the location of 12 dwellings behind the hedge which are clearly visible from both long and short views and do not reflect the rural character of the area.

The 1993 Kingsleane development immediately to the east of the application site was extremely well considered and is a positive introduction to the landscape and conservation area. It is considered that this careful scheme would be visually compromised by the development of the currently open field to the west as a more suburban form would be introduced.

The impact on the settings of the grade II listed buildings near the site would however be only slightly adverse. This is partly due to the maturity of the landscaping immediately surrounding the various buildings however the wider setting would be altered, in that the balance would change between open space and built form. The linking of West Town to Kingsleane would remove the distinction between the two nodes, to the detriment of the local character.

Overall a strong objection is again raised to any built development on this site. The scheme is considered to be contrary to policy HBA6 as it would not preserve or enhance the conservation area of Kingsland.

4.10 The Archaeology Manager raises no objections.

4.11 The Schools Organisation and Capital Investment Manager raises no objections.

5. Representations

5.1 Kingsland Parish Council has responded to the application indicating:

In response to the amended plans received their response states:

'Kingsland Parish Council met yesterday evening, Monday 5 January 2015, in an extraordinary meeting to consider the amendments to planning application P143252/F Land adjoining Kingsleane, Kingsland.

The parish council agreed that the amended plans do not change the comments provided on 27 November 2014. The parish council remains opposed to the planning application. However, in the event that the application is approved, the parish council supports the amended plans (dated 5 December 2014) in preference to the original application.'

Their initial response indicated:

'On 25 November 2014, Kingsland Parish Council voted to oppose the planning application on the following grounds:

- *The proposed site for development falls outside the current settlement boundary. The parish plan for Kingsland shows clear support for most new homes to be built within the settlement boundary or using brownfield sites.*
- *The emerging neighbourhood plan for Kingsland, which is in its final stages, and will shortly be submitted to Herefordshire Council, anticipates that the proposed site for development will remain outside the settlement boundary. One of the planning policies in the draft Kingsland neighbourhood plan is to conserve the traditional separation between West Town and Kingsland village – building on the proposed plot will undermine this policy.*
- *Herefordshire Council's SHLAA designates the proposed site for development as having "no potential during the plan period".*
- *As the proposed site is not within or adjacent to the built up area of the village it is contrary to policies in the NPPF, UDP and the emerging Core Strategy.*
- *Since 2011, 40 houses have been built or given planning permission in Kingsland, which means the village is on track to achieve the development guideline of 14 percent, or 44 houses, in Herefordshire Council's Core Strategy.*

5.2 Twenty letters in support/positive comments in relationship to the application have been received. Key issues raised in support of the application can be summarised as follows:

- The affordable housing as proposed is welcomed.
- The location is considered a sustainable location with consideration to the services the village provides.
- Impact on surrounding built environment area is considered acceptable.
- No detrimental impact on public highway matters.

5.3 Letters of objection have been received from two separate households namely Patricia Potheary, Longford House, Kingsland, (1) and Mr. & Mrs. R. Sharp-Smith, Kingsland House, Kingsland. (2).

The key objections can be summarised as follows:

- Proposal is in conflict with the Kingsland Neighbourhood Plan.

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

- Location is not considered sustainable in relationship to access to local services, with poor public transport provision.
- The overall scale, design and layout of the development is considered poor and not in accordance with advice as set out in paragraph 56 (requiring good design), of the NPPF. Proposed solar panels will look prominent and are an untraditional feature within a Conservation Area.
- Detrimental impact on the character of the surrounding Conservation Area in which the site is located within.
- Proposed development does not compliment the historic field pattern of the area in which Kingsland is located within and will have an urbanisation affect on the character of the surrounding area.
- The site forms part of a field that was until recently a species rich wildflower meadow, a special wildlife site that appears to have been destroyed.
- The application site is not considered to be adjacent to the settlement boundary of the village of Kingsland.
- Not enough sufficient need for the development in Kingsland.
- The village Primary School is at full capacity and is always oversubscribed for places.
- Local employment prospects are unfavourable.
- The survey recently conducted for the Kingsland Parish Plan has identified that the majority of residents favour new housing units to be built on brown field and infill sites and within the village boundary. In addition the results of the Housing Needs Survey have not yet been analysed.
- The expansion of the built environment at this location would detract from the essential character of the area. It would significantly reduce the separation between West Town and Kingsleane and therefore be counter to the character of the area. It would be a form of ribbon development in a part of the area where it is important to retain the open fields as the local setting to the village.
- The proposed development would link Kingsleane with the fire station and significantly increase the overall scale and impact of the built form".
- The proposed Kingsland Fire Station training block and associated buildings which would have significantly altered the appearance of the conservation area has been shelved and will now not be built. Consequently there is still a characterful conservation area worth protecting. In their proposal the applicant attempts to use the Fire Station development to mitigate the effect of and therefore to support their application.
- The proposed development by virtue of its location and prominent position would be harmful to the landscape quality of the area.
- The site is designated as a Site of Special Wildlife and is a site of special interest for nature conservation. It is recognised as an unimproved hay meadow and despite the loss of the original nature of the hay meadow, it still forms part of the Green Wildlife Corridor that connects sites within the village. This corridor would disappear if it were to be developed for housing. The wildflower meadow could also be re-established.

