

AGENDA

Planning Committee

Date: **Wednesday 28 October 2015**

Time: **10.00 am**

Place: **Council Chamber, 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:

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Agenda for the Meeting of the Planning Committee

Membership

Chairman

Councillor PGH Cutter

Vice-Chairman

Councillor J Hardwick

Councillor BA Baker

Councillor CR Butler

Councillor PJ Edwards

Councillor DW Greenow

Councillor KS Guthrie

Councillor EL Holton

Councillor JA Hyde

Councillor TM James

Councillor JLV Kenyon

Councillor FM Norman

Councillor AJW Powers

Councillor A Seldon

Councillor WC Skelton

Councillor EJ Swinglehurst

Councillor LC Tawn

AGENDA

		Pages
1.	<p>APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
2.	<p>NAMED SUBSTITUTES (IF ANY)</p> <p>To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.</p>	
3.	<p>DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
4.	<p>MINUTES</p> <p>To approve and sign the Minutes of the meetings held on 7 October 2015</p>	7 - 44
5.	<p>CHAIRMAN'S ANNOUNCEMENTS</p> <p>To receive any announcements from the Chairman.</p>	
6.	<p>APPEALS</p> <p>To be noted.</p>	45 - 52
7.	<p>150437 - LAND TO THE SOUTH OF CHAPEL LANE, BODENHAM MOOR, HEREFORDSHIRE</p> <p>Proposed 49 dwellings, including affordable dwellings, associated parking and landscaping.</p>	53 - 112
8.	<p>151315 - LAND AT GARRISON HOUSE, ORDNANCE CLOSE, MORETON ON LUGG, HEREFORD, HR4 8DA</p> <p>Proposed demolition of existing house and erection of 9 dwellings.</p>	113 - 128
9.	<p>151189 - LAND OFF FERNBANK ROAD, ROSS-ON-WYE, HEREFORDSHIRE,</p> <p>Proposed demolition of existing agricultural building and erection of 5 no. Four bedroom detached dwellings. Alterations to existing vehicular access, landscaping and other associated works.</p>	129 - 144
10.	<p>151299 - LAND WEST OF LARKSMEAD, CHURCH ROAD, BRAMPTON ABBOTTS, HEREFORDSHIRE, HR9 7JE</p> <p>Proposed new dwelling.</p>	145 - 156
11.	<p>DATE OF NEXT MEETING</p> <p>Date of next site inspection – Monday 16 November 2015 Date of next meeting -18 November 2015</p>	

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Planning Committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 7 October 2015 at 10.00 am

Present: Councillor PGH Cutter (Chairman)
Councillor J Hardwick (Vice Chairman)

Councillors: BA Baker, CR Butler, PJ Edwards, DW Greenow, TM James, JLV Kenyon, FM Norman, AJW Powers, A Seldon, WC Skelton, J Stone, EJ Swinglehurst and LC Tawn

In attendance: Councillor WLS Bowen

67. APOLOGIES FOR ABSENCE

Apologies were received from Councillors KS Guthrie and JA Hyde.

68. NAMED SUBSTITUTES

Councillor J Stone substituted for Councillor JA Hyde.

69. DECLARATIONS OF INTEREST

Agenda item 7 – 150989 – Land Adjacent to New House Farm and Marden Primary School, Marden

Councillor BA Baker declared a non-pecuniary interest because he had been a Parish Councillor when the application had been discussed and was a resident of Marden.

Mr K Bishop, Development Manager, declared a non-pecuniary interest because the football team of which he was a director had at one time used the football pitches at Marden, but not this season.

Agenda item 10 - 143272 – Stable and Yard North of Mews house, Mordiford

Councillor PGH Cutter declared a non-pecuniary interest as a member of the Wye Valley AONB Joint Advisory Committee.

Councillor DW Greenow declared a non-pecuniary interest because he knew the applicant.

Councillor J Hardwick declared a non-pecuniary interest as a member of the Wye Valley AONB Joint Advisory Committee and because he knew the applicant.

Councillor EJ Swinglehurst declared a non-pecuniary interest as a member of the Wye Valley AONB Joint Advisory Committee.

70. MINUTES

RESOLVED: That the Minutes of the meetings held on 16 September 2015 be approved as a correct record and signed by the Chairman.

71. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements.

72. APPEALS

The Planning Committee noted the report.

73. 150989 - LAND ADJACENT TO NEW HOUSE FARM AND MARDEN PRIMARY SCHOOL, MARDEN, HEREFORDSHIRE, HR1 3EW

(Proposed residential development of up to 90 dwellings with provision of a site for a community building and associated open public space.)

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 particular he noted that the Inspector's report into the Core Strategy had been received. The policies of the Core Strategy could now be given significant weight in decision taking. It was noted that this would be the case for a number of applications before the Committee.

The local ward member was unable to attend the meeting.

In accordance with the criteria for public speaking, Mrs S Gladwin of Marden Parish Council spoke in support of the Scheme. Mr A Price the applicant and Mr M Barry, the applicant's agent, spoke in support.

In the Committee's discussion of the application the following principal points were made:

- The proposal appeared to be a logical extension of the village that commanded support.
- The Principal Planning Officer confirmed that the pre-application consultation had included the school. The issue of school capacity had been considered and addressed.
- The local consultation had been good.
- Although the development was larger than envisaged in the Neighbourhood Plan it appeared to be acceptable to the community.
- The density of the development was quite low and this was in its favour.
- The aim to achieve Passivhaus accreditation was to be welcomed. It was to be hoped that the aspirations for the development would be fulfilled at the reserved matters stage.
- The scheme could be considered to be an exemplar for other developments.
- It was questioned why the application had been brought forward to the Committee on the grounds that it was contrary to policy, given that the Committee had been advised that weight could now be given to the Core Strategy. In addition, if weight

could be given to the Core Strategy this must mean that the Council had a five year housing land supply.

- The Development Manager commented that reports for the Committee had been prepared before the Inspector's report on the Core Strategy had been received. On adoption the Core Strategy would identify a 5.24 year housing land supply. This demonstrated the importance of continuing to grant permission for appropriate housing development. If Members refused the application the Core Strategy policies would be advanced in defence at any subsequent appeal.
- Reference was made to an application for housing development previously approved in Kingstone that had meant development would exceed the indicative housing target for Kingstone it was noted that the applicant in that case had given an assurance that the development would be phased to meet the infrastructure available and school capacity. It was asked whether there would be merit in discussing a similar approach in Marden.
- The Development Manager commented that the Parish Council would have the opportunity to discuss any concerns with the developer at the Reserved Matters Stage.
- Consideration should be given to putting in a pedestrian crossing and a 30mph speed limit on the C1224 off which access to the site was gained.
- The Principal Planning Officer noted that discussions over the off-site sports contribution were centered on whether to enhance football facilities, or to re-surface the tennis courts – the Parish Council's preference. The applicant had indicated that they had no view. Only the level of contribution needed to be agreed.
- It would be important to ensure that the water attenuation scheme was appropriate and that there were arrangements in place to ensure that the scheme was maintained.

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 unless otherwise amended in respect of the off-site sports contribution, 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. **A04 Approval of Reserved Matters**
4. **The development shall include no more than 90 houses and no dwellings shall be more than 2 storeys high**

Reason: To define the terms of the permission and to conform to Herefordshire Unitary Development Plan Policies S1, DR1 and H13 and the policies of the National Planning Policy Framework.

5. **The submission of reserved matters in respect of layout, scale, appearance and landscaping and the implementation of the development shall be carried out in substantial accordance with the Architype Design and Access Statement (8010/PL DAS) dated March 2015.**

Reason: To define the terms of the permission and to conform to Herefordshire Unitary Development Plan Policies S1, DR1, HBA4 and LA4 and the National Planning Policy Framework.

6. **H03 Visibility splays (2.4m x 60m)**
7. **H06 Vehicular access construction**
8. **H18 On site roads - submission of details**
9. **H21 Wheel washing**
10. **H27 Parking for site operatives**
11. **H29 Secure covered cycle parking provision**
12. **No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.**

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

13. **No development shall take place until a scheme to satisfactorily accommodate a potable water supply for the site has been submitted to and approved in writing by the local planning authority. No part of the development shall be brought into use and no dwelling shall be occupied until the approved scheme has been constructed, completed and brought into use in accordance with the approved scheme.**

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

14. **G04 Protection of trees/hedgerows that are to be retained**
15. **G10 Landscaping scheme**
16. **G11 Landscaping scheme - implementation**
17. **G14 Landscape management plan**
18. **The recommendations set out in the recommendations of the Phase 1 Habitat ecologist's report from Hills Ecology dated April 2014 and the**

mitigation and compensation proposals of the great crested newt report from Hills Ecology dated May 2014 should be followed in relation to species mitigation. Prior to commencement of the development, a full working method statement for the protected species present together with a habitat enhancement plan integrated with the landscape proposals should be submitted to, and be approved in writing by, the local planning authority, and the work shall be implemented as approved.

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

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. HN08 Section 38 Agreement & Drainage details
3. HN28 Highways Design Guide and Specification
4. HN05 Works within the highway
5. HN24 Drainage other than via highway system
6. S106

74. 151316 - LAND OPPOSITE, PLAYING FIELDS, PYEFINCH, BURGHILL, HEREFORDSHIRE HR4 7RW

(Proposed residential development for 24 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. She commented that it was proposed to amend the draft heads of terms appended to include reference to a traffic regulation order imposing a 30mph speed limit on part of the C1095 under the transport contributions.

In accordance with the criteria for public speaking, Mrs H Philpotts, Clerk to Burghill Parish Council spoke in opposition to the Scheme. Mrs J Helme, a local resident, spoke in objection. Mr M Owen, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, Councillor WLS Bowen spoke on the application on behalf of the local ward member.

He made the following principal comments:

- The Parish Council opposed the proposal. It favoured a number of smaller developments in various locations around the village to retain the rural character of the area.
- A questionnaire as part of the preparation of the village plan had found over 50% of residents were opposed to development in the proposed location.
- There were concerns about the ability of the mains drainage and sewerage to cope with the new development. Garages at Baker's furlong had been flooded by sewage. Welsh Water needed to make improvements.
- The site consisted of impermeable clay and drainage was poor.
- The access was close to the golf club and a dangerous cross roads. Visibility was not good with dips in the road. The current 40mph speed limit would have to be reduced if the development proceeded.
- He questioned the sustainability of the development, noting that shops were some distance away and the car would therefore be the preferred means of travel.
- Space was needed between the development and the listed building and other nearby buildings.
- There were also questions over the retention of hedgerows and footpath provision.
- The application was not as straightforward as it might appear at first sight. Regard should be had to the concerns of the Parish Council and local residents.

In the Committee's discussion of the application the following principal points were made:

- The Parish Council's preference for several developments of fewer houses would make it harder for Burghill to meet its housing target.
- The site did have constraints including a listed building and the Welsh Water pipe crossing the site. Maintaining the required access to pipe would restrict the developable area.
- It was essential that the arrangements for the management and future maintenance of the proposed attenuation ponds were secured.
- It was suggested that the first six informatives listed in the recommendation should be changed to conditions to make them binding. The Development Manager commented that the informatives listed could not be translated into conditions. However, conditions were already proposed covering many of these aspects.
- There were too many uncertainties to enable the development to be supported. In particular there was uncertainty over the management of surface water.
- The site was a logical site for development. The density of 16 dwellings per hectare was low.
- A 30mph speed limit on the main road was essential.

- The removal of the hedge would enable the provision of adequate visibility splays.
- It was questioned whether the development would have an adverse effect on listed buildings nearby noting modern development was already present. It was suggested that sensitive design of the new development might even represent an enhancement.
- There was a need for 2 bed bungalows.
- The development met a need for housing.
- The housing officer had suggested a different mix of housing to that proposed.
- Although the Neighbourhood Plan was not at an advanced stage consultation had been undertaken on the preferred location for and type of development and the local community was opposed to the proposal.
- The proposed layout and tree planting proposals were good.
- There was not stated intention to apply high design standards, with energy efficiency and water conservation measures.
- The development included affordable housing which would enable young people to dwell in the village.
- The proposal did not entail the loss of agricultural land.
- There had been insufficient community engagement to date and it was to be hoped that this would improve if the proposal proceeded.
- The response of the land drainage manager at page 76 of the report recommended that certain information was submitted prior to the Council granting outline planning permission. It was asked if this had been supplied.

The Development Manager commented that 106 dwellings were required to meet the indicative housing target for Burghill. This would mean some 10 sites would have to be identified to meet the Parish Council's preference for smaller developments. The site was in the heart of the village, of low density and provided 8 affordable houses. The Conservation Manager (Historic Buildings Officer) had commented that the development would not be detrimental to the setting of listed buildings nearby. This was the type of site that the Committee would have to support if it wanted villages to grow and to retain local people within them. In relation to drainage before any development commenced proposals would have to have been approved by the local planning authority and other relevant statutory bodies. He acknowledged that the authority had not received the information as recommended by the land drainage matter. However, that would form a fundamental part of consideration of drainage proposals at the reserved matters stage. The development provided benefits including improvements to the road network, footpaths to the local recreation area, and path to the school. A reduced speed limit would also be imposed. The site was sustainable. He proposed that officers be authorised to amend the S106 agreement after consultation with the local ward member having particular regard to the maintenance of drainage measures.

Councillor Bowen was given the opportunity to close the debate on behalf of the local ward member. He reiterated his request that the Committee took account of the Parish Council's concerns. The development must be sustainable and drainage and access problems had to be overcome.

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 unless otherwise amended in respect of surface water drainage maintenance, off-site play and transportation contribution, 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. A04 Approval of reserved matters
4. A05 Plans and particulars of reserved matters
5. B01 Development in accordance with the approved plans
6. C01 Samples of external materials
7. H06 Vehicular access construction
8. H09 Driveway gradient
9. H13 Access, turning area and parking
10. H27 Parking for site operatives
11. H29 Secure covered cycle parking provision
12. G03 Retention of existing trees/hedgerows
13. G04 Protection of trees/hedgerows that are to be retained
14. G11 Landscaping scheme - implementation
15. I16 Restriction of hours during construction
16. I51 Details of slab levels
17. K4 Nature Conservation - Implementation
18. L01 Foul/surface water drainage
19. L02 No surface water to connect to public system
20. L04 Comprehensive & Integrated draining of site
21. H17 Junction improvement / off site works

INFORMATIVES:

1. HN10 No drainage to discharge to highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development

shall be allowed to discharge into any highway drain or over any part of the public highway.

- 2. HN08 Section 38 Agreement & Drainage details**
- 3. HN28 Highways Design Guide and Specification**
- 4. HN13 Protection of visibility splays on private land**
- 5. HN05 Works within the highway**
- 6. The developer is advised that the proposed development site is crossed by a public sewer with the approximate position being marked on the attached 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 3 metres either side of the centreline of the public sewer.**
- 7. 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.**

75. 151150- LAND ADJACENT TO SOUTHBANK, WITHINGTON, HEREFORDSHIRE.

(Proposed residential development of 69 no dwellings of which 24 will be affordable, accompanied by associated infrastructure and public open space.)

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 P Bainbridge of Withington Parish Council spoke in opposition to the Scheme. S Williams, a local resident, spoke in objection. Ms S Griffiths, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor DW Greenow, spoke on the application.

He made the following principal comments:

- He highlighted the Parish Council's objection to the Scheme. In particular, he commented that there had been no response to the Parish Council's support for the principle of the provision of a village green in the centre of the development. The density of the development could be reduced to provide a village green.
- A buffer zone between the houses and the main road would be preferable.
- The C1130 was used by heavy vehicles and they did not adhere to the speed limit. The Parish Council had requested that consideration be given to a one way system.
- The Parish Council had stated that part of the application site would in principle provide an acceptable location for development. The question was whether the detail of the application that had been submitted was acceptable noting that it did not

reflect the preferences expressed by the Parish Council including those in relation to layout, density and open space.

In the Committee's discussion of the application the following principal points were made:

- Improved community engagement might well have resulted in a proposal which the local community could support. It was suggested there had been insufficient consultation.
- No information had been submitted on the energy efficiency of the proposed housing.
- The intention that the management of the public open space would be the responsibility of a management company was questioned. It was requested that the Council's executive should consider the level of financial contribution the Council would need to secure management of public open space for developments.
- Differing views were expressed on the benefits or otherwise of village greens in the centre of developments.
- The proposals for transport infrastructure in the draft heads of terms were welcomed.
- The Principal Planning Officer confirmed that there was capacity in the school for all year groups.
- The detrimental impact on the amenity of the residents of Orchard view detracted from an otherwise acceptable proposal.

The Development Manager commented that the applicant had consulted extensively and had made changes to the scheme. However, a point came where an applicant could not make further changes if the scheme were to remain achievable. At 23 houses per hectare the density of the development was relatively low noting that the density of the development of the adjacent Southbank development was 31 houses per hectare. Contributions were also offered for transport infrastructure. No weight could be given to the Neighbourhood Plan. Energy saving would be a key aspect of the design of the dwellings. The site was acceptable for development.

The local ward member was given the opportunity to close the debate. He commented that concerns about the proposed development remained, including the impact on Orchard View, and whilst the developer had listened to some of these further compromise might have been possible.

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 submission of reserved matters (outline permission)**
2. **B03 Amended plans**
3. **C01 Samples of external materials**
4. **G04 Protection of tree/hedgerows that are to be retained**

5. **G10 Landscaping scheme**
6. **G11 Landscaping scheme - implementation**
7. **G14 Landscape management plan**
8. **G19 Details of play equipment**
9. **H03 Visibility splays**
10. **H05 Access gates**
11. **H06 Vehicular access construction**
12. **H11 Parking – estate development**
13. **H17 Junction improvements/off site works**
14. **H27 Parking for site operatives**
15. **I16 Restriction of hours during construction**
16. **I51 Details of slab levels**
17. **L01 Foul/surface water drainage**
18. **L02 No surface water to connect to public system**
19. **L03 No drainage run off to public system**
20. **L04 Comprehensive and integrated draining of site**
21. **The recommendations set out in the ecologist’s report from Betts Ecology dated January 2015 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 integrated with the landscape scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.**

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.

22. **I16 Restriction of hours during construction**

INFORMATIVES:

1. **HN04 Private apparatus within highway**
2. **HN05 Works within the highway**
3. **HN08 Section 38 Agreement & Drainage details**
4. **N11C General**

5. **S106**

6. **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.**

76. **143272 - STABLE AND YARD NORTH OF MEWS HOUSE, MORDIFORD, HEREFORDSHIRE, HR1 4LN**

(Proposed earth sheltered dwelling to replace an existing stable and storage building on a previously developed site.)

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 Thomas, the applicant's agent, spoke in support of the application.

In accordance with the Council's Constitution, the local ward member, Councillor J Hardwick, spoke on the application.

He made the following principal comments:

- The development was sustainable.
- It was designed to sit sympathetically within the landscape and with appropriate landscaping of the site the development would be suitable.
- The development did not have an impact upon the garden view of Sufton Court.
- The unregistered parkland surrounding the site had experienced significant change over the years and it had to be recognised that landscapes did change. There had, for example been a change from stock farming to intensive arable farming.
- There was substantial support for the proposal including support from the Parish Council.

In the Committee's discussion of the application the following principal points were made:

- The development was sustainable.
- The Parish Council supported the proposal and there were also a number of letters in support.
- There was no adverse effect on Sufton Court or the surrounding unregistered park and garden.
- The development worked well within the landscape.

- The design was good and had regard to the need for energy efficiency.
- The development would be an improvement on the existing structures, or at least would have a minimal impact.
- The dwelling was in open countryside with a high landscape value. It was larger than the building it was to replace and the design was alien to the setting. The scheme had little of benefit. It undermined the protection that should be afforded to such landscapes.
- A smaller conversion scheme would be more appropriate.
- The landscape was significant noting the link to Sir Edward Elgar. However, it had been damaged over the years.
- It was noted that officers had recommended refusal citing the detriment to the landscape that would be caused by a single dwelling. It was requested that officers apply a consistent approach when preparing the report on the forthcoming application for the southern link road.

The Development Manager commented that permission for a house of standard design would have been refused. Having regard to the consultation responses and the proposed design it was acknowledged that some might consider that the scheme did represent an enhancement. English Heritage had no objection although concerns had been expressed by some other respondents.

The local ward member was given the opportunity to close the debate. He noted that the Committee had recently approved another single property at Cradley in the open countryside within an AONB given the quality of its design. With the correct design the development proposed was sustainable.

RESOLVED: That that officers named in the Scheme of Delegation to officers be authorised to grant planning permission subject to conditions considered necessary on the grounds that that the proposal was sustainable and had no detrimental impact upon the unregistered park and garden.

Appendix 1 - Schedule of Updates

The meeting ended at 1.05 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 7 October 2015

MORNING

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

150989 - PROPOSED RESIDENTIAL DEVELOPMENT OF UP TO 90 DWELLINGS, WITH PROVISION OF A SITE FOR A COMMUNITY BUILDING AND ASSOCIATED OPEN PUBLIC SPACE. AT LAND ADJACENT TO NEW HOUSE FARM AND MARDEN PRIMARY SCHOOL, MARDEN, HEREFORDSHIRE,

For: Mr Price per Mr Paul Neep, Twyford Barn, Upper Twyford, Hereford, Herefordshire HR2 8AD

OFFICER COMMENTS

Core Strategy

The Inspector's Report into the Core Strategy has been received. The policies of the Core Strategy can now be given significant weight in decision taking. RA2 is relevant as guiding development in rural settlements. It states:-

"The minimum growth target in each rural Housing Market Area will be used to inform the level of housing development to be delivered in the various settlements set out in Figures 4.20 and 4.21. Neighbourhood Development Plans will allocate land for new housing or otherwise demonstrate delivery to provide levels of housing to meet the various targets.

Housing proposals will be permitted where the following criteria are met:

- 1. Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area. In relation to smaller settlements identified in fig 4.21 proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement; and/or they result in development that contributes to or is essential to the social well-being of the settlement concerned;*
- 2. Their locations make best and full use of suitable brownfield sites wherever possible;*
- 3. They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting; and*
- 4. They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlement, reflecting local demand.*

Specific proposals for the delivery of local need housing will be particularly supported where they meet an identified need and their long-term retention as local needs housing is secured as such."

Marden's draft NDP (Reg. 14 stage) allocates the application site as a site for housing. Whilst the NDP is not yet adopted, officers consider the site allocation to be in accordance with the requirements of the Core Strategy, having particular regard for Policy RA2. Subsequently, this application conforms to both the NDP and Core Strategy.

Off-site play contribution

The Parish Council has met with the applicants to discuss the off-site sports contribution discussed at 4.8 of the report and at paragraph 12 of the Heads of Terms.

The Parish Council has a preference for this money to be directed towards re-surfacing of the tennis courts and has provided a quote for this work. Further discussion and refinement of the Heads of Terms will be necessary in consultation with the applicants and Parish Council.

CHANGE TO RECOMMENDATION

In light of the above, a change to the recommendation is sought in order to allow delegation to officers to finalise the Heads of Terms and subsequent legal agreement to reflect final agreement of the off-site sports contribution.

Subject to the completion of a Section 106 Town and Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report unless otherwise amended in respect of the off-site sports contribution, 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.

151316 - PROPOSED RESIDENTIAL DEVELOPMENT FOR 24 DWELLINGS AT LAND OPPOSITE, PLAYING FIELDS, PYEFINCH, BURGHILL, HEREFORD

For: Mr Edwards per Mr Mark Owen, Second Floor Offices, 46 Bridge Street, Hereford, Herefordshire, HR4 9D

OFFICER COMMENTS

The Inspector's Report into the Core Strategy has been received. The policies of the Core Strategy can now be given significant weight in decision taking. RA2 is relevant as guiding development in rural settlements. It states:-

"The minimum growth target in each rural Housing Market Area will be used to inform the level of housing development to be delivered in the various settlements set out in Figures 4.20 and 4.21. Neighbourhood Development Plans will allocate land for new housing or otherwise demonstrate delivery to provide levels of housing to meet the various targets.

Housing proposals will be permitted where the following criteria are met:

- 1. Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area. In relation to smaller settlements identified in fig 4.21 proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement; and/or they result in development that contributes to or is essential to the social well-being of the settlement concerned;*
- 2. Their locations make best and full use of suitable brownfield sites wherever possible;*
- 3. They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting; and*
- 4. They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlement, reflecting local demand.*

Specific proposals for the delivery of local need housing will be particularly supported where they meet an identified need and their long-term retention as local needs housing is secured as such."

Burghill have not yet progressed their Neighbourhood Plan to a stage that can be given weight.

Having regard to the proposal, in its outline form, this would comply with the criteria of this policy.

Section 106

Off site play

It is clarified that the off-site contribution will be directed towards the facilities at 'The Copse' and the Heads of Terms shall be amended to reflect this.

Highways

The Heads of Terms are amended to provide for the inclusion of the Traffic Regulation Order to reduce speed limit from 40mph to 30mph in the Transportation Section.

CHANGE TO RECOMMENDATION

In light of the above, a change to the recommendation is sought in order to allow delegation to officers to finalise the Heads of Terms and subsequent legal agreement to reflect final agreement of the off-site play contribution and transportation contribution.

Subject to the completion of a Section 106 Town and Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report unless otherwise amended in respect of the off-site play and transportation contribution, 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.

151150 - PROPOSED RESIDENTIAL DEVELOPMENT OF 69 NO. NEW DWELLINGS OF WHICH 24 WILL BE AFFORDABLE, ACCOMPANIED BY ASSOCIATED INFRASTRUCTURE AND PUBLIC OPEN SPACE. AT LAND ADJACENT TO SOUTHBANK, WITHINGTON, HEREFORDSHIRE,

For: David Wilson Homes (Mercia) Ltd per Mrs Sian Griffiths, Unit 6 De Sallis Court, Hampton Lovett, Droitwich, Worcestershire WR9 0QE

Core Strategy

The Inspector's Report into the Core Strategy has been received. The policies of the Core Strategy can now be given significant weight in decision taking. RA2 is relevant as guiding development in rural settlements. It states:-

"The minimum growth target in each rural Housing Market Area will be used to inform the level of housing development to be delivered in the various settlements set out in Figures 4.20 and 4.21. Neighbourhood Development Plans will allocate land for new housing or otherwise demonstrate delivery to provide levels of housing to meet the various targets.

Housing proposals will be permitted where the following criteria are met:

1. Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area. In relation to smaller settlements identified in fig 4.21 proposals will be expected to demonstrate particular attention to the

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form, layout, character and setting of the site and its location in that settlement; and/or they result in development that contributes to or is essential to the social well-being of the settlement concerned;

2. Their locations make best and full use of suitable brownfield sites wherever possible;

3. They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting; and

4. They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlement, reflecting local demand.

Specific proposals for the delivery of local need housing will be particularly supported where they meet an identified need and their long-term retention as local needs housing is secured as such.”

In this case the NDP is not adopted. In the absence of a NDP, the development's conformity with the numbered criteria of Core Strategy Policy RA2 is the appropriate method of determination. In this instance, officers have failed to identify overriding harm in the context of Policy RA2. The proposal is therefore representative of sustainable development when held against both the NPPF and Core Strategy.

OFFICER COMMENTS

At 5.2 of the report reference is made to the appeal at Vine Tree Close; a proposal for 31 dwellings. The appeal was allowed as reported in the Appeals update.

The net minimum requirement for housing within the parish is 45 as reported at 6.6 of the report.

NO CHANGE TO RECOMMENDATION

143272 - PROPOSED EARTH SHELTERED DWELLING TO REPLACE AN EXISTING STABLE AND STORAGE BUILDING ON A PREVIOUSLY DEVELOPED SITE AT STABLE AND YARD NORTH OF MEWS HOUSE, MORDIFORD, HEREFORDSHIRE, HR1 4LN

For: Mr & Mrs Gullis per Mr Garry Thomas, Watershed, Wye Street, Hereford, Herefordshire, HR2 7RB

ADDITIONAL REPRESENTATIONS

- 1 letter of support has been withdrawn since the publication of the report.
- The agent has submitted the following information:

The following statement is issued to the planning committee to correct areas of the planning report which include a number of technical errors as follows...

i) The planning report omits Pre-Application advice issued by the Local Authority and does not account for how the Applicant has met with the pre-app advice received; there are 32 letters of support – and the Parish Council, Ecology Officer, Flooding Officer and Transport Manager have raised no objections to the proposal – it can therefore be supported un UDP policy DR1;

ii) *The planning report fails to consider the sustainable development credentials of the proposal. As such it does not assess within the planning balance the proposals sustainable development opportunities; and given support from Historic England (NPPF footnote 9), lack of a 5-year housing supply – the proposal can be approved under NPPF paragraph 14;*

iii) *In assessing compliance with UDP policy HBA4 and HBA6 the planning report does not consider appropriately the significant restoration of the landscape and enhancement of important heritage designations, and the fact Historic England has raised no objection demonstrates the proposal can be supported under policy LA2, LA4, HBA4 and HBA6.*

iv) *Whilst the planning report is wrong to conclude under paragraph 6.6 that... it is not yet possible to give weight to the emerging Core Strategy... as the Inspector has provided a statement on the Core Strategy and there is no change to the list of growth settlements within the plan, significant weight can therefore be given to the status of Mordiford as a sustainable settlement for growth, and it is agreed the proposal constitutes sustainable development.*

v) *Further more: – the following technical corrections are noted.*

1. CORRECTIONS TO PLANNING REPORT

1.1. *Paragraph 4.2.2, sub paragraph 4, describes existing landscape – referring to the 1843 map – as remaining relatively unaltered. Notwithstanding this, the planning report omits commentary on the detailed investigation of historic documents, carried out on behalf of the Applicant, which has identified how there has been significant and considerable change within the historic landscape; and as a result the Applicant actually proposes sensitive restoration of a significant part of the historic landscape – using the same tree species and the same planting layout, which can be identified within several key historic documents submitted as part of the application*

1.2. *Paragraph 4.2.2, sub paragraph 5, incorrectly describes a significant landscape feature as a railway embankment. No railway has ever run through this part of the Wye Valley, and the Landscape Officer is incorrect to refer to these raised earthworks as a railway feature. For the avoidance of any doubt the raised earth works feature is actually the flood bank to protect parts of the Wye Valley from fluvial flooding, which can extend from the river Lugg. This large earthwork feature was installed in the 1960s.*

1.3. *Paragraph 4.2.2, sub paragraph 7, the Applicant confirms the line of trees which offer natural screening of the proposal falls within his ownership. As such they can be effectively controlled as part of any planning condition.*

1.4. *Paragraph 4.2.3, sub paragraph 5 identifies the proposal as having the potential to adversely affect the setting of important heritage assets. It would appear from this statement the planning report overlooks positive contributions the proposal would make in restoring an important part of the historic landscape, as viewed from the west and overlooks there is no objection from Historic England.*

1.5. *Paragraph 4.3, sub paragraph 2, states that the proposal would be more prominent in the landscape than the existing building. It would appear that the planning report overlooks substantial information: detailing historic landscape restoration, 3D visuals, and part of the proposal is built into the bank, which actually confirms that the proposal would offer significant enhancement of the site, and would be an opportunity for the Local Authority to control this sensitive historic landscape – in perpetuity.*

1.6. *Paragraph 6.7, does not account for how the proposal offers substantial enhancement of the historic parkland and setting of designated heritage assets, in the form of restoration of significant parts of the historic landscape, and high-quality sustainable design; as such paragraph 6.7 fails to consider how the proposal would be in accord with UDP policies HBA4, HBA6 and NPPF Chapter 12 and more specifically paragraphs 132 and 133.*

1.7. Paragraph 6.15, attempts to down play the existing brown-field nature of the site. Development has occurred on the site since 2008 and prior to this period the site had been used for the dumping of hardcore and other alien materials to the landscape. Given these important material considerations the proposal would be an opportunity to significantly enhance the site, and restore a significant part of the historic landscape character and setting, whilst introducing also high-quality contemporary design that has been detailed sensitively – in direct response to the setting and characteristics of the site location. The Applicant respectfully asserts that the proposal should be considered in the context that “development has already occurred on the site”, and the proposal will not only enhance the site but it would restore the landscape character and setting. This is acknowledged in a significant number of supporting letters (paragraph 5.3).

1.8. Paragraph 6.17, suggests that residential paraphernalia and lighting would have detrimental affect; and, that should landscape mitigation fail the development would have more severe and adverse impact. The report fails to consider statements issued by Historic England and the Conservation Manager (paragraph 4.1, 4.2.1), which suggests they would be happy to condition the planning application with suitable planning condition to effectively control in perpetuity such paraphernalia as: – lighting, landscaping details, surface materials and domestic curtilage etc.

1.9. It would appear the planning report, under paragraph 6.19, does not consider the supporting comments illuminated by 32 separate letters of support (summarised at paragraph 5.3), as such it would appear that the public would welcome the landscape and design merits of the proposal and recognise the proposal would sustain and significantly enhance the landscape character and setting.

1.10. Paragraph 6.22, draws members attention to the very detailed response from the Conservation Manager in respect of the impact of the proposed dwelling on the Heritage and Designated Heritage Assets; it should be noted that the Conservation Manager and the Herefordshire and Worcester Gardens Trust have provided **no** detailed, or robust comment, on the historic landscape assessment, nor commented on proposed restoration of parts of the historic parkland and setting; as such members should be mindful the planning report omits important facts. The proposal would in fact be an opportunity to restore a significant part of an important historic Herefordshire Landscape and enhance views from the west.

1.11. Paragraph 6.28, attempts to suggest that the brown-field nature of the site has high environmental value and as such, under NPPF paragraph 17, it should not be afforded any material weight for consideration for re-use. The Applicant respectfully asserts that the Local Authority did not raise the issue of “high environmental value” at the time of approved development in 2008. As such for the purposes of this proposal, the site should be considered as previously developed land and should therefore be given full weight for potential re-use under paragraph 17 of the NPPF.

2.0 CONCLUSIONS

2.1 The planning report confirms the proposals location is sustainable and significant material evidence has been submitted, which confirms that the proposal would not only preserve landscape character and setting but offer significant restoration of designated heritage assets forming the historic parkland setting; in addition the proposal meets the three tests of sustainable development, in particular – the social needs of a local family wishing to remain in the area during retirement, environmentally – in terms of achieving a very high sustainable design construction standard, and economically – by providing an opportunity to create jobs in construction and landscape restoration. It can be concluded that the proposal can be supported under paragraph 14 of the NPPF as being highly sustainable development.

2.2 Given 32 letters of support, which encourage the design merits of the proposal and encourage proposed landscape enhancements; and given the fact that there was no objections received from notably: Historic England, the Highways Officer, Ecology Officer and no flooding issues have been raised, and given the Parish Council has offered support, the proposal complies with UDP policy DR1.

2.3 No objection has been raised by Historic England and it states it is happy for appropriate planning conditions to be attached to a planning permission. The proposal can therefore be supported under UDP policy HBA4 and HBA6.

2.4 The proposal provides robust assessment and information in support of restoration of a significant part of the historic parkland and landscape and confirms there has been substantial change to the landscape over time and there is opportunity to restore part of the designated heritage asset. As such the Applicant welcomes the fact that the Conservation and Landscape Manager states (in paragraph 4.2.1 sub paragraph 7), that... □if the application is met with approval it is recommended that landscape proposals be submitted which incorporate the detailing of the proposed sedum roof and green living walls□ The Applicant is happy to accept suitable landscape condition and it can be concluded therefore that the proposal supports UDP policy LA2 and LA4.

2.5 The Local Authority has confirmed the site is sustainable and suitable for development, (as confirmed in 2008); and as the proposal is in accordance with UDP policies DR1, LA2, LA4, HBA4 and HBA6 it can be considered as supporting core planning principles under NPPF paragraph 17 – as a previously developed sustainable site and location suitable for re-use.

OFFICER COMMENTS

The rebuttal submitted by the agent is noted, however it does not change the recommendation.

NO CHANGE TO RECOMMENDATION

MINUTES of the meeting of Planning Committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 7 October 2015 at 2.00 pm

Present: Councillor PGH Cutter (Chairman)
Councillor J Hardwick (Vice Chairman)

Councillors: BA Baker, CR Butler, EL Holton, TM James, JLV Kenyon, FM Norman, A Seldon, WC Skelton, J Stone, D Summers, EJ Swinglehurst and LC Tawn

In attendance: Councillors CA Gandy, MD Lloyd-Hayes and PD Newman OBE

77. APOLOGIES FOR ABSENCE

Apologies were received from Councillors PJ Edwards, DW Greenow, KS Guthrie, JA Hyde, and AJW Powers.

78. NAMED SUBSTITUTES

Councillor J Stone substituted for Councillor JA Hyde and Councillor D Summers for Councillor AJW Powers.

