

AGENDA

Planning Committee

Date: **Wednesday 3 August 2016**

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:

Tim Brown, Democratic Services Officer

Tel: 01432 260239

Email: tbrown@herefordshire.gov.uk

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Agenda for the meeting of the Planning Committee

Membership

| | |
|----------------------|-----------------------------------|
| Chairman | 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 FM Norman |
| | Councillor AJW Powers |
| | Councillor A Seldon |
| | Councillor WC Skelton |
| | Councillor D Summers |
| | 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 meeting held on 13 July 2016.</p> | 7 - 22 |
| 5. | <p>CHAIRMAN'S ANNOUNCEMENTS</p> <p>To receive any announcements from the Chairman.</p> | |
| 6. | <p>APPEALS</p> <p>To be noted.</p> | 23 - 24 |
| 7. | <p>161407 - LAND ADJACENT TO COLWALL VILLAGE HALL, MILL LANE, COLWALL, HEREFORDSHIRE, WR13 6EQ</p> <p>Proposed 1 form entry primary school with nursery and parking provision.</p> | 25 - 48 |
| 8. | <p>150478 - LAND TO THE NORTH OF THE ROMAN ROAD AND WEST OF THE A49, 'HOLMER WEST', HEREFORD.</p> <p>Proposed erection of up to 460 dwellings including affordable housing, public open space, a park & choose facility, with associated landscaping access, drainage and other associated works.</p> | 49 - 96 |
| 9. | <p>152779 - LAND ADJOINING ORCHARD FARM, EARDISLAND, HEREFORDSHIRE</p> <p>Proposed construction of 5 no dwellings with garages. Formation of new access and private drive and close existing. Demolition of outbuilding, steel framed barn, wind tunnel and greenhouse.</p> | 97 - 142 |
| 10. | <p>DATE OF NEXT MEETING</p> <p>Date of next site inspection – 23 August 2016 Date of next meeting – 24 August 2016</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 13 July 2016 at 10.00 am

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

Councillors: BA Baker, CR Butler, PJ Edwards, DW Greenow, KS Guthrie, EPJ Harvey, EL Holton, TM James, FM Norman, GJ Powell, AJW Powers, A Seldon, WC Skelton, EJ Swinglehurst and LC Tawn

In attendance: Councillors WLS Bowen and JG Lester

16. APOLOGIES FOR ABSENCE

Apologies were received from Councillors JA Hyde and D Summers.

17. NAMED SUBSTITUTES

It was reported that subsequent to the publication of the agenda papers Councillor D Summers had replaced Councillor JLV Kenyon as a member of the Committee.

Councillor EPJ Harvey substituted for Councillor D Summers and Councillor GJ Powell for Councillor JA Hyde.

18. DECLARATIONS OF INTEREST

Agenda item 8: 160014 - Proposed erection of 12 dwellings, new vehicular access and associated works including new play area/open space at land adjacent to stoke lacy village hall, Stoke Lacy, Herefordshire.

Councillor A Seldon declared a non-pecuniary interest because as a former ward member for that area he knew several residents.

Agenda item 9: P143252/F - Proposed development of 12 nos. Dwellings, consisting of 5 nos. Affordable and 7 nos. Open market. Works to include new road and landscaping at land adjoining Kingsleane, Kingsland, Leominster, Herefordshire.

Councillor DW Greenow declared a non-pecuniary interest because he knew one of the public speakers.

Councillor J Hardwick declared a non-pecuniary interest because he knew one of the public speakers.

Agenda item 10: 160741 - Site for proposed dwelling and garage at land adjacent to Galen House, Cherry Orchard, Kings Acre, Hereford.

Councillor AJW Powers declared a non-pecuniary interest as a member of Breinton Parish Council.

19. MINUTES

It was reported that one of the public speakers had been omitted from the Minutes of 6 June 2016.

RESOLVED: That the Minutes of the meetings held on 6 June 2016, as amended, and 16 June 2016 be approved as a correct record and signed by the Chairman.

20. CHAIRMAN'S ANNOUNCEMENTS

The Chairman invited the Neighbourhood Planning Team leader to provide an update on the production of Neighbourhood Development Plans.

She reported that 3 plans had now been adopted, 3 had had successful referendums and had been submitted to the cabinet member for adoption, 2 further referendums were scheduled, 9 plans were at examination, and 5 plans were at regulation 16 stage. 22 plans therefore now carried material weight. There were 101 designated neighbourhood areas. A further 3 applications to designate neighbourhood areas had been received.

The Chairman reminded Members that a seminar on delivering housing growth had been arranged for the morning of 25 July.

21. APPEALS

The Planning Committee noted the report.

22. 152041 - LAND TO THE NORTH OF ASHPERTON VILLAGE HALL, ASHPERTON, HEREFORDSHIRE

(Proposed residential development of 10 dwellings (amendment to original application.)

This item was withdrawn from the agenda.

23. 160014 - LAND ADJACENT TO STOKE LACY VILLAGE HALL, STOKE LACY, HEREFORDSHIRE, HR7 4HG

(Proposed erection of 12 dwellings, new vehicular access and associated works including new play area/open space.)

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mrs A Westwood, Clerk to Stoke Lacy Parish Council spoke in opposition to the Scheme. Mr R Baum, a local resident, spoke in objection. Mrs J Joseph, the applicant's agent, spoke in support.

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

He made the following principal comments:

- The application had been subject to good discussion with the local community including at public meetings. The applicant was a local resident who had lived there all his life and had an interest in providing housing for the benefit of future

generations. He had reduced the scale of the proposed development in response to local views.

- The key issue was whether the application represented disproportionate development, noting that the Committee had recently approved an application for 28 dwellings in Stoke Lacy. The nature of the settlement meant that housing development had to be concentrated at Stoke Cross, exacerbating the impact.
- The Parish Council objected to the proposal and there were also 24 letters of objection.

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

- It was asked whether approval of the application would preclude any further development. The Principal Planning Officer commented that each application had to be considered on its merits. The larger the scale of additional development proposed the more likely it would be that the application would be assessed as to whether such growth was proportionate.
- In theory it appeared that there might be no limit to proportionate growth if the housing number base was recalculated after each approved development.
- The A465 was a fast road and it would be difficult to restrict traffic speed to 30 mph. It was important, having regard to paragraph 2a of the draft heads of terms that relocation/redesign of the 30mph features did take place.
- Gateway features were necessary. It was observed, however, that these required maintenance to achieve their purpose.
- Some concern was expressed about the provision for the maintenance of on-site open space.
- The development did not represent overdevelopment of the site in question.
- The proposal provided for areas of new planting. It would be important to ensure that these were properly managed.
- The developer should be encouraged to provide good quality housing incorporating energy efficiency measures.
- Taking account of the recently approved application for 28 homes a total provision of 40 new homes, if the application were approved, did not seem to be proportionate or sustainable. It was regrettable that the Committee was unable to exercise any control over the pace and timing of developments once approved.
- Clarification of paragraph 6.10 of the report was sought. The Lead Development Manager provided a correction confirming that policy RA2 could carry weight in this instance.
- In response to a question about the consistency of paragraphs 6.18 and 6.20 of the report the Principal Planning Officer explained that whilst some of the roadside hedge would be removed, existing hedgerow along the other two boundaries would be retained.