- The proposal would result in unacceptable overloading of the waste water system in this area of Kingsland. Welsh Water have been categorical in their assessment that no further waste water or surface runoff can be introduced into the current system.
- Winter flooding from the drains, including foul sewage, has historically been and still is, a regular occurrence on this road. This results in flooding on the corner and the filling of the adjacent ditch. During this winter particularly, the water has flowed across our land and entered the Lugg River drainage system via the stream which connects with the Pinsley Brook.
- Comments are also made about further affordable housing on a site alongside an existing affordable housing development.

5.4 Herefordshire Campaign for the Protection of Rural England has responded to the application recommending refusal of the application indicating:

Landscape

The application site is a greenfield outside the main village envelope of Kingsland. The site, together with the adjacent fields forms part of a green corridor to the western edge of the village.

Until recently the site was part of a Special (local) Wildlife Site, NC4 and NC6, listed in the UDP as SO 46/12., categorised as an unimproved hay meadow, one of a rapidly vanishing number in Herefordshire. It was that designation that ensured that an application in 2009 to build on the site was refused. No prior warning of its destruction by ploughing was given by the owner (the present applicant). Although it is now stated that the meadow was ploughed after the designation had lapsed, the action demonstrates a lack of concern for the locality's biodiversity and ecological heritage. The original designation could have been renewed.

We therefore object because we consider the proposed development will be an intrusion in the visual landscape of a green area outside the village envelope.

We also object because the development will further reduce the biodiversity on this old meadow. The land has been reseeded with grass and if left alone and cut for hay, some of the previously identified meadow flora will probably re-emerge. If built over they most certainly will not.

Neighbourhood Plan

We understand that the Kingsland Neighbourhood Plan is well advanced and does not identify this site as one that the community wishes to see developed for housing. Sites were identified elsewhere that are of sufficient area to satisfy the stated housing needs and the requirements of the new Herefordshire Local Plan. Thus the application, in terms of its location, is contrary to, and in conflict with the expressed wishes of the local community. If the site is developed it will result in over-development for the village and a disregard for the democratic principles that underpin the present government's legislation that encourages Neighbourhood Planning.

Housing Land Supply

In line with many other recent proposals for developing on greenfield sites in Herefordshire, the applicant refers to Herefordshire Council's shortfall in producing a 5 year supply of housing land, using the strictures of the NPPF to support the case for development on the site.

However, the NPPF does not state that each and every green space should be built on to provide a contribution to the 5 year supply.

The NPPF is very clear that sustainable development should be the aim of every development plan. "Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment....moving from a net loss of bio-diversity to achieving net gains for nature..." Paragraph 9

We consider that the present application fails to comply with those principles. Design and layout
The NPPF , section 7, requires good design, and indicates ways in which that might be interpreted with concepts of layout and building design that are sympathetic to local architectural vernacular form. We consider that the proposal fails to do this.

Given the success of the Kingsleane development that has been judged to integrate well into its location and general scape of the village, it is puzzling why the present application has not followed a similar path. The houses with attached garages are wide on their plots and result in a bulky aggressive street scheme. It is a scheme that might be suitable as part of a large suburban development but is totally unsympathetic to the conservation area of a village with very old origins.

We do not agree with the Design & Access statement in section 4. That the layout "is reflective of the local built environment".

NPPF , Para 64 states "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area... "

H13 "Proposals for residential development at all scales... will be expected to .. take an integrated and comprehensive approach to design , layout and landscape which respects the townscape and landscape context of the site and the distinctive character and appearance of the locality"

HCPRE considers that the proposal does not comply with H13.

HCPRE considers that the proposed design and layout will be a highly undesirable addition to Kingsland, and will moreover have a directly negative effect on the neighbouring Kingsleane.

From the details of the house designs it is unclear whether the "massive external chimney stacks" function as usable chimneys.

We are surprised that all 4 affordable properties have only 2 bedrooms. Many villages in Herefordshire are in need of affordable family homes with at least 3 bedrooms. The designs portray extremely small dwellings, with no internal storage space. Had the designs of the market houses been more similar to other properties within the village, more space might have been available for larger footprints for the 4 affordable houses.

HCPRE welcomes the proposal in 4.2 to provide solar thermal panels to all plots on the roof slopes.

In the light of the list of aspects of the application that are not in compliance with either the NPPF or Herefordshire Council's Planning principles we consider it should not be allowed.

- 5.5 The consultation responses can be viewed on the Council's website by using the following link:-
<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-
www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details?q=contact%20centre&type=suggestedpage

6. Officer's Appraisal

- 6.1 This application is a re-submission of a previous application (reference P140534/F), refused planning permission on 25th June 2014 following a Planning Committee site visit where members resolved that the proposed development by reason of its design and layout did not enhance or preserve the Conservation Area and therefore would have a detrimental impact on the setting of the settlement. The proposed development was considered contrary to Policies HBA6, LA3 and H13 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework. The current application under consideration seeks to address these issues.
- 6.2 The site for the proposed development adjoins an affordable housing development comprising ten dwellings which itself is adjacent to the recognised development boundary for Kingsland.
- 6.3 The key issues in relationship to this application are:

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

- Justification and need for the proposed development.
- Impact on character of the surrounding Conservation Area and Landscape.
- Ecological status of the site.
- Drainage issues.
- Development in relationship to the Kingsland Neighbourhood Plan.