79. DECLARATIONS OF INTEREST

Agenda item 5 – 151121 – Land off High Street, Leintwardine

Councillor WC Skelton declared a non-pecuniary interest as the applicant was a client of a former employer for whom he had previously carried out work.

Agenda item 6 – 151627 – Land Adjoining Bryants Court Cottage, Goodrich

Councillor PGH Cutter declared a non-pecuniary interest as a member of the Wye Valley AONB Joint Advisory Committee.

Councillor J Hardwick declared a non-pecuniary interest as a member of the Wye Valley AONB Joint Advisory Committee.

Councillor EJ Swinglehurst declared a non-pecuniary interest as a member of the Wye Valley AONB Joint Advisory Committee.

80. 150799 - 33 BODENHAM ROAD, HEREFORD

(Proposed demolition of existing dwelling together with its detached garage and accommodation over to facilitate a purpose designed residential apartment building (8 Flats) together with associated car parking, cycle/bin stores and associated communal grounds.)

The Acting 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 Council's Constitution, the local ward member, Councillor Mrs MD Lloyd-Hayes, spoke on the application.

She made the following principal comments:

- She had received a significant amount of correspondence on the application.
- The site was in a conservation area. The proposal was detrimental. It was out of keeping with the character of the area and contrary to policy HBA6.
- The scale of the development was out of proportion. It was three storeys high and overbearing.
- The modern design was incompatible with the Edwardian and Victorian buildings along Bodenham Road.
- The side of Bodenham Road where the site was situated had not been subject to modern development.
- The density of development with eight apartments proposed was too intensive and again out of keeping with the area.
- The eight apartments proposed would generate additional traffic. Bodenham Road was already facing increased pressure as a result of the new link road.
- It was questioned whether the 9 car parking spaces proposed would be sufficient. There was no on street parking available. The proposal was contrary to policy H16.
- The existing building was much lower than that proposed. The proposal would have an adverse effect on the light and amenity value of an adjoining property and the street.
- Reference was made in the report to the protection of trees on the site during construction work. Assurance was sought that these trees would be retained through Tree Preservation Orders.
- The Waste Management Service had commented that it was likely that the contractor would refuse to collect refuse from the bin store as currently located on the plans.
- Hereford City Council had objected to both the original and amended plans.
- Paragraph 5.2 of the report summarised the representations made in the letters of objection that had been received.
- The area was an attractive part of the City. Any development in such an area should be required to benefit and enhance it.
- There was some question about a drain crossing the application site.

In the Committee's discussion of the application the following principal points were made:

- The Acting Principal Planning Officer commented that the proposed building would not have an unduly overbearing or overshadowing impact on adjoining properties. She confirmed that Tree Preservation Orders would protect trees on the site. The

provision of 9 car parking spaces met highway standards. Cycle storage was also provided. There was restricted parking on Bodenham Road. In considering the application of policy HBA6 regard had to be had to paragraph 134 of the National Planning Policy Framework. The benefit of the development in a sustainable location outweighed any harm for the reasons set out in the report. In relation to waste collection residents could take waste bins to the roadside for the collection as was the case with a number of other properties in the area. Welsh Water had not identified any drains crossing the site.

- The development would provide much needed housing in the city.
- The existing building on the site was of poor design and without merit. The new development might be considered an enhancement.
- Some Members considered the modern design of the proposed development was acceptable. Another considered the design could have been improved.
- A Member requested that if the application were to be approved consideration should be given to providing a pedestrian crossing on Bodenham Road. The local ward member commented that this was already in hand.

The Development Manager reported that the building was to be designed to the highest energy efficiency standards. He acknowledged that the scheme was for a modern building, however, the applicant had a good record in this regard. There were other modern buildings in the area. The existing building had no merit and was inefficient in terms of energy usage. The proposal met highway requirements and was sustainable with ready access to the city. It also preserved the Conservation Area.

The local ward member was given the opportunity to close the debate. She commented on the importance of preserving the conservation area and that the proposal was not an attractive development of the type that would be welcome.

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

- 1. A01 Time limit for commencement (full permission) - One Year**
- 2. B03 Amended plans – recommendations of the Tree Survey and Arboricultural Report**
- 3. C01 Samples of external materials – Amended (No development other than demolition)**
- 4. H13 Access, turning area and parking**
- 5. G09 Details of Boundary treatments – Prior to the occupation of any of the units...**
- 6. Other than demolition no other development shall be carried out until a site plan and written specification clearly describing the species, densities and planting numbers and giving details of cultivation and other operations associated with plant and grass established has been submitted to and approved in writing by the LPA. The soft landscaping shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion**

of the development. The landscaping shall be maintained for a period of 5 years. During this time, any trees, shrubs or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period.

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan

7. Before development commences parking for site operatives and visitors shall be provided within the application site in accordance with drawing 5107-17-11 and such provision shall be retained and kept available during construction of the development.

Reason: To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan and the National Planning Policy Framework.

8. Prior to the first occupation of any of the units hereby permitted the cycle parking and waste and recycling bin store provision shown on drawings 5107-17-4d, 5107-17-8 and 5107-17-9a shall be installed and thereafter made available for such use.

Reason: To ensure that there is adequate provision for secure cycle accommodation and waste and recycling storage within the application site, encouraging alternative modes of transport and appropriate waste storage in accordance with both local and national planning policy and to conform with the requirements of Policies DR1 and DR3 of Herefordshire Unitary Development Plan and the National Planning Policy Framework.

9. L01 Foul/surface water drainage
10. L02 No surface water to connect to public system
11. L03 No drainage run-off to public system
12. F17 Obscure glazing to windows - northwest elevation

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. HN10 No drainage to discharge to highway
3. HN05 Works within the highway

81. 151121 - LAND OFF HIGH STREET, LEINTWARDINE, HEREFORDSHIRE

(Proposed residential development of 10 no 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.

In accordance with the criteria for public speaking, Mr M Collins, of Leintwardine Group Parish Council spoke in opposition to the Scheme. Mr A Stewart, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor CA Gandy, spoke on the application.

She commented that the access to the site was expected to be via the access created for the doctor's surgery and would mean residents of the new dwellings driving through the surgery car park. The surgery was used by a number of elderly people and she was concerned that this would present a risk to safety. Some form of traffic management together with signage would be needed to ensure that traffic travelling to and from the dwellings had to slow down.

In the Committee's discussion of the application the following principal points were made:

- It was observed that the development contained no affordable housing. The Development Manager commented that the density of the development was equivalent to 25 dwellings per hectare. He added that Leintwardine had achieved its allocation of affordable housing and there was no current need to be met.
- Some members expressed concern about the shared access. The Development Manager commented that the application was an outline application. The Committee therefore only needed to consider the principle of development. Access and other transportation matters including pedestrian access would be considered at the reserved matters stage. The Transportation Manager had no objections to the application.
- The intention to provide bungalows within the development was welcomed.
- The size of the development was comparatively modest and more acceptable than some other proposals that had come before the Committee.
- Note should be taken of the concerns expressed by the Parish Council that the settlement would have an adverse affect on the setting of the village.
- If approved the developer should be required to build to the highest achievable standards.
- Account should be taken of the comments of the Conservation Manager – Landscape regarding the siting of house plots number 6 and 10 and their proximity to the hedgerow.

The Development Manager commented that the development represented organic growth and it was to be hoped that concerns raised by Members could be addressed at the reserved matters stage.

The local ward member was given the opportunity to close the debate and reiterated her concerns about the safety of the access.

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 (subject to the deletion of paragraph 4), 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. **A01 Time limit for commencement (full permission)**
2. **A03 Time limit for commencement (outline permission)**
3. **A04 Approval of reserved matters**
4. **C01 Samples of external materials**
5. **The development shall include no more than 10 dwellings with a combined floor area not in excess of 1,000 square metres. None of the dwellings shall be more than two storeys high. In accordance with the details submitted with the application, at least four of the dwellings shall be bungalows.**

Reason: To define the terms of the permission and to conform to Herefordshire Unitary Development Plan Policies S1, DR1, H13 and the National Planning Policy Framework.

6. **H11 Parking – estate development (more than one house)**
7. **H18 On site roads – submission of details**
8. **H20 Road completion**
9. **H21 Wheel washing**
10. **H27 Parking for site operatives**
11. **H29 Covered and secure cycle parking provision**
12. **The recommendations set out in the ecologist’s report from Turnstone dated April 2015 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 integrated with the landscape scheme should be submitted to and be approved in writing by the local planning authority, The scheme should include a timetable for completion of habitat protection and enhancement measures and they 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.

- 13. G04 Protection of trees/hedgerows that are to be retained**
- 14. G09 Details of boundary treatments**
- 15. G10 Landscaping scheme**
- 16. G11 Landscaping scheme - implementation**
- 17. Prior to the commencement of the development hereby approved the following details shall be submitted to and approved in writing by the local planning authority:**
 - A detailed surface water drainage strategy that includes drawings and calculations that demonstrate consideration of SUDS techniques, no surface water flooding up to the 1 in 30 year event and no increased risk of flooding as a result of development up to the 1 in 100 year event and allowing for the potential effects of climate change;**
 - A detailed foul water management strategy;**
 - Proposals for the adoption and maintenance of the surface and foul water drainage systems. Prior to construction we would also require the following information to be provided;**
 - Results of infiltration testing undertaken in accordance with BRE365 and results of recorded groundwater levels, noting that the base of any infiltration structure should be a minimum of 1m above the highest recorded groundwater level.**

The development shall be carried out in accordance with the approved details.

Reason: To ensure that effective drainage facilities are provided for the development and that no adverse impacts occur to the environment or the existing public sewerage system so as to comply with Policy CF2 of the Herefordshire Unitary Development Plan and the NPPF.

- 18. 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. HN10 No drainage to discharge to highway**
- 3. HN08 Section 38 Agreement & Drainage details**

4. **HN07 Section 278 Agreement**
5. **HN01 Mud on highway**
6. **HN28 Highway Design Guide and Specification**

(The meeting adjourned between 3.20pm and 3.30pm.)

82. 151627- LAND ADJOINING BRYANTS COURT COTTAGE, GOODRICH HEREFORDSHIRE

(Proposed erection of two detached cottages with new vehicular access.)

The Acting 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. He reported that Goodrich Parish Council no longer objected to the proposal.

In accordance with the criteria for public speaking, Ms R Chatterton, a local resident, spoke in objection to the scheme. Mr P Smith, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor PD Newman, spoke on the application.

- He made the following principal comments:
- The Parish Council had objected to the original application. A revised scheme, reduced in size, had been submitted and the Parish Council had withdrawn its objection to the development. He supported the Parish Council's view. The development respected the integrity of the village and was appropriate.

In the Committee's discussion of the application the following principal points were made:

- Members noted the Parish Council's support for the development.
- The Development Manager confirmed that a high quality of design was expected within the AONB and that design of the scheme would be considered at the reserved matters stage.
- In relation to objections that had been expressed about the impact on amenity and privacy of adjoining dwellings the Acting Principal Planning Officer commented that these were some 37 and 24 metres away on the opposite side of the highway, and separated from the proposed development by landscaping.

The local ward member was given the opportunity to close the debate. He had no additional comments.

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 (outline permission)**
3. **A04 Approval of reserved matters**

4. **A05 Plans and particulars of reserved matters**
5. **Foul water and surface water discharges shall be drained separately from the site.**

Reason: To protect the integrity of the public sewerage system.

6. **No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.**

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.

7. **H03 Visibility splays – should meet HC design guide for single private drives.**
8. **H06 Vehicular access construction**
9. **H09 Driveway gradient**
10. **H12 Parking and turning - single house**
11. **H17 Junction improvement/off site works**
12. **H21 Wheel washing**
13. **H27 Parking for site operatives**
14. **H29 Secure covered cycle parking provision**
15. **G03 Retention of existing trees/hedgerows: scope of information required**
16. **G04 Protection of trees/hedgerows that are to be retained**
17. **G09 Details of Boundary treatments**
18. **G10 Landscaping scheme**
19. **G11 Landscaping scheme – implementation**
20. **I16 Restriction of hours during construction**

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. **HN01 Mud on highway**

3. **HN04 Private apparatus within highway**
4. **HN05 Works within the highway**
5. **HN08 Section 38 Agreement & Drainage details**
6. **HN10 No drainage to discharge to highway**
7. **HN22 Works adjoining highway**
8. **HN28 Highways Design Guide and Specification**

83. 152084 - NEW FIELD GATE ADJACENT TO THE OLD CHAPEL , TILLINGTON COMMON, TILLINGTON HEREFORDSHIRE

(Proposed installation of gate into field.)

The Planning Officer gave a presentation on the application.

RESOLVED: 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. **H05 Access gates open inwards**

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.**

84. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix 1 - Schedule of Updates

The meeting ended at 3.55 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 7 October 2015

AFTERNOON

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.

150799 - PROPOSED DEMOLITION OF EXISTING DWELLING TOGETHER WITH ITS DETACHED GARAGE AND ACCOMMODATION OVER TO FACILITATE A PURPOSE DESIGNED RESIDENTIAL APARTMENT BUILDING (8 FLATS) TOGETHER WITH ASSOCIATED CAR PARKING, CYCLE/BIN STORES AND ASSOCIATED COMMUNAL GROUNDS. AT 33 BODENHAM ROAD, HEREFORD, HEREFORDSHIRE,

For: Perfection Homes per Mr D F Baume, Hook Mason Ltd, 41 Widemarsh Street, Hereford, Herefordshire, HR4 9EA

ADDITIONAL REPRESENTATIONS

Following consultations on the amended plans the following representations have been received:

Conservation Manager: The latest south elevation drawing is an improvement. The copper shingles would add some texture giving that elevation interest and tying in with the materials used on the street elevation.

Two letters of objection. The main points raised are:

- Report is incorrect where it states (para 6.10) that the proposed building would not have an unduly overbearing nor overshadowing impact, because the new building and the existing Rydal Mount will sandwich The Coach House and effectively enclose it and severely restrict natural light and front garden will be entirely overshadowed by the new building.
- Impact of the new building is worsened by the difference, about 2 metres, in level which is not shown on the drawings.
- Para 6.7 contains the following misleading and incorrect comment "...the two and three storey sections (of the new building) would not be taller than the relative adjacent buildings." This clearly refers to Rydal Mount to the east and ignores The Coach House which is actually next to the new building and is much, much lower than Rydal Mount. The Coach House is not shown on the elevations submitted.
- Disappointing that the previous 'object' recommendation by the Council has been changed after nothing more than very token changes to the original application.
- Amendments to the south elevation do not overcome objection – the building would be out of character with the area.
- Balconies have not been deleted, so privacy still adversely affected.
- Concern about the height and appearance of the cycle store, close to the boundary, even with a 2 metre high fence
- Front elevation of building would be forward of the existing dwelling on the site, contrary to policy
- Approval would set a precedent.

OFFICER COMMENTS

At paragraph 6.7 the reference to the height of the adjacent buildings is made in respect of the impact of the proposed building in the Conservation Area. Due to the setback nature of The Coach House, compared to Rydal Mount and the proposed building, it would not be read in conjunction with it from Bodenham Road. The assessment of the impact on the neighbouring properties is set out in paragraph 6.10.

NO CHANGE TO RECOMMENDATION

No change to recommendation, but the following amendments to conditions are recommended:

- Condition 2 – include cycle store and bin store drawing reference numbers.
- Condition 7 – delete requirement to submit details, as they have been received.
- Condition 8 - include the provision of the bin store prior to first occupation and include drawing numbers.

151121 - PROPOSED RESIDENTIAL DEVELOPMENT OF 10 NO DWELLINGS AT LAND OFF HIGH STREET, LEINTWARDINE, HEREFORDSHIRE

For: Mr Stewart per Mr Alastair Stewart, 7 Sweetlake Business Park, Shrewsbury, Shropshire, SY3 9EW

OFFICER COMMENTS

Core Strategy

The Inspector's Report into the Core Strategy has been received. The policies of the Core Strategy can now be given significant weight in decision taking. RA2 is relevant as guiding development in rural settlements. It states:-

“The minimum growth target in each rural Housing Market Area will be used to inform the level of housing development to be delivered in the various settlements set out in Figures 4.20 and 4.21. Neighbourhood Development Plans will allocate land for new housing or otherwise demonstrate delivery to provide levels of housing to meet the various targets.

Housing proposals will be permitted where the following criteria are met:

- 1. Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area. In relation to smaller settlements identified in fig 4.21 proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement; and/or they result in development that contributes to or is essential to the social well-being of the settlement concerned;*
- 2. Their locations make best and full use of suitable brownfield sites wherever possible;*
- 3. They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting; and*
- 4. They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlement, reflecting local demand.*

Specific proposals for the delivery of local need housing will be particularly supported where they meet an identified need and their long-term retention as local needs housing is secured as such.”

In this case the NDP is not adopted. In the absence of a NDP, the development's conformity with the numbered criteria of Core Strategy Policy RA2 is the appropriate method of determination. In this instance, officers have failed to identify overriding harm in the context

of Policy RA2. The proposal is therefore representative of sustainable development when held against both the NPPF and Core Strategy.

It will also be noted from the original report that the application has been recommended for approval subject to draft heads of terms, including a commuted sum in lieu of on-site affordable housing provision. However, following the receipt of the Inspector's Report, and in particular paragraph 39, it is recommended that paragraph 4 of the draft heads of terms agreement be deleted:

While the WMS thresholds no longer carry weight, the examination of the CS was based on the modified policy. The modified threshold formed the basis of supplementary evidence considering viability (Herefordshire viability testing supplementary report Feb 2015) the effect on the provision of affordable housing throughout the county and was consulted upon. The policy, as modified would be effective and bring forward affordable housing, although less so in the rural areas than the submission policy. However, as the submission policy was not tested during the examination I find MM042 necessary to ensure that the Plan has a viable and sound affordable housing policy. If the Council wish to return to the submission policy they have the option of carrying out an early Plan review for policy H1.

On the basis that the proposal will deliver ten dwellings and that their combined floor area will be limited to 1,000 square metres it is also recommended that condition 5 is amended.

CHANGE TO RECOMMENDATION

Condition 5 is amended to read:

The development shall include no more than 10 dwellings with a combined floor area not in excess of 1,000 square metres. None of the dwellings shall be more than two storeys high. In accordance with the details submitted with the application, at least four of the dwellings shall be bungalows.

Paragraph four of the Draft Heads of Terms Agreement to be deleted.

151627 - PROPOSED ERECTION OF TWO DETACHED COTTAGES WITH NEW VEHICULAR ACCESS AT LAND ADJOINING BRYANTS COURT COTTAGE, GOODRICH, HEREFORDSHIRE,

For: Mr Holey and Ms S Lawrence per Mr Paul Smith, First Floor, 41 Bridge Street, Hereford, Herefordshire, HR4 9DG

ADDITIONAL REPRESENTATIONS

Core Strategy

The Inspector's Report into the Core Strategy has been received. The policies of the Core Strategy can now be given significant weight in decision taking. RA2 is relevant as guiding development in rural settlements. It states:-

"The minimum growth target in each rural Housing Market Area will be used to inform the level of housing development to be delivered in the various settlements set out in Figures 4.20 and 4.21. Neighbourhood Development Plans will allocate land for new housing or otherwise demonstrate delivery to provide levels of housing to meet the various targets.

Housing proposals will be permitted where the following criteria are met:

- 1. Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area. In relation to smaller settlements identified in fig 4.21 proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement; and/or they result in development that contributes to or is essential to the social well-being of the settlement concerned;*
- 2. Their locations make best and full use of suitable brownfield sites wherever possible;*
- 3. They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting; and*
- 4. They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlement, reflecting local demand.*

Specific proposals for the delivery of local need housing will be particularly supported where they meet an identified need and their long-term retention as local needs housing is secured as such.”

In this case the NDP is not adopted. In the absence of a NDP, the development's conformity with the numbered criteria of Core Strategy Policy RA2 is the appropriate method of determination. In this instance, officers have failed to identify overriding harm in the context of Policy RA2. The proposal is therefore representative of sustainable development when held against both the NPPF and Core Strategy.

NO CHANGE TO RECOMMENDATION

MEETING:	PLANNING COMMITTEE
DATE:	28 OCTOBER 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 150804

- The appeal was received on 22 September 2015
- 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 Caerswall Cottages
- The site is located at Cowlease Cottage, Much Marcle, Ledbury, Herefordshire, HR8 2NG
- The development proposed is Proposed detached double garage with garden office.
- The appeal is to be heard by Householder Procedure

Case Officer: Miss Emily Reed on 01432 383894

Application 151216

- The appeal was received on 24 September 2015
- 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 J Price
- The site is located at Chances Pitch Barn, Barton Farm, Colwall, Malvern, Herefordshire, WR13 6HW
- The development proposed is Proposed orangery link between the kitchen and garage block, to be used as an entrance lobby/sun room
- The appeal is to be heard by Householder Procedure

Case Officer: Mr A Prior on 01432 261932

Further information on the subject of this report is available from the relevant case officer

Application 150594

- The appeal was received on 23 September 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Prior Approval
- The appeal is brought by Mr Henry May
- The site is located at Stable Block, Tidnor Wood Orchards, Tidnor Lane, Lugwardine, Herefordshire, HR1 4DF
- The development proposed is Proposed change of use farm building to dwelling house for agricultural worker
- The appeal is to be heard by Written Representations

Case Officer: Mrs Charlotte Atkins on 01432 260536

Application 150293

- The appeal was received on 25 September 2015
- 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 John Richard Rodgman
- The site is located at Land adjoining The Highlands, Hay Lane, Kimbolton, Leominster, Herefordshire, HR6 0DH
- The development proposed is Proposed erection of new single storey dwelling
- The appeal is to be heard by Written Representations

Case Officer: Mr A Prior on 01432 261932

Application 151613

- The appeal was received on 24 September 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Lawful Certificate
- The appeal is brought by Mr Simon Holden
- The site is located at Kingstone Court, Bishops Frome, Worcester, Herefordshire, WR6 5BL
- The development proposed is Certificate of lawfulness for proposed alterations to existing outbuilding
- The appeal is to be heard by Written Representations

Case Officer: Fernando Barber-Martinez on 01432 383674

Application 141368

- The appeal was received on 28 September 2015
- 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 Bell Homes Ltd
- The site is located at Land at Castle End, Lea, Ross-on-Wye, Herefordshire
- The development proposed is Proposed site for 14 new residential properties, vehicle turning and landscaping.
- The appeal is to be heard by Written Representations

Case Officer: Mr K Bishop on 01432 260756

Enforcement Notice 152894

- The appeal was received on 24 September 2015
- 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 Simon Porter
- The site is located at Land at The Chase Hotel, Gloucester Road, Ross-On-Wye, Herefordshire, HR9 5LH

- The breach of planning control alleged in this notice is:
Without planning permission unauthorised operational development in the form of deposit of spoil upon that part of the land.

- The requirements of the notice are:
 1. Permanently remove the deposited spoil from the land.
 2. Permanently re-instate the original level of the land within the said area to that pertained prior to the breach of planning control.
 3. Fully grass-seed the said area of land.

- The appeal is to be heard by Written Representations

Case Officer: Mr Roland Close on 01432 261803

Enforcement Notice 152902

- The appeal was received on 24 September 2015
- 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 Ms Caroline Constance
- The site is located at Land at The Chase Hotel, Gloucester Road, Ross-On-Wye, Herefordshire, HR9 5LH

- The breach of planning control alleged in this notice is:
Without planning permission unauthorised operational development in the form of deposit of spoil upon that part of the land.

- The requirements of the notice are:
 1. Permanently remove the deposited spoil from the land.
 2. Permanently re-instate the original level of the land within the said area to that pertained prior to the breach of planning control.
 3. Fully grass-seed the said area of land.

- The appeal is to be heard by Written Representations

Case Officer: Mr Roland Close on 01432 261803

Enforcement Notice 152903

- The appeal was received on 24 September 2015
- 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 Ms Amanda Gething-Lewis
- The site is located at Land at The Chase Hotel, Gloucester Road, Ross-On-Wye, Herefordshire, HR9 5LH

- The breach of planning control alleged in this notice is:
Without planning permission unauthorised operational development in the form of deposit of spoil upon that part of the land.

- The requirements of the notice are:
 1. Permanently remove the deposited spoil from the land.
 2. Permanently re-instate the original level of the land within the said area to that pertained prior to the breach of planning control.
 3. Fully grass-seed the said area of land.
- The appeal is to be heard by Written Representations

Case Officer: Mr Roland Close on 01432 261803

Enforcement Notice 152904

- The appeal was received on 24 September 2015
- 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 Mark Porter
- The site is located at Land at The Chase Hotel, Gloucester Road, Ross-On-Wye, Herefordshire, HR9 5LH
- The breach of planning control alleged in this notice is:
Without planning permission unauthorised operational development in the form of deposit of spoil upon that part of the land.
- The requirements of the notice are:
 1. Permanently remove the deposited spoil from the land.
 2. Permanently re-instate the original level of the land within the said area to that pertained prior to the breach of planning control.
 3. Fully grass-seed the said area of land.
- The appeal is to be heard by Written Representations

Case Officer: Mr Roland Close on 01432 261803

Application 151122

- The appeal was received on 30 September 2015
- 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 Michael Williams
- The site is located at Land at Lower Meadow Farm, Snodhill, Peterchurch, Dorstone, Herefordshire
- The development proposed is Proposed change of use of agricultural land for the siting of a mobile home for residential use for a period of up to three years. The appeal is to be heard by Hearing

Case Officer: Ms Jeanette Pryce on 01432 383101

Application 142410

- The appeal was received on 23 September 2015
- 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 MLN (Land and Properties) Ltd
- The site is located at Land adjacent to B4222, Lea, Ross on Wye, Herefordshire
- The development proposed is Proposed outline consent for the erection of up to 38 dwellings
- The appeal is to be heard by Inquiry

Case Officer: Mr A Banks on 01432 383085

Application 151797

- The appeal was received on 2 October 2015
- 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 Harris c/o agent
- The site is located at Chockbury Cottage, Chockbury Lane, Cradley, Malvern, Herefordshire, WR13 5NA
- The development proposed is Proposed two storey rear extension to provide garage, home office, bathroom and en-suite bedroom above.
- The appeal is to be heard by Written Representations

Case Officer: Fernando Barber-Martinez on 01432 383674

Application 151798

- The appeal was received on 2 October 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Listed Building Consent
- The appeal is brought by Mr Harris c/o agent
- The site is located at Chockbury Cottage, Chockbury Lane, Cradley, Malvern, Herefordshire, WR13 5NA
- The development proposed is Proposed two storey rear extension to provide garage, home office, bathroom and en-suite bedroom above.
- The appeal is to be heard by Written Representations

Case Officer: Fernando Barber-Martinez on 01432 383674

Application 140215

- The appeal was received on 2 October 2015
- 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 Richard White
- The site is located at 83 Tower Hill, Dormington, Hereford
- The development proposed is Resumption of residential use. Retention of bat roost.
- The appeal is to be heard by Written Representations

Case Officer: Ms Kelly Gibbons on 01432 261781

Application 150238

- The appeal was received on 16 July 2015
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission (Householder)
- The appeal was brought by Mrs Turner
- The site is located at The Hopkilns, Green Lane, Bromyard, Herefordshire, HR7 4RZ
- The development proposed was Proposed single storey extension
- The main issue is the effect of the proposed development on the special architectural and historic interest of the curtilage listed hop kilns and barn to which it would relate.

Decision:

- The application was Refused under Delegated on 24 March 2015
- The appeal was Dismissed on 7 October 2015

Case Officer: Fernando Barber-Martinez on 01432 383674

Application 150239

- The appeal was received on 16 July 2015
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Listed Building Consent
- The appeal was brought by Mrs Turner
- The site is located at The Hopkilns, Green Lane, Bromyard, Herefordshire, HR7 4RZ
- The development proposed was Proposed single storey extension
- The main issue is the effect of the proposed development on the special architectural and historic interest of the curtilage listed hop kilns and barn to which it would relate.

Decision:

- The application was Refused under Delegated on 24 March 2015
- The appeal was Dismissed on 7 October 2015

Case Officer: Fernando Barber-Martinez on 01432 383674

Application 143631

- The appeal was received on 13 October 2015
- 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 Leominster Properties Ltd
- The site is located at Ground floor at, 18 Burgess Street, Leominster, Herefordshire, HR6 8DE
- The development proposed is Proposed change of use of ground floor commercial use to form four residential flats.
- The appeal is to be heard by Written Representations

Case Officer: Mr A Prior on 01432 261932

APPEALS DETERMINED

Enforcement Notice 150671

- The appeal was received on 20 March 2015
- 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 K Lewis
- The site is located at Land at Middle Common Piggeries, Lower Maescoed, Herefordshire, HR2 0HP
- The main issue in this case, having regard to the objectives of the prevailing relevant policies, which seek to restrict non essential development in the countryside outside of settlements, is whether the development materially harms the rural character and appearance of the area.

Decision:

- The appeal was Allowed following correction and variation of the Notice as set out in the Formal Decision at paragraph 16 of the Appeal Decision Notice on 29 September 2015.

Case Officer: Mr Matt Tompkins on 01432 261795

Enforcement Notice 150833

- The appeal was received on 13 March 2015
- 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 L Carter
- The site is located at Land at Old Baymore, Linley Green Road, Whitbourne, Worcester, Herefordshire, WR6 5RE
- The breach of planning control alleged in this notice is:
- Without planning permission the construction of a pole barn (marked 'B'), the construction of a brick and block building (marked 'C'), the construction of a wooden garage/store (marked 'D') and a wooden garden shed (marked 'E') which is unauthorised operational development.
- The requirements of the notice are:
- Demolish the Pole Barn, the brick and block building, the garage/store and wooden garden shed at the site and permanently remove all resulting material form the land.

Decision:

- The appeal was Withdrawn on 8 October 2015.
- I can also advise that at this time, the Local Planning Authority has withdrawn the Enforcement Notice in relation to the breach of planning control.
- The matter is currently being reviewed in light of new evidence by the case officer and the Development Control Manger.

Case Officer: Mr M Tansley on 01432 261815

Enforcement Notice 150844

- The appeal was received on 13 March 2015
- 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 L Carter
- The site is located at Land at Old Baymore, Linley Green Road, Whitbourne, Worcester, Herefordshire, WR6 5RE
- The breach of planning control alleged in this notice is:
Without planning permission the unauthorized creation of a single dwelling house on the land by substantial alteration of a former mobile home which created a building which is unauthorized operational development
- The requirements of the notice are:
 1. Disconnect and make safe all utilities and the septic tank from the dwelling house.
 2. Demolish the unauthorized dwelling house located at the site and permanently remove all resulting material from the land.

Decision:

- The appeal was Withdrawn on 8 October 2015.
- I can also advise that at this time, the Local Planning Authority has withdrawn the Enforcement Notice in relation to the breach of planning control.
- The matter is currently being reviewed in light of new evidence by the case officer and the Development Control Manger.

Case Officer: Mr M Tansley on 01432 261815

Application 143370

- The appeal was received on 17 July 2015
- 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 Mr S Watkins & Mr P Bennett
- The site is located at Land to the East of Brook Lane, North of B4220, Bosbury, Hereford
- The development proposed was Proposed residential development for up to 37 dwellings of which 13 (35%) will be affordable
- The main issue was:
Put simply, this is the effect of the proposal on the character and appearance of the area, and the setting of Bosbury. That analysis needs to take place in the context of any benefits the proposal might bring forward.

Decision:

- The application was Refused at Planning Committee (against Officer Recommendation) on 16 March 2015
- The appeal was Dismissed on 13 October 2015

Case Officer: Mr C Brace on 01432 261947

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



MEETING:	PLANNING COMMITTEE
DATE:	28 OCTOBER 2015
TITLE OF REPORT:	150437 - PROPOSED 49 DWELLINGS, INCLUDING AFFORDABLE DWELLINGS, ASSOCIATED PARKING AND LANDSCAPING AT LAND TO THE SOUTH OF CHAPEL LANE, BODENHAM MOOR, HEREFORDSHIRE For: Mrs Milden per Mrs Fiona Milden, Cleeve Hall, Bishops Cleeve, Cheltenham, Gloucestershire GL52 8GD
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=150437&search=
Reason Application submitted to Committee – Change of Policy	

Date Received: 13 February 2015

Ward: Hampton

Grid Ref: 354534,250420

Expiry Date: 15 May 2015

Local Member: Councillor BC Baker

1. Site Description and Proposal

- 1.1 The application seeks planning permission for the erection of 49 dwellings, including 35% affordable, associated parking and landscaping on land to the south of Chapel Lane and east of the C1125 main village road at Bodenham Moor, Herefordshire.
- 1.2 The C1125 is the main road through Bodenham Moor and is a single carriageway, two-way road with a 30mph speed limit along the entire western site boundary. It continues north for some 760m from the Chapel Lane (C1124) junction before meeting the A417. The A417 to the north connects with the A49 to the west near Hope-under-Dinmore and the A438 to the east near Ledbury.
- 1.3 The application site is an arable field extending to just in excess of 3ha. It is bounded by the C1125 for the entirety of its western boundary and Chapel Lane to the north. To the south the boundary is defined by the Moor Brook, with the grounds of the Grade II listed Brook House beyond. To the east there is a large commercial orchard. The site is generally flat, with a slight ridge in the middle and levels descending gently to north and south. It is enclosed on three sides by hedgerow, which in the case of boundary with the C1125 is set back behind a relatively wide verge. The application site is also, in the main, above the level of this carriageway. Off-site to the south-west is the Welsh Water pumping station. There are no freestanding trees within the site. Some Field Maples are found within the hedgerow in the north-west corner.
- 1.4 The detached dwelling Olanstan stands to the immediate north-east, making an incursion into what is otherwise a rectangular site. Further residential development is found to the west of the application site on the opposite side of the C1125. This comprises a mixture of traditional and modern development, as does the linear development on Chapel Lane to the north, which includes timber framed listed buildings in the form of Broom Cottage and The Haven, detached

Further information on the subject of this report is available from Mr Edward Thomas on 01432 260479

dwellings from the mid C20th and extending further eastwards, several large detached modern properties.

- 1.5 The application proposes a single point of vehicular access from the main village road at approximately the mid-point of the western boundary where the speed limit is 30mph.
- 1.6 There is a bus stop opposite the junction with Orchard Close; a modern cul-de-sac a short distance to the north-west of the site. Heading northwards along the main road there are no footways either side of carriageway until north of Baches Bargains.
- 1.7 Bodenham Moor was defined in the Unitary Development Plan as a main village and is now designated as a village where proportionate growth will be sought over the lifetime of the Core Strategy to 2031. As part of the evidence base to the Core Strategy the SHLAA (2009) concluded the site as being appropriate for residential development with low/minor constraints. It has this in common with the site opposite England's Gate Public House, which already has outline planning permission for 40 dwellings.
- 1.8 The Parish Council has designated a Neighbourhood Plan Area and consultation has been ongoing in relation to formulation of a Neighbourhood Plan, but as yet this is not sufficiently far advanced to attract weight for the purpose of decision taking.
- 1.9 The site is within flood zone 1, but there is evidence of surface water flooding on Chapel Lane, which in the past has caused flooding of properties, leading to the formation of the Bodenham Flood Protection Group in 2007. The impact of the proposal on surface water drainage remains an area of key concern locally.
- 1.10 The application is fully detailed and involves the erection of 49 dwellings, all of which would be two-storey. 35% of the dwellings would be affordable units and there is extensive public open space proposed, which would include the provision of a locally equipped area of play 'LEAP'. This public open space is found at the northern end of the site, which acts to buffer the development from historic properties on Chapel Lane and in the southern part of the site, adjoining the brook, where the SUDs attenuation is proposed.
- 1.11 The scheme is of comparatively low density at 16 dwellings/hectare gross. All dwellings are two-storey, the affordable housing comprising a mix of 1, 2, 3 and 4 bed units. The open market dwellings are 3, 4 and 5 bed units. The point of vehicular access is at roughly the mid-point of the western boundary on the C1125. The estate road enters the site with dwellings arranged on either side, but the maintenance of a view through towards open countryside. Internal roads then spur north and south respectively to serve the site, with private drives extending from these. The boundary to the east is maintained as part of the public open space to ensure long-term maintenance and retention. At the northern and southern extremes dwellings are orientated to overlook the areas of public open space. Brick is the predominant facing material, with limited use of render on certain buildings.
- 1.12 The application is supported by a range of technical studies and supporting material, including:-
 - Planning Statement Design and Access Statement
 - Flood Risk Assessment
 - Ecology Appraisal
 - Landscape and Visual Impact Assessment
 - Transport Assessment
 - Archaeology and Heritage Assessment
 - Statement of Community Involvement

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- 1.13 A noise and odour assessment has also been prepared to consider the potential impact of local farming activities at Eastfields Farm in particular, located a short distance to the south-west.
- 1.14 The Council has adopted a Screening Opinion confirming it does not consider the scheme to represent development falling within Schedule 2 of the Environmental Impact Assessment Regulations 2011.