The local ward member was given the opportunity to close the debate. He commented that highway measures were needed. He added that proportionate growth should be calculated against a fixed base point and must not be limitless as it would otherwise potentially be if that point were to be moved after each approved development.

The Transportation Manager confirmed that 1 accident injury had been recorded in the vicinity of the proposed development. Work would be carried out to ensure the gateway

was effective. A Section 278 Agreement would include works of the appropriate standard deemed necessary to make the development acceptable in highway safety terms. Account had been taken of the cumulative population growth in making his safety assessment.

The Lead Development Manager commented that weight could be given to policy RA2. The settlement was listed as suitable for growth. With regard to what constituted proportionate growth there had been appeal decisions where applications for growth in excess of 20% had been dismissed. The production of a Neighbourhood Development Plan was the way to manage growth. In terms of highway safety he suggested that a standard condition could be added providing that no occupation of the development occurred until the required highway modifications had been made.

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 outline planning permission, subject to the conditions below and any other further conditions considered necessary:

1. **C02 - A02 Time limit for submission of reserved matters (outline permission)**
2. **C03 - A03 Time limit for commencement (outline permission)**
3. **C04 - A04 Approval of reserved matters**
4. **None of the dwellings shall be occupied until the roadworks necessary to provide vehicular access from the A465 have been completed in accordance with details submitted to and approved in writing by the Local Planning Authority.**

Reason: To ensure an adequate and acceptable means of access is available before the first dwelling is occupied and to conform to the requirements of Policy MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

5. **Development shall not begin in relation to the provision of road and highway drainage infrastructure until the engineering details and specification of the proposed roads and highway drains have been submitted to and approved in writing by the Local Planning Authority. No dwelling may be occupied until the road and highway drain serving the dwelling has been completed.**

Reason: To ensure an adequate and acceptable means of access is available before any dwelling is occupied and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

6. **No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following details:**
 - a. **Wheel cleaning apparatus which shall be operated and maintained during construction of the development hereby approved.**
 - b. **Parking for site operatives and visitors which shall be retained and kept available during construction of the development.**
 - c. **A noise management plan including a scheme for the monitoring of construction noise.**

- d. Details of working hours and hours for deliveries
- e. A scheme for the control of dust arising from building and site works
- f. A scheme for the management of all waste arising from the site
- g. A travel plan for employees.

The agreed details of the CMP shall be implemented throughout the construction period.

Reason: In the interests of the residential amenity of properties within the locality and of highway safety in accordance with Policies SD1 and MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 7. No building shall be occupied until the drainage system for the site has been completed in accordance with the approved details. Thereafter no further surface water and/or 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

- 8. Prior to the first occupation of any of the dwellings hereby approved a scheme for the provision of covered and secure cycle parking within the curtilage of each dwelling shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. The cycle parking shall be installed and made available for use prior to occupation of the dwelling to which it relates and shall be retained for the purpose of cycle parking in perpetuity.

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform to the requirements of Policy MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 9. Prior to the first occupation of any of the dwellings hereby approved a Travel Plan which contains measures and targets to promote alternative sustainable means of transport for residents and visitors with respect to the development hereby permitted shall be submitted to and be approved in writing by the Local Planning Authority. The Travel Plan shall be implemented, in accordance with the approved details, on the first occupation of the development. A detailed written record shall be kept of the measures undertaken to promote sustainable transport initiatives and a review of the Travel Plan shall be undertaken annually. All relevant documentation shall be made available for inspection by the Local Planning Authority upon reasonable request.

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform to the requirements of Policy MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 10. No development shall commence on site, including any site clearance, or materials or machinery brought to the site for the purposes of development

until a scheme of habitat protection works (trees and hedgerows as identified in the ecology report recommendations) has been submitted to and approved in writing by the local planning authority and the agreed scheme implemented on site. The protection measures shall be maintained in good condition in situ on site until the completion of all works and the removal of materials and machinery at the end of development, at which time they must be removed from site and any disturbance made good.

Reason: The proper consideration of potential impacts on protected species and biodiversity assets is a necessary initial requirement before any groundworks are undertaken so as to ensure that the nature conservation interest of the site is protected. So as to comply with Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

11. In this condition ‘retained tree/hedgerow’ means an existing tree/hedgerow that is to be retained in accordance with the approved plans and particulars.

No development, including demolition works shall be commenced on site or site huts, machinery or materials brought onto the site, before adequate measures have been taken to prevent damage to retained trees/hedgerows.. Measures to protect retained trees/hedgerows must include:

a) Root Protection Areas for each retained tree/hedgerow must be defined in accordance with BS3998:2010 – Tree Work - Recommendations, shown on the site layout drawing and approved by the Local Planning Authority.

b) Temporary protective fencing, of a type and form agreed in writing with the Local Planning Authority must be erected around each retained tree/hedgerow. The fencing must be at least 1.25 metres high and erected to encompass the whole of the Root Protection Areas for each retained tree/hedgerow.

c) No excavations, site works or trenching shall take place, no soil, waste or deleterious materials shall be deposited and no site huts, vehicles, machinery, fuel, construction materials or equipment shall be sited within the Root Protection Areas for any retained tree/hedgerow without the prior written consent of the Local Planning Authority.

d) No burning of any materials shall take place within 10 metres of the furthest extent of any retained hedgerow or the crown spread of any retained tree.

e) There shall be no alteration of soil levels within the Root Protection Areas of any retained tree/hedgerow.

Reason: To safeguard the amenity of the area and to ensure that the development conforms to Policies SD1, LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

12. No new development shall commence on site until, based on the recommendations in the ecology report, a detailed habitat & biodiversity enhancement scheme, including type and location of bat roosting and bird nesting mitigation/enhancements, a lighting plan, landscape & planting proposal and an associated 5 year maintenance and replacement plan has

been submitted to, and approved in writing by, the local planning authority. 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 (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

13. No development shall commence until a detailed plan, showing the levels of the existing site, the proposed slab levels of the dwellings approved and a datum point outside of the site, has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the absence of sufficient detailed information, the clarification of slab levels is a necessary initial requirement before any groundworks are undertaken so as to define the permission and ensure that the development is of a scale and height appropriate to the locality and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

14. H17 off site highway works

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. This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.
3. I 09 Private apparatus within the highway
4. I 11 Mud on the highway
5. I 35 Highways Design Guide
6. I 41 Travel Plans
7. I 45 Works within the highway
8. It is possible that unforeseen contamination may be present on the site as a result of its former agricultural/orchard use. Consideration should be given to the possibility of encountering contamination on the site as a result of its former uses and specialist advice be sought should there be any concern about the land
9. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e.

a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"-7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

10. The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
11. The landscaping/enhancement scheme should take in to account Chalara Ash Dieback Disease that is now endemic to the UK and widespread across Herefordshire. With a 95-98% ash mortality consideration should be given as to the management of existing ash trees on site and ensure appropriate additional mitigation planting of future standard hedgerow trees of alternative species (eg Oak, Small-leaved Lime and Hornbeam) is included in the scheme submitted for approval. With a much better take up by wildlife the enhancement scheme should also see the inclusion of bat roosting opportunities within the houses (see Bat Conservation Trust website for details of appropriate 'bat bricks' raised ridge tiles and bat boxes) and the use of woodcrete bird nesting boxes including sparrow terraces. The lighting plan is needed so as to ensure bats and other nocturnal animals and the wider landscape are not impacted by any additional lighting and support the objectives of the 'dark skies initiative'.