Justification and Need for the Proposed Development

- 6.4 The application seeks full planning permission for the erection of twelve dwellings on land outside a main village's settlement boundary (Policy H4 of the UDP). The application, in common with many considered by Planning Committee recently, is submitted against the backdrop of a published absence of a 5-year housing land supply as required by the National Planning Policy Framework (2012).
- 6.5 In response to the acknowledged deficit the Council introduced an interim protocol in July 2012. This recognised that in order to boost the supply of housing in the manner required it would be necessary to consider the development of sites outside existing settlement boundaries. The protocol introduced a sequential test, with priority given to the release of sites immediately adjoining settlements with town or main village status within the UDP. For proposals of five or more, the sites in the first rank in terms of suitability would be those identified as having low or minor constraints in the Strategic Housing Land Availability Assessment (SHLAA).
- 6.6 The position as regards the scale of the housing land supply deficit is evolving. Whilst the latest published position confirms a deficit, the magnitude of deficit reduces if all sites that are identified as suitable, achievable and available are taken into account. This presupposes, however, that these sites will come forward within 5 years and that they will be given planning permission. As such, it remains the case that for the purposes of housing delivery the relevant policies of the UDP can be considered out of date. As such, and in accordance with paragraph 14 of the NPPF the Council should grant permission for *sustainable* housing development unless:-
- *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; or*
 - *specific policies in this Framework indicate development should be restricted.*
- 6.7 The Government's position on this locally has also been confirmed by a recent appeal decision for 35 dwellings at Kingstone. The appointed Inspector made it clear that in the context of a housing land supply deficit there can be no legitimate objection to the principle of development outside the UDP defined development boundary; UDP Policy H4 being out of date.
- 6.8 There remains a requirement for the development to accord with other relevant UDP policies and NPPF guidance; paragraph 14 makes it clear that the balance between adverse impacts and benefits should be assessed against the policies in the NPPF as a whole. However, in terms of principle, if the development is acceptable in all other respects, officers consider that the conflict with UDP policy H7 is not a reason for refusal that could be sustained on appeal.
- 6.9 As well as consideration of the principle of developing a green-field site the application raises a number of material considerations requiring assessment against saved UDP policies and guidance laid down in the NPPF. Firstly there is the assessment as to whether the development would represent sustainable development. The NPPF refers to the social, environmental and economic dimensions of 'sustainable development', but does not define the term. Paragraph 49 of the NPPF indicating that '*Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of*

deliverable housing sites.' In this case the site is considered to represent a sustainable location for development, the village of Kingsland providing a range of services considered necessary to sustain a typical household.

- 6.10 With consideration to the Council's housing development land shortfall and the services provided in Kingsland, (which are within walking distances of the site), and the fact that the application site is located immediately alongside an existing housing development that is adjacent to the settlement boundary, the site is considered sustainable in terms of its location.
- 6.11 Therefore in terms of the principle of the development and sustainability issues the development is considered to be in accordance with the National Planning Policy Framework and Policy S1 of the UDP.

Impact on the Character of the Surrounding Conservation Area and Landscape

- 6.12 The Council is under a statutory duty to consider the impact of the proposal upon the adjoining heritage assets. The site is located within the designated Conservation Area for Kingsland and within close proximity to the setting of two nearby listed buildings. Namely Kingsland House, (Grade II*), and Arbour Farm. (Grade II). Impacts on the settings of the listed buildings as well as the Conservation Area are a material consideration in the determination of this application.
- 6.13 Paragraph 132 of the NPPF indicates in relationship to the historic environment:

'When considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.'

Paragraph 134 of the NPPF states:

'Where a development proposal will lead to less than substantial harm to the significance of a designated asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'

- 6.14 The Conservation Manager objects to the development, indicating concerns about impact on the landscape and build character of the surrounding environment, which includes the existing 'Kingsleane' development alongside the eastern side of the site. The Kingsleane development consists of 10 dwellings looking onto a 'village green' type landscape, that was granted planning approval on 4th February 1993. This is considered a unique 'affordable housing' scheme, which has integrated into the surrounding built environment, and as the Conservation Manager commented in the response to the application *'it is a rare scheme which adds distinction to its surroundings without hiding behind hedges'*, the response further stating that it is a sensitive detailed design with skilful concealment of the access and parking arrangements.
- 6.15 The key UDP policies in relationship to Conservation and Landscape issues are Policies HBA4: Setting of listed buildings, HBA6: New development within Conservation Areas, LA2: Landscape character and areas least resilient to change and LA3: Setting of settlements.
- 6.16 Policy HBA4 indicates that development proposals which would adversely affect the setting of listed buildings will not be permitted and that impacts will be judged in terms of scale, massing, location, detailed design and the effects of its uses and operations. It is considered that the development will not have any adverse impact on the setting of any nearby listed buildings, (nearest being Kingsland House and Arbour Farm), and this is acknowledged by the Conservation Manager who has indicated in her response that impacts on the setting of the listed buildings near the site will only be 'slightly adverse, and it is noted that English Heritage raise no objections on this issue. Therefore the development is considered to be in accordance with Policy HBA4 of the UDP and the NPPF on this matter.