2. Policies

2.1 National Planning Policy Framework 2012. In particular chapters:

Introduction	-	Achieving Sustainable Development
Chapter 4	-	Promoting Sustainable Communities
Chapter 6	-	Delivering a Wide Choice of High Quality Homes
Chapter 7	-	Requiring Good Design
Chapter 8	-	Promoting Healthy Communities
Chapter 11	-	Conserving and Enhancing the Natural Environment
Chapter 12	-	Conserving and Enhancing the Historic Environment

2.2 National Planning Practice Guidance 2014

2.3 Herefordshire Local Plan - Draft Core Strategy

SS1	-	Presumption in favour of sustainable development
SS2	-	Delivering new homes
SS3	-	Ensuring sufficient housing land delivery
SS4	-	Movement and transportation
SS6	-	Environmental quality and local distinctiveness
RA1	-	Rural housing distribution
RA2	-	Housing in settlements outside Hereford and the market towns
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	-	Landscape and townscape
LD2	-	Biodiversity and geodiversity
LD3	-	Green infrastructure
LD4	-	Historic environment and heritage assets
SD1	-	Sustainable design and energy efficiency
SD3	-	Sustainable water management and water resources
SD4	-	Waste water treatment and river water quality
ID1	-	Infrastructure delivery

2.4 Neighbourhood Planning

Bodenham Parish Council have designated a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The Parish Council is preparing a Neighbourhood Development Plan for that area, but at the moment the Plan is not sufficiently far advanced to attract weight for the purpose of determining planning applications.

2.7 The Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>

3. Planning History

Off site

- 3.1 141712/O – Outline application with all matters reserved for residential development (up to 40 dwellings) on land opposite England's Gate PH. Approved with conditions 9th October 2014.
- 3.2 151055/RM – Reserved Matters submission pursuant to 3.1 above. As yet undetermined.

4. Consultation Summary

Statutory Consultees

- 4.1 Welsh Water: No objection subject to conditions

We would request that if you are minded to grant Planning Consent for the above development that the **Conditions and Advisory Notes** provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

SEWERAGE

- Only foul water from the development site shall be allowed discharge to the public sewerage system and this discharge shall be made between manhole reference number SO54504801 and SO54504803 as indicated on the extract of the Sewerage Network Plan attached to this decision notice.

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

- No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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

- 4.2 Natural England: Objection based on the Welsh Water holding objection that existed at that time. This is now under review following Welsh Water's revised no objection subject to the imposition of conditions (as above).
- 4.3 Environment Agency: No objection

The site is wholly within Flood Zone 1, the low risk Zone. As such standing advice applies and we would not expect to be formally consulted. Whilst development may be appropriate in Flood Zone 1, the National Planning Policy Framework states that a Flood Risk Assessment (FRA) is required for 'development proposals on sites comprising one hectare or above' where there is the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect of the new development on surface water run-off. I note that a FRA and Drainage Strategy have been submitted with the application and that comments have been provided by the River Lugg IDB. As the Lead Local Flood Authority (LLFA) it would fall to Herefordshire

Council, in discussion with your Land Drainage team, to assess the suitability and robustness of the proposed surface water drainage scheme and to be satisfied that there will be no increased flood risk to third parties post development.

Internal Council Advice

4.4 Transportation Manager: Has no objection subject to the imposition of conditions.

4.5 Land Drainage Consultant: No objection subject to conditions

Overview of the Proposal

The Applicant proposes the construction of 49 dwellings and associated parking and landscaping on a green-field site. An access to the Moor is also proposed as part of the development. The site area is stated to measure 3.02 hectares (ha) on the submitted Application Form. The site drains to Moor Brook, located close to the southern boundary of the site. Moor Brook flows in a north-westerly direction to the River Lugg and is a principal, "viewed" watercourse within the control of the River Lugg Internal Drainage Board.

Fluvial Flood Risk

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the low risk Flood Zone 1. This zone comprises land assessed as having a less than 1 in 1000 annual probability of flooding (<0.1%) from rivers. As the site is greater than 1 ha, a Flood Risk Assessment (FRA) is required in accordance with National Planning Policy Framework (NPPF) and its supporting Planning Practice Guidance.

The submitted FRA states the elevation of the site is higher than the mapped flood plain of the Moor Brook and therefore not at risk of fluvial flooding. The EA Flood Map for Planning confirms the site is outside the fluvial flood extents. However, as the development is located in close proximity to the fluvial flood extents, the Applicant should demonstrate that the site is not at risk of fluvial flooding when the potential effects of climate change are taken into consideration.

Surface Water Flood Risk

The site is identified to be at very low risk of surface water flooding. However, surface water flooding may restrict access to the site during flood events as the EA Surface Water Flood Maps indicates the junction of Chapel Lane and the Moor, to the north of the proposed access, and the Moor to the south are at high risk of surface water flooding. The FRA states that "such flooding would not prevent access to the site by pedestrians or passenger cars from the Moor." However the FRA does not provide any details of the estimated depth or velocity of flooding in these areas and there is anecdotal evidence that these roads have been impassable in the past due to flooding.

The applicant should demonstrate that the depth and velocity of surface water flooding on the roads adjacent to the site will not restrict access to the site during flood events.

Other Considerations and Sources of Flood Risk

The FRA confirms the site is at low risk of flooding from groundwater, reservoirs, canals and sewers.

Surface Water Drainage

In accordance with the National Standards for Sustainable Drainage and Policy DR4 of the Unitary Development Plan, the drainage strategy should incorporate the use of SUDS where possible. The surface water drainage strategy should be designed to mimic the existing drainage of the site. Infiltration measures are to be used unless it is demonstrated that infiltration is not feasible due to the underlying soil conditions.

If drainage of the site cannot be achieved solely through infiltration, the preferred options are (in order of preference): (i) a controlled discharge to a local watercourse, or (ii) a controlled discharge into the public sewer network (depending on availability and capacity). The rate and volume of discharge should be restricted to the pre-development Greenfield values.

The proposal

The submitted FRA outlines the proposed surface water drainage strategy for the development. Infiltration testing undertaken at the site indicates that the site is not suitable for infiltration techniques, therefore the development will be served by a new below ground drainage network discharging to the Moor Brook to the south.

Discharge to the brook will be limited to 1.5 litres per second per hectare with the runoff being attenuated in a pond along the southern boundary of the site. A new ditch is proposed along the eastern boundary of the development to divert surface water runoff from the orchard to the east through the attenuation pond. The pond will have an overflow to allow water to flow overland to the Moor Brook in the event of the capacity of the pond being exceeded. Permeable paving is proposed for most of the access roads in the development, however the attenuation storage volume calculations assume no infiltration is achieved through the permeable paving and all areas contribute to the drainage network.

The proposed surface water management strategy is in accordance with the National Standards for Sustainable Drainage and guidance in the NPPF. The submitted strategy also adequately demonstrates that there will be no increased risk of flooding as a result of the development between the 1 in 1 year event and up to the 1 in 100 year event allowing for the potential effects of climate change.

Overall Comment

We have no objections to the proposed development on flood risk and drainage grounds. However, we recommend the following information is requested prior to granting planning approval:

- Confirmation that the site is not at risk of fluvial flooding when the effects of climate change are incorporated into the fluvial flood extents.
- Further details of the access and egress arrangements for the development including details of the depth and velocity of surface water flooding on the Moor to confirm access to the site will not be restricted during a flood event.

4.6 Conservation Manager (Landscape): No objection

I can confirm that I am satisfied with the landscape information provided:

1. Landscape Proposals Plans, Drawing No 15077.101 Rev – and Drawing No 15077.102 Rev – both dated 21.08.15
2. Hard Landscape Treatment Plan, Drawing No 15077.103 Rev – Dated 27.08.15
3. Landscape Strategy Drawing, Drawing No 15077.104 Rev – Dated 27.08.15 and
4. Landscape Management Plan Statement of Intent, Dated 24.08.15

4.7 Conservation Manager (Historic Buildings): No objection

Whilst there is no Bodenham Moor conservation area there are several listed buildings in the vicinity of the site. I am largely in agreement with the conclusions of the Archaeological and Heritage Assessment carried out by EDP in that, from a built environment perspective, the relevant sensitive receptors are the four Grade II listed buildings to the north, west and south of the proposal site. Other listed buildings in the 1km radius study area are not considered to be affected by development on the site.

On a minor point the number of listed buildings within the study area is 11 not 10 - the barn at Ash Grove is listed separately to Ash Grove itself and the other buildings identified add up to 10.

The scheme layout shows that the listed buildings to the north will be looking onto public open space and therefore the change in the wider setting will not have an adverse effect. It is also clear that sufficient space would exist between the scheme and Brook House to the south so that the separate nature of the listed building and its garden has been respected.

Though Moor Farm House will have its outlook to the east altered by the development it is considered that its position on the opposite side of the village road already gives the two sites a degree of separation. In addition the hedges and topography of the area do not allow a strong visual link between the two sites and therefore the impact of development on the setting of the listed building would be reduced.

Overall it is considered that the proposal complies with Core Strategy heritage policy LD4 and the NPPF chapter 12 and no objections are raised.

4.8 Conservation Manager (Ecology): Qualified comment

Subject to the imposition of planning conditions there are no objections in relation to protected species.

Concerns remains in relation to the capacity of the foul public sewer and the impact on the water quality of the River Lugg SAC:

“...given that this is a failing reach of the SAC with regard to phosphate levels, it would not be acceptable for a non-mains solution to be proposed even as an interim measure. I note that Natural England has not yet objected but until this issue is resolved I would currently have to compile an HRA screening report for Natural England’s attention with a finding of Likely Significant Effect upon the R. Wye SAC.”

4.9 Minerals and Waste Officer: No objection

On balance I’m satisfied with the conclusions within the ‘Minerals Resource Assessment’ dated 21st November 2014 in that given the existing constraints which surround the site and its size, together with there not being an identified need within the County for sand and gravel, the physical sterilisation of the resource on the site is not significant in both a local and national context. Consideration has been given to the proximity of the site to the existing settlement of Bodenham and that it does not have direct access to a main highway. The prior extraction of the resource prior to the proposed development is also not considered to be economically or environmentally viable given the constraints identified. As Minerals and Wates Officer for the Council I’m satisfied with the information provided and can conclude that there is no objection to the application with regards to National policy contained with in the NPPF and NPPG.

4.10 Environmental Health Manager (Noise): No objection

4.11 Environmental Health Manager (Odour): No objection

I have had opportunity to consider the odour assessment update dated 28/8/15 submitted to address concerns that I raised in my consultation response of the 22/6/15.

I can confirm that I was the officer responsible for the consultation responses to the applications referred to by the Parish Council, and expressed concerns for similar reasons when this application was first brought to my attention. However I would take this opportunity to make these further observations:

- Whilst the predicted wind direction where wind is blowing towards the proposed development at Fairview is less frequent than for the site presently under consideration it is considerably closer to the slurry lagoon which was the main source of the odour about which I had concerns.
- The defence of 'Best Practicable Means' is dependant on both technical and financial elements in that the technology to abate the nuisance has to be available and that it is affordable to the business in question. The availability of a remedy will change with time and developments in technology etc.
- I would refer you to the section 4.14 of the updated odour assessment which confirms that the proposal for a slurry separator at Eastfields Farm, having the benefit of a planning permission (application P/141014/F) has been implemented. It was claimed that this would reduce the odour from the slurry management operation by removing a large amount of the solids from the slurry leaving solid manure which had a reduced odour level and a less malodorous liquor. The proposed works also included improvements that would result in reduced odour emissions caused by the transfer of slurry from the livestock buildings with slurry being emptied below surface to prevent splashing. The use of slurry separation systems was uncommon at the time of the Fairview application. I note that the current DEFFRA Code of Good Agricultural Practice recognises that the use of mechanical separation is beyond 'Good Agricultural Practice but may be necessary in certain circumstances.
- I would agree with the Parish Council's view that the lack of recorded complaints does not necessarily mean that there are no ongoing problems however they are a good indication and I would reiterate my view as stated in my consultation response dated the 13/10/15, that based on the information available to me, it would be difficult to sustain refusal on grounds of odour.

4.12 Conservation Manager (Archaeology): No objection subject to conditions

There is some archaeological interest to the site relating to a buried ring ditch feature of likely Bronze Age date, present in the central part of the site. It is very probable that this feature represents the largely ploughed out remains of a former barrow or burial mound of that date.

Having regard to its intrinsic nature and the particular condition it is in (demonstrated by the field evaluation undertaken previously), the feature **does** represent an archaeological issue, although a localised issue that is **not** an over-riding one. Because the feature is an isolated find of moderate rather than a high level of archaeological significance, any harm to it as a result of this development can be appropriately mitigated, *either* by design or by record.

Given that the applicants have not explicitly pursued the first option, I would regard it as entirely appropriate that the second (i.e. the archaeological excavation of the feature and its near environs) is pursued.

Therefore, in accordance with Para 141 of The NPPF, I have no objections to this housing proposal, subject to the imposition of standard archaeological programme of work condition in that regard.

4.13 Parks and Countryside Manager: No objection

Developments of 49 houses are required to provide play provision for both younger and older children. The applicant has made provision for both on and off-site play. In accordance with CS Policy the requirements for a development of 49 dwellings at 2.3 persons (total 112) are:

POS (0.4 ha per 1000 population) = 400sq m

Play area provision (0.8 ha per 1000 population) = 800sq m of which 300sq m should be formal play and 500sq m should be informal play using Fields in Trust standards.

On-site POS is shown at the northern part of the site and is accessible. It is a large area of public open space, which could incorporate a community orchard, wildflower meadow and a play area if required. The location for this is good as it would be overlooked by housing. The proposed development is some distance away from the existing play area and would involve negotiating a busy main road which for younger children is not suitable. Provision on site for this age group may therefore be preferable and this is understood to be the Parish Council's position. The applicants have confirmed that on-site provision in the form of a LEAP.

SUDS: There is an area in the southern part of the site, which primarily includes an attenuation pond but which the applicant has suggested could also provide informal open space. With good design SUDS can successfully incorporate POS to provide areas which are not only good for wildlife but also provide opportunities for informal recreation and more natural play. It is noted that it is proposed to incorporate shelved banks and margins for native marginal planting and maintain water all year in order to provide wildlife enhancements. If the area is also to be publically accessible, the final design will therefore need to consider health and safety issues of standing water.

The SUDS areas will need to be designed 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 available from the susdrain website.

Future Maintenance / Adoption: POS/Play: Given the location it is unlikely that Herefordshire Council would adopt any on site POS, therefore the applicant needs to consider other suitable management and maintenance arrangements in line with the Council's policies. This could include the parish council with a 15-year commuted sum plus appropriate replacement costs; 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. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

Future Maintenance/Adoption: SUDS: With the changing legal issues/revising national guidance around SuDS following recent Government consultations, at this time we are unable to provide a definitive answer on adoption and maintenance of any SuDS areas. Any adoption or maintenance agreements and associated commuted sums/management charges with any eligible body are subject to the powers, acts and national guidance that is live and relevant at the time of adoption.

4.14 Housing Development Officer: Qualified comment

The applicant has been in negotiations with Housing Partnerships and has met the mix, tenure and standards that are required for the affordable housing. However, I am disappointed that the applicant has failed to integrate the affordable housing into the development.

As advised affordable housing should be tenure neutral and well integrated within the market housing. This is to promote social inclusion and sustainability. I do not believe that the positioning of the affordable housing meets this requirement and would ask the applicant to review its positioning in order for me to fully support this application.

4.15 Schools Capital and Investment Manager: No objection subject to s.106 contributions to meet capacity issues at Bodenham Primary School, where three years were at or over capacity as of the Autumn Census 2014.

5. Representations

- 5.1 Bodenham Parish Council: Objects strongly to the application. The detailed comments are summarised below, (but attached in full at Appendix A).

Summary of comments:-

Background (Section 1)

This relates the position at the time of response i.e. that the minimum growth target for Bodenham was 40 and that this need was capable of being met through alternative, preferable sites without the need for development of the application site.

Housing Land Supply in Herefordshire (Section 2)

The lack of housing land supply in Herefordshire should not lead to excessive development in its villages. There are parallels between this site and the Home Farm, Belmont appeal, which was dismissed irrespective of the lack of housing land supply.

Location of Future Housing Development in Bodenham Moor (Section 3)

The Parish Council started considering potential housing sites as part of the NDP process long before Bovis initiated their proposals. This was conducted independently of the Bovis proposal and the then outline application opposite England's Gate – both on SHLAA minor constraints sites. A survey was commenced in September 2014 to engage local opinion on the matter of housing growth. The results confirmed an overwhelming support for the site opposite England's Gate, which received 237 letters of support as opposed to 25 objections. Thus the parish and its residents have taken a view on the appropriateness of development on the Bovis site and given the constraints have concluded the land opposite England's Gate to be the preferable.

Bodenham Neighbourhood Plan (Section 4)

Secretary of State decisions have confirmed the weight that may be given to emerging Neighbourhood Plans. It is the intention of the NDP Steering Group to redraw the settlement boundary as it exists with the exception of an extension to encompass the England's Gate site. This would facilitate the growth required and exclude the current application site.

Sustainability (Section 5)

This section of the Parish Council comments refers to the percentage growth that the village (as opposed to Parish) would be forced to accept if permission were granted. With England's Gate the village would grow by between 33-37% at an early stage in the lifetime of the CS. This would not represent gradual growth and would also be prejudicial to the emerging Neighbourhood Development Plan and the NPPF core principle which states that planning should be *'genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting a positive vision for the future of the area.'*

Proposed Housing Mix (Section 6)

The Housing Mix for the open market units is heavily weighted to 4 and 5 bed dwellings. This is contrary to CS policies. The Parish Survey demonstrated that the vast majority of respondents cited a preference for 2 and 3-bed dwellings. There are no 2-bed open market units on this proposal, but 24 4 and 5-bed units.

Proposed Housing Design (Section 7)

In the Council's view the apparent intention to inflict rows of virtually identical red brick 'boxes' – there appear to be only four basic external designs among 49 dwellings - on an area bounded by a rich variety of house designs, not to mention no less than four Grade II listed buildings, betrays a lack of imagination and empathy which all the application's stress on 'detailing', 'active frontage', 'considered building line' and varied 'streetscape' does nothing to mitigate. Far from improving the Village, such a development would actually make it worse by imposing a veritable 'blot on the local landscape'. Indeed, Bovis Homes themselves seem to recognise this

by their apparent wish to hide their development away from view behind hedging (See our comments under 'landscape' below).

Landscape (Section 8)

It is considered that the proposed site is an important open green space which makes a major contribution to the distinctive spatial character, form and pattern of the Bodenham Moor settlement. It is important to the rural character of Bodenham Moor and provides relief within an otherwise built up frontage, while also acting as a buffer between incompatible uses, as set out in Section 14 below.

Contrary to the impression given by the Landscape and Visual Impact Statement supporting the application, this open area allows important views out of the settlement and is an amenity of high value for all residents, but more particularly the residents of Chapel Lane and the road along The Moor (C1125). It is contended that, notwithstanding measures being proposed to mitigate the impact of the proposed development, it will adversely affect the public and visual amenity of existing residents and consent should be withheld in accordance with UDP Policy DR2 (saved under Core Strategy Policy SD1) and Core Strategy Policies LD1 – Landscape and Townscape and LD3 – Green Infrastructure.

The whole effect seems to be to prevent integration with the rest of the Village – the creation of a kind of hedged-in enclave on its outskirts and one that, as already mentioned, is not in keeping with the open character of the remainder of Bodenham Moor.

Historic Environment and Heritage Assets (Section 9)

It is considered that the development of a housing estate of the scale envisaged in such close proximity will, despite the mitigation measures proposed, have an adverse impact on the setting of these listed buildings and warrants refusal.

Access and Highway Safety (Section 10)

Road safety has long been seen by local residents as, together with mitigation of flood risk, one of their highest priorities. This is evidenced both by the responses to a survey carried out in October 2010 in support of the Parish Plan and by the recent survey supporting the Neighbourhood Plan. Since November 2010 the Parish Council has therefore operated a speed indicator device (SID) in an attempt to 'educate' drivers to obey the speed limits on the main roads (C1125 and C1121) through Bodenham Moor and the Bodenham Conservation Area.

Although only classified as a 'C' road, the C1125 West of Shuker's Field is a main thoroughfare between the A417 and the East of Hereford *via* Sutton St. Nicholas and carries a great deal of traffic. Furthermore, although governed by a 30mph speed limit, despite the presence of pedestrians walking in the road because there is no pavement, and despite the existence of a narrow bridge about 100m from the access point proposed by Bovis Homes, vehicle speeds along this stretch of road are consistently high. This is borne out by the applicant's Transport Statement (13) which notes (without drawing the obvious road safety conclusions) that "*The [ATC] survey results showed that the 7-day average 85th Percentile speeds were recorded as 37.9mph northbound and 38.1mph southbound*". SID data show the situation rather more starkly. Speeds in excess of 50mph are common; nearly 60% of drivers approaching from the South exceed the speed limit and 15% (85th percentile) do so at 38mph or more. Speeds recorded for vehicles travelling south are even higher; in fact, the highest recorded speed at this location is 84mph.

The Transport Statement also overlooks the fact that the proposed access to the Bovis Homes site is almost exactly midway between two of the three stretches of road in Bodenham Moor most prone to flooding. Even in moderately mild winters surface water flooding occurs to the north of the access point, with water from Chapel Lane spilling across the C1125 into Orchard Close; to its south surface water floods northwards along the C1125 from the higher ground south of Bodenham Moor and floods the roadway in the area of Eastfields Farm. While suitable

vehicles may be able to negotiate such hazards safely in most circumstances, pedestrians may find themselves having to wade through flood water to reach the proposed access point, or to reach the proposed pathway to Chapel Lane.

Transport (Section 11)

As also already pointed out, the access to Bovis Homes' proposed site lies between two chokepoints on the C1125. About 100m to the south there is a narrow bridge with poor sightlines across which two vehicles cannot cross in opposite directions at the same time except at very low speed; in practice the C1125 is a single track road at this point. To the north the road narrows outside the Post Office, the sightlines are very poor, pedestrians have to walk on the carriageway because it is too narrow to accept a pavement, and the situation is made worse throughout most working days by cars parked on both sides of the road; here, too, the C1125 is, in effect, a single track road. Having ignored the problems likely to be created on the C1125, the Transport goes on to overlook those likely to develop in Chapel Lane (C1114), which it envisages as a significant route to and from the A417 for traffic leaving or returning to the proposed Bovis Homes site. Chapel Lane is a narrow, winding, single track road with occasional passing places. It already carries a lot of local domestic and agricultural traffic, but more importantly its use by very large HGVs has long been the subject of complaints to the Parish Council. Of necessity some of these have to access the grain store at Pool Head, but the real problem is the number of HGVs (some no doubt misguided by satellite navigation) which use the Lane as a short cut between the A417 and C1125. The real concern, therefore, is not only, as the Transport Statement says, queuing at the Chapel Lane junctions, but delays likely to be caused at peak times by vehicles meeting along the road. In addition, it should be pointed out that the Transport Statement makes no reference to the dangers presented by Chapel Lane's junction with the A417. The hazards of emerging onto the A417 at this junction, where the visibility both to the left (North-West) and to the right (South-East) is very limited, is one of the road safety issues most often raised by local residents.

Flood Risk (Section 12)

The latest Environment Agency map showing areas of Bodenham at risk of flooding from surface water clearly identifies the area around the Chapel Lane C1114 / C1125 (Bodenham to Sutton road) junction as being at medium to high risk. That such flooding occurs even in relatively mild weather conditions is confirmed by much photographic evidence. It is believed that, despite any mitigation measures suggested by the developer, the proposed Bovis Homes development could exacerbate the surface run-off problem, partly by shifting it from Chapel Lane to the area south of the proposed site. The proposal would thus be in conflict with UDP Policy DR7 on Flood Risk (saved under Core Strategy Policy SS6) and DR3 on Movement (saved under Core Strategy Policy SD1).

Although approximately 62% of the site naturally drains to the north, the FRA proposes that surface water from the developed site would drain entirely to the south into Moor Brook. It is argued that this will reduce surface water flooding of Chapel Lane.

Section 1.1. We note that in the final sentence of Section 1.1 it is claimed that the Flood Risk Assessment (FRA) Report provides sufficient information to confirm the satisfactory drainage and flood risk mitigation of the development as proposed, and that no planning conditions regarding the details of drainage or flooding for approval by the lead local flood authority (LPA), *i.e.* Herefordshire Council, should be required. However, we believe that securing acceptable design by Conditions is crucially important in order that the development is safe from flood risk for its lifetime, does not increase flood risk elsewhere, and where possible reduces flood risk. Should the Council be minded to give consent to the application, we would argue that any such consent must be accompanied by pre-commencement conditions requiring details of the proposed scheme to be submitted in writing for the approval by the Council, as LPA, in consultation with the River Lugg Internal Drainage Board (IDB).

Section 1.3. The FRA Report refers to the Technical Guidance to the NPPF as current policy relevant to this application. In fact the Technical Guidance was replaced by the Planning Practice Guidance in March 2014. It therefore carries no weight. It is therefore of concern that the flood risk assessment has been undertaken without cognisance of extant national planning policy.

Sections 4.5 and 4.6. Both these sections refer to the foul water pumping station located to the south of the site having insufficient capacity. Section 4.6 suggests that Welsh Water (WW) *“might need to address capacity issues associated with its local foul pumping station”*. Appendix 11 of the FRA presents an excerpt from a Utilities Assessment undertaken by Peter Brett Associates. Paragraph 6.1.7 states that a formal response from Welsh Water regarding network capacity had not been obtained at the time the Report was issued, although the Report acknowledges an existing constraint at the foul water pumping station to the south-west of the site. The Report goes on to say that remedial works (also known as infrastructure reinforcement) to the pumping station and rising main (*i.e.* the pumped foul sewer that exits the pumping station and travels up the road to the west of the site) could be undertaken to provide the capacity to receive flows from the development *“although this is to be confirmed by WW”*. Attempting to obtain full planning consent while this level of uncertainty remains is, in our view, totally unacceptable.

Section 5.1.

Whilst the peak rate may be limited to greenfield runoff, the development would result in an increase in runoff volume, *i.e.* runoff would continue to discharge off the site for a longer period than would otherwise be the case. This would impact on the receiving watercourses and the associated land drainage assets operated and maintained by the IDB, increasing the risk of failure and hence the risk of off-site flooding.

The proposed peak surface water discharge rate from the developed site to Moor Brook is stated to be 2 l/s. However, paragraph 17 of the Environment Agency Report *“Preliminary Rainfall Runoff Management for Developments”* (Report ref: SC030219) states that: *“A practicable minimum limit on the discharge rate from a flow attenuation device is often a compromise between attenuating to a satisfactorily low flow rate while keeping the risk of blockage to an acceptable level. This limit is set at 5 litres per second, using an appropriate vortex or other flow control device”*. As such, the proposed outfall conflicts with current design guidelines and there would be a significant risk of the drainage pipe from the retention pond becoming blocked, causing localised flooding of the site and/or adjacent land. Whilst this problem could be overcome by only restricting peak outflows to 5 l/s as per the Environment Agency guidance, this would represent a significant increase in peak runoff from the site, and would increase the risk of off-site flooding. Once again, this non-compliance with Environment Agency drainage guidelines demonstrates a flaw in the drainage strategy presented in the FRA Report. 14

Section 5.3. This Section states that foul water from the development would be conveyed by a new gravity foul sewer to the existing foul sewer near the local sewage pumping station. No mention is made of the fact that the pumping station and associated rising main has insufficient capacity - just that *“Welsh Water has a legal responsibility ... to provide any necessary improvements to the sewerage network to enable developments”*. For Bovis Homes to seek simply to wash their hands of the inconvenience, health risks and disruption they would be creating for existing residents of the village is completely unacceptable.

Section 8 (2, 3 and 4). All three of these recommendations demonstrate the importance of the Council, as LPA, securing drainage by Condition, if indeed the Council is minded to grant planning permission.

Section 10. The FRA Report incorrectly states that “*neither flood risk nor drainage constrains the grant of planning consent for this development as proposed*”. On the contrary there are a number of crucial constraints:

The surface water drainage scheme proposes that all surface runoff from the site will drain to the south and directly into Moor Brook. This approach does not mimic the existing natural drainage regime for the site, and whilst it may help reduce flooding of Chapel Lane, it would be expected to increase off-site flooding elsewhere, especially to the Grade II listed Brook House and to the area of Eastfields Farm, both of which are already very prone to flooding. As such, the drainage scheme is not considered to be satisfactory. At the same time the FRA Report claims that surface water would be prevented from draining into Chapel Lane towards the North by the construction of an East-West bund. However, as can be seen from the maps at Appendix 9 of the Report, this bund is a long way from the site’s northern boundary. In fact, it roughly delineates the southern edge of a substantial northern portion of the site which has always drained into Chapel Lane and under Bovis Homes’ proposed scheme would simply continue to do so. In short, the Bovis Homes scheme appears likely to do little to mitigate the flood risk to Chapel Lane and, from there, to Orchard Close and thus there is likely to be little, if any, betterment.

As the FRA Report acknowledges, the existing Welsh Water sewerage infrastructure has insufficient capacity to convey foul water from the proposed development. Indeed the pumping station to the south-west of the site has already flooded due to insufficient capacity. The FRA Report fails to demonstrate that foul water from the development can be suitably drained and as such, the foul water drainage strategy presented in the Report must be regarded as fundamentally flawed. Policy SD (4) states that development may be phased or delayed until further capacity is available. This alone is considered to be sufficient grounds for permission not to be granted.

Increasing the flow of foul water to the already overloaded Welsh Water foul pumping station located to the south-west of the proposed development is not sustainable.

If the Council, as LPA, is minded to grant planning permission, then the design of the drainage system, for both surface water and foul water, must be accompanied by appropriate pre-commencement planning conditions, requiring full details of the drainage systems to be submitted in writing for the approval of the Council in consultation with the IDB.

The proposed development does not reduce flood risk or provide similar betterment to enhance the local flood risk regime, as required by Policy SD3 (3). Although it may be possible that the development may reduce flood risk to Chapel Lane, this cannot be regarded as betterment because there will be a corresponding increase in flood risk elsewhere due to the nature of the proposed drainage.

The FRA Report does not provide any information on how the surface water drainage system serving the development would be maintained for its lifetime. Given the surface water flooding issues in the proximity of the site, this is an important omission. The appropriate arrangements would need to be secured at minimum by Condition (and presumably by a Section 106 agreement).

Sewerage Infrastructure (Section 13)

The Parish Council’s original comments are updated following further submission from the applicants. See below.

Proximity to Intensive Livestock Unit (Section 14)

The Parish Council’s original comments in relation to the intensive livestock unit are updated following further submission from the applicants. See below.

Ecology (Section 15)

The River Lugg enjoys strong protection under European Law as part of the River Wye Special Area of Conservation (SAC). We note that the Nutrient Management Plan being developed by the Environment Agency in conjunction with Herefordshire Council is trying to address the ongoing issue of excessive phosphate levels. It is understood that there remain a number of major outstanding concerns. It is clear that any consent for the subject development by Bovis Homes involving the disposal of treated effluent from the site *via* the Welsh Water treatment plant in Ketch Lane, Bodenham (C1113) and thence into the River Lugg would merely serve to exacerbate this ongoing phosphate exceedance problem. We strongly urge that this aspect is fully explored when the application is considered. Health and safety issues associated with standing water in the attenuation pond must also be addressed.

Minerals Safeguarding (Section 16)

The entire site lies within an area defined as a Minerals Safeguarding Area (MSA), as embodied in Core Strategy Policy M1 (formerly UDP Policy M5 –Safeguarding Minerals Resources). This states that *“within and adjacent to MSAs, development which would sterilise any known minerals resource will not be permitted, unless it can be demonstrated that the non-minerals related development is of sufficient weight and overall benefit to override the need to protect the minerals resources”*.

Despite the claim in the Peter Brett Associates “Mineral Resources Statement” that the ‘potential resource has been compromised by existing residential development to the north and west’ it is thought that the existence a single house (Olanstan) adjacent to the site would not constrain possible future exploitation. However, it is contended that the housing development proposed by Bovis Homes would conflict with planning policy M1 – Mineral Safeguarding Areas (page 180 of the Core Strategy).

While it may be accepted that the existence of “Olanstan” adjacent to the site could be regarded by any future mineral extraction body as an ‘inconvenience’, reference to the Core Strategy Policies Map clearly shows the fairly widespread existence of minerals in this area, a fact recently highlighted by the Principal Planning Officer – Minerals and Wastes in the context of planning application (141352 Gritt Farm) relating to a proposal for a new dwelling just to the north-east of the subject site.

17. Summary

17.1 Bodenham Parish Council believes that Bovis Homes’ application to build 49 houses on the land South of Chapel Lane is:

- Opportunistic and seeking to exploit a temporary, technical loophole in planning regulations for purely commercial gain with no thought for the adverse effect on the lives or amenity of existing – or, indeed, its own proposed future – residents.
- Contrary to the central tenets of both the NPPF and Herefordshire Council’s emerging Core Strategy in that it does not meet their essential criteria of sustainability.
- Contrary to specific policies set out in Herefordshire Council’s emerging Core Strategy.
- Unnecessary to meet the proportionate 15% increase in housing required by the emerging Core Strategy which, with the proposed development of the field opposite England’s Gate added to ‘windfall’ developments since 2011, Bodenham Moor will have exceeded.
- Contrary to the carefully considered and clearly expressed wishes of the local community as evidenced by the recent survey and set out in Bodenham’s emerging Neighbourhood Plan.

- Calculated to destroy an important and valued open space in the village and in the process to damage irreparably the whole rural character of Bodenham Moor.
- Unsupported by any requirement for the quantity, size or type of dwellings proposed.
- Given other housing development already planned, completely unsustainable within a village of the size and rural setting of Bodenham Moor.
- Inadmissible because it would require incompatible land use by the juxtaposition of residential dwellings with an intensive dairy unit, especially one which already creates a significant, continuing odour and fly nuisance and which is destined to increase still further in size.
- Likely to increase the already worryingly high risk of surface water flooding in the vicinity.
- Unacceptable because of inadequate access to and from the site and because of the adverse impact it would have on road safety, which is already a matter of serious local concern.
- Unacceptable because of its adverse impact on the local infrastructure, and specifically on the already overloaded sewerage and foul water drainage systems.
- The Parish Council urges most strongly that consent for the application be refused.

Subsequent comments in relation to foul waste and odour, updating sections 13 and 14 above are set out below.

Foul Drainage

Bovis have also submitted revised foul drainage paper which seeks to address the earlier Welsh Water objection to the effect that the proposed development would overload the local public sewage infrastructure. It appears that the Welsh Water objection has now been withdrawn. However the modifications proposed which would involve installing a new pipeline to carry sewage to a point on the C1125 near the village green and children's playground would then appear to be merely connected to the existing manhole that eventually carries sewage products to the plant located in the Millcroft Road cul-de-sac which already has capacity problems necessitating frequent visits from WW to clear blockages. It would seem that this is purely a device to remove the focus from deficient plant alongside Moor Brook and increase the as yet unresolved inadequacies of the Millcroft Road plant.

Odour Nuisance

Odour dispersal is largely dependent on wind patterns and speeds. Entram Ltd Consultants have based their dispersal modelling on wind speed and direction taken from data obtained from the nearest meteorological station at Hereford (Credenhill) located some 7mls. away. (Para. 5.1 states "*A 5-year average windrose (2010to 2014) for the Met Office observing station at Hereford is displayed...*") They have concluded from this data that the wind would only blow from Eastfields Farm towards the Bovis site for 14.7% of the year (Para. 5.4.).

In fact, the local topography, distorts wind speed and direction in the vicinity of Eastfields Farm and the Bovis site. The latest report takes no account of the fact that both the farm and proposed development site are located on relatively low lying land that is bounded by a prominent extended ridgeline that runs from the SE to the SW. This elevated ridgeline distorts the normal prevailing wind patterns creating local atmospheric turbulence and thus invalidates the meteorological wind pattern assumptions which form the whole basis of the revised analysis.

Further information on the subject of this report is available from Mr Edward Thomas on 01432 260479

It is contended that this failure to take full account of local conditions must throw doubt upon the claims in paras. 1 to 3 that:-

“the source odour potential may be regarded as ‘medium’ to ‘small’ and “It follows that the likely magnitude of odour effect at the development site is negligible”.