(The meeting adjourned between 11.15 am and 11.25 am.)

24. P143252/F - LAND ADJOINING KINGSLEANE, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9SP

(Proposed development of 12 nos. Dwellings, consisting of 5 nos. Affordable and 7 nos. Open market. Works to include new road and landscaping.)

The Lead Development Manager 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 noted that the Committee had originally approved the application in January 2015, subject to a Section 106 agreement. However, following the decision a Judicial Review had been made and the decision notice subsequently quashed. The application had been resubmitted for determination. The presentation highlighted the position of the listed buildings in the locality together with the Conservation Area. Members had visited the site and surrounding area as part of a committee site visit the day before.

In accordance with the criteria for public speaking, Mr D Thompson, of Kingsland Parish Council spoke in opposition to the Scheme. Mr D Drayton, of DPDS consulting,

speaking on behalf of Mr and Mrs Sharp-Smith, local residents, spoke in objection. Mrs W Schenke, the applicant, spoke in support.

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

He made the following principal comments:

- He highlighted the significance of the protection of the conservation area, and the boundary of the settlement area. The Core Strategy supported the importance of preserving conservation areas and listed buildings and their settings. The development was outside the settlement boundary but inside the conservation area. There was a duty to protect the conservation area.
- Some weight should be given to the Neighbourhood Development Plan which supported infill and windfall development within settlement boundaries.
- A number of previous applications to develop the site had been refused because of the impact on the Conservation Area before permission had been granted in January 2015. That grant of permission had, however, been overturned by judicial review.
- Kingsland had a number of identified sites for housing development including affordable housing. The proposed development was therefore unnecessary. Small pockets of development were preferred.
- He questioned Welsh Water's lack of objection to the proposal. This did not appear to acknowledge the ongoing problems with sewerage.

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

- It appeared that there was a difference of opinion within the local community about the application.
- The Committee had approved the same application in January 2015. Whilst that decision had been quashed following judicial review, the grounds for that challenge, as referred to at paragraph 1.5 of the report were questioned. It was asserted that the development would not be detrimental to the conservation area that there was no adverse impact on the heritage assets in the vicinity and that the provision of 12 houses including 5 affordable dwellings would be of benefit, noting the Council did not have a 5 year housing land supply. The design of the proposed dwellings were an improvement upon the earlier application.
- There was a presumption against development in a conservation area where the public benefit did not outweigh the harm. The public benefit of the development was not sufficient to offset the harm to the conservation area and the erosion of the gap between settlements. The application did not enhance the environment.
- The Campaign for the Protection of Rural England had highlighted that the site had been part of a Special (local) Wildlife Site, categorised as an unimproved hay meadow. Although that designation had lapsed and the field had been ploughed the land had now been reseeded and it was considered that if left alone and cut for hay some of the previously identified meadow flora would probably re-emerge.
- Clarification was requested on the status of the Neighbourhood Development Plan (NDP). The Lead Development Manager referred to the schedule of updates which stated that although the NDP had been resubmitted and was the subject of a Regulation 16 consultation the expectation was that the previous objections would be levied and that only limited weight could therefore be given to the Plan.

- A member expressed concern about the consistency of advice being provided by the Council to those preparing NDPs.

The Lead Development Manager referred to the application of paragraph 134 of the NPPF and the requirement to balance the public benefit of the scheme against the harm it would cause. His view was that the proposal would cause irretrievable damage to the conservation area.

The legal adviser clarified the factors that could be addressed through a judicial review, noting that these could include an assessment of whether the process followed had been lawful and whether the application of policies had been interpreted correctly.

The local ward member was given the opportunity to close the debate. He supported the Parish Council's strategy for housing provision set out in the NDP which principally provided for infill and windfall development within existing settlement boundaries. He reiterated that the proposal would have a major adverse impact on the conservation area that was not outweighed by any public benefit.

It was proposed that the application should be approved. Reasons advanced for approval included the reasons for approval in January 2015 and that the public benefit including 5 affordable dwellings and the improved design outweighed the harm to the conservation area, policies SS2, SS3, RA1, RA2, RA3 and H3 and the contribution the application would make to reducing the housing shortfall in Kingsland Parish. It was added that approval should be subject to a S106 agreement and provision for consultation on the detailed conditions with the Chairman and local ward member.

The motion that the application be approved was lost.

RESOLVED: That planning permission be refused for the following reasons:

1. **The proposed development fails to preserve or enhance the character and appearance of the Conservation Area by eroding the open space and thereby coalescence of the built form contrary to policy LD4 and RA2 of the Herefordshire Local Plan – Core Strategy and NPPF.**
2. **The proposed development by virtue of its location and prominent position is considered to be harmful to the landscape quality by impact detrimentally to the setting and approach to Kingsland contrary to Policy LD1 of the Herefordshire Local Plan - Core Strategy.**

INFORMATIVE:

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.**

25. 160741 - LAND ADJACENT TO GALEN HOUSE, CHERRY ORCHARD, KINGS ACRE, HEREFORD, HR4 0SG

(Site for proposed dwelling and garage.)

The Development Manager 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.

Although some people had registered to speak none were present when the application was considered.

Councillor WLS Bowen fulfilled the role of local ward member for this application in place of Councillor RI Matthews. In accordance with the Council's Constitution he spoke on the application making the following principal comments:

- The application was infill development and was in accordance with the Core Strategy.
- There were amenities within walking distance.
- A development of a single dwelling was sustainable.
- The access had been used as an access for agricultural purposes for a number of years prior to serving the current housing development. He had no knowledge of any access problems having arisen. Two additional dwellings had been approved in recent years causing no problems. Paragraph 32 of the NPPF stated that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development were severe. The applicant had stated that it was proposed to develop passing bays along the access road which would represent an improvement to the access.

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

- The development of a single dwelling in a sustainable location complying with policy could be supported.
- The Development Manager clarified that if the owner of the land proposed for passing bays declined to make that land available the applicant would not be able to implement any grant of planning permission.
- In response to a question about the net environmental benefit the Development Manager commented that landscaping would be considered at the reserved matters stage.
- The access was extremely narrow and the scope for the provision of passing bays was questioned. There was no justification for exacerbating the existing access problem.
- It was disappointing that the site had not been identified during the development of the Neighbourhood Development Plan and had only emerged at this late stage.
- Reference was made to the Parish Council's objection to the proposal.