- 6.17 Policy HBA6 indicates development will not be permitted unless it preserves or enhances its character and appearance. The policy refers to a requirement for a comprehensive design approach in order to address a number of issues such as in relationship to the development, the type and scale of uses proposed, which should compliment existing uses and help to preserve and enhance the character and vitality of an area, whilst respecting scale, massing and height of adjoining buildings and surrounding character and where the setting of and views are important to the character and appearance of an area, these should be safeguarded and protected as should topographical features such as trees and hedgerows and landscape features that contribute to the character and appearance of the area.
- 6.18 Policies LA2 refers to new developments that would adversely affect either the overall character of the landscape, as defined by the Landscape Character Assessment and the Historic Landscape Characterisation or its key attributes or features, will not be permitted. Proposals should demonstrate that landscape character has influenced their design, scale, nature and site selection. Policy LA3 indicates that development will only be permitted where it would not have an adverse effect upon the landscape setting of the settlement concerned and that important visual approaches into settlements, views of key buildings, open areas into development, green corridors, ridgelines and surrounding valued open countryside will be particularly protected and, where necessary, enhanced. The policy also states that the creation of open space, green wedges, and tree lines will be promoted where they compliment and enhance landscape character and townscape. Whilst the concerns as raised by the Conservation Manager in relationship to UDP policy HBA6 is recognised, it is acknowledged that the development proposes retention of the native historic hedgerows that were a key positive contributor to the overall character of the area when the Conservation Area was considered.
- 6.19 The Kingsland Conservation Area was designated in 1975 and its critique refers to Kingsland being a linear village and that a considerable proportion of the village is made up of more recent development and that the actual street scenes in Kingsland are very varied, often depending on how much the trees and hedgelines have been removed when new development has been initiated. The report puts a strong emphasis on the varied character of the settlement and also refers to the nature of trees and hedgerows that give the settlement a strong character and disappointingly notes that in some locations native hedgerows have been removed in order to enable housing development. The Landscape Character Assessment clarifies Kingland as being an area of 'Principle Settled Farmlands' to which its key characteristics are hedgerows used for field boundaries in an area notably domestic in character.
- 6.20 The application site is separated from the adjacent public highway by a native hedgerow and the development does not propose removal of any native boundary hedgerows, which were and in some aspects are still a strong character feature of the immediate area and will help integrate the development into the landscape when viewing the site from the boundary of the Conservation Area nearest to the application site. Further still the applicants propose further landscape enhancement proposals which will enhance the landscape character in relationship to the development as proposed. The built up areas of the main section of the village and the 'West Town area' located mainly alongside the A4110 public highway will still retain a separate identity, as farmland will continue to separate the two built up areas. It can therefore be argued that the development represents a suitable small scale development, as a natural progression of the village's built environment, in order to provide sustainable housing development which will help towards the Council's available house building land supply. Whilst it is not similar in scale to the existing Kingsleane development, this 'affordable' housing development located on the corner of the adjacent C1036 highway will retain its unique character, as the proposed development will not compete with this scheme, whilst retaining the hedgerow character around the site that was evidently a strong landscape character of the area when the Conservation Area was firstly considered for Conservation Area designation.
- 6.21 With consideration to the location and its Conservation designation, on balance the development is considered to be in accordance with the aims of the NPPF and although it proposes a new build development on a site alongside an existing residential development which does have a special

identity of its own, the development subject to this application does retain the boundary hedgerows which were clearly a defining character of the area when it was considered for Conservation status. The layout, scale and design is considered to be much improved to that of the previous refused application providing an improved relationship to the Conservation Area and its preservation with a proposal considered much more sympathetic to the surrounding built character. In the wider context of the village, the development, on balance, will integrate satisfactorily and therefore overall will preserve and enhance the Conservation Area. Consideration also has to be given to the Council's lack of five year land supply and the requirement for a presumption in favour of sustainable development must be given significant weight in the planning balance.

Ecological Status of the Site

- 6.22 Objections have been received from Herefordshire Campaign for the Protection of Rural England, (HCPRE), as well as comments made in a letter of objection from a member of the public, with regards to the ecological interests of the site, which is a designated special wildlife site.
- 6.23 The UDP identifies the site as a special wildlife site, (ref: SWS 46/012). In accordance with planning approval reference 92 418 dated 4th February 1993, the applicants agreed to a Section 39 agreement under the Wildlife and Countryside Act 1981 and the Town and Country Planning Act 1990 in consideration of the affordable housing. The Section 39 agreement was to ensure that the adjoining meadow was managed for a period of 10 years in order to retain the variety of flora on the land to the east of Harbour House, (including the site subject to this application). The agreement allowed the production of hay on site and stated that the applicants must control notifiable weeds in accordance with good agricultural practice and that surrounding hedgerows were to be retained and managed. This agreement expired on 3rd February 2003 as confirmed in a letter from the Council to the applicant dated 2nd March 2005.
- 6.24 The Planning Ecologist has responded indicating he accepts the recommendations for enhancement proposed by the ecological and amended landscape reports submitted in support of the application given the substantial and unrealistic prospect of fully re-creating and maintaining the habitat for which the site itself was originally designated. It is recommended that a condition is attached to any approval notice issued as recommended by the Conservation Manager(Ecology) in order to ensure ecological mitigation as proposed is carried out.