History of Nuisance

It is stated at para, 5.7 that *“The Local Authority Environmental Health Department has confirmed there have been no recorded complaints of odour in relation to the existing farming activities in the area”.*

We would draw attention to the minutes of the Planning Committee meeting held on 18 December 2002 to consider application NC2002/3141/O for a new dwelling in the grounds of Fairview which states :-

“The Area Environmental Health Officer reported on local concerns that had been expressed about smells emanating from the livestock units, and that there was a limit to what could be achieved because the applicants had the defence of using the best practicable means to abate nuisance”.

The application was refused consent.

In dismissing an appeal against refusal Planning Inspector Robert Luck in his Decision ref APP/W1850/A/03/1110001 commented:-

“The evidence is that the slurry lagoon gives rise to serious problems of infestation by flies, especially during the warmest months and to a certain extent offensive smells. This is clearly supported by the Council’s Environmental Health Officer, who said that no more can reasonably be done to abate the nuisance at source. I conclude that there is an unacceptable risk to the living conditions of future residents of the proposed dwelling would be harmed by unreasonable levels of nuisance in these respects”.

Again, in commenting on an earlier withdrawn application NC2002/1186/O., Mr A Trezins, Area Manager (North) Environmental Health wrote on 21 May 2002 *“I wish to express concern about the close proximity of a slurry lagoon to this proposal which is likely to give rise to complaints of smell and fly nuisance. The close proximity of the farming activity in general is likely to have an adverse impact on the amenity of future residents of this dwelling.”*

A further application to erect a dwelling adjacent to Eastfields Farm submitted in 2006 was refused it being stated in the Decision Notice DCNC2006/3140 dated 29 Sept.2006 :-

“A new dwelling on this site will be within close proximity of an existing slurry lagoon and also existing livestock units on the adjacent agricultural land to the north which can result in the residential amenities, of the future occupants of the proposed dwelling, being adversely affected by reason of offensive smells and infestation by flies.”

Copies of letters of complaint about odour and fly nuisance from two Bodenham residents are held. However past statements, quoted above, by the Environmental Health Officer to the effect that no reasonable steps can be taken to abate the nuisance emanating from Eastfields Farm has doubtless led to other residents to conclude that it would be pointless to complain. It is known that residents have also been deterred from formally complaining due to the legitimate fear that this may have an adverse effect on house values. However, the fact that there is a limited documented history of complaint by individuals should not be taken to imply that there is no, or limited nuisance. This is a very real ongoing issue which is why the Parish Council has raised such strong objection to the Bovis Homes proposal.

5.2 River Lugg Internal Drainage Board: Qualified comment

The application informs us of the intention to dispose of surface water via Sustainable Urban Drainage System. I would like to inform you of the Board's standard requirements in respect of surface water disposal, and ask that they be taken into consideration when the application is assessed.

Requirements:

- 1 A permanent 9 metre plant access strip is required alongside the Moor Brook within the development site, for watercourse maintenance purposes. The written consent of the board must be obtained for any structure or tree planting within 9m of any Board controlled watercourse measured from the top of the bank or on the landward side of any embankment.
- 2 Any works must not compromise the stability of the bank or create a gradient of more than 1:20 towards the watercourse.

Any increase in hard standing or impermeable areas will increase the amount of surface water run off from the site unless managed properly. The application states that the surface water run-off will be directed to SuDS; therefore I would like to inform you of the Board's standard requirements in respect of surface water disposal, and ask that they be taken into consideration when the application is assessed.

Requirements:

- 1 Rates for storm water runoff discharged from the site to replicate or achieve a reduction from the 'greenfield' response of the site over a range of storm probabilities, accompanied by the required On-site Storage designed for the 1 in 100 year storm event.
- 2 For the range of annual flow rate probabilities, up to and including the 1% annual probability (1 in 100 year storm event) the developed rate of run-off discharged from the site into an ordinary watercourse shall be no greater than the undeveloped rate of run-off for the same event.
- 3 The potential effect of future climate change shall be taken into account by increasing the rainfall depth by 10% for computing storage volumes.
- 4 All in compliance with The Institute of Hydrology Report 124 (IoH 124) - Flood estimation for small catchments (1994)
- 5 All to the satisfaction of the Engineer to the Board
- 6 No additional surface water run-off to adjacent watercourse (Moor Brook) or any outfall structure is permitted without written Land Drainage Consent, which would have to be obtained from the Board under the terms of the Land Drainage Act 1991 and the Flood and Water Management Act 2010.

5.3 Bodenham Flood Protection Group: Objection. The comments express severe concern at the efficacy of the proposed surface water drainage system and the ability of the foul sewerage system to cope with additional loading. The comments defer, however, to section 12 of the Parish Council comments insofar as surface water drainage is concerned and this section of the Parish Council objection is reported in full above and again at Appendix A.

5.4 Campaign to Protect Rural England (Herefordshire Branch): Qualified Comment

Concern is expressed in relation to the Council's assessment of the impact of the development in relation to water quality within the River Wye (Lugg) SAC.

5.5 There have been 235 letters of objection. The content is summarised as follows:-

Bell Homes have already had outline planning consent for 40 houses in Bodenham Moor (P141712/0). This is the site preferred by local residents as shown in the emerging

Bodenham Neighbourhood Plan and demonstrated by the responses to the recent neighbourhood plan survey.

The site on which Bovis Homes wish to construct 49 houses has been rejected in the neighbourhood planning process for a number of reasons, including:

- The likelihood of increasing the risk of surface water flooding to neighbouring properties in Chapel Lane, Orchard Close and/or the area of Eastfields Farm.
- The adverse effect on the setting of four Grade II listed buildings adjacent to the site.
- The adverse effect on the amenity of residents in nearby properties, especially by affecting their enjoyment of the existing rural landscape.
- The adverse effect on Bodenham Moor residents generally by destroying one of the few important open spaces in the village.
- The placing of a major additional burden on already overloaded sewerage and foul water systems.
- The proximity to an intensive dairy unit with its associated odour and fly nuisances.
- Increased traffic placing even greater pressure on narrow local roads about which there are already serious road safety concerns.

The Bovis Homes application does not adequately address these (and other) issues. Any more houses in the village, other than the 40 already planned by Bell Homes, would place an immediate and totally unsustainable burden on the village infrastructure (GP Surgery, School, etc). While accepting that Bodenham Moor must accommodate its fair share of new housing, it is unreasonable for it to accept more. Such an increase would alter the whole character of the village and change it from a rural settlement into a town.

The wishes of local people, clearly expressed in the Neighbourhood Plan and the recent survey, should be respected.

5.6 There have been 12 letters of support. The content is summarised as follows:-

- The application is in a preferable location to the England's Gate site. It is more central to the village and will have less of an impact on the approach to the village.
- The application appears well conceived relative to other applications and takes a sensitive approach to design and landscaping.
- The proposal will result in the delivery of affordable housing which will address the current dearth and allow those youngsters with a local connection to stay in the village as opposed to having to move away.
- Access into the site would be safer than England's Gate as it is not in such close proximity to the A417 or on a bend. Traffic calming will be easier in this location.
- A growth in the local population will underpin local services including the shop, school and bus services.

5.7 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

Planning Policy

6.1 S38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

Further information on the subject of this report is available from Mr Edward Thomas on 01432 260479

“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

- 6.2 In this instance the Development Plan for the area is the Herefordshire Local Plan - Core Strategy (CS). As might be expected with a proposal of this nature a range of CS policies, referred to at section 2.3, are relevant. The strategic Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the NPPF. SS1 confirms that proposals that accord with the policies of the CS (and, where relevant other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.
- 6.3 As per the NPPF, the delivery of sustainable housing development to meet objectively assessed needs is a central theme of the CS. Policy SS2 ‘Delivering new homes’ confirms that Hereford, with the market towns in the tier below, is the main focus for new housing development. In the rural areas new housing development will be acceptable *“where it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community.”*
- 6.4 Equally it is clear that failure to maintain a robust NPPF compliant supply of housing land will render the housing supply policies of the CS and by extension adopted NDPs out-of-date. Policy SS3 ‘Ensuring sufficient housing land delivery’ thus imposes requirements on the Council in the event that completions fall below the trajectory set out in Appendix 4.
- 6.5 Bodenham is identified as one of the 119 figure 4.14 rural settlements within the Bromyard Housing Market Area (HMA). These settlements are to be the main focus of proportionate housing development in the rural areas. The strategy set out at CS Policy RA1 is to ascribe an indicative housing growth target for the settlements listed within each rural HMA. Within the Bromyard rural HMA the indicative minimum housing growth is 15%. The position as at 1 April 2014 for Bodenham parish is set out in the table below. This expresses a minimum housing requirement to 2031 of 67, but does not take account of the 40 dwellings approved in outline opposite England’s Gate PH. Taking this into account the residual minimum requirement is 27 dwellings. The fact that housing requirements relate to the parish as opposed to the settlement accounts for the disparity with the Parish Council figures expressed in their objection.

Parish/Group	Settlements in fig 4.20 and 4.21	Number of households in parish	% growth in Local Plan Core Strategy	Number of new houses required to 2031	Housing Completions 2011 – 2014	Housing commitments as at 1 April 2014	Total housing remaining
Bodenham	Bodenham; Bodenham Moor	481	15	72	0	5	67

- 6.6 The preamble to RA2 – Housing in settlements outside Hereford and the market towns states: *“Within these [figure 4.14] settlements carefully considered development which is proportionate to the size of the community and its needs will be permitted.”* The proactive approach to neighbourhood planning in Herefordshire is also noted and that when adopted, Neighbourhood Development Plans (NDPs) will be the principal mechanism by which new rural housing will be identified, allocated and managed.
- 6.7 However, and particularly until NDPs are adopted, RA2 is positively expressed insofar as housing proposals will be permitted where the four criteria of the policy are met. Moreover, the Inspector’s Main Modification 038 confirms that in the period leading up to the definition of appropriate settlement boundaries i.e. until such time as NDPs define a settlement boundary,

Further information on the subject of this report is available from Mr Edward Thomas on 01432 260479

the Council “will assess any applications for residential developments in Figure 4.14 and 4.15 against their relationship to the main built up form of the settlement.” Thus with the NDP not yet sufficiently advanced to attract weight for decision-taking, policy RA2 is key to assessment of planning applications that deliver housing in the rural settlements.

- 6.8 Policy RA2 states that housing proposals will be permitted where the following criteria are met:
- *Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area. In relation to smaller settlements identified in fig 4.15 proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement; and/or result in development that contributes to or is essential to the social well-being of the settlement concerned.*
 - *Their locations make the best and full use of suitable brownfield sites wherever possible.*
 - *They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting.*
 - *They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in the particular settlement, reflecting local demand.*
- 6.9 Criteria 1 and 3 are, in your officers’ opinion indivisible, with the ‘gateway’ test being that the application site must be within or adjacent to the main built up part of the settlement. In this instance the site is considered to relate well to the built up part of the village. It is enclosed by residential development to the west and north, which extends eastwards beyond the northern extent of the site, with extensive commercial orchards to the east. The Grade II listed Brook House lies to the south. The application site is relatively well contained visually by the existing hedgerows and landform, which in turn limits the extent to which the development would be seen.
- 6.10 The response to existing development locally has been to devise a layout and design that retains and enhances existing boundary planting, with significant landscaped buffer to north and south incorporating extensive public open space. This has the effect of protecting the living conditions at adjoining properties and preserving the setting of listed buildings that adjoin to north, west and south, as discussed in detail within the heritage chapter below. In this respect the application has drawn no objection from the landscape or historic building officers and is considered to respond positively to the surrounding environment and landscape setting. The scheme is thus considered to respond positively to criteria 1 and 3 in that it will represent a high quality and sustainably designed layout that is appropriate to its context.
- 6.11 The site is not previously developed or brownfield land, but the policy does not exist to prevent consideration of appropriate greenfield sites capable of accommodating sustainable development. Moreover the NDP is not sufficiently advanced to attract weight for decision taking.
- 6.12 Whilst there are a comparatively high proportion of four and five bed dwellings among the open market units, with no 2-bed dwellings, the affordable housing comprises an acceptable mix of 1, 2, 3 and 4-bed dwellings and is supported; albeit the Housing Officer would like to see greater dispersal of the affordable housing across the site.
- 6.13 Whilst recognising the scheme would result in the minimum target for housing growth within the parish being exceeded, the Inspector’s report and relevant appeal decisions confirm that this should not act as a ceiling to residential development where it would accord with the Development Plan. Thus, when assessed against the criteria of RA2, and in the absence of an adopted NDP and/or compelling evidence to support an argument that the scheme would represent disproportionate growth causing overriding harm, officers consider the proposal to accord with the requirements of RA2.

Impact on designated heritage assets, biodiversity and landscape

- 6.14 Policies relating to landscape, biodiversity and heritage assets underpin the assessment taken in relation to Policy RA2.
- 6.15 Policy LD1 'Landscape and townscape' requires, *inter alia*, that development should demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas. Schemes should also incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings, with the maintenance and extension of tree cover where important to amenity...through new planting to support green infrastructure.
- 6.16 In this case the site has been categorised by the Council's SHLAA as having low/minor constraints. It represents, in the Council's assessment, land of lesser environmental sensitivity that is appropriate for development and it can be assumed that this has influenced site selection. Notwithstanding the SHLAA, the detailed layout takes care to respond sensitively to the strong boundary features by conserving and enhancing them where possible and maintaining a large landscaped buffer against heritage assets adjoining. Significant additional tree planting is proposed, on a site that has, boundary planting aside, no landscape features. Off-site trees are safeguarded by the decision to locate development away from site boundaries outside Root Protection Areas. The scheme is also accompanied by a landscape management strategy and this will be governed by condition. Against its current agricultural use the scheme is considered to represent an opportunity to enhance bio-diversity. Officers consider the scheme complies with Policy LD1 in every respect.
- 6.17 Policy LD2 'Biodiversity and geodiversity' requires the conservation, restoration and enhancement of the county's biodiversity and geodiversity assets. Development considered likely to harm sites and species of European importance will not be permitted. This links back to NPPF paragraph 118 – a restrictive policy. In this case the ability to connect foul drainage to the mains sewer has overcome any doubt that the scheme might pose a threat to the conservation objectives of the River Wye SAC/SSSI and its tributaries. As above, through significant native species landscaping, the proposal offers the opportunity to enhance bio-diversity and Green Infrastructure as per the requirements of Policy LD3.
- 6.18 Policy LD4 'Historic Environment and Heritage Assets', requires, *inter alia*, that development affecting heritage assets and the wider historic environment should preserve or where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design. In this case the Conservation Manager (Historic Buildings) is satisfied that the proposal is appropriate to the wider setting of the historic environment. Although it is inevitable that development on a greenfield site will impact the landscape setting of the village and the associated setting of the designated heritage assets locally, the scheme is designed in a manner that renders the impact acceptable and less than substantial harm will result. This renders the scheme acceptable with regard to Policy LD4 and the NPPF.

Surface Water and Land Drainage Run-off

- 6.19 Surface water flooding has, in the relatively recent past, caused inundation of a significant number of properties within the vicinity of the application site, particularly to the north-west at Orchard Close. Following the 2007 floods, parishioners established the Bodenham Flood Protection Group (BFPG). The BFPG has been very active in ensuring proper maintenance of land drainage features and in securing, via Environment Agency funding, flood prevention measures for those houses affected by flood events. That the issue is a significant cause for concern is clear.

- 6.20 It is a key consideration of CS Policy SS7 that development should minimise the risk of flooding and making use of sustainable drainage methods. This takes account of NPPF requirements as expressed at paragraph 100-104. Policy SD3 'Sustainable water management and water resources' states as follows:-

"Measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk; to avoid an adverse impact on water quantity; to protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation. This will be achieved by ensuring that:

- 1. development proposals are located in accordance with the Sequential Test and Exception Tests (where appropriate) and have regard to the Strategic Flood Risk Assessment (SFRA) 2009 for Herefordshire;*
- 2. development is designed to be safe taking into account the lifetime of the development, and the need to adapt to climate change by setting appropriate floor levels, providing safe pedestrian and vehicular access, where appropriate, implementing a flood evacuation management plan and avoiding areas identified as being subject to Rapid Inundation from a breach of a Flood Defence;*
- 3. where flooding is identified as an issue, new development should reduce flood risk through the inclusion of flood storage compensation measures, or provide similar betterment to enhance the local flood risk regime;*
- 4. development will not result in the loss of open watercourse, and culverts should be opened up where possible to improve drainage and flood flows. Proposals involving the creation of new culverts (unless essential to the provision of access) will not be permitted;*
- 5. development includes appropriate sustainable drainage systems (SuDS) to manage surface water appropriate to the hydrological setting of the site. Development should not result in an increase in runoff and should aim to achieve a reduction in the existing runoff rate and volumes, where possible;*
- 6. water conservation and efficiency measures are included in all new developments, specifically:*
 - residential development should achieve Housing - Optional Technical Standards - Water efficiency standards. At the time of adoption the published water efficiency standards were 110 litres/person/day ; or*
 - non-residential developments in excess of 1,000 sq.m gross floorspace to achieve the equivalent of BREEAM 3 credits for water consumption as a minimum;*
- 7. the separation of foul and surface water on new developments is maximised;*
- 8. development proposals do not lead to deterioration of EU Water Framework Directive water body status;*
- 9. development should not cause an unacceptable risk to the availability or quality of water resources; and*
- 10. in particular, proposals do not adversely affect water quality, either directly through unacceptable pollution of surface water or groundwater, or indirectly through overloading of Wastewater Treatment Works.*

Development proposals should help to conserve and enhance watercourses and riverside habitats, where necessary through management and mitigation measures for the improvement and/or enhancement of water quality and habitat of the aquatic environment. Proposals which are specifically aimed at the sustainable management of the water environment will in particular be encouraged, including where they are required to support business needs such as for agriculture. Innovative measures such as water harvesting, winter water storage and active land use management will also be supported. In all instances it should be demonstrated that there will be no significant adverse landscape, biodiversity or visual impact."

- 6.21 Policy SD4 'Waste water treatment and river water quality' requires that development should not undermine the achievement of water quality targets for rivers within the county, in particular through the treatment of wastewater. In the first instance developments should seek to connect to the existing mains wastewater infrastructure network. Where this option would result in nutrient levels exceeding conservation objectives targets, in particular additional phosphate loading within a SAC designated river, then proposals will need to fully mitigate the adverse effects of waste water discharges into rivers caused by the development.
- 6.22 In accordance with NPPF and CS requirements the application is accompanied by a site specific Flood Risk Assessment (FRA). This identifies that the site is wholly within Flood Zone 1 and thus has the lowest annual probability of flooding. The applicant's FRA also identifies that the risk from surface water flooding, which enters the northern part of the site at the field gate on Chapel Lane. As above, the strategy is to improve the surface water flooding on Chapel Lane by routing all surface water in a southerly direction to the Moor Brook via the attenuation pond. In addition, overland flow entering a blind watercourse next to Brook House will be diverted to the attenuation pond, the outfall being 'throttled' to a run-off that mimics the greenfield run-off rate.
- 6.23 The surface water flooding on Chapel Lane into Orchard Close, including the junction with the C1125, and on approach to the bridge over the Moor Brook on approach to the site from the south. The source of this overland flow is surrounding higher ground allied to perceived deficiencies with the capacity of the storm water drainage on Chapel Lane and the design and maintenance of other land drains locally. In addition to the inundation of property, including Brook House, recent flood events have surcharged The Moor foul sewerage pumping station, which has resulted in effluent entering the watercourse. The concerns in relation to this scheme are, in broad terms, as follows:
- The development with its hard surfaced areas (roofs and roads), will lead to greater and faster surface water run-off which will exacerbate the existing surface water drainage issue;
 - The proposed bund is situated too far south to ensure that surface water drainage will be conveyed to the south and does nothing to mimic natural drainage;
 - Conveying all surface water drainage to the Moor Brook might be expected to exacerbate surface water flooding to the south of the site at Brook House and land at Eastfields Farm. This will increase the risk to the foul pumping station;
 - The intention to reduce outfall from the attenuation to 1.5l/sec might mimic existing run-off rates, but is lower than EA guidance suggests as necessary or desirable (5l/sec) to prevent blockages;
 - Who is responsible for management and maintenance of the system?
- 6.24 Officers agree with the Parish Council's comments in section 12 of their response at 5.1 that pre-commencement planning conditions should be imposed to govern the detailed design of both foul and surface water drainage. Welsh Water will need to agree formal adoption of the drainage infrastructure via S104 of the Water Industry Act and such a planning condition does not, therefore, present an unreasonable request of a developer. The recommendation is presented on this basis. Such conditions will also ensure further consultation as necessary with the River Lugg Internal Drainage Board and address the Parish Council/BFPG concerns in relation to the position of the on-site bund and discharge rates.
- 6.25 Furthermore, whilst Welsh Water *did* object originally in relation to the capacity of the Moor Brook pumping station, this objection has now been withdrawn on the basis that a point of connection further to the north and thus bypassing the Moor Brook pumping station is considered acceptable. A further technical note from the applicants has confirmed that in order to drain effluent to this connection point the site will have to be equipped with its own pumping station with rising main also constructed so as to enable communication with the existing mains. Although officers are conscious of Parish Council concerns in relation to the ability of the

northern pumping station at Millcroft to accept additional flows, Welsh Water has no objection, which undermines the ability of the Council to object in this regard.

6.26 Moreover, diverting the foul flows to the Millcroft pumping station will enable the Council to adopt a Habitats Screening Assessment report that concludes no likely significant effects on the integrity of the River Wye SAC/SSSI, thus overcoming the Natural England objection which is lodged on this basis and ensuring compliance with CS Policies SD3 and SD4. Updated responses are expected from the Council's Ecologist and Natural England in due course. The recommendation nonetheless reflects the outstanding objections.

6.27 In response to the two outstanding items set out in the Land Drainage Consultant's response the applicants have responded as follows:

1. Confirmation that the site is not at risk of fluvial flooding when the effects of climate change are incorporated into the fluvial flood extents.

The site is approximately 3.5m above the brook and much higher than the road. As part of the consideration of fluvial flood risk the impact of climate change on flood levels was not considered to be significant. The Environment Agency outlines guidance for planners, which recommends contingency allowances to account for net sea level rises. This represents an increase of 4.0mm between 1990 and 2025, 8.5mm between 2025-2055 and 12mm between 2055-2085. Whilst this may be significant on other sites and in other parts of the Country, this is not a factor which is going to affect this site, upon completion or in its occupation. The FRA demonstrates that the site is not at risk from fluvial flooding and there is no worsening outflow as a result of the development. The development is therefore compliant with national policy.

2. Further details of the access and egress arrangements for the development including details of the depth and velocity of surface water flooding on the Moor to confirm access to the site will not be restricted during a flood event.

The lowest level at the junction of Chapel Lane with the main road is 63.51, and the lowest level on Chapel Lane is 63.34. Orchard Close has levels which are lower than the main road. This shows that the maximum depth of water can only be 170mm on Chapel Lane, with any excess water, flowing away from Chapel Lane. Given the maximum depth of the water, velocity is not considered to be an issue which will cause issues of accessibility. It is the view of the flood and drainage engineers that even if there is road flooding at The Brook, safe access and egress can be achieved to the north, which will not prevent vehicular access to the new development.

6.28 In conclusion on this issue, officers are aware of the very genuine and longstanding concerns in relation to the potential for the scheme to exacerbate surface water flooding. There is very clear evidence of recent flood events causing damage to property and distress to those affected. Without the continued maintenance and monitoring of the volunteer members of the BFPG, there is every potential that such events would have happened since.

6.29 Nonetheless, the scheme must be considered on its merits and in the absence of objection from the River Lugg IDB, Environment Agency and Land Drainage consultant and with the reasonable imposition of planning conditions (as requested by the Parish Council and Welsh Water), officers consider whilst there are legitimate grounds for concern based on past experience and local knowledge, these do not equate to a defensible basis for refusal. Subject to satisfactory schemes coming forward in response to planning conditions, officers are content that the scheme would accord with NPPF and NPPG guidance and CS policy.

Traffic Impacts

6.30 Concerns have been expressed in relation to trip generation and the ability of the network to cope with additional demand. Likewise concern is expressed in relation to the intention to form

the vehicular access with the C1125, where measured speeds confirm poor observance of the 30mph speed limit. Core Strategy Policy MT1 'Traffic management, highway safety and promoting active travel' deals with highway matters.

- 6.31 Policy MT1 requires that development proposals should demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development. Development should also promote and, where possible, incorporate integrated transport connections and supporting infrastructure (depending on the nature and location of the site), including access to services by means other than private motorised transport and encourage active travel behaviour to reduce numbers of short distance car journeys through the use of travel plans and other promotional and awareness raising activities.
- 6.32 Development should also ensure that developments are designed and laid out to achieve safe entrance and exit, have appropriate operational and manoeuvring space, accommodate provision for all modes of transport, the needs of people with disabilities and provide safe access for the emergency services and protect existing local and long distance footways, cycleways and bridleways unless an alternative route of at least equal utility value can be used, and facilitate improvements to existing or provide new connections to these routes, especially where such schemes have been identified in the Local Transport Plan and/or Infrastructure Delivery Plan. In designing schemes regard should be had to the Council's Highways Development Design Guide and cycle and vehicle parking standards as prescribed in the Local Transport Plan - having regard to the location of the site and need to promote sustainable travel choices.
- 6.33 Where traffic management measures are introduced they should be designed in a way which respects the character of the surrounding area including its landscape character. Where appropriate, the principle of shared spaces will be encouraged.
- 6.34 In response to the proposed point of access the Traffic Manager has no objection. Whilst accepting measured speeds indicate poor observance of the speed limit extending through the village, the visibility splays are acceptable in relation to measured speeds. Moreover, the Traffic Manager is content there is no quantifiable evidence to suggest that the highway network is not capable of safely accommodating the traffic generated.
- 6.35 In terms of the promotion of sustainable travel, the scheme promotes a network of internal footways and shared spaces, with pedestrian access exiting out to a dropped crossing over the Chapel Lane junction linking to the bus stop just to the north. Deficiencies with the pavement network locally are noted, with an absence of footway either side of the C1125 heading north until the other side of Bache's Bargains. However, this is due to limited carriageway width and proposal to potential narrow the carriageway to facilitate the provision of a footway have not been encouraged by the Council's highway managers. It is because of this that the scheme accommodates an on-site LEAP.
- 6.36 Insofar as is possible and practicable the scheme is considered to accord with the relevant requirements of Policy MT1.

Odour

- 6.37 The application site is a short distance to the north-east of Eastfields Farm; an intensive dairy unit. Concerns have been expressed in relation to the potential odour nuisance arising from the intensive livestock operations and whether the application site is appropriate for residential development as a consequence. There is some conjecture as to whether the farm has been the source of complaints in relation to odour and associated issues such as fly infestation. What is

beyond dispute, however, is that planning applications for dwellings located immediately adjacent the farm have been refused for odour/nuisance related reasons in the past.

- 6.38 In response to this issue the applicants have commissioned an odour assessment, which has been updated in the light of local objections and EHO input. The updated report forms the basis of the Environmental Health Officer's comments report at section 4.11 above. The officer concludes a refusal on this issue would be unlikely to succeed if tested at appeal.

Other Matters

- 6.39 Policy SD1 'Sustainable design and energy efficiency' requires that development proposals should create safe, sustainable, well integrated environments for all members of the community.

- 6.40 *"In conjunction with this, all development proposals should incorporate the following requirements:*

- *ensure that proposals make efficient use of land - taking into account the local context and site characteristics,*
- *new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development. while making a positive contribution to the architectural diversity and character of the area including, where appropriate, through innovative design;*
- *safeguard residential amenity for existing and proposed residents;*
- *ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination, land instability or cause ground water pollution;*
- *where contaminated land is present, undertake appropriate remediation where it can be demonstrated that this will be effective; ensure that distinctive features of existing buildings and their setting are safeguarded and where appropriate, restored;*
- *utilise physical sustainability measures that include, in particular, orientation of buildings, the provision of water conservation measures, storage for bicycles and waste including provision for recycling, and enabling renewable energy and energy conservation infrastructure; where possible, on-site renewable energy generation should also be incorporated;*
- *create safe and accessible environments, and that minimise opportunities for crime and anti-social behaviour by incorporating Secured by Design principles, and consider the incorporation of fire safety measures, particularly;*
- *ensuring designs can be easily adapted and accommodate new technologies to meet changing needs throughout the lifetime of the development; and*
- *utilise sustainable construction methods which minimise the use of non-renewable resources and maximise the use of recycled and sustainably sourced materials;*

All planning applications including material changes of use, will be expected to demonstrate how the above design and energy efficiency considerations have been factored into the proposal from the outset."

- 6.41 In this instance the scheme has, in gross terms, a relatively low density of 16 dwellings/ha, but this incorporates the significant areas of public open space. Relative to the local setting, which includes a number of listed buildings, the scheme is considered to represent an appropriate density. Already addressed is the fact that the scheme would safeguard residential amenity for existing and proposed residents. Dwellings are well spaced on site, with generous private gardens. Although criticised by the Parish Council for being insular, the retention of hedgerow features will ensure an acceptable relationship to existing dwellings and is in accordance with landscape character and green infrastructure policy requirements. The site is not contaminated and would not be prone to noise, light or air contamination, land instability or be likely to cause groundwater pollution. In terms of water usage a condition is required in order that compliance with SD3 can be achieved.

- 6.42 Policy SD1 requires that proposals should be designed in a way which accounts for local characteristics and maintains local distinctiveness. As detailed above, and set out in the applicant's Design and Access Statement, the proposed development has accounted for the local architectural vernacular and layout, illustrated through the evolution of the site and the creation of character areas, The design of the scheme has been sympathetic to existing development in the village and is considered to be compliant with this emerging policy.
- 6.43 Otherwise, the developer will be obliged to respond to the standards of energy efficiency as laid out in Part L of the Building Regulations. These Regulations have brought about significant changes to the energy efficiency of new buildings and continue to be updated in line with new building methods and technologies. The development will accord with the Regulations, ensuring that standards of energy efficiency in the development mirror the national standards and can be updated should the Government publish revised Regulations during the construction period. Overall, the proposal is considered to comply with Policy SD1.

Ecology

- 6.44 The Conservation Manager (Ecology) has no objection in relation to protected species. A planning condition is recommended requiring the formulation and submission of a construction and environmental management plan to protect the Moor Brook watercourse from potential pollution during the construction phase. Likewise tree and hedgerow protection measures will be subject of a condition. On this basis the Landscape Officer and Historic Buildings officers have no objection.

Public Open Space

- 6.45 The Parks and Countryside Officer supports the on-site provision of a Locally Equipped Area of Play 'LEAP' and the scheme promotes large areas of publicly accessible open space, which exceed the policy requirement.
- 6.46 Due to the proximity to existing dwellings an hours of working condition is recommended to safeguard amenity.

Housing Requirements in the Rural Settlements and the NDP Process

- 6.47 The Parish Council comments were written at a point in time when the rural area housing requirements had been assessed as a proportion of the number of dwellings located within the relevant settlement boundaries. However, it has since been clarified that the minimum growth target is expressed as a percentage of the number of houses within the parish as a whole, which had the effect of increasing the CS requirement within Bodenham parish from 40 to 67. This explains the apparent contradiction between the position expressed in the Parish Council's response on this point and the table set out at 6.6 above.
- 6.48 It is thus no longer the case that the England's Gate permission fulfils the minimum requirement for growth in the parish. This, allied to the fact that the NDP is not progressed to Regulation 16, and the previously expressed view that the minimum target is not a ceiling, are factors that must be taken into account when determining the application. In addition to the fact that the site is available and deliverable now, these are significant material considerations weighing in favour of approval.

S106 Agreement

- 6.49 The Draft Heads of Terms are appended to this report. Contributions are made towards educational infrastructure at the local primary school, sustainable transport infrastructure and waste and recycling. The provision of affordable housing is also incorporated, with local

connection clauses included. The sustainable transport contribution identifies off-site highway improvements within the vicinity of the application site, expenditure of which will be discussed in liaison with the Parish Council.

7. Summary and Conclusions

- 7.1 The delivery of 49 dwellings, including 35% affordable, and community open space would contribute towards fulfilment of the economic and social roles of sustainable development. The site was also assessed as having low/minor constraints in the SHLAA and this is borne out by the respective responses of the landscape, historic buildings and ecology officers; none of whom raise objection to the proposals.
- 7.2 Although exceeding the minimum requirement for housing in the parish, this does not equate to a moratorium on the grant of further planning permissions and it is clear that the CS policies relevant to the supply of housing are positively worded such that unless material considerations indicate otherwise, planning permission should be granted where development is considered sustainable. This is particularly the case in the absence of Neighbourhood Development Plans.
- 7.3 In this instance, and as discussed in detail above, the scheme is considered to respond well to the landscape setting of the village, whilst preserving the setting of adjacent listed buildings.
- 7.4 Concerns expressed in relation to foul and surface water drainage have been very carefully assessed, but in the absence of objection from Welsh Water and/or the River Lugg IDB and with the imposition of planning conditions these issues are not, in your officer's opinion, sustainable grounds for refusal.
- 7.5 The scheme is considered to represent sustainable development that accords with the Development Plan and is recommended for approval accordingly. Members are advised that the Secretary of State is considering whether or not to exercise his call in powers in respect of this application. The recommendation is amended to reflect this.

RECOMMENDATION

Subject to:

- **The Secretary of State confirming he will not exercise his call in powers in respect of this application;**
- **Removal of the Natural England objection; &**

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 approved plans**
- 3. C01 Samples of external materials**
- 4. H03 Visibility splays**
- 5. H06 Vehicular access construction**

6. **H09 Driveway gradient**
7. **H11 Parking - estate development (more than one house)**
8. **H17 Junction improvement/off site works**
9. **H18 On site roads - submission of details**
10. **H19 On site roads - phasing**
11. **H20 Road completion in 2 years**
12. **H21 Wheel washing**
13. **H27 Parking for site operatives**
14. **H29 Secure covered cycle parking provision**
15. **The recommendations set out in the ecologist's report from Ecology Solutions dated October 2015 should be followed in relation to species mitigation and habitat enhancement. Prior to commencement of the development, a full working method statement for the protected species present together with a habitat enhancement plan integrated with the landscape proposals should be submitted to, and be approved in writing by, the local planning authority, and the work shall be implemented as approved.**

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, the NPPF and Policy LD3 of the Herefordshire Local Plan – Core Strategy.

16. **Prior to the first occupation of the development a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 shall be submitted to and approved in writing by the local planning authority and implemented as approved.**

Reason: To ensure compliance with Policies SD3 and SD4 of the Hereford Local Plan – Core Strategy.

17. **Prior to commencement of the development, a Tree Protection Plan to include hedgerow protection 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.**

Reason: To ensure that landscape features are protected so as to comply with Core Strategy Policies LD1, LD2 and LD3.

19. **G04 Protection of trees/hedgerows that are to be retained**
20. **G10 Landscaping scheme**
21. **G11 Landscaping scheme - implementation**
22. **G14 Landscape management plan**

23. **G19 Details of play equipment**
24. **I16 Restriction of hours during construction**
25. **Prior to commencement of development, a Construction Environmental Management Plan shall be submitted for approval in writing by the local planning authority and shall include timing of the works, details of storage of materials and measures to minimise the extent of dust, odour, noise and vibration arising from the construction process. Specific measures to safeguard the integrity of the adjacent Moor Brook should be highlighted. The Plan shall be implemented as approved.**

Reasons: To ensure that all species and sites are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the NPPF and Policy LD3 of the Core Strategy.