Councillor Bowen was given the opportunity to close the debate. He acknowledged the scheme was not perfect but considered that it was nonetheless worthy of support.

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

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. **C06 - Approved Plans**
5. **C01 - Samples of external materials**
6. **G11 - Landscaping scheme – implementation**
7. **Prior to the commencement of development, engineering details and plans (including drainage arrangements) for the proposed improvements to the access from the A438 to the application site, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved plans and details and shall be completed prior to the first occupation of the dwelling hereby permitted.**

Reason: To ensure that an adequate and acceptable means of access is available before the dwelling is occupied and to provide improvements in the interests of highway safety having regard to the requirements of Policy MT1 of the Herefordshire Local Plan - Core Strategy.

8. **H27 - Parking for site operatives**
9. **H29 - Secure covered cycle parking provision**
10. **I16 - Restriction of hours during construction**
11. **H13 - Access, turning area and parking**
12. **M17 - Water Efficiency – Residential**
13. **No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network**

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

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. **HN22 Works adjoining highway**

26. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix 1 - Schedule of updates

PLANNING COMMITTEE

Date: 13 July 2016

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

152041 - PROPOSED RESIDENTIAL DEVELOPMENT OF 10 DWELLINGS (AMENDMENT TO ORIGINAL APPLICATION) AT LAND TO THE NORTH OF ASHPERTON VILLAGE HALL, ASHPERTON, HEREFORDSHIRE,

For: Mr Davies per Twyford Barn, Upper Twyford, Hereford, Herefordshire HR2 8AD

ADDITIONAL REPRESENTATIONS

A heritage update will be given verbally at the meeting

NO CHANGE TO RECOMMENDATION

P143252/F - PROPOSED DEVELOPMENT OF 12 NOS. DWELLINGS, CONSISTING OF 5 NOS. AFFORDABLE AND 7 NOS. OPEN MARKET. WORKS TO INCLUDE NEW ROAD AND LANDSCAPING AT LAND ADJOINING KINGSLEANE, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9SP

For: Mr & Mrs Glynne Schenke per Mr R Mills, Les Stephan Planning Ltd, 9 Sweetlake Business Village, Shrewsbury, SY3 9EW

ADDITIONAL REPRESENTATIONS

62 Petition letters have been received which were also emailed to members.

The applicants have submitted a conservation rebuttal together with the previous landscape officer's advice which objected to the development of the site. The rebuttal concludes 'overall it is considered that the proposal constitutes a subtle extension of the Kingsland village reinforcing its existing form and maintaining a cherished character which is rightly identified as being worthy of conservation'.

Neighbourhood Plans Manager - updated comments - The Kingsland Neighbourhood Plan has been re-submitted by the Parish Council. This plan is now on consultation under Reg16 from 11 July to 22 August 2016. The previous submitted Neighbourhood Plan was withdrawn by the parish council on 8 July 2016 to enable the resubmitted plan to be considered.

The direction of travel of the re-submitted plan is substantially the same as the previously submitted document. There has been no change to the settlement boundary or any additional allocation of housing. The parish council have provided additional justification within the plan and supporting evidence documentation to support the housing strategy within the plan. This strategy is to allow infill and windfall development within the Kingsland, Cobnash and Shirlheath settlement boundaries with an allowance for windfall within the wider parish under RA3.

The policies map has been amended to remove reference to the previous commitment at Kingsleane. Four policies have also been amended to reflect issues with waste water and water quality.

As the consultation period only commenced on Monday, judgments under para 216 cannot be anticipated with regards to outstanding issues and objections.

Given the objections previously it is anticipated that these will be re-submitted and therefore only limited weight can be given to the plan.

OFFICER COMMENTS

The petition letters refer the previous decision which was quashed. The report has been updated including revised consultation responses given the change from Unitary Development Plan to Core Strategy. The conclusions of the report are clear and confirm that the proposal is contrary to the Core Strategy and NPPF.

Regarding the re-submitted Neighbourhood Plan status, given the objections previously it is anticipated that these will be re-submitted and therefore only limited weight can be given to the plan in the decision making process.

NO CHANGE TO RECOMMENDATION

160741 - SITE FOR PROPOSED DWELLING AND GARAGE AT LAND ADJACENT TO GALEN HOUSE, CHERRY ORCHARD, KINGS ACRE, HEREFORD, HR4 0SG

For: Mr Matthews per Mr John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, Herefordshire HR1 1LH

ADDITIONAL REPRESENTATIONS

Breinton Parish Council has made the following further comments:

On behalf of Breinton Parish Council we would like to provide a brief update to the Officers report in respect of Breinton Neighbourhood Development Plan (BNDP). The BNDP is currently undergoing inspection which is anticipated to be complete towards the end of this month.

During the Regulation 16 consultation the BNDP received 25 comments during the consultation process of which 23 were in support of the BNDP. The two unresolved objections to boundaries referred to in the officer's report are from local landowners. One of the sites used as a basis for the objection has recently been rejected on appeal.

The site currently under consideration never came forward in either of Herefordshire Council's HELAA or SHLAA studies as being suitable for development and no submissions on this were received during any of the two year consultation processes except during the final Regulation 16 consultation.

OFFICER COMMENTS

The Neighbourhood Planning Manager has provided further advice that corroborates the Parish Council update. Your officers maintain the view that the unresolved issue around Schedule of Committee Updates

reference to sites adjacent to the settlement boundary defined at Kings Acre leads to some doubt, at this time, about the conformity of policy B2 of the BNDP and policy RA2 of the Herefordshire Local Plan Core Strategy.

Accordingly it is considered that significant weight cannot currently be given to BNDP and that greater weight should be given to policy RA2. In this respect, the site is adjacent to the settlement boundary at Kings Acre and it is not considered that there would be any harmful intrusion into the countryside beyond the well-established cul-de-sacs at Four Acres and Yew Tree Gardens. Accordingly and on balance, it is considered that the modest economic and social benefits associated with this proposal, outweigh any environmental concerns

Last sentence of paragraph 6.36 – Omit reference to the legal undertaking as there is not one required in this instance.