- 6.25 It is considered that a refusal based on ecological issues could not be sustained.

Drainage Issues

- 6.26 A letter of objection received raises concerns about flooding and drainage issues.
- 6.27 Welsh Water have responded to the application with no objections recommending conditions be attached to any approval notice issued with regards to foul and surface water drainage from the site. The Land Drainage Manager also raises no objections subject to provision of detailed surface water management design, infiltration test results, groundwater level data, drainage calculations, demonstrating that the soakaways are located more than 5 metres from building foundations and consideration of adoption maintenance and siltation control.
- 6.28 It is considered that drainage issues can be adequately addressed via the attachment of suitable worded conditions attached to any approval notice.

Development in relationship to the Kingsland Neighbourhood Plan

- 6.29 Concerns have been raised about the forthcoming Kingsland Neighbourhood Plan and Kingsland's contribution towards the County's housing supply and that most residents favour brownfield development and that the site is not allocated for residential development or within the proposed settlement boundary, in accordance with the emerging Kingsland neighbourhood plan. The Neighbourhood Plan has only reached reg 14 stage(draft plan) where no weight can be attached in the planning balance. The emerging core strategy examination will begin on the 10 February and likewise no weight can be attached. As such prematurity cannot be argued as a reason to refuse this

application. The Council cannot at present rely on emerging Core Strategy policies or that of associated neighbourhood plan proposals

Other Matters

Benefits Arising From the Proposal

- 6.30 S38(6) of the Planning and Compulsory Purchase Act necessitates review of other material considerations alongside the provisions of the Development Plan in exercising the 'planning balance'. The main material consideration in the context is the National Planning Policy Framework, which supersedes the housing supply policies of the UDP. As such the acknowledged shortfall in deliverable housing sites represents a consideration of significant weight in favour of the scheme. The scheme would also boost the supply of housing as well as contribute towards addressing the current need for affordable housing within the parish. In terms of the economic dimension of sustainable development, the development would introduce benefits in terms of the New Homes Bonus, as well as investment in jobs and construction in the area.
- 6.31 S106 contributions of £86,578 have been confirmed. It is agreed that contributions towards education infrastructure, open space, library and waste/recycling facilities and sustainable transport strategies are compliant with the CIL regulations (122(2)). In this respect the scheme complies with 'saved' UDP policy DR5, the Planning Obligations SPD and the Framework.

Kingsland Primary School

- 6.32 Concerns have also been raised about the capacity of Kingsland Primary School and its ability to accommodate more children as a result of the development. The Planning Obligations Manager raises no objections in respect of the Draft Heads of Terms submitted in support of the application which makes a contribution towards local infrastructure requirements which includes Kingsland primary school. It is also noted that a letter dated 13th October in support of the application from the headteacher of Kingsland Primary School supports the application.

Transportation

- 6.33 Issues have also been raised about public transport issues. It is noted that the Transportation Manager raises no objections. As indicated earlier in this report the site is considered sustainable being located alongside existing residential development that forms part of a main village in accordance with policy H4 of the UDP.

Design

- 6.34 Design and layout has also been raised as an issue in that the development does not appear significantly different to the previous refused application and that solar panels as proposed are a prominent and untraditional feature that appear incongruous in this part of the Conservation Area. The layout still retains a road dominated arrangement and that parking arrangements for motor cars in relationship to the affordable housing appears dominant.
- 6.35 With consideration to the surrounding built environment and landscape which includes reference to the heritage assets, it is considered that the revised plans submitted indicate a layout, design and scale of development that is appropriate and acceptable in relationship to the location and it is noted that many of the letters in support of the application make reference to the requirement for dwellings of a scale as proposed. Solar panels as proposed it is understood are as a result of member comments to the previous application refused planning permission.

Kingsland Fire Station

- 6.36 Reference is made to Kingsland Fire Station which is located on the opposite side of the C1036 road alongside the southern side of the site and a previous planning approval for training facilities. This approval is still valid and was subject to a Judicial Challenge which was dismissed by the High Court.

Further Housing Development

- 6.37 Comments with regards to land to the west of the site are noted and members are reminded that each application has to be considered on its own merits. Dwelling construction standards will have to be in accordance with Building Regulation standards and it has been established that development of the site is sustainable.
- 6.38 A Draft Heads of Terms drawn up in accordance with the Town and Country Planning Act 1990 on planning obligations has been submitted in support of the application to which no objections are raised. They provide for a raft of contributions amounting to £86,578 details of which are appended to this report.