26. **Only foul water from the development site shall be allowed discharge to the public sewerage system and this discharge shall be made between manhole reference number SO54504801 and SO54504803 as indicated on the extract of the Sewerage Network Plan attached to this decision notice.**

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

27. **No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.**

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

28. **I51 Details of slab levels**
29. **C47 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. 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. **HN04 Private apparatus within highway**
3. **HN05 Works within the highway**

- 4. **HN08 Section 38 Agreement & Drainage details**
- 5. **N11C General**
- 6. **S106**

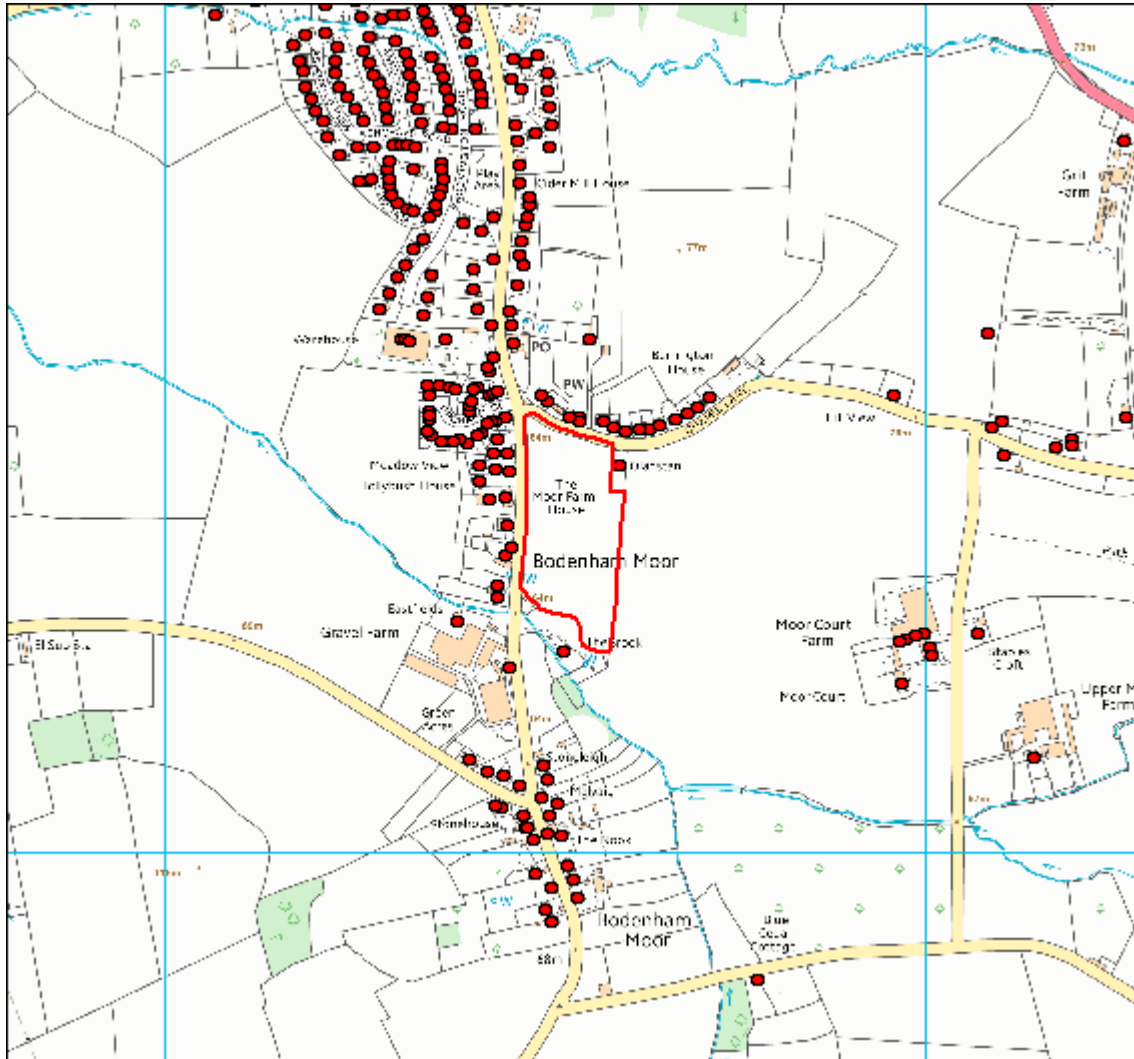
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 150437

SITE ADDRESS : LAND TO THE SOUTH OF CHAPEL LANE, BODENHAM MOOR, HEREFORDSHIRE

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DRAFT HEADS OF TERMS

Proposed Planning Obligation Agreement Section 106 Town and Country Planning Act 1990

Application Reference No – 150437

Site address:

Land to the south of Chapel Lane, Bodenham Moor, Herefordshire

Planning application for:

Proposed residential development of 49 dwellings, including affordable housing, associated parking and landscaping

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1st April 2008, and Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended). All contributions in respect of the residential development are assessed against general market units only except for item 3 which applies to all new dwellings.

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of (per open market unit):

£1,084.00	(index linked) for a 2 bedroom open market dwelling
£1,899.00	(index linked) for a 3 bedroom open market dwelling
£3,111.00	(index linked) for a 4+ bedroom open market dwelling

to provide enhanced educational infrastructure at enhanced educational infrastructure at St Michaels Bodenham Primary School, and shall be paid in accordance with a phasing programme to be agreed in writing with Herefordshire Council.

2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sums of (per open market unit):

£1720.00	(index linked) for a 2 bedroom open market dwelling
£2,580.00	(index linked) for a 3 bedroom open market dwelling
£3,440.00	(index linked) for a 4+ bedroom open market dwelling

to provide a sustainable transport infrastructure to serve the development, and shall be paid in accordance with a phasing programme to be agreed in writing with Herefordshire Council, and may be pooled with other contributions if appropriate.

The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:

- Improvements to the pedestrian facilities in Bodenham
- Improvements to the cycling facilities in Bodenham
- Improvements to the bus passenger facilities in Bodenham
- Improvements to the public right of way network in Bodenham within the vicinity of the development

3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £80 (index linked) per dwelling. The contribution will be used to provide 1x waste and 1x recycling bin for each dwelling. The sum shall be paid in accordance with a phasing programme to be agreed in writing with Herefordshire Council
4. The developer covenants with Herefordshire Council to provide 0.24 hectares of on-site green infrastructure comprising;

0.095 (950m²) of Children's play is required (@ 0.8ha per 1000 pop) of which

0.03ha (300m²) should be formal play (@ 0.25ha per 1000 pop Fields in Trust guidance)

The on-site green infrastructure shall be made available on or before the occupation of the 1st open market dwellinghouse.

Note: There is an existing play area which is within acceptable distances from the proposed development but difficult to access due to lack of footways. The existing facility only caters for infants and juniors and given accessibility issues the Parish Council has confirmed the preference for on-site play provision.

5. The maintenance of the on-site green infrastructure will be 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 the parish council and/or 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.

NOTE: Any attenuation basin and/or SUDS which may be transferred to the Council will require a commuted sum calculated in accordance with the Council's tariffs over a 60 year period

6. The developer covenants with Herefordshire Council that 35% (17 on basis of a gross development of up to 49 units) of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H9 of the Herefordshire Unitary Development Plan or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.
7. All the affordable housing units shall be completed and made available for occupation in accordance with a phasing programme to be agreed in writing with Herefordshire Council.
8. The Affordable Housing Units must at all times be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or any 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:-:
 - 8.1. registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
 - 8.2. satisfy the requirements of paragraphs 9 & 10 of this schedule
9. 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 whom has :-

- 9.1. a local connection with the parish of Bodenham
 - 9.2. in the event of there being no person with a local connection to Bodenham any other person ordinarily resident within the administrative area of the 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 9.1 above.
10. For the purposes of sub-paragraph 9.1 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
 - 10.1. is or in the past was normally resident there; or
 - 10.2. is employed there; or
 - 10.3. has a family association there; or
 - 10.4. a proven need to give support to or receive support from family members; or
 - 10.5. because of special circumstances;
 11. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 3 and 4 above, for the purposes specified in the agreement within 10 years of the date of the final payment being made, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
 12. The sums referred to in paragraphs 1, 2, 3 and 4 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.
 13. If the developer wishes to negotiate staged and/or phased trigger points upon which one or more of the covenants referred to above shall be payable/delivered, then the developer shall pay a contribution towards Herefordshire Council's cost of monitoring and enforcing the Section 106 Agreement. Depending on the complexity of the deferred payment/delivery schedule the contribution will be no more than 2% of the total sum detailed in this Heads of Terms. The contribution shall be paid on or before the commencement of the development.
 14. 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.

Peter Clasby
Planning Obligations Manager

20151014v2.0

Bodenham Parish Council

Lambe Corner
Venns Green
Sutton-St-Nicholas
Hereford
HR1 3DD

Email: bodenhampcclerk@gmail.com

For the attention of Mr Ed Thomas
Planning Services
Herefordshire Council,
PO Box 230,
Hereford
HR1 2ZB

Copy to:

Bill Wiggin MP
8, Corn Square
Leominster
Herefordshire
HR6 8LR

18 March 2015

Dear Mr Thomas,

Planning Application 150437 – Proposed Residential Development (49 Houses) – Land to South of Chapel Lane, The Moor, Bodenham

Bodenham Parish Council strongly objects to the above planning application by Bovis Homes for the construction of 49 dwellings on land south of Chapel Lane (a site also known as Shuker's Field). The reasons for this objection come under a number of headings which are listed below and are discussed in detail thereafter:

- Housing Land Supply in Herefordshire (Section 2)
- Location of Future Housing Development in Bodenham Moor (Section 3)
- Bodenham Neighbourhood Plan (Section 4)
- Sustainability (Section 5)
- Proposed Housing Mix (Section 6)
- Proposed Housing Design (Section 7)
- Landscape (Section 8)
- Historic Environment and Heritage Assets (Section 9)
- Access and Highway Safety (Section 10)
- Transport (Section 11)
- Flood Risk (Section 12)
- Sewerage Infrastructure (Section 13)
- Proximity to Intensive Livestock Unit (Section 14)
- Ecology (Section 15)
- Minerals Safeguarding (Section 16)

1. Background

1.1 The emerging Core Strategy requires Bodenham Moor to accommodate a 15% increase in housing between now and 2031 and calculates that this equates to 40 new houses in that period.⁽¹⁾ The Parish Council fully accepts that Bodenham Moor should accept its proportionate share of new houses over the next 16 years and, indeed, that this will be good for a village where the Council is keen to meet local housing needs and support the development of local services. An increase of up to 40 new dwellings would be sustainable in terms of current infrastructure service provision (educational, health, etc.), always assuming certain key measures are taken, such as enhancement of local sewerage capacity.

1.2 As long ago as March 2013 the Parish Council therefore set up a Steering Group to develop a Neighbourhood Plan and this has now reached the point where a final version of the Plan is being drafted for circulation for consultation under Regulation 14.⁽²⁾ It is anticipated that this will take place in July/ August and it is hoped that the Plan will be adopted by the end of the year.

1.3 At all stages of this process the Neighbourhood Plan Steering Group has kept local residents fully informed of progress through the local *Newsletter*, the Parish Website, public meetings and open days. Most recently it has also conducted a survey of local opinion by means of a questionnaire distributed to every resident in the Parish.

PRINCIPLE OF DEVELOPMENT

2. Housing Land Supply in Herefordshire

2.1 Page 10 of the 'Planning Statement' supporting Bovis Homes' application states that "of relevance to the determination of this application is the fact the Council cannot demonstrate a five-year land supply of housing land". It continues "*the 'saved' housing policies of the UDP are therefore out-of-date in the context of paragraph 49 of the NPPF which confirms that housing applications should be considered in the context of the presumption in favour of sustainable development.*"

2.2 However, we would draw attention to a recent appeal hearing affecting a housing proposal at Home Farm, Belmont when, notwithstanding the appellant's reference to the housing land supply issue, their appeal against refusal of consent was dismissed⁽³⁾. Irrespective of the shortfall of housing land the Inspector's decision to dismiss the application was wholly based on the balance of harm to benefit:

1. The Herefordshire Council figure of 40 houses is derived from the Core Strategy "Rural Housing Background Paper" of March 2013 which lists the "Approximate number of residential dwellings within the main village envelope" as Bodenham Moor – 270. A physical count by the Bodenham Neighbourhood Plan Steering Group using a generous interpretation of the term "main village envelope" has established that the true figure is 242, which gives a requirement of 36 (15% x 242), which the Steering Group would argue should actually be reduced further to 31 houses by a 'windfall' allowance of 5. (It should be noted that, including extant permissions for houses not yet built, there have been 14 'windfalls' in the Parish over the past five years).

2. The Plan has not yet been updated to take account of the survey mentioned above. However, a copy of the latest draft can be found at

[http://www.alphadocs.co.uk/bpc/pcd/Neighbourhood%20Plan%20\(19%20Mar%202014\).pdf](http://www.alphadocs.co.uk/bpc/pcd/Neighbourhood%20Plan%20(19%20Mar%202014).pdf)

3. Planning Inspectorate ref. APP/W/1850/A/13/2192461 dated 10 Jan. 2014.

"As a consequence, the proposal would be at odds with the environmental role/dimension to sustainable development. Moreover, notwithstanding the shortfall in HLS, these adverse environmental impacts and the harm to the setting of heritage assets that I have also identified would significantly and demonstrably outweigh the economic and social dimensions/benefits of the scheme." (Paragraph 65 of the appeal decision).

2.3 Bodenham Parish Council maintains that similar arguments apply in the present case. Furthermore, the Parish Council believes that, whilst there is not yet a published five-year supply of land for housing in Herefordshire, it is unreasonable to expect any shortfall to be met by excessive developments in villages such as Bodenham Moor when the demand is primarily for housing in Hereford City and the Market Towns. It should also be noted that the majority of employment opportunities are in Hereford and Leominster, as are the bulk of retail services and secondary education provision.

3. Location of Future Housing Development in Bodenham Moor

3.1 In considering Bovis Homes' application a key issue is the question of where new housing should be located in Bodenham Moor. Indeed, long before it was aware of Bovis Homes' intentions the Neighbourhood Plan Steering Group had begun work on this subject. It took as its starting point the most recent Strategic Housing Land Availability Assessment (SHLAA) of the Bodenham Moor area carried out by Herefordshire Council. This indicated that, of all the potential sites available, all, except two, were ruled out by access, flood risk and other limitations. The two sites considered to impose only low to minor constraints on development were a field on the East side of the C1125 opposite England's Gate Inn and the area of land south of Chapel Lane, *i.e.* Shuker's Field.

3.2 The Neighbourhood Plan Steering Group considered both these options in detail and came to the conclusion that, of the two, the field opposite England's Gate Inn was to be preferred. For the reasoning behind this see Appendix 1 to this letter.

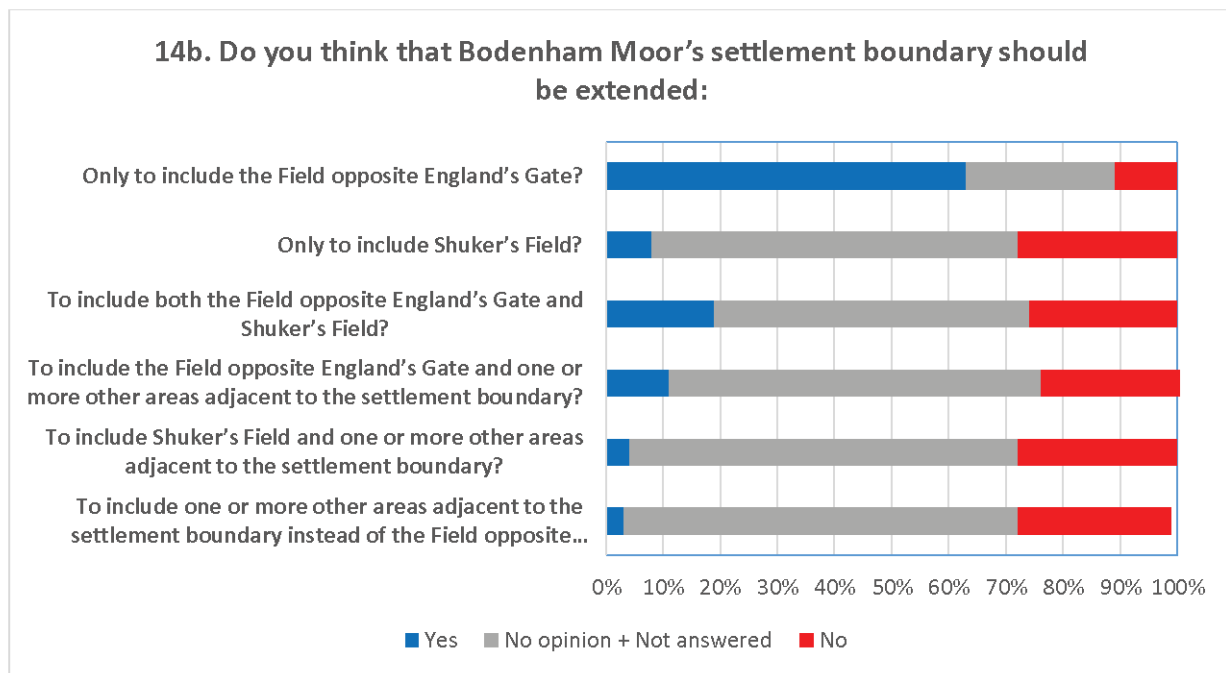
3.3 In a letter of 8 November 2013 Bovis Homes notified the Parish Council of their intention to submit proposals for the development of Shuker's Field. This attracted considerable local attention and on 20 January 2014 the Neighbourhood Plan Steering Group held a public meeting at which they invited Bovis Homes, represented by Ms Fiona Brereton (now Milden) to outline Bovis Homes' plans. Over 100 local residents attended the meeting and its general tenor was that these plans, albeit very sketchy at that stage, were not welcomed.

3.4 Subsequently, on 12 June 2014 Hughes Architects, acting on behalf of the landowner, submitted an outline planning application (P141712/O) with all matters reserved for 40 houses on the field opposite England's Gate Inn. This generated considerable local support, to the extent that some 237 letters in favour of it were submitted by local residents, compared with only some 25 objections. In light of this and, following discussions with the applicant and the developer, Bell Homes, the Parish Council offered no objection to the application and this was approved with conditions on 9 October 2014. It is understood that, since then, Bell Homes have been in discussion with the Planning Office, that most, if not all, outstanding issues have been resolved, that the full planning application will be submitted shortly, and that the intention is that, subject to consent being granted, building will start later this year.

3.5 Quite independently of either Bovis Homes' proposals or Hughes Architects' planning application, the Neighbourhood Plan Steering Group had been advised by its independent planning consultant that they should carry out a survey of local opinion to provide evidence on a wide range of issues to support the emerging Bodenham Neighbourhood Plan. This survey was conducted over the

period 17 September ⁽⁴⁾ – 12 October 2014 and the responses to it were then independently analysed by Data Orchard CIC ⁽⁵⁾. Their Report was inevitably a highly detailed and lengthy document and the Neighbourhood Plan Steering Group have therefore attempted to summarise it and to draw conclusions from it. This ‘Summary and Conclusions’ document was presented to a public meeting on 10 March where it was accepted as both fair and complete. Its conclusions will be incorporated in the next draft of the Neighbourhood Plan. ⁽⁶⁾

3.6 In particular, the survey confirmed, first, that the Bodenham community have accepted the need for the kind of ‘proportional’ housing growth envisaged in the Core Strategy and, second, the community’s overwhelming support for the Neighbourhood Plan’s preference for development in Bodenham Moor to be focussed on the field opposite England’s Gate Inn.



Responses to Survey Question regarding possible Settlement Boundary Extensions

3.7 Furthermore, the fact that there was an unprecedented number of letters of support (237) for the outline planning application related to the England’s Gate site not only confirms the survey’s findings, but is a clear indication that Bodenham residents look to the future and take their social, economic and environmental responsibilities seriously.

4. By chance, and after the survey questionnaires had been printed, the Herefordshire Council Planning Committee’s hearing of the application for the development of the field opposite England’s Gate Inn was set for the same day that distribution of the questionnaires started. In order to mitigate any risk that the outcome of the hearing might influence answers to questions relating to the location of future development an explanation of the above-mentioned facts was posted on the Parish Website and printed copies distributed with every copy of the questionnaire.

5. The Data Orchard CIC Report is available at: <http://www.alphadocs.co.uk/bpc/noticeboard/Data%20Orchard%20Basic%20Analysis.pdf> and the analysis of the responses relating to the location of housing development in Bodenham Moor can be found on pages 11 and 12.

6. The latest draft can be found at [http://www.alphadocs.co.uk/bpc/noticeboard/Neighbourhood%20Plan%20-%20Basic%20Analysis%20-%20Summary%20and%20Conclusions%20\(R%20Rev\).pdf](http://www.alphadocs.co.uk/bpc/noticeboard/Neighbourhood%20Plan%20-%20Basic%20Analysis%20-%20Summary%20and%20Conclusions%20(R%20Rev).pdf) .

4. **Bodenham Neighbourhood Plan**

4.1 The House of Commons Communities and Local Government Committee recently enquired into the operation of the new National Planning Policy Framework (NPPF) and reported ⁽⁷⁾ in the Summary “*The evidence to this enquiry has highlighted a number of emerging concerns that the NPPF is not preventing unsustainable development in some places; that inappropriate housing is being imposed upon some communities as a result of speculative planning applications ...*” It continued that “*We must address the complex issue of land supply. Provisions in the NPPF relating the viability of housing land are leading to inappropriate development, these loopholes must be closed*” and stressed the importance of giving “*communities increased protection against the threat of undesirable development*”.

4.2 The cross-party Committee called on the Government to make changes ‘*to ensure that the NPPF becomes a document in which everyone can have greater confidence*’.

4.3 In a noteworthy decision in terms of the amount of weight given to emerging neighbourhood development plans, and sending a clear message that neighbourhood planning really does have teeth, Secretary-of-State Eric Pickles MP has overturned a Planning Inspector’s recommendation where a housing scheme conflicted with the Neighbourhood Plan. The Inspector gave ‘significant weight’ to the scheme’s contribution to housing supply and only “moderate weight” to the ‘conflict between the proposal and the emerging neighbourhood plan.’ The Minister found this conflict, on balance, to ‘significantly and demonstrably outweigh the benefits in terms of increasing ‘housing supply’.

4.4 As already mentioned, the vast majority of Bodenham residents expressed a preference for any substantial housing growth to be located on the field opposite England’s Gate Inn rather than the site proposed by Bovis Homes (Shuker’s Field). This fact is recognised in the emerging Bodenham Neighbourhood Plan, for example in its proposed re-instatement of Bodenham Moor’s settlement boundary. This boundary existed until 2010 and the emerging Neighbourhood Plan calls for it to be redrawn exactly as before, with one exception. This is to allow room for the increase in housing stock required by the emerging Core Strategy. Since the clear local preference is for such development to be located on the field opposite England’s Gate Inn, the Plan allows for an extension to the future boundary to take in that field, while Bovis Homes’ chosen site at Shuker’s Field would remain outside the settlement boundary as before.

5. **Sustainability**

5.1 Having accepted the need for new housing – indeed, largely welcomed it - and having, therefore, supported the Bell Homes application, both as being on the preferred site on the field opposite England’s Gate Inn and effectively meeting the Core Strategy ‘target’ of 40 new houses in Bodenham Moor, the local community now finds itself faced with the Bovis Homes’ application for an additional 49 houses.

5.2 Given that, having been granted outline planning consent, there is unlikely to be any obstacle to Bell Homes’ development in due course proceeding to completion, Bodenham Moor is set to increase in size by some 15% based on Herefordshire Council’s figures or by over 16% by the Parish Council’s calculation. (See the table below).

7. Fourth Report of Session 2014 - Published 16 Dec 2014-HC 190.

	Herefordshire Council Figures (Houses)	Neighbourhood Plan Steering Group Figures (Houses)
Houses in Bodenham Moor	270	242
“Proportionate 15%” increase	40	36 ⁽⁸⁾
With Proposed England’s Gate Field Development (40 houses) [% increase]	310 [14.8%]	282 [16.5%]
With Proposed Bovis Homes Development (49 houses) as well [% increase]	359 [32.9%]	331 [36.8%]

5.3 The Bovis Homes application, if approved, would therefore represent a further 18% or 20% increase depending on which housing figures are used in the calculation. In other words the village of Bodenham Moor faces the prospect of expanding by 33% - 37% - from a community of about 242/ 270 houses to one of 331/ 359. Furthermore this will not be a gradual growth spread over nearly two decades, but an immediate expansion of one-third or more in a matter of a year or so.

5.4 Sustainability is the often-quoted “golden thread” at the heart of all current and emerging planning policy, as typified in the Introduction to the NPPF and UDP Policy S1 and Core Strategy Policy SS1. We would contend that, not only would immediate growth of 33% or more far exceed any identified local need, it would place an intolerable and unsustainable burden on Bodenham Moor and on local residents and, as such, would be at variance with the core planning principles outlined in Paragraph 17 of the NPPF. The first of these core principles states “*Planning should be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting a positive vision for the future of the area*”.

DETAILED COMMENTS

6. Proposed Housing Mix

6.1 Bovis Homes propose a housing mix, of which 50% of the total are 4 and 5-bedroom units. Only six 2-bedroom ‘affordable’ and no 2-bedroom ‘open market’ units are shown. This compares with nine ‘open market’ 5-bedroom dwellings. It is contended that such a housing mix does not fit with the ‘Rural Housing Strategy’ outlined at page 117 of the Core Strategy which reads:

‘4.8.25 Therefore, in the villages identified in Figure 4.21 [including Bodenham], proportional levels of housing will be focused on providing smaller market homes which meet the needs of people with local connections, who would not otherwise be able to afford a house to live in their local area. Proposed developments must be based on appropriate, compelling evidence of how the proposal meets the identified local housing need, all of which must be clearly demonstrated to the satisfaction of Herefordshire Council.

4.8.26 Smaller houses, predominantly two and three bedroom properties, continue to be required across all rural areas.’

6.2 It should be noted that there was a recent application for the residential development of a parcel of land belonging to “Stoneleigh” (P140426/O) which is only some 30m from the southern boundary of Bovis Homes’ proposed site in Shuker’s Field. Bovis Homes themselves chose to object to this

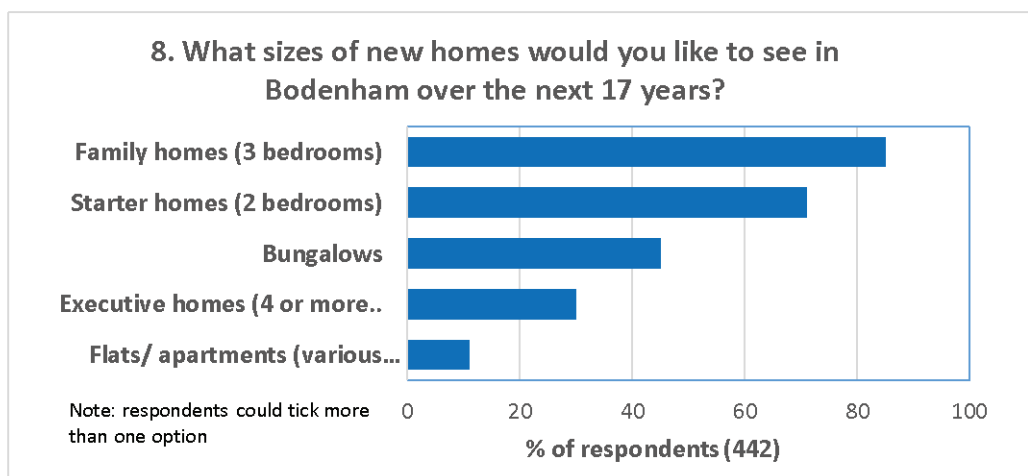
8. This figure excludes any allowance for ‘windfall’ developments which the Parish Council believe would reduce it further to 31 new houses.

application and, in their letter dated 15 April 2014, laid particular stress on the importance which the Council attaches to the need for affordable homes by citing from the emerging Core Strategy:

...Affordability is an issue in rural Herefordshire due to the relationship between house prices and incomes. This situation is exacerbated by an existing housing mix that is heavily skewed towards higher value properties... As a result there is a need for market housing priced at a level that can be afforded by local people. Therefore in villages identified in Figure 4.22 [including Bodenham Moor], proportional levels of housing will be focussed on providing smaller market homes which meet the needs of people with local connections, whom would not otherwise be able to live in their local area....(page 103).

6.3 In the light of this objection it may be thought that the housing mix now being proposed by Bovis Homes, *i.e.* 50% of all dwellings to be of a 4/5 bedroom design and with no ‘market’ 2-bedroom houses, is somewhat perverse – not to say hypocritical - and contrary to emerging policy.

6.4 Furthermore, it should be noted that respondents to the question (Q8) in the recent Neighbourhood Plan survey dealing with house type preferences demonstrated that 71% of Bodenham residents favour 2-bedroom and 85% 3-bedroom dwellings in any future development. (See the chart below taken from the Data Orchard CIC Report).



7. Proposed Housing Design

7.1 The Parish Council finds the housing designs proposed by Bovis Homes not only disappointing, but out of keeping with the diverse character of the remainder of Bodenham Moor and particularly inappropriate in the immediate context in which they would be set. In the Council’s view the apparent intention to inflict rows of virtually identical red brick ‘boxes’ – there appear to be only four basic external designs among 49 dwellings - on an area bounded by a rich variety of house designs, not to mention no less than four Grade II listed buildings, betrays a lack of imagination and empathy which all the application’s stress on ‘detailing’, ‘active frontage’, considered building line’ and varied ‘streetscape’ does nothing to mitigate. Far from improving the Village, such a development would actually makes it worse by imposing a veritable ‘blot on the local landscape’. Indeed, Bovis Homes themselves seem to recognise this by their apparent wish to hide their development away from view behind hedging (See our comments under ‘landscape’ below).

8. Landscape

8.1 It is considered that the proposed site is an important open green space which makes a major contribution to the distinctive spatial character, form and pattern of the Bodenham Moor settlement. It is important to the rural character of Bodenham Moor and provides relief within an otherwise built up frontage, while also acting as a buffer between incompatible uses, as set out in Section 14 below.

8.2 Contrary to the impression given by the Landscape and Visual Impact Statement supporting the application, this open area allows important views out of the settlement and is an amenity of high value for all residents, but more particularly the residents of Chapel Lane and the road along The Moor (C1125). It is contended that, notwithstanding measures being proposed to mitigate the impact of the proposed development, it will adversely affect the public and visual amenity of existing residents and consent should be withheld in accordance with UDP Policy DR2 (saved under Core Strategy Policy SD1) and Core Strategy Policies LD1 – Landscape and Townscape and LD3 – Green Infrastructure.

8.3 The photographs in the Landscape and Visual Impact Statement are particularly unhelpful. Quite apart from the mis-labelling of some of them ⁽⁹⁾, a number of the distant views give no indication of the location of the site and those that do give no impression of the likely scale or impact of the proposed development on the landscape. Similarly, the closer views, having been taken before autumn leaf fall, give a false impression both of the views across the proposed site throughout the whole autumn and winter period and of the impact that 49 two storey buildings built on rising ground will have in blocking these views, dominating their surroundings and thereby irretrievably damaging the amenity of existing residents in the neighbourhood.



**View of the proposed site and the landscape beyond
looking East from the Grade II Listed Moor Court Farm**

8.4 In particular, the Design and Access Statement suggests that, rather than maintaining views into and out of the site, the applicant intends to extend existing hedgerows and block gaps in them, thus not only diminishing existing views but serving to isolate the development from nearby houses and from the surrounding countryside to the East. The proposed views all seem to be internal to the development. Indeed, the whole effect seems to be to prevent integration with the rest of the Village – the creation of a kind of hedged-in enclave on its outskirts and one that, as already mentioned, is not in keeping with the open character of the remainder of Bodenham Moor.

9. For example, Viewpoint Photographs 2 and 3 were taken from the C1125, and not from Mill Croft Road as stated.

9. Historic Environment and Heritage Assets

9.1 There are four Grade II Listed buildings adjacent to the proposed site - Brook House, a Seventeenth Century timber-framed cottage; Broom Cottage, a *circa* 1675 timber-framed former blacksmith's; the adjoining The Haven of similar age and construction and formerly a forge; and Moor Farmhouse, an early Seventeenth Century former farmhouse. These historic buildings afford a much valued and very pleasing aspect to this part of The Moor and thus enhance the character of the immediate area.

9.2 UDP Policy HBA4 on the "Setting of Listed Buildings" (saved under Core Strategy Policy LD5 – Historic and heritage assets) states "*Development proposals which would adversely affect the setting of a listed building will not be permitted. The impact of the proposal will be judged in terms of scale, massing, location, detailed design and the effects of its uses and operations*". We would take issue with the applicant's assessment of these buildings, which is very narrowly based on the constraints of their present inter-visibility with the proposed site (compounded by the applicant's declared intention to worsen that with additional hedging), rather than on a proper consideration of their wider rural or collective historic importance and context. In short, it is considered that the development of a housing estate of the scale envisaged in such close proximity will, despite the mitigation measures proposed, have an adverse impact on the setting of these listed buildings and warrants refusal.

9.3 Turning to the archaeology of the proposed site, there is evidence of a crop mark ring-ditch on the site which has been recorded in the Herefordshire Historic Environmental Record (HER) (HAAS 06-CN-2202). The Archaeological Report submitted with the application contains details of the investigative archaeological trial trench undertaken by an archaeological consultant who established the probable presence of a Bronze Age ring-ditch and a medieval boundary hedge. However, it was also established that most items of possible interest will have been almost entirely removed by the impacts of modern agriculture.

9.4 It is noted that in responding to the Case Officer's internal consultation the Council's archaeological advisor has stated "*I would regard it as entirely appropriate that the second (i.e. the archaeological excavation of the feature and its near environs) is pursued*". He adds that any consent should be "*subject to the imposition of standard archaeological programme of work condition EO1 C47*". Although it is unlikely that the proposed development could be considered to conflict with UDP and Core Strategy policies relating to archaeology ⁽¹⁰⁾, any consent should be subject to the recommended conditions.

10. Access and Highway Safety

10.1 The Transport Statement prepared by the Peter Evans Partnership in support of Bovis Homes' application seeks to present the question of access to the proposed Shuker's Field site as unproblematic. The reality is quite different. The proposed access is from and onto a dangerous stretch of road.

10.2 Part of the applicant's argument rests on the lack of many recorded accidents on the C1125 west of the proposed site. However, absence of evidence is not evidence of absence. People will not usually lodge formal complaints when they have experienced a 'near miss' or, for example, the loss

10. Core Strategy Policy LD4 – Historic environment and heritage assets (Page 165, Paragraph 5.3.26).

of a wing mirror, or even the accidental killing of a domestic pet; where there has been no human injury or significant damage to property there is a natural reluctance to report minor accidents/incidents because of the risk of falling out with a neighbour or because of the ‘hassle’ in terms of paperwork, possible police involvement, or potential litigation.

10.3 Road safety has long been seen by local residents as, together with mitigation of flood risk, one of their highest priorities. This is evidenced both by the responses to a survey carried out in October 2010 in support of the Parish Plan and by the recent survey supporting the Neighbourhood Plan. Since November 2010 the Parish Council has therefore operated a speed indicator device (SID) in an attempt to ‘educate’ drivers to obey the speed limits on the main roads (C1125 and C1121) through Bodenham Moor and the Bodenham Conservation Area.

10.4 One of the locations to which the SID is regularly deployed is about 200m south of the proposed access to the Bovis Homes’ site. The device ⁽¹¹⁾ operates in that location for a total of 12 weeks spread throughout each year and over the past four years has amassed a wealth of data about traffic movements and speeds along the relevant section of the C1125. ⁽¹²⁾

10.5 Although only classified as a ‘C’ road, the C1125 West of Shuker’s Field is a main thoroughfare between the A417 and the East of Hereford *via* Sutton St. Nicholas and carries a great deal of traffic. Furthermore, although governed by a 30mph speed limit, despite the presence of pedestrians walking in the road because there is no pavement, and despite the existence of a narrow bridge about 100m west of the access point proposed by Bovis Homes, vehicle speeds along this stretch of road are consistently high. This is borne out by the applicant’s Transport Statement ⁽¹³⁾ which notes (without drawing the obvious road safety conclusions) that *“The [ATC] survey results showed that the 7-day average 85th Percentile speeds were recorded as 37.9mph northbound and 38.1mph southbound”*. SID data show the situation rather more starkly. Speeds in excess of 50mph are common; indeed, as can be seen from the table below, nearly 60% of drivers approaching from the South exceed the speed limit and 15% (85th percentile) do so at 38mph or more. Speeds recorded for vehicles travelling South are even higher; in fact, the highest recorded speed at this location is 84mph.

	Traffic Moving South	Traffic Moving North
Highest speed	71.3mph	66.4 mph
Exceeded the speed limit	70.3%	58.3%
Exceeded 35mph	36.1%	25.6%
50% of vehicles were travelling at or above	32.9mph	31.4 mph
25% of vehicles were travelling at or above	37.0 mph	35.5 mph
15% of vehicles were travelling at or above	39.6 mph	38.0 mph

Averaged SID Data for The Moor North and South ⁽¹⁴⁾

11. This is the “vehicle activated speed warning sign” to which the Transport Report refers at Paragraph 2.2.5. It is not, as the Report implies, permanently sited 220m north of the Chapel Lane junction, but rather is temporarily deployed there for six two week periods each year.

12. The applicant will no doubt wish to argue that the data collected by the SID should be discounted because the SID is not regularly calibrated to Highway Authority standards. However, simple tests against car speedometers show that the SID operates to a good degree of accuracy and the vehicle speeds it typically records along the C1125 are so extreme that they cannot be dismissed as attributable to inaccuracy in the SID.