NO CHANGE TO RECOMMENDATION

| | |
|-------------------------|---------------------------|
| MEETING: | PLANNING COMMITTEE |
| DATE: | 3 AUGUST 2016 |
| 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 153349

- The appeal was received on 1 July 2016
- 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 C Poultney
- The site is located at The Fodder Store, Church Road, Whitbourne, Worcester, Herefordshire, WR6 5RS
- The development proposed is Removal of Condition 4 of Planning Permission DCNC2004/2013/F.
- The appeal is to be heard by Written Representations

Case Officer: Mr Fernando Barber-Martinez on 01432 383674

Application 153661

- The appeal was received on 14 July 2016
- 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 J Hickton
- The site is located at Land south of B4221 and north of Lovers Walk, Gorsley, Herefordshire
- The development proposed is Proposed residential development of 26 homes (10 affordable)
- The appeal is to be heard by Hearing

Case Officer: Mr Roland Close on 01432 261803

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

APPEALS DETERMINED

Application 131997

- The appeal was received on 8 April 2016
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Planning Conditions
- The appeal was brought by Mr Joseph Travis
- The site is located at Replacement dwelling at The Laurels, Llangrove, Ross on Wye, Herefordshire, HR9 6EZ
- The development proposed was Demolition of existing dwelling and attached outbuildings and
- The main issue is whether the materials used for the ridge and hips have a harmful effect on the character and appearance of the locality

Decision:

- The application was Approved under Delegated Powers on 30 August 2013
- The appeal was Dismissed on 14 July 2016

Case Officer: Mr Roland Close on 01432 261803

Enforcement Notice 161901

- The appeal was received on 8 June 2016
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr Paul Murray
- The site is located at Togpen, Willey Lane, Lower Willey, Presteigne, Herefordshire, LD8 2LU

Decision:

- The Enforcement Notice was withdrawn and the appeal cancelled on 15 July 2016

Case Officer: Mr Nicholas Hall on 01432 261808

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



| | |
|--|--|
| MEETING: | PLANNING COMMITTEE |
| DATE: | 3 AUGUST 2016 |
| TITLE OF REPORT: | <p>161407 - PROPOSED 1 FORM ENTRY PRIMARY SCHOOL WITH NURSERY AND PARKING PROVISION AT LAND ADJACENT TO COLWALL VILLAGE HALL, MILL LANE, COLWALL, HEREFORDSHIRE, WR13 6EQ</p> <p>For: Herefordshire Council per Quattro Design Architects Ltd, Matthews Warehouse, High Orchard Street, Gloucester Quays, Gloucester GL2 5QY</p> |
| WEBSITE LINK: | https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=161407&search=161407 |
| Reason Application submitted to Committee – Council Application | |

Date Received: 6 May 2016

Ward: Hope End

Grid Ref: 374939,242168

Expiry Date: 9 August 2016

Local Member: Councillor AW Johnson

1. Site Description and Proposal

- 1.1 Colwall is a village that lies on the western foot of the Malvern Hills. The village is very sustainable in locational terms within the context of Herefordshire as it has a railway station. The village is dominated by Walwyn Road (B4218), a central thoroughfare with linear development either side of it. The entirety of the village lies within the Malvern Hills Area of Outstanding Natural Beauty. The northern end of the village which has more sporadic low density development set within mature landscaping is designated as a Conservation Area.
- 1.2 At present there is a Primary School accommodating 158 children located towards the southern end of the village, south of the railway line, on the eastern side of Colwall Green. That site has accommodated a school for many years and has been centred around an original Victorian building.
- 1.3 It is understood that the existing school building experienced damp arising from ground water flooding (i.e. underlying hydro-geological issues). This led to the school being moved into temporary classrooms in September 2014. It is understood that the lease of this temporary accommodation and associated energy use has resulted in significant costs.
- 1.4 It is understood that the decision was made to provide a new school on a new site within Colwall for a number of reasons, including:-
 - The existing school site is limited in size;

Further information on the subject of this report is available from Mr Roland Close on 01432 261803

- The aforementioned ground conditions;
 - The existing school site does have access issues associated with it; and
 - It would be extremely challenging to build a new school upon the existing school site, whilst retaining an educational facility during the course of any build.
- 1.5 The application under consideration involves the provision of a new one form entry Primary School accommodating up to 210 children on the north-eastern side of Mill Lane some 100 metres west of Walwyn Road. The site forms the south-eastern end of a much large arable field located to the rear and side of the existing Village Hall Car Park. Within the eastern boundary of the application site parallel to that boundary is a public right of way (CW29A & CW29) that runs from Mill Lane to the east of the Village Hall in a north-easterly direction to emerge onto Walwyn Road immediately to south of the 'Thai Rama' restaurant. Beyond the eastern boundary are the gardens associated with dwellinghouses fronting Walwyn Road (including 'Carpenters Cottage', 'Kildalton' and 'Hagley').
- 1.6 The new single entry form school that would be single storey and set back in excess of 13 metres from the north-eastern boundary of Village Hall car park. The building would face the Village Hall car park thus assisting in addressing Mill Lane and enclosing that space forming a "community hub". The proposed school building essentially has a central hall and then two classroom blocks either side, one for key stage 1 and one for key stage 2. The building is purposefully designed such that there would be a "journey" through the school with a progression based on age from class to class. The siting / layout enable views of the British Camp and the Worcestershire Beacon to be enjoyed from the school. The existing pre-school is accommodated within the existing Village Hall. The applicant (Herefordshire Council) and the school are in discussion with the pre-school providers in the Village Hall with the intention that they relocate into the new school and lease an area of space from the school.
- 1.7 The wings either side of the central hall are low with mono-pitch roofs and a total height of approximately 5.8 metres. The central hall has a total height of 7.643 metres rising to 9.3 metres at its western end. The height of the hall is informed by its function and to provide the building with a degree of presence. The design of the building has articulation throughout to provide visual interest and assist in breaking-up any massing.
- 1.8 The School would be constructed with a material palette that has been informed by an Environmental Colour Assessment. Part of the single storey wings would be faced in a red brick with the remainder of the "side wings" would be clad with a fibre cement cladding material primarily laid horizontally. The colour of this cladding is informed by the aforementioned Environmental Colour Assessment. The roof of the building would be clad with a matt anthracite coloured standing seam roof which would also extend down the side elevations of the main hall. The front and rear elevations of the main hall would be again be clad with horizontal fibre cement cladding in a colour reminiscent of the earth hereabouts.
- 1.9 To the rear of the school building to the east of the site would be a fenced hard surfaced play area and beyond that grass sports field.
- 1.10 In terms of access there are a number of proposals. The proposals involve:-
- The provision of a wider vehicular access, replacing an existing vehicular access, immediately to the north-west of the existing Village Hall car park together with the provision of some 32 car parking spaces primarily for staff and visitors to the School. This widened vehicular access is designed to avoid the root protection area of the oak tree within the Mill Lane hedgerow immediately to the north-west;