7. Conclusion

- 7.1 In accordance with S38 (6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 7.2 In the weighing of material considerations regard must be had to the provisions of the NPPF; especially in the context of a shortage of deliverable housing sites. It is acknowledged that the development places reliance upon the presumption in favour of sustainable development as set out at paragraph 14 of the NPPF in the context of a housing land supply deficit, but equally that the emerging policies of the Core Strategy and Neighbourhood Plan are not sufficiently advanced to attract weight in the decision-making process.
- 7.3 The contribution that the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged. The raft of S106 contributions are also noted. The ability of an increased population to underpin local services is also recognised.
- 7.4 Whilst it is acknowledged that the planning history of the site is one of 'refusal' of development, the issues as raised by the Conservation Manager have been fully considered and the retention of the native hedgerows together with utilising the existing access into Kingsleane results in the development overall preserving the Conservation Area, (a recognised heritage asset), and it is considered that the different built-up nodes, as referred to by the Conservation Manager will still be recognisable and impacts on these are considered on balance acceptable. The Conservation Manager acknowledges that impacts on the settling of the listed buildings in the vicinity is considered acceptable, indicating the impact on the nearest listed buildings, will be only slightly adverse. In addition the Council's lack of a five year house land supply must be given significant weight within the planning balance. Accordingly the appraisal demonstrates that development on site is now considered acceptable with reference to the Conservation Area and its original designation, landscape impact and the fact that the application does not propose removal of any native hedgerows which were clearly an important historic feature of the area when the Kingsland Conservation Area was adopted. In addition the applicants have also offered further landscape/biodiversity mitigation which it is considered will enhance the surrounding area is also considered material consideration the planning balance.
- 7.5 Therefore Officers consider that in the context of existing development within Kingsland, the design of the proposal in terms of its layout and architecture is acceptable. As such on issues in relationship to heritage assets, the surrounding historic built environment and landscape, on balance, the development is considered acceptable. It is acknowledged that concern have been raised as outlined in this report, but equally many letters of support from residents of Kingsland have been received. Issues of concern as raised are considered to be addressed satisfactorily with appropriate conditions attached to any approval notice issued.

- 7.6 When considering the three indivisible dimensions of sustainable development as set out in the NPPF, officers consider that the scheme when considered as a whole is representative of sustainable development and that the presumption in favour of approval is engaged.
- 7.7 It has been demonstrated that the ecological issues with regards to the site designation cannot be sustained as a reason for refusal, Drainage issues are considered to be addressed satisfactory with the attachment of appropriate conditions
- 7.8 Any adverse impacts associated with granting planning permission are not considered to significantly and demonstrably outweigh the benefits and it is recommended that planning permission be granted subject to the completion of a legal undertaking under Section 106 of the Town and Country Planning Act 1990 and planning conditions as referred to below.

RECOMMENDATION

That subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, officers named in the Scheme of Delegation to Officers are authorised to grant full planning permission, subject to the conditions below and any other further conditions considered necessary.

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
 - Site plan as proposed - amended drawing number P301 - Rev. A
 - Site location plan submitted in support of the application.
 - Plot 1 Floor plans and elevations - drawing number P100- Rev A.
 - Plots 2 and 3 Floor plans and elevations - amended drawing number P101 - Rev B
 - Plot 4 Floor plans and elevations - drawing number P102- Rev A.
 - Plot 5 Floor plans and elevations- amended drawing number P103- Rev B.
 - Plot 6 Floor plans and elevations - amended drawing number P104- Rev B.
 - Plot 7 Floor plans and elevations - amended drawing number P105- Rev B.
 - Plot 8 Floor plans and elevations - drawing number P106- Rev A.
 - Plots 9 and 10 Floor plans and elevations - amended drawing number P107- RevB
 - Plot 11 Floor plans and elevations - amended drawing number P108 - Rev B.
 - Plot 12 Floor plans and elevations - drawing number P109 - Rev A.
- 3. C01 Samples of external materials**
- 4. D04 Details of window sections, eaves, verges and barge boards**
- 5. D05 Details of external joinery finishes**
- 6. F14 Removal of permitted development rights**
- 7. G04 Protection of trees/hedgerows that are to be retained.**
- 8. G09 Details of Boundary treatments**
- 9. G10 Landscaping scheme**
- 10. G11 Landscaping scheme - implementation**
- 11. Prior to any development on site details will be submitted to and approved in writing by the Local Planning Authority with regards to a detailed surface water management design, which will include detail with regards to infiltration tests results, groundwater**

level data, drainage calculations and soakaways located more than 5 metres in distance from building foundations.

Reason: In order to ensure protection from flooding with adequate drainage and to comply with Policy DR4 of the Herefordshire Unitary Development Plan.