13. Transport Statement by Peter Evans Partnership, Paragraph 2.7.3 and repeated at Paragraph 5.3.3.

14. The figures in the table are those for vehicles entering the SID’s beam averaged over 11 deployments in each direction, each deployment being for a fortnight at a time.

10.6 The Transport Statement also overlooks the fact that the proposed access to the Bovis Homes site lies almost exactly midway between two of the three stretches of road in Bodenham Moor most prone to flooding. Even in a moderately mild winter surface water flooding occurs to the North of the access point, with water from Chapel Lane spilling across the C1125 into Orchard Close; to its South surface water floods northwards along the C1125 from the higher ground South of Bodenham Moor and floods the roadway in the area of Eastfields Farm. While suitable vehicles may be able to negotiate such hazards safely in most circumstances, pedestrians may find themselves having to wade through flood water to reach the proposed access point, or to reach the proposed pathway to Chapel Lane.

11. Transport

11.1 As already stated, road safety is a major concern for the Parish Council and local residents and, although the Transport Statement seeks to minimise the likely impact that well over 100 additional cars will have on local roads, these can only increase that concern.

11.2 As also already pointed out, the access to Bovis Homes' proposed site lies between two chokepoints on the C1125. About 100m to the South there is a narrow bridge with poor sightlines across which two vehicles cannot cross in opposite directions at the same time except at very low speed; in practice the C1125 is a single track road at this point. To the North the road narrows outside the Post Office, the sightlines are very poor, pedestrians have to walk on the carriageway because it is too narrow to accept a pavement, and the situation is made worse throughout most working days by cars parked on both sides of the road; here, too, the C1125 is, in effect, a single track road.



Narrow bridge on C1125 looking South from direction of proposed site



Chokepoint on C1125 at the Post Office looking North from direction of proposed site

11.3 The Transport Statement completely ignores these two chokepoints and yet it is through them that it seems to envisage the additional traffic generated by the proposed Bovis Homes development will pass without adding to the existing difficulties which drivers experience at peak hours. Furthermore, while calculating that some 68% of potential residents on the proposed development would turn North towards Chapel Lane entrance and the Post Office chokepoint, the Transport Statement largely ignores the probability that at that point they will meet head on with a significant proportion of the future residents of the housing development on the field opposite England's Gate Inn for which outline planning consent has already been given and which therefore must be assumed to be in existence.

11.4 Having ignored the problems likely to be created on the C1125, the Transport goes on to overlook those likely to develop in Chapel Lane (C1114), which it envisages as a significant route to and from the A417 for traffic leaving or returning to the proposed Bovis Homes site. Chapel Lane is a narrow, winding, single track road with occasional passing places. It already carries a lot of local domestic and agricultural traffic, but more importantly its use by very large HGVs has long been the subject of complaints to the Parish Council. Of necessity some of these have to access the grain store at Pool Head, but the real problem is the number of HGVs (some no doubt misguided by satellite navigation) which use the Lane as a short cut between the A417 and C1125. The real concern, therefore, is not only, as the Transport Statement says, queuing at the Chapel Lane junctions, but delays likely to be caused at peak times by vehicles meeting along the road. In addition, it should be pointed out that the Transport Statement makes no reference to the dangers presented by Chapel Lane's junction with the A417. The hazards of emerging onto the A417 at this junction, where the visibility both to the left (North-West) and to the right (South-East) is very limited, is one of the road safety issues most often raised by local residents.

12. Flood Risk

12.1 The latest Environment Agency map showing areas of Bodenham at risk of flooding from surface water clearly identifies the area around the Chapel Lane C1114 / C1125 (Bodenham to Sutton road) junction as being at medium to high risk. That such flooding occurs even in relatively mild weather conditions is confirmed by much photographic evidence. (For example, see below). It is believed that, despite any mitigation measures suggested by the developer, the proposed Bovis Homes development could exacerbate the surface run-off problem, partly by shifting it from Chapel Lane to the area south of the proposed site. The proposal would thus be in conflict with UDP Policy DR7 on Flood Risk (saved under Core Strategy Policy SS6) and DR3 on Movement (saved under Core Strategy Policy SD1).



Flooding in Chapel Lane (left) and across the C1125 to Orchard Close (right) during relatively minor rainfall on 11 February 2014

12.2 Section 1

Although approximately 62% of the site naturally drains to the north, the FRA proposes that surface water from the developed site would drain entirely to the south into Moor Brook. It is argued that this will reduce surface water flooding of Chapel Lane.

12.3 **Section 1.1.** We note that in the final sentence of Section 1.1 it is claimed that the Flood Risk Assessment (FRA) Report provides sufficient information to confirm the satisfactory drainage and flood risk mitigation of the development as proposed, and that no planning conditions regarding the details of drainage or flooding for approval by the lead local flood authority (LPA), *i.e.* Herefordshire Council, should be required. However, we believe that securing acceptable design by Conditions is crucially important in order that the development is safe from flood risk for its lifetime, does not increase flood risk elsewhere, and where possible reduces flood risk. Should the Council be minded to give consent to the application, we would argue that any such consent must be accompanied by pre-commencement conditions requiring details of the proposed scheme to be submitted in writing for the approval by the Council, as LPA, in consultation with the River Lugg Internal Drainage Board (IDB).

12.4 **Section 1.3.** The FRA Report refers to the Technical Guidance to the NPPF as current policy relevant to this application. In fact the Technical Guidance was replaced by the Planning Practice Guidance in March 2014. It therefore carries no weight. It is therefore of concern that the flood risk assessment has been undertaken without cognisance of extant national planning policy.

12.5 **Sections 4.5 and 4.6.** Both these sections refer to the foul water pumping station located to the south of the site having insufficient capacity. Section 4.6 suggests that Welsh Water (WW) “*might need to address capacity issues associated with its local foul pumping station*”. Appendix 11 of the FRA presents an excerpt from a Utilities Assessment undertaken by Peter Brett Associates. Paragraph 6.1.7 states that a formal response from Welsh Water regarding network capacity had not been obtained at the time the Report was issued, although the Report acknowledges an existing constraint at the foul water pumping station to the south-west of the site. The Report goes on to say that remedial works (also known as infrastructure reinforcement) to the pumping station and rising main (*i.e.* the pumped foul sewer that exits the pumping station and travels up the road to the west of the site) could be undertaken to provide the capacity to receive flows from the development “although this is to be confirmed by WW”. Attempting to obtain full planning consent while this level of uncertainty remains is, in our view, totally unacceptable.

12.6. **Section 5.1.**

12.6.1 Whilst the peak rate may be limited to greenfield runoff, the development would result in an increase in runoff volume, *i.e.* runoff would continue to discharge off the site for a longer period than would otherwise be the case. This would impact on the receiving watercourses and the associated land drainage assets operated and maintained by the IDB, increasing the risk of failure and hence the risk of off-site flooding.

12.6.2 The proposed peak surface water discharge rate from the developed site to Moor Brook is stated to be 2 l/s. However, paragraph 17 of the Environment Agency Report “Preliminary Rainfall Runoff Management for Developments” (Report ref: SC030219) states that: “*A practicable minimum limit on the discharge rate from a flow attenuation device is often a compromise between attenuating to a satisfactorily low flow rate while keeping the risk of blockage to an acceptable level. This limit is set at 5 litres per second, using an appropriate vortex or other flow control device*”. As such, the proposed outfall conflicts with current design guidelines and there would be a significant risk of the drainage pipe from the retention pond becoming blocked, causing localised flooding of the site and/or adjacent land. Whilst this problem could be overcome by only restricting peak outflows to 5 l/s as per the Environment Agency guidance, this would represent a significant increase in peak runoff from the site, and would increase the risk of off-site flooding. Once again, this non-compliance with Environment Agency drainage guidelines demonstrates a flaw in the drainage strategy presented in the FRA Report.

12.7 **Section 5.3.** This Section states that foul water from the development would be conveyed by a new gravity foul sewer to the existing foul sewer near the local sewage pumping station. No mention is made of the fact that the pumping station and associated rising main has insufficient capacity - just that *“Welsh Water has a legal responsibility ... to provide any necessary improvements to the sewerage network to enable developments”*. For Bovis Homes to seek simply to wash their hands of the inconvenience, health risks and disruption they would be creating for existing residents of the village is completely unacceptable.

12.8 **Section 8 (2, 3 and 4).** All three of these recommendations demonstrate the importance of the Council, as LPA, securing drainage by Condition, if indeed the Council is minded to grant planning permission.

12.9 **Section 10.** The FRA Report incorrectly states that *“neither flood risk nor drainage constrains the grant of planning consent for this development as proposed”*. On the contrary there are a number of crucial constraints:

12.9.1. The surface water drainage scheme proposes that all surface runoff from the site will drain to the south and directly into Moor Brook. This approach does not mimic the existing natural drainage regime for the site, and whilst it may help reduce flooding of Chapel Lane, it would be expected to increase off-site flooding elsewhere, especially to the Grade II listed Brook House and to the area of Eastfields Farm, both of which are already very prone to flooding. As such, the drainage scheme is not considered to be satisfactory. At the same time the FRA Report claims that surface water would be prevented from draining into Chapel Lane towards the North by the construction of an East-West bund. However, as can be seen from the maps at Appendix 9 of the Report, this bund is a long way from the site’s northern boundary. In fact, it roughly delineates the southern edge of a substantial northern portion of the site which has always drained into Chapel Lane and under Bovis Homes’ proposed scheme would simply continue to do so. In short, the Bovis Homes scheme appears likely to do little to mitigate the flood risk to Chapel Lane and, from there, to Orchard Close and thus there is likely to be little, if any, betterment.

12.9.2. As the FRA Report acknowledges, the existing Welsh Water sewerage infrastructure has insufficient capacity to convey foul water from the proposed development. Indeed the pumping station to the south-west of the site has already flooded due to insufficient capacity. The FRA Report fails to demonstrate that foul water from the development can be suitably drained and as such, the foul water drainage strategy presented in the Report must be regarded as fundamentally flawed. Policy SD (4) states that development may be phased or delayed until further capacity is available. This alone is considered to be sufficient grounds for permission not to be granted.

12.9.3. Increasing the flow of foul water to the already overloaded Welsh Water foul pumping station located to the south-west of the proposed development is not sustainable.

12.9.4. If the Council, as LPA, is minded to grant planning permission, then the design of the drainage system, for both surface water and foul water, must be accompanied by appropriate pre-commencement planning conditions, requiring full details of the drainage systems to be submitted in writing for the approval of the Council in consultation with the IDB.

12.9.5. The proposed development does not reduce flood risk or provide similar betterment to enhance the local flood risk regime, as required by Policy SD3 (3). Although it may be possible that the development may reduce flood risk to Chapel Lane, this cannot be regarded as

betterment because there will be a corresponding increase in flood risk elsewhere due to the nature of the proposed drainage.

12.9.6. The FRA Report does not provide any information on how the surface water drainage system serving the development would be maintained for its lifetime. Given the surface water flooding issues in the proximity of the site, this is an important omission. The appropriate arrangements would need to be secured at minimum by Condition (and presumably by a Section 106 agreement).

13. Sewerage Infrastructure

13.1. A further constraint on development is the evidence that the sewerage infrastructure along The Moor (C1125) is already of inadequate capacity, necessitating the Waste Water authority having to frequently remove raw untreated sewage by tanker away from the plant adjacent to the Moor Brook for disposal. Until such time as this deficient infrastructure is improved development of the site for additional housing would merely exacerbate the situation which already causes inconvenience to existing residents in the immediate vicinity.

13.2 UDP Policy S2 – Development Requirements states that a proposal should take “*proper account of the ability of existing and proposed infrastructure including foul drainage ... and the highway network to serve the development proposed without undue environmental impact*”. It is contended that the development would, in fact, have an adverse impact and should be refused consent.

14. Proximity to Intensive Livestock Unit

14.1 The entire proposed Bovis Homes site lies within 400 metres of the cattle lines and open topped slurry tank associated with the Intensive Livestock Unit at Eastfields Farm. The farm owner has already recently stated his clear intention to substantially increase the size of the dairy herd.

14.2 Conversion from pasture-based to intensive livestock husbandry has taken place in the last 10 years and has resulted in a well-documented history of odour and fly nuisance. It is noted in this context that a Planning Inspector, in rejecting an appeal against the refusal of planning consent for a new dwelling next to the nearby “Fairview”⁽¹⁵⁾ gave as his reasons for his decision:

“The evidence is that the slurry lagoon ... gives rise to serious problems of infestation by flies, especially during the warmest months, and to a certain extent causes offensive smells. This is clearly supported by the Herefordshire Council’s Environmental Health Officer, who has said no more can reasonably be done to abate the nuisance at source. I conclude that there is an unacceptable risk that the living conditions of future residents of the proposed dwelling would be harmed by unreasonable levels of nuisance in these respects.”

14.3 The Council’s County Land Agent also touched on “problems normally encountered in these situations” when responding to consultation in connection with an application for an agricultural workers dwelling for Eastfields Farm that lies across the road from the site. Importantly he also drew attention to the applicant’s intention “to almost double the size of the stock numbers” and the fact “that the road through the village floods giving access problems on occasions”. (Email: George Thompson/Matt Tomkins dated 27/11/13).

15. Planning Inspectorate Ref.App/W1850/A/03/1110001.

14.4 Once again, the absence of evidence is very far from being evidence of absence. As Entram Ltd, the authors of the Report on the issue of odour, would have found out if they had troubled to speak to the occupants of neighbouring houses, there is, in fact plenty of evidence that nuisance in this area is a real, ongoing concern and is likely to be exacerbated if the intensive livestock unit expands. Furthermore, the argument put forward by Entram Ltd that their desk-based study of meteorological records from a weather station in Hereford City can demonstrate detailed wind flows through the topography surrounding Bodenham Moor – seven miles away and dominated by Ashgrove and Dinmore Hills - is extremely unconvincing. In short, close consideration must be given to the detrimental effect on the amenity of persons who would reside in any new dwellings that might be erected so close to the intensive livestock unit.

14.5 Any proposal to develop the Chapel Lane/ Shuker's field site for housing would therefore appear to be in conflict with Herefordshire Council's own UDP Policy E16 on Intensive Livestock Units (saved under emerging Core Strategy Policy RA6). This policy suggests a presumption against the erection of dwellings within 400m of such a Unit. The conversion to intensive husbandry has proceeded progressively there over recent years and this may account for the fact that this was not recognised as a severe development constraint when the last Herefordshire Council's SHLAA process was undertaken. Despite the contention in the largely desk-based Odour Analysis prepared by Entram Ltd that "*activities carried out would not result in a significant odour impact at the site or result in loss of amenity*" there is, as mentioned above, a long well documented history of odour and fly nuisance emanating from the site. Many local residents will testify to the ongoing foul odour nuisance, a bad situation potentially due to become much worse by the farmer's declared intention to significantly increase the size of his herd. The extract from a recent statement from a person living close to Eastfields Farm attached at Appendix 2 to this letter offers an insight into the ongoing and very real nuisance emanating from this source suffered by many residents.

14.6 As stated above it is considered, despite the conclusions stated in the Odour Analysis, that this nuisance is a compelling planning policy reason for refusal for new housing development at this location where new residents' amenity is also likely to be adversely affected.

15. Ecology

15.1 The River Lugg enjoys strong protection under European Law as part of the River Wye Special Area of Conservation (SAC). We note that the Nutrient Management Plan being developed by the Environment Agency in conjunction with Herefordshire Council is trying to address the ongoing issue of excessive phosphate levels. It is understood that there remain a number of major outstanding concerns. It is clear that any consent for the subject development by Bovis Homes involving the disposal of treated effluent from the site *via* the Welsh Water treatment plant in Ketch Lane, Bodenham (C1113) and thence into the River Lugg would merely serve to exacerbate this ongoing phosphate exceedance problem. We strongly urge that this aspect is fully explored when the application is considered.

15.2 The FRA Report proposes the creation of a large open storage pond to accommodate storm water awaiting discharge and the location and size of this pond is illustrated in the plans at Appendix 3 of the Report. The description of the proposed SUDS measures at Section 7.2 makes it clear that there will be permanent water in the pond and Paragraph 5.3.27 of the Ecology Assessment Report by Ecology Solutions recommends that the pond should be designed to hold water to potentially offer a new suitable breeding site for great crested newts and other amphibians within the site. Despite this, Bovis Homes give no indication of how the health and safety implications are to be mitigated. For example, it may be presumed that on a development of the size proposed, the residents will include a number of small children, yet there is no indication of how the applicant proposes to ensure their safety

(or, indeed, that of any great crested newts or other amphibians), or of how it intends to minimise the other potential health hazards of siting a large body of (probably stagnant) water so close to dwellings.

16. Minerals Safeguarding

16.1 The entire site lies within an area defined as a Minerals Safeguarding Area (MSA), as embodied in Core Strategy Policy M1 (formerly UDP Policy M5 –Safeguarding Minerals Resources). This states that “*within and adjacent to MSAs, development which would sterilise any known minerals resource will not be permitted, unless it can be demonstrated that the non-minerals related development is of sufficient weight and overall benefit to override the need to protect the minerals resources*”.

16.2 Despite the claim in the Peter Brett Associates “Mineral Resources Statement” that the ‘potential resource has been compromised by existing residential development to the north and west’ it is thought that the existence a single house (Olanstan) adjacent to the site would not constrain possible future exploitation. However, it is contended that the housing development proposed by Bovis Homes would conflict with planning policy M1 – Mineral Safeguarding Areas (page 180 of the Core Strategy).

16.3 While it may be accepted that the existence of “Olanstan” adjacent to the site could be regarded by any future mineral extraction body as an ‘inconvenience’, reference to the Core Strategy Policies Map clearly shows the fairly widespread existence of minerals in this area, a fact recently highlighted by the Principal Planning Officer – Minerals and Wastes in the context of planning application (141352 Gritt Farm) relating to a proposal for a new dwelling just to the north-east of the subject site.

17. Summary

17.1 Bodenham Parish Council believes that Bovis Homes’ application to build 49 houses on the land South of Chapel Lane is:

- Opportunistic and seeking to exploit a temporary, technical loophole in planning regulations for purely commercial gain with no thought for the adverse effect on the lives or amenity of existing – or, indeed, its own proposed future – residents.
- Contrary to the central tenets of both the NPPF and Herefordshire Council’s emerging Core Strategy in that it does not meet their essential criteria of sustainability.
- Contrary to specific policies set out in Herefordshire Council’s emerging Core Strategy.
- Unnecessary to meet the proportionate 15% increase in housing required by the emerging Core Strategy which, with the proposed development of the field opposite England’s Gate added to ‘windfall’ developments since 2011, Bodenham Moor will have exceeded.
- Contrary to the carefully considered and clearly expressed wishes of the local community as evidenced by the recent survey and set out in Bodenham’s emerging Neighbourhood Plan.
- Calculated to destroy an important and valued open space in the village and in the process to damage irreparably the whole rural character of Bodenham Moor.

- Unsupported by any requirement for the quantity, size or type of dwellings proposed.
- Given other housing development already planned, completely unsustainable within a village of the size and rural setting of Bodenham Moor.
- Inadmissible because it would require incompatible land use by the juxtaposition of residential dwellings with an intensive dairy unit, especially one which already creates a significant, continuing odour and fly nuisance and which is destined to increase still further in size.
- Likely to increase the already worryingly high risk of surface water flooding in the vicinity.
- Unacceptable because of inadequate access to and from the site and because of the adverse impact it would have on road safety, which is already a matter of serious local concern.
- Unacceptable because of its adverse impact on the local infrastructure, and specifically on the already overloaded sewerage and foul water drainage systems.

17.2 The Parish Council urges most strongly that consent for the application be refused.

K. A. MITCHESON
Chairman
Bodenham Parish Council

Proposed Extension of Bodenham Moor Settlement Boundary – Options Considered ⁽¹⁶⁾

Background

Bodenham Parish is identified in Herefordshire Council's Core Strategy as being suitable for proportionate housing growth of 40 new dwellings to 2031. This is equivalent to 3 to 4 *per annum*. It should also be borne in mind that there are likely to be a small number of "windfall" proposals coming forward for sites within the existing settlement boundary.

Possible Options

Two field parcels located off the principal highway along The Moor (C1125) were identified in *Herefordshire Council's "Herefordshire Strategic Housing Land Availability Assessment"* (SHLAA) 2009 as having "low/minor constraints". These two parcels have been considered by the Bodenham Neighbourhood Plan Steering Group for inclusion in the proposed extended Bodenham Moor Settlement Boundary. Initial consideration of the sites took into account the comments by Herefordshire Council in the SHLAA, *i.e.*:

1. Land south of Chapel Lane (part of Moor Court Farm) is 2.94ha in area and said to have the potential for 80 houses. *"This site appears viable. If considered in conjunction with P201, access could be provided via the C1125 or C1114 Chapel Lane. The southern edge of the site is Flood Zone 3. M5 (minerals) constraint"*.
2. Land opposite England's Gate Inn and adjacent to Hamwyn Joinery north of Bodenham Moor & south of A417 is 1.49ha in area and said to have the potential for 44 houses. *"This site appears viable. Access is obtainable and the site integrates well with the existing built form. Good landscaping exists along the northern boundary."*

Assessment of Suitability for Inclusion in Proposed Extended Settlement Boundary

Site 1 – Land South of Chapel Lane

Characterised by linear development opposite the site with a terrace of Listed Grade 2 cottages near the Chapel Lane/ C1125 junction and additional Grade 2 Listed buildings to the West (Moor Court Farm) and South (Brook House). There is a large crop circle of possible archaeological interest on this site. The site is set on rising ground creating landscape issues. It is uncontained and, with the land to the East being in the same ownership, there is the potential that development on the site would set an unwelcome precedent for further expansion.

There is a well-documented history of flooding particularly at the Chapel Lane/C1125 junction ⁽¹⁷⁾ which results in the highway being impassable for other than trucks and other high-ground clearance vehicles. Some alleviation works have been carried out in recent years by both Herefordshire Council

16. Document prepared by the Bodenham Neighbourhood Plan Steering Group (August 2013).

17. The Environment Agency map showing areas of Bodenham at risk of flooding from surface water clearly shows the area around the Chapel Lane (C1114) /C1125 junction as being at high risk.

and the Bodenham Flood Protection Group but the area remains vulnerable to inundation. It is felt that any built development on this site would add to the problem and could thus be deemed to be in conflict with **UDP Policies DR3–Movement** (saved in Core Strategy Policy SD1) and **DR7 – Flood Risk** (saved in Core Strategy Policy SS6).

A further real concern is the proximity of the site to the Eastfields Farm Intensive Livestock Unit. The entire field parcel lies within 400 metres of cattle lines and the slurry lagoon adjacent to the C1125. Conversion to livestock husbandry has taken place in the last 10 years and has resulted in a well-documented history of odour and fly nuisance. It is noted in this context that a Planning Inspector, in rejecting an appeal against the refusal of planning consent for a new dwelling next to Fairview, gave as his reasons for his decision:

“The evidence is that the slurry lagoon ... gives rise to serious problems of infestation by flies, especially during the warmest months, and to a certain extent causes offensive smells. This is clearly supported by the Herefordshire Council’s Environmental Health Officer, who has said no more can reasonably be done to abate the nuisance at source. I conclude that there is an unacceptable risk that the living conditions of future residents of the proposed dwelling would be harmed by unreasonable levels of nuisance in these respects.”

The Steering Group has also taken account of **UDP Policy E16** on *Intensive Livestock Units* (pages 100/101) which makes clear that there is a presumption against such Units being established within 400m of a “protected building”, which includes residential buildings, and adds *“Proposals for residential or other protected buildings within 400m of established intensive livestock units will be subject to special consideration. Such proposals, which would as a consequence be subject to significant adverse environmental impact, will not be permitted.”* This is to protect the amenity of neighbours. **UDP Policy DR7 – Air Quality (Core Strategy Policy SD1)** also touches on the problem of air pollution.

Whilst it is accepted that Eastfields Farm has existed in its present position for many generations the conversion to intensive husbandry and the continuing nuisance from this source is a severe environment constraint on possible development on the subject field parcel. The stated intention in a recent planning application (for an agricultural workers dwelling) lodged by the owner of Eastfields Farm to double the herd size can only further exacerbate the position and result in further detriment to neighbours’ residential amenity. The owner has also stated that a new building measuring 240 x 75 ft. will be required to house the 200 additional cows. Surface run-off from such a building will merely add to existing problems in the area.

The Herefordshire Council Land Agent commented on 27 Nov. 2013 in an email to the LPA that *“the draw back that I can see to the proposals is the siting of the business in the middle of the village, with all the problems that are encountered in these (intensive livestock unit) situations, bearing in mind the proposals are to almost double the size of the stock numbers.”*

The entire land parcel lies within a large area identified as a potential mineral resource (sand and gravel) associated with the Lugg Valley. Section 13 and the technical guidance to the NPPF, and the NPPF clarify that minerals safeguarding is a policy priority, which can override other issues. Minerals can only be obtained from where they exist in a viable and accessible form and location. National policy states that known mineral resource should not be sterilised by other development, for example by building over it or making it inaccessible for future generations. UDP policy M5 outlined the procedure to be observed. The emerging Core Strategy also reflects this.

Another probable constraint on development is the evidence that the sewerage infrastructure along The Moor (C1125) is inadequate necessitating the Waste Water authority having to frequently remove

raw untreated sewage by tanker away from the plant adjacent to the Moor Brook for disposal. Until such time as this deficient infrastructure is improved development of the subject field parcel for additional housing would merely exacerbate the situation which already causes inconvenience to existing residents in the immediate vicinity.

Site 2 - Field opposite England's Gate Inn

Listed Grade II England's Gate Inn lies opposite the site but is set well back from the highway. However it is felt that the existing boundary hedge together with any further landscaping judged to be necessary would ensure that the setting of this important historic asset would not be compromised.

The site has a bus stop alongside with services operating to Leominster and Hereford. All village amenities, *i.e.* Parish Hall, G.P. Surgery, Post Office/shop, garage/shop, hairdressers, school, church & chapel, children's play-area, etc. are nearby.

The field is a contained site and development on it would integrate satisfactorily by extending the element of the village's existing built form represented by the Hamwyn Joinery development immediately to its south.

Connection to services should present no problems since there is ready access to the nearby sewerage pumping unit off Millcroft Road (C1121), which lies opposite, and thence to the main Welsh Water Main Treatment Plant in Ketch Lane.

There are no flooding issues affecting the site and no other known environmental constraints.

Conclusion

The Steering Group, after taking account of the matters outlined above and the contents of Herefordshire Council's "Guide to Settlement Boundaries, April 2013, concluded that **Site 2** was the preferred area for inclusion in any proposed extension of the Bodenham Moor Settlement and should go forward for consultation.

**Odour Assessment & Fly Nuisance –
Statement by a Local Resident on the Moor**

The documents submitted by the proposed developer use desk based calculations using information from the Hereford Met Office observing station, approximately 7.25 miles from Bodenham Moor. These make no allowance for variations caused by the local topography & the fact that the prevailing westerly winds are funnelled down the gap between Dinmore Hill & Ashgrove Hill over the open-topped slurry tank & the cattle sheds of Gravel/Eastfields farm directly towards the proposed development site. Therefore the Wind Rose & wind speed information quoted is unreliable, as are all the other assumptions based on these.

3 visits of one hour duration were made to the farm between August & December 2014. It is noted that no visits were made between April & August & no nearby residents were visited for their opinion on any odour nuisance or lack of it. As a nearby resident for 14 years I can state that at times there have been problems. As the god-daughter & niece of a dairy farmer I am familiar with & not averse to farmyard smells. However, during agitation of the slurry tank & pumping procedures when raw slurry is dispersed across the fields behind the farm I have been driven to:

- (1) Retreating indoors when gardening
- (2) Rescuing the washing from the line before it absorbs the odour.
- (3) Being awoken at night by the smell during the summer months & closing all the windows despite the temperature.
- (4) Evacuating the house for the day.

Over the last few years the farm has changed from pasture based to intensive livestock rearing & the numbers of cattle have steadily increased.

A recent planning application for a house across the road from me was turned down because of evidence that the slurry tank gave rise to serious problems of infestation by flies during the warmest months & to a certain amount of offensive smells. (Planning Inspectorate Reference APP/W1850/A/03/1110001). Herefordshire Council's Environmental Health Officer gave his support to the rejection stating that no more could reasonably be done to abate the nuisance at source & concluded that there was an unacceptable risk to living conditions of future residents of the proposed dwelling.

Complaints of fly nuisance have been made in the past by residents of the area & the Environmental Health Officer was given a large quantity of fly samples as evidence & for identification & analysis.



MEETING:	PLANNING COMMITTEE
DATE:	28 OCTOBER 2015
TITLE OF REPORT:	151315 - PROPOSED DEMOLITION OF EXISTING HOUSE AND ERECTION OF 9 DWELLINGS AT LAND AT GARRISON HOUSE, ORDNANCE CLOSE, MORETON ON LUGG, HEREFORD, HR4 8DA For: Mr Williams per Mr John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, Herefordshire HR1 1LH
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151315&search=
Reason Application submitted to Committee – Redirection	

Date Received: 29 April 2015

Ward: Sutton Walls

Grid Ref: 350224,245801

Expiry Date: 24 June 2015

Local Member: Councillor K S Guthrie

1. Site Description and Proposal

- 1.1 The application site is located to the north west of the village of Moreton On Lugg. The site comprises an irregular shaped parcel of land that is 0.48 hectares in size. The site lies to the north of Ordnance Close, an unadopted road that is accessed from the A49 and that currently serves nine dwellings, including Garrison House. The site comprises Garrison House, a building that was originally constructed in 1962 as an Officers Mess for the Army Ordnance Depot and for living accommodation for unmarried officers. In 2000 planning permission was obtained for the change of use to a single dwelling. This dwelling lies in a central position in the site. Vehicular access to the dwelling is currently to the east of the site and comprises a wide access drive that leads to a large hardstanding, parking and turning area. A number of mature trees front the site along Ordnance Close, behind a close board fence. The remainder of the site is mainly laid to lawn with mature hedgerow boundaries. The site slopes gently from the road northwards.
- 1.2 The application seeks Outline Planning Permission for the erection of up to 9 dwellings with all matters reserved for future consideration. The application has been amended during the course of its submission to include access to the site from the adopted highway, namely the A49. The reason for this is that Ordnance Close remains in private ownership and is an unadopted road.
- 1.3 The applicant has agreed that the proposed development would will deliver up to nine dwellings and that their combined floor area will be limited to 1,000 square metres to ensure compliance with the requirements of policy H1 of the Core Strategy.
- 1.4 The application is supported by an indicative plan, extended phase 1 Habitat Survey Report (14/3/2015), Ecology Survey report (31/7/2015) and Design and Access Statement.

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

2. Policies

2.1 National Planning Policy Framework. In particular chapters:

Introduction - Achieving sustainable development
Section 4 - Promoting sustainable communities
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 National Planning Practice Guidance

2.3 The Herefordshire Local Plan:

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
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 - Landscape and Townscape
LD2 - Biodiversity and Geodiversity
LD3 - Green Infrastructure
LD4 - Historic Environment and Heritage Assets
SD1 - Sustainable Design and Energy Efficiency
SD3 - Sustainable Water Management and Water Resources
SD4 - Wastewater Treatment and River Water Quality
ID1 - Infrastructure Delivery

2.4 Moreton On Lugg Neighbourhood Area was approved on 14/10/2013. Work has not commenced on drafting of the plan therefore the plan has no material weight for the purpose of determining planning applications.

2.5 The Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>

3. Planning History

3.1 CW2000/0434/F – Change of Use from officer mess to single dwelling unit of residential accommodation – Approved 4th April 2000.

4. Consultation Summary

Statutory Consultees

4.1 Highways England

The development will result in a modest intensification of use of the Ordnance Close / A49 junction. The junction has adequate visibility and meets design standards. There have been no recorded injury accidents at the junction in the last five years. Accordingly Highways England offers no objection to this planning application.

4.2 Welsh Water

We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Welsh Water's assets.

Internal Council Consultees

4.3 Conservation Manager (Ecology)

I have read the ecological report and I am happy that it addresses the issues I raised. To ensure the mitigation in the report are put in place I recommend that a non-standard compliance* condition is attached to any approval as follows:

The recommendations for species and habitat enhancements set out in Section 5 of the ecologist's report from Protected Species Surveys dated July 2015 should be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved. On completion of the enhancement measures, confirmation should be made to the local planning authority in writing together with photographic evidence of the measures implemented.

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

**A compliance condition allows works related to the condition to commence and then to be discharged on completion.*

4.4 Transportation Manager

Has no objection to the grant of permission. The proposal is acceptable.

Note that there are some deficiencies in the sustainable transport links to Moreton-on-Lugg, but these are on land owned / controlled by others.

1. Footway along A49 is not to current recommended width (2.0m)

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

2. There is no footway for the first 40m or so of Ordnance Close
3. There are no dropped kerbs at either end of the two existing footway links

4.5 Education

Both Wellington Primary School and Aylestone Secondary Schools have spare capacity in all year groups. No contributions required.

4.6 Parks and Countryside Manager

In accordance with UDP Policy H19 developments of less than 10 are required to provide POS on a pro rata basis.

In this instance an off-site contribution would be sought towards improvements to existing POS in the village in consultation with the Parish Council. In accordance with the Play Facilities Study and Investment Plan, the village play area owned and managed by the Parish Council although recently improved for younger children still requires investment for older children. If this is seen as a priority for the Parish Council (they do not have a neighbourhood plan) and this development would only bring in a small amount, then in accordance with the SPD on planning obligations the contributions for market housing only would be as follows:

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

4.7 Commissioning Officer (Housing)

I would be looking for 3 low cost market units 1 x 2 bed and 2 x 3 bed houses. Local connection to Moreton-on-Lugg. Initial house sale price for the 2 bed would be £102,300 and the 3 beds £115,100. The discount in perpetuity would need to be supplied by way of 2 open market valuations but this could prove difficult because we do not know what the units will look like

5. Representations

5.1 Moreton on Lugg Parish Council made the following comments:

The Council as whole are unanimously very concerned regarding the proposed planning application and the implications this will have on access to and from the A49. The stretch of road from Moreton Road to the Moreton Business Park entrance has within the last 9 months seen two fatalities and several serious accidents. If the proposed development goes ahead the heavy construction vehicles and subsequent occupant vehicles will substantially increase usage of this already dangerous stretch of road. The Parish Council have serious reservations regarding this development and would like to register their opposition to the planning application

5.2 Eleven letters of objection have been received that raise the following issues:

- Concern about the legalities / ability to grant planning permission without resolving legal issues over rights of access. Who would maintain it in the future?
- Ordnance Close is in private ownership (part owned by various parties) and they have an obligation to maintain it. No consultation with the owners of the road about how they would access / use this for construction traffic.
- Additional traffic from 9 dwellings would be a significant increase in use (doubling numbers of dwellings)

- Ordnance close was not built for this many dwellings
- Highways England are basing their opinion on insufficient data – not all incidents require police assistance
- A49 dangerous due to speed of traffic and the sharp turn when leaving the A49 from the north.
- As you slow down to turn in traffic not aware of cars doing this
- Examples of accidents and near misses provided – these go unrecorded so the HE may not realise the difficulties
- Local residents have contacted the HE independently over the years to ask for a right hand turn
- Cumulative increases of traffic movements onto the A49 nearby – Moreton Business Park, poultry units, quarry – are these taken into account
- Access should go through the old camp to rear of the site allowing them to use the purpose built junction with filter lane
- New cycleway will add the conflict of cyclists
- Habitat survey – Concern about timing of surveys (bats and birds)
- Applicant offers to re-surface Ordnance Close
- 2 fatalities in the area recently
- Proposed access (as shown on indicative plan) would be opposite 7 Ordnance Close and would impact on amenity and privacy (lights and being able to see into property). Access should be where it is now.
- Loss of trees would cause significant impact:
 - Reducing screening Moreton Business Park
 - Reducing Biodiversity
 - Failing to reduce traffic noise and pollution from the A49
 - Reducing screening from adjacent houses
 - Changing skyline and reducing the feel good factors and benefits of living in a green and pleasant environment
- Doubling the number of dwellings in the close will not be in keeping with character of area – density higher
- Four bed dwellings would be small – selling prices would be outside of the average Herefordian based on current average wages and even more so for first time buyers.
- Will any consideration be given to current sewerage systems now and in future?
- The change from lawn to hard standing / dwellings could cause surface water issues
- Demolition of Garrison House – Asbestos survey required as MoD have a habit of using this when multi-occupancy.
- The close is a small, family friendly close

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

1. Principle of Development
2. Character of the Area
3. Affordable Housing requirements

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

4. Access and Highway Safety
5. Biodiversity
6. Section 106 Agreement

6.2 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.”