- The relocation of the agricultural access some 90 metres to the north-west along Mill Lane;
- The Village Hall car park is included within the application site. The internal arrangements of this car park would be revised slightly to enable a more efficient on-way drop-off and pick-up facility. The rearranged car park would have some 63 car parking spaces. It is understood that the Village Hall are willing for the school to use their car park and it be available for their use but would not wish to relinquish control as there are rare occasions (say 5-6 times a year on a School day) when the Village Hall would require sole use of the Village Hall car park. On those rare occasions they would inform the school accordingly.
- The provision of a Village Gateway feature some 70 metres to the west of the new School access along Mill Lane to encourage lower speeds;
- To provide safe pedestrian connectivity to Walwyn Road along Mill Lane it is proposed to realign the footway to the south and to provide a continuous 1.5 metre wide footway. To the north of Mill Lane from that point to the south-east of the Village Hall where the public right of way emerges, it is proposed to provide a footway with a width of 2 metres – 2.3 metres. The retained carriageway would have a minimum width of 5 metres.
- A restricted parking zone would be put in place along Mill Lane from the junction with Walwyn Road and the proposed village gateway feature.
- The junction of Mill Lane and Walwyn Road would be realigned and a raised carriageway would be provided thus enabling a level crossing point for pedestrians on one of the desire lines to the school. This feature would have a dual function in that it would assist in discouraging inappropriate vehicle speeds within a 30mph zone. The footway on the eastern side of Walwyn Road hereabouts would be increased in width to 2 metres.
- The junction of Mill Lane with Stowe Lane would be realigned with a new raised continuous footpath with appropriate kerb height provided over the swept path of large vehicles using Stowe Lane.
- To encourage pedestrian & cycle connectivity from the village it is proposed to effectively upgrade the public right of way CW29A adjacent to the south-eastern boundary by providing a surfaced 3 metre wide lit (details to be agreed) route.
- Where public right of way CW29A turns at 90 degrees to Walwyn Road between the 'Thai Rama' and the dwellinghouse known as 'Carpenters Cottage' it is intended to attempt to increase the width of the public right of way to 2 metres. This is shown on the submitted plans but is dependant on third party land. If that third party land is not available and secured then the intention would be to resurface the current footway but at its existing width which varies between some 115cm and 190cm.
- Where the aforementioned public right of way emerges onto Walwyn Road a guard rail would be provided and a section of footway 2 metres wide on the western side of Walwyn Road provided extending in a north-easterly direction for some 50 metres at which point a controlled pedestrian crossing, in the form of a "Puffin Crossing", would be provided.
- The aforementioned works would require a degree of highway signage. The precise location of such signage would be agreed later; and
- The precise detail of the aforementioned highway works would be the subject of a Section 278 process.

1.11 The proposal includes a comprehensive fully detailed landscaping plan and landscape and ecological management and enhancement strategy. These proposals include the re-instatement

Further information on the subject of this report is available from Mr Roland Close on 01432 261803

of a historic field boundary within the current large arable field by the planting of a native hedgerow with hedgerow trees. The north-western corner of the site would accommodate a pond habitat area, Fencing details are also provided.

1.12 Whilst the land is relatively flat, it falls way to the north-east.

2. Policies

2.1 Herefordshire Local Plan Core Strategy Policies

| | | |
|-----|---|--|
| SS1 | - | Presumption in Favour of Sustainable Development |
| SS4 | - | Movement and Transportation |
| SS6 | - | Environmental Quality and Local Distinctiveness |
| SS7 | - | Addressing Climate Change |
| SC1 | - | Social and Community Facilities |
| MT1 | - | Traffic Management, Highway Safety and Promoting Active Travel |
| LD1 | - | Landscape and Townscape |
| LD2 | - | Bio-Diversity and Geodiversity |
| LD4 | - | Historic Environment and Heritage Assets |
| SD1 | - | Sustainable Design and Energy Efficiency |
| SD2 | - | Renewable and Low Carbon Energy |
| SD3 | - | Sustainable Water Management and Water Resources |

2.2 The National Planning Policy Framework (NPPF) is relevant. The elements of the NPPF that are considered to be of particular relevance to consideration of tis application are:-

- Paragraph 14 which establishes a presumption in favour of sustainable development;
- Paragraph 28 which encourages support to a prosperous rural economy including development of community services / facilities;
- Those elements of the NPPF that promote sustainable transport. Paragraph 32 is considered to be of particular importance where it states: - “Development should only be prevented or refused on transport grounds where the residual impacts of development are severe.”
- Those elements of the NPPF that require good design.
- Those elements of the NPPF that promote healthy communities;
- Paragraphs 115 and 116 of the NPPF; and
- Paragraph 137 of the NPPF.

2.3 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>

2.4 Colwall Parish are preparing a Neighbourhood Development Plan (NDP). The Colwall NDP has not reached any formal consultation stages under Reg14, therefore whilst it is a material consideration it has no weight for the purposes of determining planning applications.

3. Planning History

3.1 None relevant.

4. Consultation Summary

Statutory Consultations

4.1 Severn Trent Water – no objections subject to conditions & informatives.

Further information on the subject of this report is available from Mr Roland Close on 01432 261803

- 4.2 Historic England state that the LPA should ensure that the impact upon the setting of the Grade 2* listed Brook House should be addressed.

Internal Council Consultations

- 4.3 Land Drainage Consultants – No objection, recommend condition.
- 4.4 Conservation Manager (Landscape) has no objections.
- 4.5 Environmental Health Manager – No objection subject to condition.
- 4.6 Conservation Manager (Archaeology) – No objection
- 4.7 Conservation Manager (Ecology) – No objection subject to condition
- 4.8 The Transportation Manager raised concerns as to the originally submitted plans but is now satisfied with the amended plans/documents. The assessment of the amended plans/documents is as follows:-
- FOOTWAY/Public Right of Way (PROW) – (adjacent to the Thai). It would be desirable for the footway provision adjacent to the Thai to be widened to at least 2m, if this is not achievable through acquiring land then whilst the current width is substandard for a short length of footway it would not represent a severe highway safety risk. The width of footway adjacent to the front of the Thai/Walwyn Road is to be widened to accommodate any waiting pedestrians. Land acquisition should be sought/implemented to improve the proposals. Existing Public Footpath would be adopted as a footway and not a cycleway, therefore cycling on this section (adjacent to the Thai restaurant) should not be promoted. Cycle signs would not be installed along this small section of PROW. The existing PROW from Mill Lane to the school entrance is gated and runs along a section of driveway which is infrequently used by the village hall and scout hut. Access by the village hall and scout hut will still be required, therefore it should be minded that whilst the vehicle movements are infrequent it is still a vehicular route. The movements along this driveway would not be classed as a severe highway risk as the vehicle speeds will be low along with infrequent use. Cycling on a PROW is illegal. The section of PROW in the ownership of the school and village hall can be signed and promoted as a shared use cycleway, as they are the landowners and can therefore grant permissive rights. The only section this won't apply to is the short length which links down the side of the Thai adjacent to Walwyn Road.
 - The applicant has undertaken a commitment to improve the access from Walwyn Road to provide the best possible access to the school, whilst the above is the minimum acceptable, any improvement would be beneficial to the overall scheme.
 - The street lighting in the vicinity of the school and access will need to be reviewed as part of the S278 Design Check process and any improvements implemented as part of the scheme.
 - Highway/School Parking: The provision of parking in the village hall will help relieve the issue of parents parking on the highway. Changes to the village hall car park will improve the flow of vehicles within the car park. The issue of vehicles parking on the highway when the village hall is not available may cause restrictions for the two-way flow of traffic, the school travel plan needs to identify this as a risk with potential mitigation with close liaison

Further information on the subject of this report is available from Mr Roland Close on 01432 261803

with the village hall, parents and residents. The issue is not deemed as severe highway safety risk due to the infrequent lack of use of village hall carpark and mitigation within the school travel plan. The school travel plan will look to promote sustainable transport options

- Restricted Parking Zone (RPZ) will be for the hours around school opening and closing time, and will look to only be restricted during school term time. The limited restricted hours will look to control the parking issue around school hours whilst allowing residents and visitors of the village hall to use the highway as they currently do. The provision of the Restricted Parking Zone (RPZ) instead of a controlled parking zone also reduces the needs for road markings; however there will still be a requirement for Herefordshire Council Civil Enforcement Officers to enforce the restriction, though resourcing this will be difficult, it is expectant that issues will be dealt with in the school travel plan through educating parents and other measures.
- Puffin Crossing – the Puffin crossing will look to provide a safe crossing provision which will look to connect the northern residents of Colwall with the school. The carriageway will look to be reduced therefore increasing the footway which will allow for greater visibility.
- The proposed 30 mph speed limit extension and the RPZ are essential to the development; therefore it is essential that the proposed Traffic Regulation Orders which support these restrictions are legally made before the opening of the school. An agreement should be sought regarding the works to be undertaken for the implementation of the TRO's. The works required to implement the TRO's should be carried out under the Section 278 Works. The works will be undertaken under the councils S278 process, the proposed works will be vetted, supervised and inspected at the cost of the applicant.