12. L01 Foul/surface water drainage
13. L02 No surface water to connect to public system
14. L03 No drainage run-off to public system
15. H13 Access, turning area and parking
16. The recommendations for species mitigation and habitat enhancement must be carried out in accordance with the details in Section 7 and 8 of the ecologist's report from Starr Ecology dated December 2013 together with the subsequent amended landscape proposals contained in the Amended Landscape Management Plan, revised Soft Landscape Proposals and specifications from John Challoner Associates dated October 2014. The work shall be implemented as approved with written confirmation of completion accompanied by photographic evidence to be submitted to the Local Planning Authority for formal discharge of this condition. An appropriately qualified and experienced ecological clerk of works must be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006

17. H27 Parking for site operators.
18. F08 No conversion of garages to habitable accommodation

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. HN01 Mud on highway
3. HN04 Private apparatus within highway
4. HN05 Works within the highway
5. HN07 Section 278 Agreement
6. HN17 Design of street lighting for Section 278
7. HN10 No drainage to discharge to highway

8 **Dwr Cymru Welsh Water Advisory Notes**

If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water’s Development Services on 0800 917 2652.

Some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal we request the applicant contacts our Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

The Welsh Government have introduced new legislation that will make it mandatory for all developers who wish to communicate with the public sewerage system to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW). The Welsh Ministers Standards for the construction of sewerage apparatus and an agreement under Section 104 of the Water Industry Act (WIA) 1991 will need to be completed in advance of any authorisation to communicate with the public sewerage system under Section 106 WIA 1991 being granted by DCWW.

Welsh Government introduced the Welsh Ministers Standards on the 1 October 2012 and we would welcome your support in informing applicants who wish to communicate with the public sewerage system to engage with us at the earliest opportunity. Further information on the Welsh Ministers Standards is available for viewing on our Developer Services Section of our website – www.dwrcymru.com. Further information on the Welsh Ministers Standards can be found on the Welsh Government website – www.wales.gov.uk.

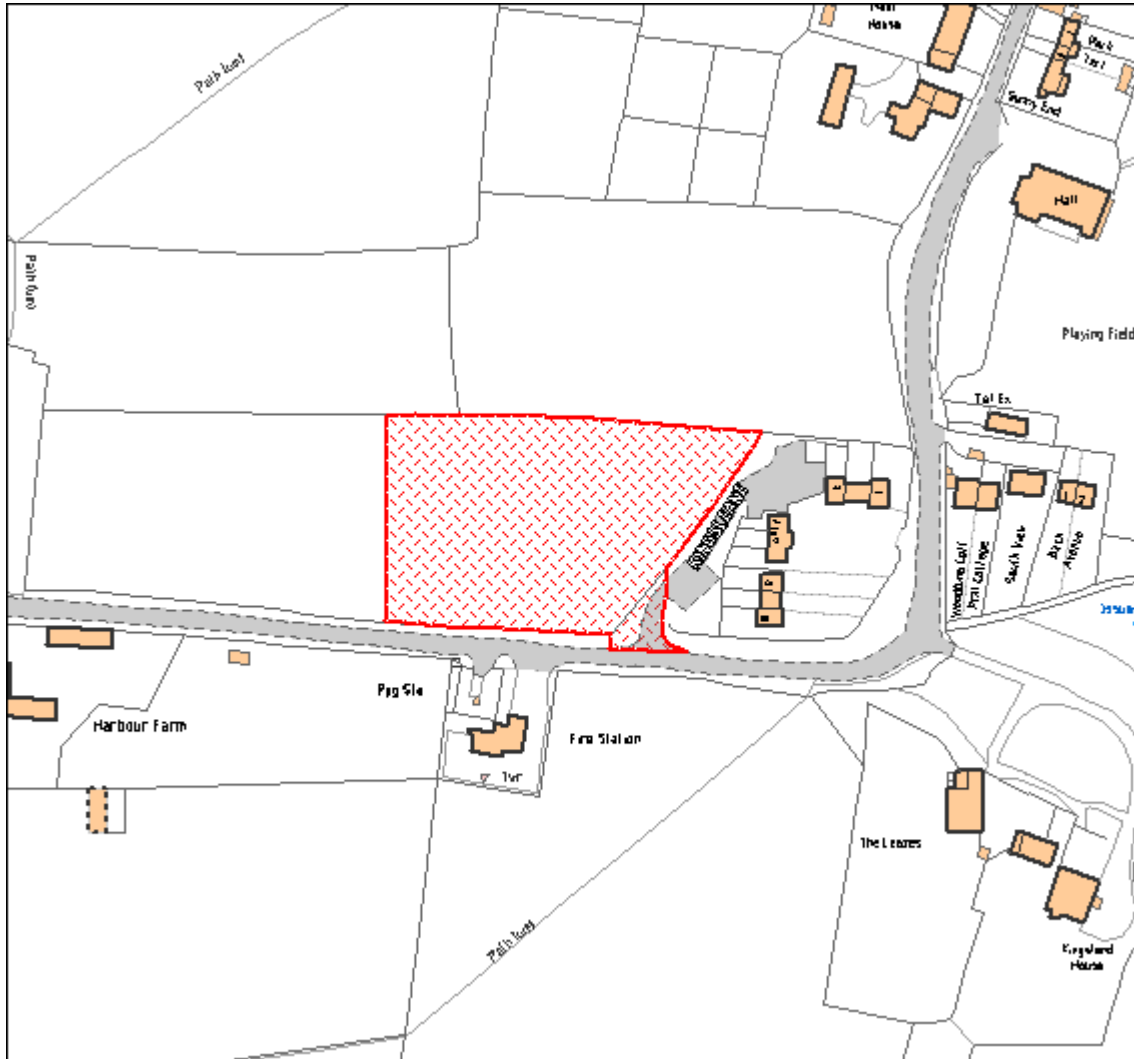
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 140534/F

SITE ADDRESS : LAND ADJOINING KINGSLEANE, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9SP

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DRAFT HEADS OF TERMS

PROPOSED PLANNING OBLIGATION AGREEMENT

Section 106 Town and Country Planning Act 1990

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1st April 2008. All contributions in respect of the residential development are assessed against general market units only.