6.3 In this instance the Development Plan is the recently adopted Herefordshire Local Plan Core Strategy. Policy SS1 enforces what is at the heart of the Government’s National Planning Policy Framework in its ‘*presumption in favour of sustainable development*’. This policy states:

When considering development proposals Herefordshire Council will take a positive approach that reflects the presumption in favour of sustainable development contained within national policy. It will always work proactively to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the social, economic and environmental conditions in Herefordshire.

Planning applications that accord with the policies in this Core Strategy (and, where relevant with policies in other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.

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

- a) *any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in national policy taken as a whole; or*
- b) *specific elements of national policy indicate that development should be restricted*

6.4 Policies SS2 (Delivering new homes) and SS3 (Releasing land for residential development) of the Core Strategy set out clearly the need to ensure sufficient housing land delivery across the County. In order to meet the targets of the Core Strategy the Council will need to continue to support housing growth by granting planning permissions where the developments meet with the policies of the Core Strategy, (and, where relevant with policies in other Development Plan Documents and Neighbourhood Development Plans)

6.5 Policy RA1 of the Core Strategy identifies that Herefordshire Rural areas will need to find a minimum of 5,300 new dwellings between 2011 and 2031 to contribute towards the county’s housing needs. The dwellings will be broadly distributed across the seven Housing Market Areas (HMA’s). Moreton-on-Lugg lies within the Hereford HMA.

6.6 Moreton-on-Lugg is identified as being a settlement which will be the main focus of proportionate housing development (figure 4.14). This seeks an 18% minimum growth target over the plan period across the area. This equates to a minimum of 63 dwellings, to 2031. As there are a number of planning permissions already secured in the area, the residual minimum requirement over the lifetime of the Core Strategy is 61 and therefore remains well in excess of the 9 units proposed.

6.7 RA2 is relevant as guiding development in these rural settlements. It states:-

“The minimum growth target in each rural Housing Market Area will be used to inform the level of housing development to be delivered in the various settlements set out in Figures

4.14 and 4.15. Neighbourhood Development Plans will allocate land for new housing or otherwise demonstrate delivery to provide levels of housing to meet the various targets.

Housing proposals will be permitted where the following criteria are met:

1. Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area. In relation to smaller settlements identified in fig 4.15 proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement; and/or they result in development that contributes to or is essential to the social well-being of the settlement concerned;
2. Their locations make best and full use of suitable brownfield sites wherever possible;
3. They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting; and
4. They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlement, reflecting local demand.

Specific proposals for the delivery of local need housing will be particularly supported where they meet an identified need and their long-term retention as local needs housing is secured as such.”

- 6.8 Moreton-on-Lugg has not yet progressed to Regulation 14 (draft) stage in their Neighbourhood Development Plan process and as such the proposed development falls to be considered in light of the above criteria.

Character of the Area

- 6.9 Ordnance Close comprises a small cul-de-sac of two storey dwellings with those to the north being semi-detached properties, with the exception of Garrison House, and those to the south being detached properties. The dwellings have good sized residential curtilages and off road parking. The frontages of the properties are predominantly open plan and laid to lawn. The eastern and western ends of the cul-de-sac also host mature trees, with those to the west being subject to Tree Preservation Orders.
- 6.10 The site is well related in terms of built form to the main village (and was formerly within the settlement boundary as designated in the UDP), with the dwellings along St Andrews Close. The density of development in Ordnance Close (excluding Garrison House) is currently approx. 13 per hectare with other residential development in the locality also being relatively low, with St Andrews Close (approx. 19 per hectare) consisting of mainly detached dwellings. Further east, the dwellings on St Peters Close (approx. 28 per hectare) and Cedar Close (approx. 30 per hectare) are a slightly increased density. This proposal for 9 dwellings on the 0.48 hectare site would represent a density of approx. 19 per hectare. This is considered to be comparable to the surrounding area and not at odds with its character.
- 6.11 The application is outline only with all matters reserved. Whilst an indicative plan has been submitted with the application, the access, layout, scale, appearance and landscaping would form part of a Reserved Matters application. These submissions should seek to not only address some of the concerns raised by local residents, but also the requirements of policy RA2 above. In addition to this Core Strategy policy SD1 (Sustainable Design and Energy Efficiency) seeks to secure high quality design and well planned development, that positively contribute to the character of the area and that development successfully integrates into the existing built, natural and historic environment. This policy also seeks the inclusion of physical

sustainability measures, including orientation of buildings, provision of water conservation measures, storage for bicycles and waste, including provision for recycling and enabling renewable energy and energy conservation infrastructure. Policy SD3 deals specifically with water consumption and a condition is recommended to address this requirement. The use of sustainable construction methods is also pursued in this policy. These requirements must be considered alongside those of residential amenity in the progression of any approval. Officers would also expect the exploration of the retention of trees along the street frontage and mature landscape boundaries as these would help to integrate the development into the street scene and wider area. This assessment is required by policy LD1 of the Core Strategy that acknowledges the importance and value of the landscape and seeks to conserve landscape features such as trees and boundary hedgerows.

- 6.12 Officers are satisfied, that whilst this application is in Outline form only at this stage, this is a small scale development that can be, though careful design and consideration, assimilated successfully into the locality, whilst providing a relatively modest, but important, number of dwellings to the parish that will count towards the minimum 18% increase in dwellings sought in the parish and Hereford Housing Market Areas by policy RA1 of the Core Strategy.

Affordable Housing

- 6.13 Policy H1 of the Core Strategy established the affordable housing targets for the County. This policy states that all new open market housing proposals on sites of more than 10 dwellings which have a maximum combined gross floor space of more than 1000 sqm will be expected to contribute towards meeting affordable housing needs. This application relates to a development under the threshold of ten dwellings and has confirmed that the maximum gross floor area would not exceed 1000 sqm. A condition is recommended to control this, and any subsequent reserved matters application would be required to comply with this. As such, this proposal is compliant with the requirements of policy H1 of the Core Strategy.

Access and Highway Safety

- 6.14 Ordnance Close is a privately owned road that is dual width and has a footway running along its northern side, crossing to the south side at the approach to the A49 Junction. There is good pedestrian connectivity to the main village, via the footway along the A49 and back towards the village and its services, as well as access to the bus stop on the A49. It is also understood that a new cycleway will be delivered as part of the Moreton Business Park development.
- 6.15 Local residents raise two key issues:
1. The access to the site is via an unadopted road that is not entirely in the ownership of the applicant;
 2. Highway safety issues in respect of the junction of Ordnance Close and the A49 (intensification of use and highway safety)
- 6.16 The application submission was amended during the process to include within the application site area, the means of access to the site along the existing unadopted road (Ordnance Close) from the A49. By statutory definition a private or unadopted street is a road not maintainable at public expense. However, a private road is not necessarily a road to which the public does not have access. In this instance the application process identified that there were multiple landowners and that access was not completely in the control of the applicant. Whilst Ordnance Close is an unadopted road, the road is of a width and nature that is sufficient for two vehicles to pass each other and it has an existing pedestrian footway. It is considered that the unadopted road is capable of absorbing the additional traffic movements without detriment to highway or pedestrian safety. In that respect it complies with the requirements of policy MT1 of the Core Strategy.

- 6.17 The difficulties arise with the legal position of rights of access and who would take responsibility for the ongoing maintenance of the unadopted road. Whilst these concerns are noted, these are civil matters that would need to be resolved by the applicant (or their successor) in order to ensure that the relevant agreements were in place before works were commenced / dwellings occupied. Any planning determination would not override any private rights or restrictions held by these landowners / residents. Planning Permission cannot be refused on these grounds. The Local Planning Authority is not in a position to offer advice on this legal matter and has encouraged the objectors to take their own legal advice. It is noted that the applicant has offered to re-surface Ordnance Close upon completion of construction, and whilst this may be a benefit to the scheme and could be seen as an opportunity to those local residents to resurface without cost to them, is not considered a necessity of the planning permission. As such, we would not seek to control this as part of a planning permission.
- 6.18 Objections have also been raised to the proposal having specific regard to highway safety at the junction of the A49 and Ordnance Close. These concerns relate primarily to the movements required when entering the site from both the north and south where vehicles are slowing or stopping to turn and where other vehicles using the A49 have to slow to accommodate this. Objectors also note the recent accidents on the A49 in the locality and the concern about the speeds along this highway.
- 6.19 Highways England has the jurisdiction over the A49 and as such they are the Statutory Consultee in this instance. They raise no objection to this proposal and confirm that it is their opinion that the development will result in a modest intensification of use of the Ordnance Close / A49 junction and that the junction has adequate visibility and meets design standards. They advise that there have been no recorded injury accidents at the junction in the last five years. On this basis, officers are of the opinion that the proposal would comply with the requirements of policy MT1 of the Core Strategy and with the requirements of paragraph 32 of the NPPF that states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

Biodiversity

- 6.20 The application submission has been supported by a Phase 1 Habitat survey and latterly a protected species survey. Policy LD2 of the Core Strategy seeks to ensure that development proposals conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire. The Council's Ecologist is now satisfied, following the submission of the ecology surveys, that subject to a condition that the recommendations for species and habitat enhancements set out in Section 5 of the ecologist's report from Protected Species Surveys dated July 2015 are undertaken the proposal would comply with the requirements of this policy and with the guidance contained within the NPPF.

Section 106 Requirements

- 6.21 Policy ID1 of the Core Strategy seeks to secure provision for new and / or enhancement of existing infrastructure, services and facilities to support development and sustainable communities. This can be secured through a section 106 agreement and a draft Heads of Terms is appended to this report that seeks contributions for transport infrastructure, open spaces / play and waste. There is no requirement for an education contribution in this instance as the schools affected have capacity in all year groups. Subject to the completion of the Section 106 agreement, the proposed development would be compliant with the requirements of policy ID1 of the Core Strategy.

Conclusions

- 6.22 Both Core Strategy policy SS1 and paragraph 14 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that development should be approved where they accord with the development plan. The site's location is well

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

located to the main settlement of Moreton-on-Lugg and has good access to local services and public transport offering a genuine opportunity for alternative means of travel to its occupants. The principle of development is considered to be acceptable, with detailed design matters being considered in the Reserved Matters stage to ensure compliance with, in particular Policies RA2, SD1 and LD1 of the Core Strategy.

- 6.23 Officers are of the opinion that the existing un-adopted road that serves the development is sufficient to absorb the additional traffic generated from the development and Highways England have raised no objection to the proposed development. The concerns raised by the Parish Council and local residents have been carefully considered but officers are of the opinion that this relatively small scale development would comply with the requirements of policy MT1 of the Core Strategy and with the guidance contained within the National Planning Policy Framework. Matters of impact upon biodiversity have been resolved satisfactorily and the requirements of policy LD2 are met. The recommendation below requires the completion of the section 106 agreement to ensure compliance with the requirements of policy ID1.
- 6.24 Having regard to the three indivisible dimensions of sustainable development as set out in the Core Strategy and NPPF, officers conclude that the scheme, when considered as a whole, is representative of sustainable development and that the presumption in favour of approval is therefore engaged. 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 as fulfilment of the economic and social roles. Likewise S106 contributions should also be regarded as material considerations when making any decision.
- 6.25 The adoption of the Core Strategy confirms, at this moment in time, a five year housing land supply of 5.24 years (Published March 2015). The provision of a five year housing land supply is only feasible when the Local Planning Authority continue to grant planning permission for housing to meet its growth targets, including the current shortfall. Small scale sites such as the one proposed are vital to support the growth required over the plan period and to ensure a continued five year housing land supply for the County.
- 6.26 This proposed development is considered to be sustainable development, for which there is a presumption in favour and as such, it is officers' recommendation that this is approved with the appropriate conditions, subject to the completion of the Section 106 agreement in accordance with the Heads of Terms attached to this report.

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. A04 Approval of reserved matters**
- 4. A05 Plans and particulars of reserved matters**
- 5. The maximum combined gross floor space of the development hereby approved shall be no more than 1000sqm.**

Reason: Having regard to policy H1 of the Herefordshire Local Plan Core Strategy, there is no requirement for affordable housing subject to compliance with this

criteria.

6. **B01 Development in accordance with the approved plans**
7. **C01 Samples of external materials**
8. **G05 Pre-Development tree work**
9. **G04 Protection of trees/hedgerows that are to be retained**
10. **G11 Landscaping scheme - implementation**
11. **H13 Access, turning area and parking**
12. **H18 On site roads - submission of details**
13. **H29 Secure covered cycle parking provision**
14. **H27 Parking for site operatives**
15. **I16 Restriction of hours during construction**
16. **The recommendations for species and habitat enhancements set out in Section 5 of the ecologist's report from Protected Species Surveys dated July 2015 should be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved. On completion of the enhancement measures, confirmation should be made to the local planning authority in writing together with photographic evidence of the measures implemented.
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

17. **L01 Foul/surface water drainage**
18. **L02 No surface water to connect to public system**
19. **L03 No drainage run-off to public system**
20. **Prior to the first occupation of the development a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 shall be submitted to and approved in writing by the local planning authority and implemented as approved.**

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

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. N03 - Access Rights

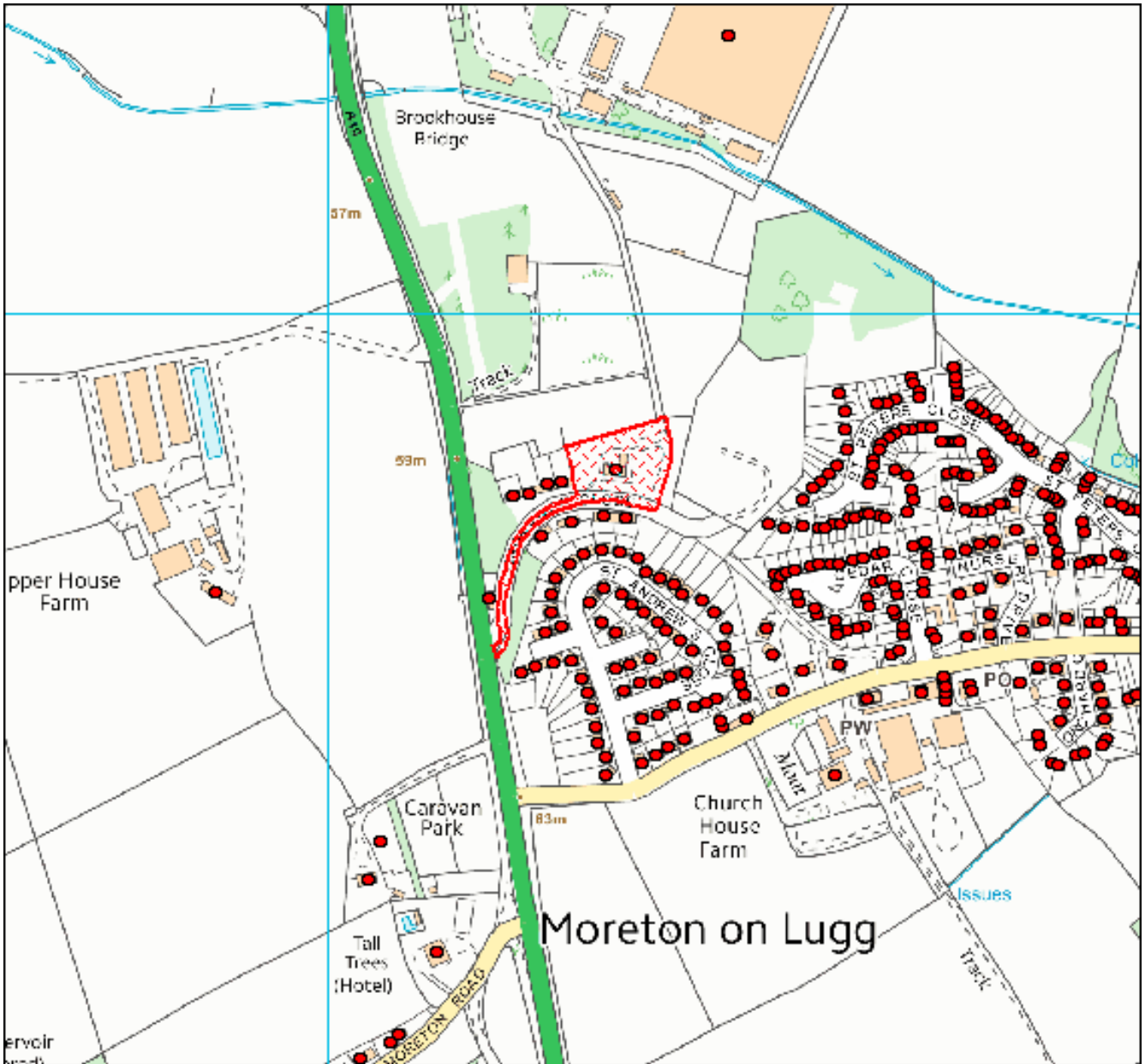
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 151315

SITE ADDRESS : LAND AT GARRISON HOUSE, ORDNANCE CLOSE, MORETON ON LUGG, HEREFORD, HR4 8DA

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

HEADS OF TERMS

Proposed Planning Obligation Agreement Section 106 Town and Country Planning Act 1990

Planning Application – 151315

Site address: Land at Garrison House, Ordnance Close, Moreton on Lugg, Herefordshire, HR4 8DA

Proposal: Proposed demolition of existing house and erection of 9 dwellings

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1st April 2008, and Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended). All contributions in respect of the residential development are assessed against open market units only.

Transportation

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sums of (per open market unit):

£1720.00 - (index linked) for a 2 bedroom open market unit

£2589.00 - (index linked) for a 3 bedroom open market unit

£3440.00 - (index linked) for a 4+ bedroom open market unit

to provide a sustainable transport infrastructure to serve the development, which sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

The monies shall be used by Herefordshire Council, in consultation with the Parish Council and Highways England, at its option for any or all of the following purposes:

- a) Traffic calming and traffic management measures in the locality, including traffic Regulation Order
- b) New pedestrian and cyclist crossing facilities
- c) Creation of new and enhancement in the usability of existing footpaths and cycleways in the locality
- d) Public initiatives to promote sustainable modes of transport
- e) Safer routes to school or school transport improvements and provision

The sum shall be paid on or before occupation of the 1st open market dwelling unless phased payments are agreed with the Local Planning Authority.

Public Open Space / Play

2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sums of (per open market unit):

£193.00 (index linked) for 1 bedroom open market unit

£235.00 (index linked) for a 2 bedroom open market unit

£317.00 (index linked) for a 3 bedroom open market unit

£386.000 (index linked) for a 4+ bedroom open market unit

To provide an off-site contribution towards improvements to existing Public Open Space in the village, in consultation with the Parish Council. This will be accordance with the Play Facilities Study and Investment Plan. The contribution would be used in accordance with the Play

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

Facilities Strategy and Investment Plans and in consultation with the local Parish Council and community. There is an existing the village play area owned and managed by the Parish Council although recently improved for younger children still requires investment for older children

The sum shall be paid on or before occupation of the 1st open market dwelling unless phased payments are agreed. With the local planning Authority.

Waste

3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£80** (index linked) per dwelling. The contribution will be used to provide 1x waste and 1x recycling bin for each dwelling. The sum shall be paid on or before occupation of the 1st open market dwelling unless phased payments are agreed with the Local Planning Authority.
4. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2 and 3 above for the purposes specified in the agreement within 10 years of the date of payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
5. The sums referred to in paragraphs 1, 2 and 3 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.
6. If the developer wishes to negotiate staged and/or phased trigger points upon which one or more of the covenants referred to above shall be payable/delivered, then the developer shall pay a contribution towards Herefordshire Council's cost of monitoring and enforcing the Section 106 Agreement. Depending on the complexity of the deferred payment/delivery schedule the contribution will be no more than 2% of the total sum detailed in this Heads of Terms. The contribution shall be paid on or before the commencement of the development.
7. 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.

Miss Kelly Gibbons
October 2015



MEETING:	PLANNING COMMITTEE
DATE:	28 OCTOBER 2015
TITLE OF REPORT:	<p>151189 – PROPOSED DEMOLITION OF EXISTING AGRICULTURAL BUILDING AND ERECTION OF 5 NO. FOUR BEDROOM DETACHED DWELLINGS. ALTERATIONS TO EXISTING VEHICULAR ACCESS, LANDSCAPING AND OTHER ASSOCIATED WORKS AT LAND OFF FERNBANK ROAD, ROSS-ON-WYE, HEREFORDSHIRE,</p> <p>For: Alan Porter Ltd per Mr Mark Dauncey, 5 The Priory, Old London Road, Canwell, Sutton Coldfield, West Midlands B75 5SH</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151189&search=151189
Reason Application submitted to Committee – Change of Policy	

Date Received: 17 April 2015

Ward: Ross East

Grid Ref: 359975,222908

Expiry Date: 15 June 2015

Local Member: Councillor PGH Cutter

1. Site Description and Proposal

- 1.1 The application site is located adjacent to the settlement of Ross on Wye at the end of Fernbank Road to the south east of the town. The site forms the lowest part of a larger broadly rectangular agricultural field. The application site area features an existing building and hardstanding area. The overall holding slopes up from Fernbank Road to Merrivale Wood. There is residential development immediately to the north, east and west of the site and a public footpath adjoins the site to the north east. The site is within the Wye Valley AONB as is all of the adjoining area including the more recent development forming Oakhill Rise opposite.
- 1.2 The proposal involves demolition of an existing agricultural building and the erection of five, four bedroom, detached dwellings, associated garaging, access and landscaping.
- 1.3 The development features two house design types both featuring chimneys, entrance porches, rear gables and elevational detailing (cills, fenestration, brick coursing) that varies over the two designs. Plots 1 to 3 have a height to ridge of 8.6 metres from finished ground level with garaging 4.5m high to ridge from finished ground level. Plots 4 & 5 have a height to ridge of 7.9 metres from finished ground level with garaging having a 4.8m height finished ground level.

Further information on the subject of this report is available from Mr C Brace on 01432 261947

2. Policies

2.1 National Planning Policy Framework (NPPF)

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 12	-	Conserving and Enhancing the Historic Environment

2.2 Herefordshire Core Strategy:

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for Residential Development
SS6	-	Environmental Quality and Local Distinctiveness
RW1	-	Development in Ross on Wye
H1	-	Affordable Housing – Thresholds and Targets
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency

2.3 The Neighbourhood Plan Area for Ross-on-Wye was designated on 5 September 2013. The plan is presently being drafted and therefore has no weight for the purposes of determining planning applications.

2.4 The Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>

3. Planning History

3.1 DCSE2000/3121/O – Removal of agricultural building and erection of one dwelling – Refused, Appeal Dismissed (The Inspector's decision is attached as Annex 1 to this report).

3.2 SH 221/84 – Residential development – Refused, Appeal Dismissed

4. Consultation Summary

Statutory Consultees

4.1 Welsh Water has no objection however request that if minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided are included within the consent to ensure no detriment to existing residents or the environment and to Welsh Water's assets. These are attached to the recommendation, below.

Internal Consultees

- 4.2 Transportation Manager has no objection and comments Fernbank road is subject to 30 mph due to the road being furnished with street lighting columns. The proposed access has a street lighting column located to the right of the access, this has potential to be in the visibility splay therefore relocating of the street lighting column will be required.

There is a high presence of pedestrians in the area due to location of local farms and PROW.

All works to meet Herefordshire Council design criteria. Gradient 1:8. Section 278 and Section 38 agreements will be required to be entered into. The submitted drawing states the highway will be built to adoptable standard, it should be noted that we would not look to adopt a highway with less than 6 houses on. Suggested conditions are set out in the recommendation.

- 4.3 The Conservation Manager (Ecology) confirms [he has] read the ecological report from Focus Ecology which reflects the character of the site and the presence of protected species which should be taken into account. The presence of badgers which actively utilise the site for foraging needs taking into account in any design scheme and advises that report recommendations made should be encompassed in a non-standard condition. This is attached to the recommendation, below.
- 4.4 Public Rights of Way has no objection providing public footpaths RR9 and ZK33 are not obstructed by the development.

5. Representations

- 5.1 Ross on Wye Town Council has no objection to this development.

- 5.2 The Wye Valley AONB Partnership has no objection, commenting:-

The site of the proposed development lies within the boundary of the Wye Valley Area of Outstanding Natural Beauty (AONB), which is an area designated for its national landscape importance. The Wye Valley AONB Partnership seeks to encourage high quality design and to conserve and enhance the landscape.

The Partnership recognises that some change to the outstanding landscapes of the Wye Valley is inevitable; however it needs to be carefully managed to sustain the distinctive landscape features and special qualities of the area. In line with this the Partnership accepts the proposal in principle, due to what appears to be the adequate design, and the fact that it is of a scale that should be appropriate within the area.

Notwithstanding the above, this site extends the existing built-up area towards open countryside, including towards landscape features that are important to the AONB, which is why we would like to raise the following points for consideration in determining this application:

- Any new homes should be built to a high design quality and the site and building design should respect the landscape character of the area. This could be achieved by using local materials and finishes, such as a mix of stone and render which is traditionally associated with Ross-on-Wye.
- The mature hedgerows and trees within the site should be retained and ideally buffered to ensure the long-term preservation of their contribution to the wider landscape and ecological networks of the AONB.
- The development should not be visually imposing on the landscape of the area, and existing views towards the wider landscape should be maintained where possible. This might be difficult due to the elevated nature of this development but, where impacts are unavoidable,

mitigation should be put in place through screening appropriate to the landscape, including locally distinctive trees and hedgerows.

- The development should not constrain any existing footpaths leading towards surrounding green areas.

I hope you will be able to take these comments on board in determining this application.

5.3 Nineteen letters of objection have been received along with a petition signed by 14 local residents living in Woodmeadow Road. Comments are summarised as:

- This proposed development is too high in relation to the existing houses in Okell Drive and we will be overlooked
- Fernbank Road is narrow with no footpath and the additional traffic caused by this development will make the road even more dangerous for pedestrians and other road users.
- This is a greenfield development in an AONB
- development in Okell Drive replaced a disused industrial complex and was therefore classed as a "brownfield" site
- the "agricultural" tin shed which is being demolished is tiny in comparison to the proposed development and was built solely to leverage this development. A cynical developer ploy which the council should not allow
- Reference is made to the decision and comments of a previous Inspector at appeal
- Detrimental impact on the character and appearance of the AONB
- Impact on the enjoyment of the PROW
- Concern the remainder of the field would be developed
- Impact on the setting of Ross on Wye
- Impact on wildlife and habitat
- Concern over drainage and surface water
- Concern over access
- Overdevelopment
- Impact on the important retained roadside hedgerow
- Loss of agricultural land
- Impact on views
- No justification for the proposal
- Ross on Wye has sufficient housing

5.4 A mixed comment has been received stating three houses would be more suitable on account of the impact of earth movements required to secure two dwellings at a lower level. This would however, along with the soil redistribution, alter the profile and topography of Chase Hill.

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:-

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

6. Officer's Appraisal

6.1 Paragraph 14 of the NPPF clearly defines '*presumption in favour of sustainable development*' as the golden thread running through the NPPF. It goes on to state that for decision taking this means approving development proposals that accord with the development plan without delay 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 the NPPF indicate development should be restricted.

- 6.2 Core Strategy Policy SS1 details Herefordshire Council will take a positive approach that reflects this presumption in the NPPF. As part of this, this means locating new residential development within or adjoining Ross on Wye.
- 6.3 The site is surrounded to its north, east and west by existing residential development that includes two cul-de-sac relatively modern developments of eleven detached dwellings. The site is within walking distance of the town centre along with various local shops and facilities that includes a school, shops, post office, public house and play area. From a landscape and streetscape assessment, the plot represents a natural infill or rounding off to the existing built form of the town hereabouts that is not considered to undermine the overall character and appearance of the wider landscape or countryside having regard to the context, topography, proposed landscaping and the fact only a limited and lowest part of the site forms the developed area.
- 6.4 Core Strategy Policy RW1 identifies that Ross-on-Wye will accommodate a minimum of 900 new dwellings during the plan period with new proposals encouraged to:
- reflect and enhance the characteristic natural and built historic elements of Ross-on-Wye, such as its red sandstone and timber framed Tudor buildings and boundary walls, the medieval plan form, conservation area and natural setting overlooking the River Wye;
 - enhance green infrastructure and biodiversity, particularly the Wye Valley Area of Outstanding Natural Beauty and the River Wye.
- 6.5 Sustainable development and sustainability are more than a matter of location. The NPPF states that good design is a key aspect of sustainable development and indivisible from good planning. It is not just a matter of aesthetics. Amongst other things, it says that decisions should aim to ensure that developments function well and add to the overall quality of the area; and optimise the potential of the site to accommodate development. 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 and the way it functions.
- 6.6 This proposal includes high quality sustainable design that also creates a safe, accessible, well integrated environment. In conjunction with this, the proposal incorporates the following relevant requirements of Core Strategy policy SD1:
- ensure that proposals make efficient use of land taking into account the local context and site characteristics,
 - new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development. while making a positive contribution to the architectural diversity and character of the area including, where appropriate, through innovative design;
 - safeguard residential amenity for existing and proposed residents;
 - ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination, land instability or cause ground water pollution;
 - ensure that distinctive features of existing buildings and their setting are safeguarded;
 - utilise sustainable construction methods which minimise the use of nonrenewable resources and maximise the use of recycled and sustainably sourced materials;
 - Where possible, on-site renewable energy generation should also be incorporated;
 - ensure that proposals make efficient use of land -taking into account the local context and site characteristics, including land stability and contamination;
 - ensuring designs can be easily adapted and accommodate new technologies to meet changing needs throughout the lifetime of the development.

- 6.7 The unacceptability of development within the AONB is explained within the NPPF as being a scenario whereby:
1. specific policies of the NPPF indicate otherwise; or
 2. where harm associated with the development would outweigh its benefits when held against the NPPF as a whole – ‘the planning balance’.
- 6.8 Officers do not consider the provision of five dwellings to represent major development in the context of Ross on Wye and paragraph 116 of the NPPF. The density of development proposed the application site represents 8.65 dwellings per hectare. The planning balance therefore applies here – that is, does the impact or any ‘harm’ to the AONB outweigh the material benefits.
- 6.9 If a proposal is considered to represent sustainable development, then the decision taker is required by paragraph 14 of the NPPF to engage the positive presumption in favour of the proposal. The Government’s definition of sustainable development is considered to be the NPPF in its entirety, though a concise list of core planning principles is offered at paragraph 17. In terms of residential development, bullet points 5 and 11 of this paragraph are most relevant in requiring that planning:
5. takes account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it; and
 11. actively manages patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus development in locations which are or can be made sustainable.
- 6.10 The AONB Partnership along with Officers, recognise that some change to the outstanding landscapes of the Wye Valley is inevitable; however it needs to be carefully managed to sustain the distinctive landscape features and special qualities of the area. In line with this Officers and the AONB Partnership accept the proposal in principle, due to the design quality of the proposal and the fact that it is of a scale that should be appropriate within the area.
- 6.11 Core Strategy policy SS6 describes proposals to conserve and enhance environmental assets and in policy LD1 achieve the following:
- demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, including protection and enhancement of the setting of settlements and designated areas;
 - conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including Areas of Outstanding Natural Beauty, through the protection of the area’s character and by enabling appropriate uses, design and management;
 - incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings; and
 - maintain and extend tree cover where important to amenity, through the retention of important trees, appropriate replacement of trees lost through development and new planting to support green infrastructure.
- 6.12 Core Strategy policy SD1 describes good design embraces more than simply the aesthetics of new development and includes how buildings are used, accessed and constructed. Equally, for development to be considered sustainable, it must embrace the move to a low carbon future through designing buildings that are more energy and water efficient and increase the use and supply of renewables. It sets out how the Council will seek to ensure that future developments are designed to enhance local distinctiveness but without stifling innovation and creativity, particularly with regard to energy efficiency.

- 6.13 The Core Strategy recognises high quality design and well planned developments can enhance community cohesion through maintaining or creating a sense of place. New development should be designed to preserve and enhance locally distinctive characteristics and positively contribute to the appearance of the locality. To achieve this, it is important that new development is successfully integrated into the existing built, natural and historic environment; however recognising that architectural styles change over time. Policy SD1 does not seek to stifle architectural innovation, contemporary design or reject advances in design and technology.
- 6.14 It is noted the application site extends the existing built-up area towards open countryside, including towards landscape features that are important to the AONB. As such the following points have been considered in determining this application:
- The proposed dwellings are to be built to a high design quality and the site and building design respects the landscape character of the area. This is achieved by using local materials and finishes, including a mix of stone and render which is traditionally associated with Ross-on-Wye.
 - The mature hedgerows and trees within the site are retained and buffered to ensure the long-term preservation of their contribution to the wider landscape and ecological networks of the AONB. This includes specific conditions to protect this established planting during the construction phase.
 - The development is not visually imposing on the landscape of the area, and existing views towards the wider landscape are maintained where possible. Mitigation is in addition, in place through screening appropriate to the landscape, including locally distinctive trees and hedgerows.
 - The development does not constrain any existing footpaths leading towards surrounding green areas.
- 6.15 The majority of objections come from residents in Fernbank Road area. It should be noted that all the existing housing hereabouts, including Woodmeadow Road and the even more recent Okell Drive development are all within the AONB. As noted above, the AONB designation in itself in such a location does not preclude development, only requires significant consideration is made to retain the landscape quality, design and character.
- 6.16 Reference is made to the findings of two previous appeals in 1985 and 2004 against refusal of a residential development. Whilst those Inspectors' comments are noted and respected, I do not consider they can be considered an 'absolute position' precluding development. Both local and national planning policies have evolved, developed and changed, including the current position regarding housing land supply and sustainability detailed in this report. When this position is considered against the small scale and quality of the proposal and the lack of objection from both Ross-on-Wye Town Council and the AONB Partnership significant weight can be given to the proposal.
- 6.17 In respect of traffic, highway safety and the Public Right of Way, the lack of objection from the Transportation and PRoW Managers is noted. Traffic generated from five dwellings is not considered to generate a volume of movements that will have a detrimental impact to existing road users, risk safety or be at a level the local road network can not cope with. The development is not considered to have a detrimental impact on these matters and the requested conditions and informatives ensure not only requisite standards are incorporated, but also impact during and after the development phase is minimised.
- 6.18 In respect of impact on adjoining amenity and privacy, plot 1 is nearest to any existing dwelling, located in replacement of the existing agricultural building. This has a distance of approximately

18 metres to no.14 Woodmeadow Road and its rear elevation, however the proposed dwelling is offset from it. The inter-relationship between plots 2, 3, 4 and 5 is not considered to adversely impact on other existing dwellings through orientation, landscaping, and the existing context. The development has a stepped elevational façade when read in conjunction with the ground level changes. The dwellings on Fernbank Road in particular are separated by significant existing retained vegetation and landscaping along with the road.

- 6.19 Concern regarding the development of the remainder of the field is not a material planning consideration and any application would be assessed on its own merits.
- 6.20 The proposal is of a density, form and nature commensurate with the prevailing local character and context and in itself of a high quality that satisfies local and national planning policies in respect of design.
- 6.21 As such the requirements of Core Strategy policies SS1, SS2, SS3, SS6, H1, RW1, LD1, LD2, LD3 and LD4 are satisfied along with the relevant aims and objectives of the NPPF. On the basis of the above approval with conditions, below, is recommended.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. **A01 – Time limit for commencement**
- 2. **B02 – Development in accordance with approved plans and details**
- 3. **The recommendations set out in Section 6 the ecologist’s report from Focus Ecology dated October 2013 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a species mitigation and habitat enhancement scheme integrated with the landscape scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.**

Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the NERC Act 2006, Conservation of Habitats and Species Regulations 2010 and relevant Policies of the Core Strategy.

- 4. **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 NERC Act 2006, Conservation of Habitats and Species Regulations 2010 and relevant Policies of the Core Strategy.

- 5. **Foul water and surface water discharges shall be drained separately from the site.**

Reason: To protect the integrity of the public sewerage system.

- 6. **No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.**

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.