5. Representations

- 5.1 The Parish Council raised a holding objection to the originally deposited plans and documentation. However, they now have considered the amended plans and documents under consideration and state:-

“At our meeting on 8 June 2016 we agreed a holding objection against the application for the new school, subject to a number of recommendations being implemented.

Since then there has been significant negotiations and I particularly commend the efforts of the planning officer to achieve the best scheme possible and also the Village Hall Committee for their input and willingness to allow the use and modification of their car park. In my view, without the agreement to use the Village Hall car park the Education Dept. did not have a scheme that was acceptable to the Highways Dept., as Highways was adamant the parking on Walwyn Road was not acceptable.

The agreed changes are:-

1. Village hall car park to be modified to allow parking and a drop-off at the far end, as far as possible addressing our concerns.
2. Footpath works on the north side of Mill Lane to terminate at the pedestrian route to the school. This will leave the arrangements in front of the hall as at present.
3. The parking restrictions in Mill Lane have been clarified; the proposals should have been a Restricted Parking Zone not a controlled parking zone. A Restricted Parking Zone

does not require yellow lines but can be enforced if necessary. Signing to be kept to a minimum and located to minimise impact on landscape.

4. The Mill Lane widths of footway and carriageway have been amended to provide the most appropriate given the available width. A balance between carriageway and footway is being agreed.
5. Gateway feature on Mill Lane, to be agreed.
6. The 20 mph zone has been removed.
7. Swept path of large vehicles to be catered for at Stowe Lane.
8. The steepness of the raised tables to be agreed.
9. Walwyn Road crossing at the Thai to be traffic signals. Herefordshire Highways were adamant a formal crossing was required given the speed of vehicles, despite the low traffic flow and insisted on a Puffin crossing (traffic signals) rather than address the speed issue. The planning officer also recognised the Puffin crossing would provide a service at all times, for all users of the school, (many now come at different times, early and late), the hall and the Scout hut and could generally encourage people to walk to the 'hub'.
10. Efforts to agree parking provision at the Thai are to continue.

5.2 IT WAS RESOLVED that following the modifications to the proposals, Colwall Parish Council is pleased to be able to withdraw our objection. The Parish Council also wishes to specifically thank the planning officer for his very considerable effort towards gaining the best possible outcome in the circumstances and to request he continues to minimise the impact on the landscape from signing and other highway related furniture. In particular to see if the ramps can be softened sufficiently to avoid the Hump signs and limit the extension of the urban area along Mill Lane with the 30 mph and school sign. The Parish Council would be grateful if it could continue to be consulted as the highway details are finalised.”

5.3 Twenty-one representations of support have been received to the application on the following summarised grounds:-

- New school would be more central to the village / community;
- Location is more central to village and as such shall assist in encouraging walking & cycling thus beneficial to health & well-being;
- There is a desperate need to provide the new school given the existing temporary accommodation which is a far from ideal environment and costly;
- The proposed new school would provide more open space for the children than the current school;
- A new school is required to sustain a thriving multi-generational community;
- A community hub adjacent to the village hall & scout hut would be beneficial; and
- A new modern school would assist in attracting younger families to the village.

5.4 Twenty six representations of objection were received to the originally deposited plans and documents on the following summarised grounds:-

- A lack of consultation re: the proposed highway/transportation arrangements;
- Inadequate School Travel Plan;
- Car Users Strategy is a document that it is difficult to take seriously as it relies so heavily on other agencies which are unable or unlikely to be able to assist in the enforcement of the strategy;
- Inadequate consultation with affected residents;
- Non-compliance with national and local planning policies;
- Illegal proposals for cycle access;

- Use of a pedestrian route unfit for the purpose (CW29);
- Proposal for an unenforceable Controlled Parking Zone;
- Unrealistic prohibition of use of village hall car park;
- A completely erroneous and potentially very dangerous proposal for on street parking on Walwyn Road and the cul-de-sacs off;
- By admission of the Consultant's own calculations provision of inadequate staff parking facilities;
- The promotion in the application of a primary pedestrian/cycle route to school which is both illegal and unfit for purpose;
- Erroneous calculations relating to the use of on street parking by parents in residential areas near to the proposed school site;
- The proposal to have no dedicated parking provision and "drop-off" & "pick-up" facility for pupils / parents would create on-street parking issues causing hazards to highway safety;
- Noise disruption from speed humps;
- Concern re: urbanisation of Mill Lane including controlled parking zone;
- Concern re: Japanese knotweed;
- Concern re: lighting of PROW CW29A and impact on amenity of residential properties immediately to east;
- Concern re: works to wall within Carpenters Cottage adjacent to PROW CW29;
- Concern re: height of hall;
- Concern re: proposal to restrict width of Mill Lane;
- Consideration should be given to locating the new school on the land adjacent to the existing;
- Existing parking in front of Village Hall (including for the disabled) should be retained, as should the loading/unloading facility;
- The proposal represents development on green belt land;
- Potential ecological impacts; and
- Concern re: potential encroachment onto private land by the proposed highway improvements along Mill Lane.

- 5.5 The Ramblers Association provide some detailed comment but have no objections to the proposals.
- 5.6 The Ledbury Cycle Forum provided detailed comment upon the originally deposited documents and drawings.
- 5.7 The Malvern Hills AONB Unit have raised a number of comments with respect the original submission. They have provided further comment on the amended scheme. They have been involved in the process throughout and their residual concern with respect lighting is now addressed by way of the recommended planning conditions.
- 5.8 With regard the originally deposited drawing and documents the Colwall Village Hall Committee raised concerns primarily on the same highway / transportation grounds as those of local residents outlined above. However, they made the specific point that they had never objected to the use of their car park for parents at drop-off and pick-up time above.
- 5.9 At the date of drafting this report no representations of objection had been received upon the amended plans and documents. Any further representations received will be reported to Members at Committee via an update to Committee.