Planning application: P140534/F

Proposed erection of 12 dwellings comprising 4 x 3 bed open market, 4 x 4 bed open market, 2 x 2 bed affordable and 2 x 3 bed affordable on land adjoining Kingsleane, Kingsland, Leominster, HR6 9SE

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£55,420.00** (index linked) for enhanced educational infrastructure at Coningsby Early Years, Kingsland Primary School, Wigmore High School, St Mary's Roman Catholic School, Teme Valley Youth and the Special Education Needs Schools. The sum shall be paid on or before first occupation of the 1st open market dwellinghouse, and may be pooled with other contributions if appropriate.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£24,080.00** (index linked) for sustainable transport infrastructure to serve the development, which sum shall be paid on or before occupation of the 1st open market dwellinghouse and may be pooled with other contributions if appropriate. The sustainable transport infrastructure will include improvements to the public right of way network within the vicinity of the development, improved crossing facilities between the application site and village facilities and improved bus infrastructure within the vicinity of the development .
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£15,436.00** (index linked) for off-site play facilities. The contribution will be used in accordance with the Play Facilities Study and Investment Plan 2012. The Millennium Green which is owned and maintained by the Parish Council offers a small infants play area which although has recently been improved requires more investment for older children to make it a larger play facility. The sum shall be paid on or before occupation of the 1st open market dwellinghouse and may be pooled with other contributions if appropriate.

4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£5,960.00** (index linked) This is subject to completing an Indoor Facility Investment Plan currently being undertaken externally to develop a strategy for the Indoor Facilities using future proofing (2031) methodology to identify deficiencies in existing provision both quantity and quality above and beyond investment required to bring facilities up to a standard which is fit for purpose. This work should identify where additional investment is required in meeting future needs. Alternatively in the more rural areas such as Kingsland, if the Parish Council has or is in the process of identifying investment required for village hall/sports halls to improve quality/quantity to meet local community needs, for instance, via their Neighbourhood Planning process, this should also be considered as a local priority. The sum shall be paid on or before occupation of the 1st open market dwellinghouse and may be pooled with other contributions if appropriate.
5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£1756.00** (index linked) for enhanced Library facilities in Leominster. The sum shall be paid on or before the occupation of the 1st open market dwelling, and may be pooled with other contributions if appropriate.
6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£960.00** (index linked). The contribution will provide for waste reduction and recycling in Leominster. The sum shall be paid on or before occupation of the 1st open market dwelling, and may be pooled with other contributions if appropriate.
7. The developer covenants with Herefordshire Council that 35% of the residential units shall be “Affordable Housing” which meets the criteria set out in policy H9 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations (2008).
8. Of those Affordable Housing units, at least 2 (two) shall be made available for social rent with the remaining 2 (two) being available for intermediate tenure occupation.
9. All the affordable housing units shall be completed and made available for occupation prior to the occupation of no more than 50% of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.

10. The Affordable Housing Units must be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or successor agency) from time to time with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-

10.1 registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and

10.2 satisfy the requirements of paragraph 12 of this schedule

11. The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of who has:-

11.1 a local connection with the parish of Kingsland;

11.2 in the event there being no person having a local connection to the parish of Kingsland a person with a connection to Aymstrey, Shobdon, Eyeton, Yarpole, Eardisland and Monkland & Stretford;

11.3 in the event there being no person with a local connection to any of the above parish or wards any other person ordinarily resident within the administrative area of Herefordshire Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 11.1 and 11.2 above

12. For the purposes of sub-paragraph 11.1 and 11.2 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:

12.1 is or in the past was normally resident there; or

12.2 is employed there; or

12.3 has a family association there; or

12.4 a proven need to give support to or receive support from family members; or

12.5 because of special circumstances

13. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to the Homes and Communities Agency 'Design and Quality Standards 2007' (or to a subsequent design and quality standards of the Homes and Communities Agency as are current at the date of construction) and to Joseph Rowntree Foundation 'Lifetime Homes' standards. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
14. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to Code Level 3 of the 'Code for Sustainable Homes – Setting the Standard in Sustainability for New Homes' or equivalent standard of carbon emission reduction, energy and water efficiency as may be agreed in writing with the local planning authority. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
15. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2, 3, 4, 5 and 6 above for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
16. The sums referred to in paragraphs 1, 2, 3, 4, 5 and 6 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
17. The developer covenants with Herefordshire Council to pay a surcharge of 2% of the total sum detailed in this Heads of Terms, as a contribution towards the cost of monitoring and enforcing the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.
18. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

Yvonne Coleman

Planning Obligations Manager