7. **Public footpaths RR9 and ZK33 shall not at any time during or after the construction phase be obstructed by the development.**

Reason: To comply with Herefordshire Unitary Development Plan policies DR2, DR3

8. **H03 – Visibility Splays 2.4 - 51 (mfs 2 2 seconds)**

9. **H06 – Vehicular access construction**

10. **H09 – Driveway gradient**

11. **H13 – Access, turning area and parking**

12. **H18 – On site roads - submission of details**

13. **H17 – Junction improvement/off site works**

14. **H20 – Road completion in 2 years**

15. **H27 – Parking for site operatives**

16. **H29 – Covered and secure cycle parking provision**

17. **G01 – Earthworks**

18. **G02 – Retention of trees and hedgerows**

19. **G03 – Retention of existing trees/hedgerows: scope of information required**

20. **G04 – Protection of trees/hedgerows that are to be retained**

21. **G05 – Pre-Development tree work**

22. **G09 – Details of Boundary treatments**

23. **G10 – Landscaping scheme**

24. **G11 – Landscaping scheme – implementation**

25. **C01 – Samples of external materials**

26. **F07 – Domestic use only of garage**

27. **F14 – Removal of permitted development rights**

28. **Prior to the first occupation of the development a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 shall be submitted to and approved in writing by the local planning authority and implemented as approved.**

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

INFORMATIVES:

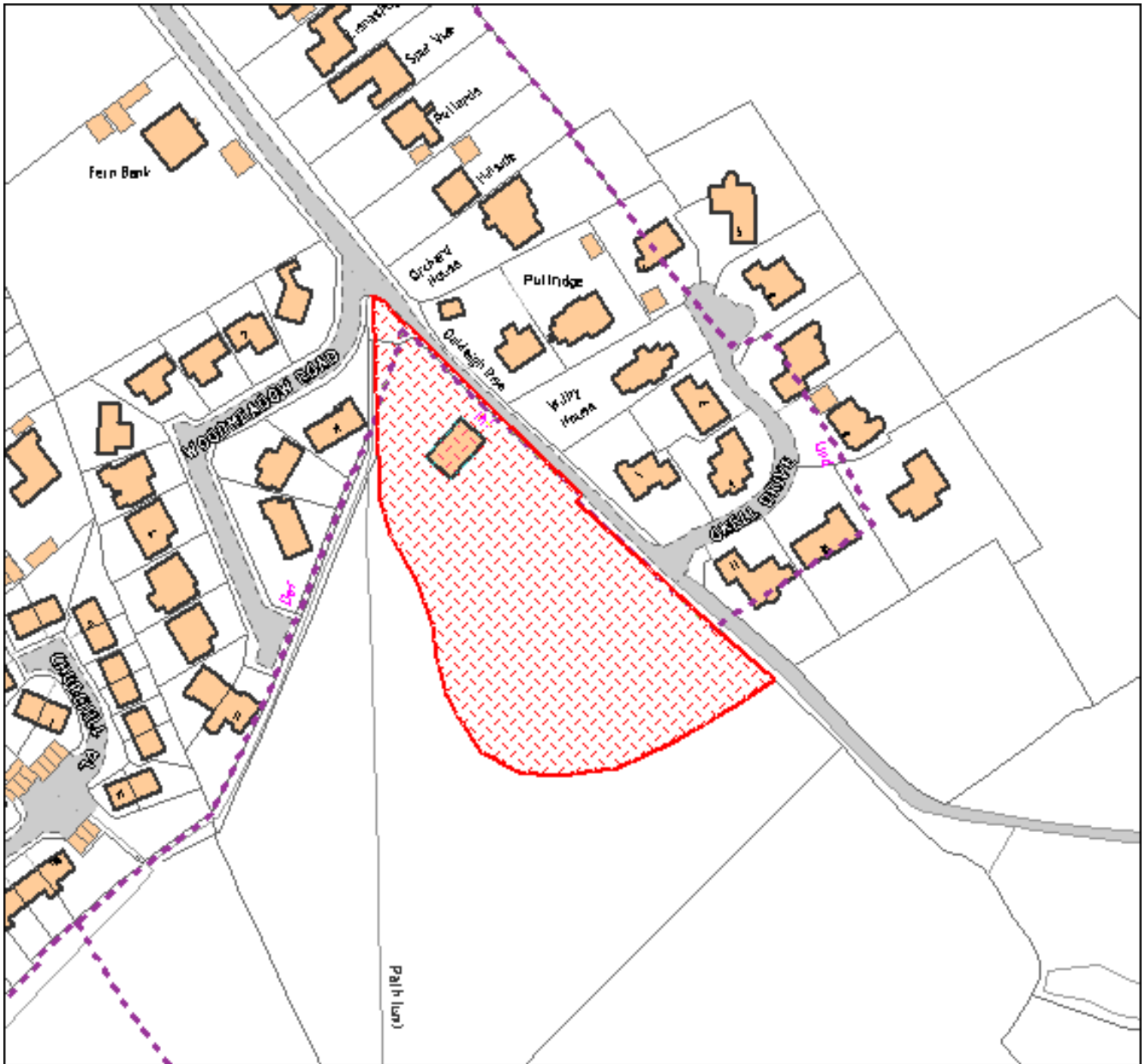
1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. Welsh Water Informatives
3. HN01 – Mud on highways
4. HN04 – Private apparatus in the highway
5. HN05 – Works within the highway
6. HN08 – Section 38 Agreement & Drainage details
7. HN10 – No drainage to highway
8. HN22 – Works adjoining highway
9. HN24 – Drainage other than via highway system
10. HN28 – Highways Design Guide and Specification

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 151189

SITE ADDRESS : LAND OFF FERNBANK ROAD, ROSS-ON-WYE, HEREFORDSHIRE

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Further information on the subject of this report is available from Mr C Brace on 01432 261947



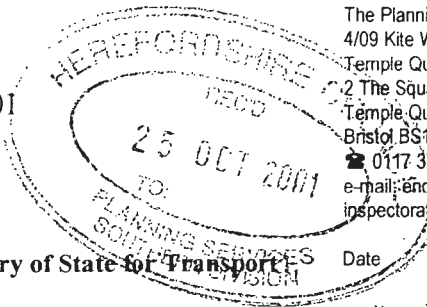
Appeal Decision

Site visit made on 15 October 2001

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Transport,
Local Government and the Regions

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-inspectorate.gsi.gov.uk



Date

24 OCT 2001

Appeal Ref: APP/W1850/A/01/1068841

Land at Part OS Plot 0085, off Fernbank Road, Ross-on-Wye, Herefordshire.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by P J Williams against the decision of Herefordshire Council.
- The application (Ref. SE2000/3121/O), dated 8 November 2000, was refused by notice dated 9 January 2001.
- The development proposed is the removal of an agricultural building and the erection of one dwelling.

Summary of Decision: The appeal is dismissed.

Main Issue

1. I consider that the main issue in this appeal is the effect of the proposed development upon the character and appearance of the area, having regard to the site's location within the Lower Wye Valley Area of Outstanding Natural Beauty (AONB).

Planning Policy

2. The development plan includes the Hereford and Worcester County Structure Plan, which was adopted in 1993, and the South Herefordshire District Local Plan, which was adopted in 1999. My attention has been drawn to a number of policies of which I consider the following to be most relevant to this appeal.
3. Within rural areas Structure Plan policy H.16A provides that new development must meet a number of identified criteria. This includes development being acceptable in relation to the environment and helping to sustain the rural community. Under the provisions of Structure Plan policy H.18 residential development may be permitted where it forms a natural extension to settlements and accords with policy H.16A. Within the open countryside policy H.20 only permits residential development in certain instances. This includes development that is necessary for agriculture or forestry, and replacement of buildings that have established residential use. Within the AONB policy CTC.1 gives priority to the conservation and enhancement of the landscape.
4. Local Plan policy GD.1 sets out criteria against which all new development is to be assessed. This includes not having a detrimental impact on the landscape quality of the surrounding area. The appeal site lies outside the defined settlement boundary for Ross-on-Wye. Policy C.2 provides that such areas are treated as open countryside, and development on land adjacent to settlement boundaries will only be favourably considered if it is environmentally acceptable and meets identified exceptional cases. The proposal does not fall within any of the identified cases. Policy C.4 reflects Structure Plan policy CTC.1. Policy C.5 permits development within the AONB where it would be small scale and would

enhance or have minimal adverse effect upon the special scenic qualities of the area, and comply with other relevant policies including GD.1. Having regard to the expected over-provision of housing within the area, policy SH.1A seeks to reduce further unwarranted housing by only allowing development on allocated sites where a local need exists. Policy SH.11 broadly reflects Structure Plan policy H.20 and policy C.11 seeks to protect the best and most versatile agricultural land.

Reasons

5. The appeal site comprises a corner of a large open field that is situated on the southern side of Fernbank Road. A modest sized agricultural building has been erected on part of the site. This is visible from parts of Fernbank Road and the small estate known as Woodmeadow Road to the north east. A public footpath runs alongside the north eastern boundary of the site. From here there are views across the appeal site and remainder of the field towards the wooded hillside known as Chase Wood. There is vehicular access into the site from Fernbank Road.
6. Although the appeal site lies in close proximity to existing residential development in my opinion, it comprises an integral part of the attractive countryside setting to the town of Ross-on-Wye. When walking south along Fernbank Road the suburban character of the area changes markedly on reaching the entrance to Woodmeadow Road. Immediately beyond this point open countryside, of which the appeal site forms part, penetrates the streetscene providing a distinct end to the built limits of the town. Whilst the agricultural building that occupies part of the site is clearly visible, it is of a type that is commonplace within the countryside. Its simple form and appearance and distance from any other building clearly set it apart from residential development within the area.
7. In my judgement, the proposal would not comprise rounding off or a natural extension to the town. Instead it would extend the ribbon of development along Fernbank Road and the southern limits of the town, and would be a most unfortunate encroachment into the surrounding open countryside. I consider that it would not accord with Structure Plan policies H.16A and H.18, and would also be poorly related to the remainder of the field. This would be likely to result in further pressure for residential development alongside which the Council would have difficulty in resisting, undermining the objectives of policy SH.1A of the Local Plan. In this respect I note that previous applications have been submitted for residential development on the site and adjoining land.
8. From what I saw during my site inspection, and from the representations from some local residents, the area is popular with walkers. I consider that from parts of Fernbank Road and the public footpath alongside, residential use of the appeal site would contrast awkwardly with the agricultural land to the south and would mar important views across the site towards Chase Wood. Although landscape planting could be made a condition of any permission, I consider that this would be very unlikely to screen the impact of residential activity on the site. Such planting or other boundary treatment would appear contrived and discordant features within the landscape. In my opinion, the proposed development would result in serious harm to the attractive and unspoilt landscape qualities of the area, at variance with Local Plan policy GD.1.
9. The qualities of the area are recognised as being of national importance, with the site included within an AONB. Paragraph 4.8 of Planning Policy Guidance Note 7 entitled 'The Countryside-Environmental Quality and Economic and Social Development' (PPG7)

advises that development control considerations affecting AONBs should favour conservation of the natural beauty of the landscape, and that the environmental effects of new proposals will be a major consideration. In my opinion, the benefits to the visual qualities of the landscape arising from the removal of the existing agricultural building on the site would be limited. Moreover, this would be outweighed by the harmful impact of a dwelling on the site, however well designed, which would fail to conserve or enhance the natural beauty of the area and would conflict with Structure Plan policy CTC.1 and Local Plan policies C.4 and C.5.

10. I note the appellant's arguments that the site is already developed and that the proposal would sustain the rural community. Agricultural land and buildings (including those vacant or derelict) are however excluded from the definition of previously developed land as defined within Annex C to Planning Policy Guidance Note.3 entitled 'Housing' (PPG3). No evidence of any special need has been advanced in support of the proposal and it is unclear to me how it would help to sustain the rural community, particularly given the availability of existing housing nearby within the town of Ross-on-Wye. I consider that the proposal would conflict with Structure Plan policy H.20 and Local Plan policies C.2 and SH.11.
11. I therefore conclude that the proposed development would have a serious adverse effect upon the character and appearance of this part of the Lower Wye Valley AONB, and would be contrary to Structure Plan policies H.16A, H.18, H.20, CTC.1, Local Plan policies GD.1, C.2, C.4, C.5, SH.1A, SH.11 and the advice contained within PPGs 3 and 7.

Other Matters

12. The proposal would involve development on grade 2 agricultural land as identified on the Agricultural Land Classification Map. Paragraph 2.17 of the revised text to PPG7 (March 2001) advises that development of greenfield land, including the best and most versatile agricultural land (including grade 2 land) should not be permitted unless opportunities have been assessed for accommodating development on previously developed sites and on land within the boundaries of existing urban areas. Whilst I note the appellant's remarks concerning the development plan review, I have not been provided with any details of emerging policies. I have determined the application on the basis of the development plan. Having regard to my findings above, I consider that the proposal would conflict with the provisions of Local Plan policy C.11 and the advice contained within PPG7 relating to the protection of the best quality agricultural land.
13. I also note the concerns of some local residents concerning drainage, access arrangements and traffic flows. I have no information before me to substantiate concerns regarding drainage matters and no such objections were raised by the Council. During my site inspection, I noted the existing access arrangements and from what I saw vehicular traffic flows along Fernbank Road were low. In my opinion, I do not consider that the additional traffic associated with a single dwelling on this site would compromise highway safety.

Conclusions

14. Although I do not consider that the proposal would harm highway safety or land drainage interests, I have found that there would be serious harm to the character and appearance of the AONB and conflict with established policies concerning the protection of the best quality agricultural land. Having regard to all other matters raised, I conclude that the appeal should not succeed.

Formal Decision

15. In exercise of the powers transferred to me, I dismiss the appeal.

Information

16. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court within 6 weeks from the date of this decision.



Inspector



MEETING:	PLANNING COMMITTEE
DATE:	28 OCTOBER 2015
TITLE OF REPORT:	151299 - PROPOSED NEW DWELLING AT LAND WEST OF LARKSMEAD, CHURCH ROAD, BRAMPTON ABBOTTS, HEREFORDSHIRE, HR9 7JE For: Mr & Mrs Fraser c/o Agent per Mr David Kirk, 100 Chase Road, Ross-On-Wye, Herefordshire, HR9 5JH
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151299&search=151299
Reason Application submitted to Committee – Redirection	

Date Received: 28 April 2015

Ward: Old Gore

Grid Ref: 359989,226435

Expiry Date: 25 June 2015

Local Member: Councillor B A Durkin

1. Site Description and Proposal

- 1.1 The site lies to the south of the existing dwelling known as Clouds Harrow, Brampton Abbots which comprises the applicants' horse paddock and is accessed by a track that also provides access to Clouds Harrow and further agricultural land.
- 1.2 Brampton Abbots is designated under policy RA2 of the Core Strategy as a sustainable location for appropriate proportional residential growth.
- 1.3 The village benefits from a Church, village hall and children's' nursery, whilst the Primary School is located on the main road between Ross-on-Wye and the village. Brampton Abbots lies approximately 2.5km from Ross-on-Wye Town Centre.
- 1.4 The site, as is the whole of Brampton Abbots and surrounding area (including parts of Ross-on-Wye), is within the Wye Valley Area of Outstanding Natural Beauty.
- 1.5 The proposal is the erection of a single dwelling, associated access and turning area, double garage, domestic curtilage and wider landscaping.

2. Policies

- 2.1 National Planning Policy Framework (NPPF)

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

Further information on the subject of this report is available from Mr C Brace on 01432 261947

- Section 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Section 11 – Conserving and Enhancing the Natural Environment
- Section 12 – Conserving and Enhancing the Historic Environment

2.2 Herefordshire Core Strategy (HCS):

- SS1 – Presumption in Favour of Sustainable Development
- SS2 – Delivering New Homes
- SS6 – Environmental Quality and Local Distinctiveness
- SS7 – Addressing Climate Change
- SD1 – Sustainable Design and Energy Efficiency
- RA1 – Rural Housing Strategy
- RA2 – Herefordshire's Villages
- LD1 – Landscape and Townscape
- LD3 – Green Infrastructure
- LD4 – Historic Environment and Heritage Assets
- SD1 – Sustainable Design and Energy Efficiency
- SD2 – Renewable and Low Carbon Energy

2.4 Neighbourhood Plan

Brampton Abbots and Foy Group Neighbourhood Area was approved under the Neighbourhood Planning Regulations 2012 on 29th January 2013. Work has commenced on drafting the plan however it has not reached a stage where it can be given weight in the decision making process

- 2.5 The Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>

3. Planning History

- 3.1 SH94/0987/PO – Erection of a bungalow – Refused, Appeal Dismissed

4. Consultation Summary

- 4.1 Historic England are considered to have no objection commenting *our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.*

- 4.2 Welsh Water has no objection. Requested conditions and informatives are included in the recommendation, below.

Internal Council Consultations

- 4.3 The PROW Manager has no objection.

- 4.4 The Conservation Manager (Ecology) comments and confirms he has read the report from Betts Ecology and agrees that there are no protected species issues constraining the development. I welcome the measures proposed for enhancement including translocating the yellow meadow ant hills on the site.

- 4.5 The Conservation Manager (Landscapes) has no objection, commenting –

I am satisfied that the proposed dwelling upon this site will respect the existing settlement pattern of Brampton Abbots; a nucleated settlement focused around the Church of St Michael.

Further information on the subject of this report is available from Mr C Brace on 01432 261947

The alignment of the proposal is such that it represents a continuation of built form extending from Larksmead northwards.

The proposal is in line with the existing built form of Larksmead and does not project further west into open countryside beyond the adjacent residential curtilage of Clouds Harrow.

The boundary of the curtilage of the proposal reflects the contours of the land and where the landform falls westwards in the direction of the river this has been retained as natural landscape.

The landscaping proposed is in line with management guidelines for the landscape character type; Principal Settled Farmlands. Both conserving and enhancing the hedgerow pattern as well as planting of orchards.

It is my understanding that the proposal is to be timber clad, with limited glazing to the north, when viewed from the PROW BA1 which links with the Herefordshire Trail the proposal will bear resemblance to an agricultural barn and is not therefore considered unduly harmful within the landscape.

4.5 The Transportation Manager

No objection, the dwelling accesses the adopted highway by an existing drive area. The existing access enters the adopted highway via at a bend. The road is subject to a national speed limit however due to the geometry of the road this is highly unlikely to be attainable. Requested conditions and informatives are included in the recommendation, below.

5. Representations

5.1 Brampton Abbots and Foy Group Parish Council objects on the following grounds:

Objections have been received from local residents that they are opposed to the principle of any new residential development outside the boundary of the settlement area of Brampton Abbots, and there is also serious concern that this could create an unacceptable precedent.

They are concerned about the impact of vehicles crossing the right of way to the proposed development for people using the public footpath. They believe the design and size of the proposed 2 storey dwelling in this conspicuous location would have an adverse effect on their visual amenities and a consequent detrimental effect on their property values.

It is considered that the exposed and conspicuous position and size of this development on a green field, would be damaging to the landscape of this designated Area of Outstanding Natural Beauty.

An application for a development on this land was refused by The South Herefordshire District Council on 7th September 1988 and an appeal against this decision was dismissed on 8th February 1995 based on the fact the Inspector considered the exposed position of the site would have a harmful and damaging effect to The Landscape of This Area of Outstanding Natural Beauty.

The Brampton Abbots & Foy PC consider the reasons for turning down the previous application for a development on this site in 1995 are equally compelling today, because of the adverse impact on The Area of Outstanding Natural Beauty it is also outside the boundary of the settlement and voted that this Application be refused.

In the event that The Herefordshire Planning Committee disagrees with the Planning Inspectors report for the previous application, and the Brampton Abbots & Foy Parish Council's

recommendation to turn down this application, it is formally requested that Members of the Planning Committee make a site visit to assess the position for themselves.

5.2 Two letters of objection have been received, comments are summarised as follows:

- Unsustainable development
- Existing equine related buildings do not justify replacement with a dwelling
- Impact on the character and appearance of the AONB
- Development outside the village envelope
- Impact on users of the PROW
- Concern regarding design and materials
- Conflict with Neighbourhood Plan
- References finding of Appeal Inspector

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 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires local planning authorities to determine applications in line with the provisions of the local development plan unless material circumstances dictate otherwise.

6.2 Paragraph 14 of the NPPF clearly defines '*presumption in favour of sustainable development*' as the golden thread running through the NPPF. It goes on to state that for decision taking this means approving development proposals that accord with the development plan without delay 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 the NPPF indicate development should be restricted.

6.3 HCS policy SS1 states that Herefordshire Council will take a positive approach that reflects this presumption in the NPPF. As part of this, this means locating new residential development within or adjoining the settlements listed under policy RA2. Brampton Abbots is listed under this policy. These settlements have been selected to maintain and strengthen a network of locally sustainable communities across the rural parts of Herefordshire, in the villages best able to support development and bolster existing service provision, improving facilities and infrastructure and meeting the needs of communities.

6.4 The NPPF is clear that the three dimensions of sustainable development are indivisible. This assessment demonstrates that the adverse impacts associated with granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. Paragraph 8 of the NPPF sets out the economic, social and environmental roles of planning should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.

- 6.5 Paragraph 9 of the NPPF states pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, Including (but not limited to) improving the conditions in which people live, work, travel and take leisure.
- 6.6 The Ministerial foreword to the NPPF states *our standards of design can be so much higher. We are a nation renowned worldwide for creative excellence, yet, at home, confidence in development itself has been eroded by the too frequent experience of mediocrity* and goes on to set out the Government's policies, aims and objectives in Section 7 Requiring Good Design, paragraphs 56-68.
- 6.7 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 58 states planning policies and decisions should aim to ensure that developments:
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
 - optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
 - respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
 - create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
 - are visually attractive as a result of good architecture and appropriate landscaping.
- Whilst local planning authorities are advised not to impose architectural styles, paragraph 60 states it is proper to seek to promote or reinforce local distinctiveness.
- 6.8 Paragraph 61 acknowledges that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
- 6.9 Paragraph 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 and the way it functions.
- 6.10 Brampton Abbots is considered a sustainable location for residential development as assessed against the NPPF by virtue of its range of services and facilities, proximity and accessibility to Ross on Wye and its designation in the Core Strategy under Policy RA2 as a settlement for growth. Whilst Brampton Abbots is wholly within the Wye Valley Area of Outstanding Natural Beauty, this does not preclude small scale development in sustainable locations on suitable sites.
- 6.11 Policy RA2 acknowledges the importance of the Herefordshire landscape, and particularly the Malvern Hills and Wye Valley Areas of Outstanding Natural Beauty. As such it states new dwellings should make a positive contribution to their rural landscape by being built to a high standard, incorporating appropriate materials and landscaping. High quality design that is sustainable and reinforces the locally distinctive vernacular will be particularly encouraged. Innovative and/or contemporary design will also be supported where it is appropriate to its context, it makes a positive contribution to the architectural character of the locality and

achieves high levels of sustainability in terms of energy and water efficiency, as set out in Policy SD1.

- 6.12 The unacceptability of development within the AONB is explained within the NPPF as being a scenario whereby:
1. specific policies of the NPPF indicate otherwise; or
 2. where harm associated with the development would outweigh its benefits when held against the NPPF as a whole – ‘the planning balance’.
- 6.13 The appropriate method of determination in the context of the above hinges on whether or not the scheme is considered ‘major development’ in the context of paragraph 116:
- If the development is found to meet the definition of major development then the cost-benefit analysis required by paragraph 116 becomes the test of acceptability; or
 - If the scheme does not meet the definition of major development, the planning balance remains the relevant test of acceptability albeit with great weight afforded to retaining the landscape character and scenic beauty of the AONB required at paragraph 115.
- 6.14 Officers do not consider the provision of a single dwelling to represent major development in the context of Brampton Abbots and paragraph 116 of the NPPF. The planning balance therefore applies.
- 6.15 If a proposal is considered to represent sustainable development, then the decision taker is required by paragraph 14 of the NPPF and Core Strategy policy SS1 to engage the positive presumption in favour of the proposal. The Government’s definition of sustainable development is considered to be the NPPF in its entirety, though a concise list of core planning principles is offered at paragraph 17. In terms of residential development, bullet points 4, 5, 6, 7 and 11 of this paragraph are most relevant in requiring that planning:
4. always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
 5. takes account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
 6. support the transition to a low carbon future in a changing climate and encourage the use of renewable resources (for example, by the development of renewable energy);
 7. contribute to conserving and enhancing the natural environment and reducing pollution; and
 11. actively manages patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus development in locations which are or can be made sustainable.
- 6.16 The proposal is for a single dwelling in a settlement that is identified in the Core Strategy as both sustainable and a location for proportionate residential growth. Brampton Abbots will during the Core Strategy period accommodate a minimum of 19 dwellings. This is in the knowledge the settlement is wholly within the Wye Valley AONB.
- 6.17 This proposal includes high quality sustainable design that also creates a safe, accessible, well integrated environment. In conjunction with this, the proposal incorporates the following relevant requirements of Core Strategy policy SD1:

Further information on the subject of this report is available from Mr C Brace on 01432 261947

- ensure that proposals make efficient use of land taking into account the local context and site characteristics,
- new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development. while making a positive contribution to the architectural diversity and character of the area including, where appropriate, through innovative design;safeguard residential amenity for existing and proposed residents;
- ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination, land instability or cause ground water pollution;
- ensure that distinctive features of existing buildings and their setting are safeguarded;
- utilise sustainable construction methods which minimise the use of nonrenewable resources and maximise the use of recycled and sustainably sourced materials;
- Where possible, on-site renewable energy generation should also be incorporated;
- ensure that proposals make efficient use of land-taking into account the local context and site characteristics, including land stability and contamination;
- ensuring designs can be easily adapted and accommodate new technologies to meet changing needs throughout the lifetime of the development;
- utilise sustainable construction methods which minimise the use of non-renewable resources and maximise the use of recycled and sustainably sourced materials;

Furthermore it satisfies the additional policy SD1 requirement *All planning applications will be expected to demonstrate how the above design and energy efficiency considerations have been factored into the proposal from the outset.*

- 6.18 The design approach interprets characteristics and materials common to and representative of agricultural and equine buildings (both of which are common and recognised features within this area and AONB) in a contemporary form to create a modern aesthetic.
- 6.19 The palette of natural materials is respectful and complementary to this rural setting. When viewed from the adjoining Public Right of Way or from any medium and long range views, the dwelling takes the form and general appearance of an agricultural/ equine building, thus through its, scale, design, form (and materials) have a neutral to low impact on a viewer as such buildings are expected in such a landscape. It should be noted there are minimal openings on the elevation facing the adjoining PROW.
- 6.20 The dwelling has been designed, located and orientated following discussion and assessment to fulfill three distinct functions and appropriately integrate and relate to its context. These are:
- Minimise landscape impact
 - Minimise impact on adjoining dwellings
 - Maximise solar gain
- 6.21 The dwelling is located within an identified area created by running lines from the rear extent of Larksmead and the curtilage boundary of Clouds Harrow. It is considered within this 'zone' the location of a dwelling effectively 'rounds off' Brampton Abbots, without 'breaking' beyond these existing residential areas thus not creeping or extending into open countryside beyond existing visible residential development when viewed from the North or West. In addition this location also sets the proposal away from the highest part of the field so it does not sit on the skyline, in particular as viewed from Ross on Wye. It is located broadly in the area currently developed with equine related buildings thus replaces existing buildings that have an established landscape presence. As referenced, careful consideration has been given to external materials in order to complement and be appropriate to the location.
- 6.22 The north east elevation which faces Larksmead, the nearest third party dwelling, has a single window opening at ground floor level, furthermore it is a linear high level window. In addition the

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nearest part of the proposal to Larksmead is single storey in extent (height to ridge 3.4 metres, height to eaves 2.25 metres) and is some over 25 metres distant. The two storey element (height to ridge 6.5 metres and eaves 3.6 metres) is 32 metres distant, at an offset angle, with existing and proposed planting and landscaping inbetween. The garage is single storey and discretely located in the North East corner of the site, screened on its North and East boundaries by existing and enhanced landscaping. Vehicular movements associated with one dwelling are considered to be minimal and not detrimental to adjoining dwellings.

- 6.23 The south west elevation features the majority of glazing in order to capture natural light, solar gain and maximise views. By contrast and in addition to the north east elevation, the north west elevation has minimal openings. Reduced openings also help increase the thermal efficiency of the dwelling.
- 6.24 The house has been future proofed with the following low energy features to aim to achieve Passivhaus standards:
1. The external walls, floor and roof are insulated to a high standard and air infiltration is minimised.
 2. Triple glazed windows with warm edge spacer bars, thermally broken frames and inert gas filled to achieve a whole window u-value of 0.7W/m²K.
 3. Heat pump using a borehole as the ground source for the undertfloor heating and hot water system with a closed combustion woodburning stove as back up.
 4. Whole house heat recovery ventilation system.
 5. Micro generation of renewable electricity using roof mounted Photovoltaic / Solar Panels.
- 6.25 This approach accords with the NPPF, Core Strategy policy S1 and SD2. In addition it fulfils the criteria of policy SS7 which states development proposals will be required to include measures which will mitigate their impact on climate change. In particular, in addition to the sustainability of location, the proposal will:
- Reduce carbon emissions and use resources more efficiently
 - Use renewable energy and low carbon energy
 - Make use of sustainable drainage measures
 - Use passive solar gain
 - Reduce heat island effects
- 6.26 As noted by the Conservation Manager (Ecology) and (Landscapes), the proposal also comprises a landscaping strategy that includes significant planting with associated biodiversity and landscaping benefits. This more than satisfies the objectives of Core Strategy policy LD2 which aims where possible to secure the restoration and enhancement of existing biodiversity and geodiversity features on site and connectivity to wider ecological networks and the creation of new biodiversity features and wildlife habitats.
- 6.27 The landscaping is not proposed to mitigate the proposed dwelling, although it will filter views of the proposal. The driver for the significant planting is to deliver a high quality proposal that enhances this existing field and by association local context through an holistic approach. The existing field has both very limited ecological value and landscape quality. Two banks of orchard planting featuring apple and pear varieties with plum, damson and cherry either side of a wildflower meadow will, along with the significant boundary planting, greatly enhance biodiversity value and landscape character. Standard trees introduced in the landscaping planting include field maple, common alder, silver birch, wild cherry and English oak. New and enhanced hedgerow planting comprises mixed deciduous species including hazel, hawthorne, dog rose and Guelder rose in line with the Council's recommended and preferred specification. This is all considered positive planning gain that fulfils local and, in particular, national planning policies, in regards enhancing the local and natural environment. Naturally, all of this would be

ensured through condition and thereafter protected from future development. All of this satisfies Core Strategy policies LD1 – Landscape and townscape, and policy LD3 – Green infrastructure, where in particular proposals will be supported where new green infrastructure enhances the network.

- 6.28 As such the requirements of Core Strategy policies SS1, SS2, SS6, SS7, RA1, RA2, LD1 and LD3 are satisfied along with the relevant aims and objectives of the NPPF.

Other Matters

- 6.29 Reference is made to the findings of a Planning Inspector in 1995 against refusal of a residential development under reference SH94/0987/PO. Whilst those Inspectors' comments are noted and respected, I do not consider they can be considered an 'absolute position' precluding development. This opinion is reached having regard to the fact these comments are twenty years old and in the interim, both local and national planning policies have evolved and developed, including the current position regarding housing land supply, acceptability of small scale development in the AONB and sustainability detailed in this report.
- 6.30 For the avoidance of doubt, Brampton Abbots has no settlement boundary. As described above, the acceptability in principle of residential development in Brampton Abbots is enshrined through the NPPF and designation of Brampton Abbots in the Core Strategy. It is noted under policy RA2 development is directed to the main built up area of a settlement. At the present time there is no Neighbourhood Plan that can be attributed weight.
- 6.31 The proposal is not considered to have any significant impact on the character or setting of the Church of St Michael, a Grade II* listed Church that within its complex includes 19 tombs that have a group listing Grade II designation. This is through the existing context, lack of direct relationship, and in regards to the proposal as a whole, its distance from interdividing existing buildings and comprehensive landscaping. The proposal is set further north than the existing two storey dwelling Larksmead which is adjacent to the Church, therefore given this and all the above, it is concluded there would be no adverse impact on these listed heritage assets or their setting when viewing the proposal from the PROW BA4 which runs up to the churchyard and offers a full panorama when walking northwards.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B02 Development in accordance with approved plans and materials**
- 3. H01 Single access - no footway**
- 4. H13 Access, turning area and parking**
- 5. Foul water and surface water discharges shall be drained separately from the site.**

Reason: To protect the integrity of the public sewerage system.

- 6. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.**

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.

7. **G10 Landscaping scheme**
8. **G11 Landscaping scheme – implementation**
9. **The recommendations set out in the ecologist’s report listed under Condition 2 of this Decision Notice should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a species mitigation and habitat enhancement scheme integrated with the landscape scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.**

Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the NERC Act 2006, Conservation of Habitats and Species Regulations 2010 and relevant Policies of the Core Strategy.

10. **Prior to the first occupation of the development a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 shall be submitted to and approved in writing by the local planning authority and implemented as approved.**

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

11. **Removal of permitted development rights**

Reason: To ensure the quality of the proposal is maintained and remains a Passivhaus, to protect the character and appearance of the AONB and in the interests of adjoining amenity

12. **No conversion of garage to residential use**

Reason: In the interests of adjoining amenity

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. **HN01 Mud on highway**
3. **HN04 Private apparatus within highway**
4. **HN05 Works within the highway**
5. **HN10 No drainage to discharge to highway**
6. **HN24 Drainage other than via highway system**

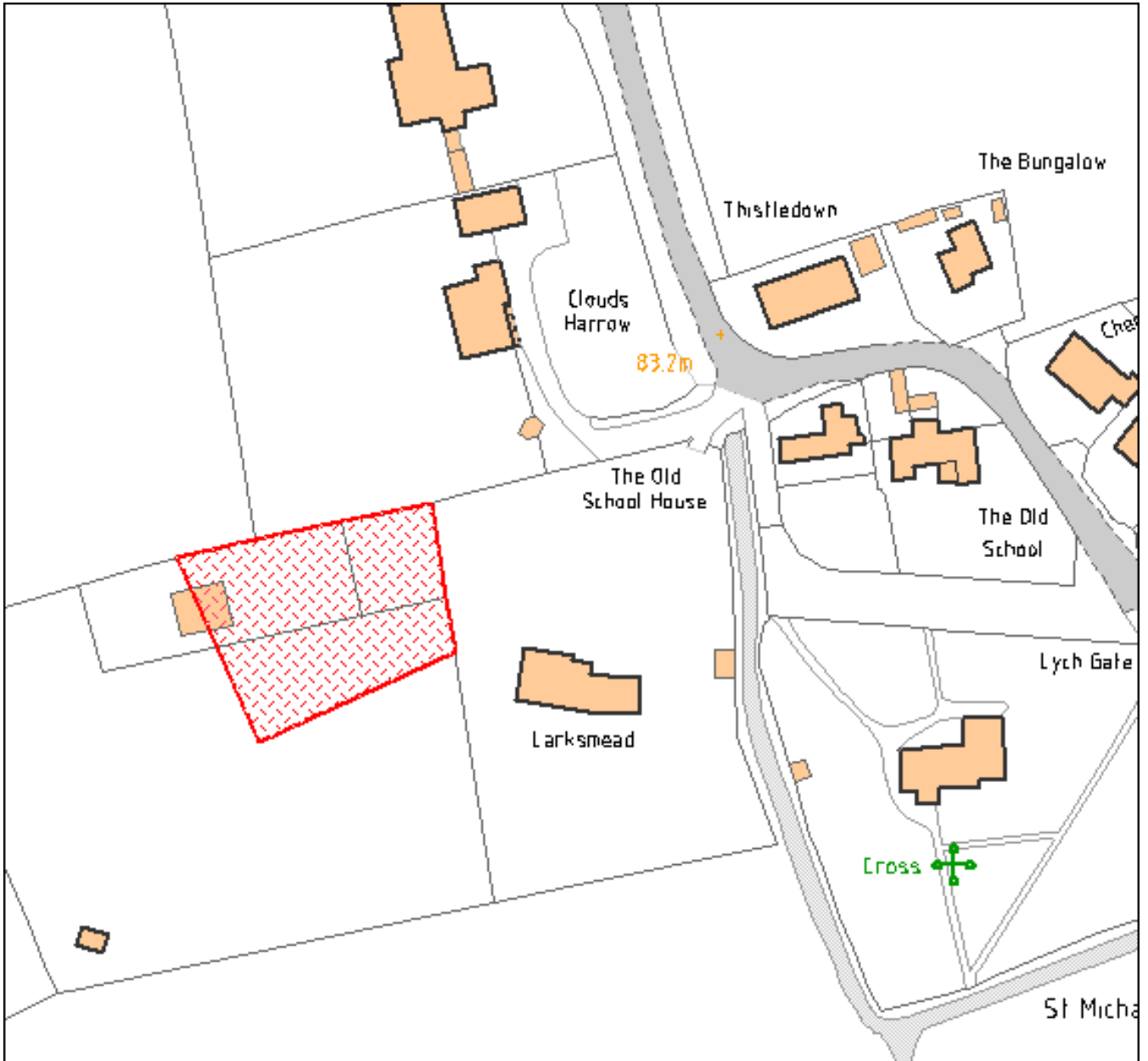
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 151299

SITE ADDRESS : LAND WEST OF LARKSMEAD, CHURCH ROAD, BRAMPTON ABBOTTS,
HEREFORDSHIRE, HR9 7JE

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