- 5.10 The consultation responses can be viewed on the Council's website by using the following link:-
<https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=161407&search=161407>

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

Principle & Location of Development

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

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

- 6.2 In this instance the Development Plan for the area is the Herefordshire Local Plan - Core Strategy (CS). A range of CS policies, referred to at section 2.1, are relevant to development of this nature. The strategic Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the NPPF. SS1 confirms proposals that accord with the policies of the Core Strategy (and, where relevant other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.
- 6.3 Core Policy SC1 explicitly supports enhanced social and community infrastructure to assist in achieving sustainable communities across Herefordshire. Clearly this would normally include village schools especially in villages / settlements the size of Colwall.
- 6.4 With respect the proposed location of the school, it is considered that the location could not be better. Essentially it represents the optimum location within the village to locate the Primary School. Colwall is essentially a village that one may regard as being in two-halves the area to the south of the railway line around Colwall Green and the area north of the railway line either side of Walwyn Road. Most of the housing within Colwall is located north of the railway line to the west of Walwyn Road. The application site is located to the north of the railway station to the west of Walwyn Road, along Mill Lane. The land hereabouts already accommodates the Village Hall and a Scout Hut and as a consequence already accommodates social/ community infrastructure. To relocate the School here would assist in creating a "community hub". This would assist in creating "linked – trips" and would, to a degree, allow for facilities to be shared.
- 6.5 The site is relatively well connected for pedestrians with potential for improvements and likewise for cyclists. The site is within walking distance of bus stops in Walwyn Road and within reasonable walking distance of the railway station.

Siting, Design, Appearance and Impact on Landscape

- 6.6 The extent of the site has been deliberately limited to prevent unnecessary extension of built development into the open countryside further to the west. The land upon which the school would be located is well related with the existing built development with the village hall and car park to the south-west and dwellinghouses with associated gardens to the east. This has been a critical aspect in terms of the scheme as the further west one progresses into the large arable field the more visible the land is from the ridge of the Malvern Hills.
- 6.7 The proposed school building has then been sited and orientated to:-
- Address/ front the village hall car park and Mill Lane (albeit set back) whilst affording views of British Camp and the Worcestershire Beacon; and

Further information on the subject of this report is available from Mr Roland Close on 01432 261803

- Maximise the potential connectivity to modes of transport other than the motor vehicle.

6.8 The orientation of the building also assists in ensuring that the building would benefit from passive solar gain.

6.9 The entire development has also been integrated into the existing (and proposed enhanced) pedestrian and cycle routes.

6.10 It is considered that the siting/layout of the development are entirely appropriate.

6.11 Like all good designs the form follows the function. The building has been designed with the strong central axis provided by the hall and then the two side wings either side providing accommodation for the early years and key stage one on one side and key stage two on the other. These side wings have a mono pitch roof form which has the benefit of providing a low profile thus reducing the mass of the building in the landscape. These elements of the building are akin to the height of a genuinely single storey bungalow. The use of the mono pitch roof form has also enabled a clerestory arrangement to be provided which assists in natural ventilation whilst at the same time allowing for photovoltaic panels to be accommodated on the southern roof slopes.

6.12 The central hall is a materially higher section of the building. Again it has a mono-pitch roof sloping upwards from east to west. Its roof slopes up from a height of 7.643 metres to 9.3 metres. The internal height of the hall (floor to ceiling) is 6.7 metres to 8.3 metres. It is worth noting that the lower part of the roof is that part closer to the residential properties to the east. The width of this hall is approximately 12 metres. Representations have been made with respect the height of this element of the building. The height has been governed by Education Funding Authority (EFA) guidelines from the Facilities Output Specification (FOS). This states that:-

'for halls over 180 sq.m, a min. floor to ceiling height of 6.9m is required'

However, due to the sloping nature of the ceiling this relaxed the low point figure slightly. It is also understood that this height was also requested by the client for potential use of the hall for occasional recreational badminton. Furthermore the height of the hall fulfils an important role in giving the building a degree of presence, especially given its set back from Mill lane. It signifies the public face and main entrance to the building.

6.13 It is considered that the design of the school building is of a high quality. It is considered that the central hall's height to be acceptable and that given that the hall would be located some 36 metres from the boundary with the closest residential property, no dwellinghouse in the area would suffer an undue physical massing affect nor an undue loss of daylight and/or sunlight.

6.14 Critical in the evolution of this scheme has been the attention paid to the materials to be used. The detail of the design has not only been informed by a Landscape and Visual Impact Assessment but also by an Environmental Colour Assessment. A detailed survey and analysis of colours within the landscape enabled a recommended colour palette to be established. This then informed material choice. It is understood that criteria for selection of precise materials included proximity of match to colour palettes, quality of material, ease of use on site and cost, including lifetime cost.

6.15 It is considered that the palette of materials proposed to be appropriate and that the attention paid to colour selection will assist in elevating the development to a genuinely high quality. It would be most beneficial if the work relating to colour was taken a stage further to inform the internal colour scheme of the building. This would assist in enhancing the legibility of the building and enhancing the experience of users.

- 6.16 The other aspects of the development such as the external surfacing materials and means of enclosure (e.g. fencing) and their colour are also considered to be appropriate.
- 6.17 Whilst the above assessment suggests that the development is very well designed one needs to be conscious of the landscape designation in which the site lies. The site lies within the Malvern Hills Area of Outstanding Natural Beauty and one needs to be conscious that paragraph 116 of the NPPF essentially establishes a presumption against major developments within such designated areas unless certain criteria can be met revolving around the wider “public interest”. In this case it is considered that there is clearly a demonstrated need for the development and that the development would clearly have significant social and ultimately economic benefits. The entirety of Colwall village is within the Malvern Hills AONB and as such placing the development outside of the Malvern Hills AONB is not feasible. It is also considered that the proposed location of the new school is the optimum location within or adjoining the village.
- 6.18 It is considered that the siting/layout and design of the building is not only acceptable but of a high standard. The scheme has very much been “landscape led” due to the sensitivity of the landscape in which it sits. The proposal is not considered to cause harm to the character and/or appearance of the landscape. In fact the scheme does not only provide mitigation for any negative impacts but provides for landscape enhancement, including the re-instatement of the former hedgerow field boundary to the west within the larger arable field.
- 6.19 In the light of the assessment above, it is considered that the proposal is appropriate in terms of its siting/layout, design and external appearance/materials and would not harm the character or appearance of the countryside which hereabouts is designated as an Area of Outstanding Natural Beauty.
- 6.20 It is considered that the proposal complies with policies SS6, SD1 and LD1 of the Herefordshire Local Plan Core Strategy 2011-2031.

Ecology/Bio-Diversity

- 6.21 The ecological survey work conducted to inform the various reports submitted with this application is thorough. The findings presented in the reports are accepted, in particular those relating to the recorded presence of great crested newts in proximity to the application site, and the related detailed mitigation and enhancement measures.
- 6.22 A condition is recommended requiring compliance with the safeguarding measures.
- 6.23 In addition the range of biodiversity enhancement described in the various documents, which seek to provide additional habitats within the application site and resting, roosting and nesting opportunities within the fabric of the proposed school building and its grounds, is welcomed.
- 6.24 The Ecological Appraisal Rev 2 (Keystone Ecology, June 2016) and the Landscape and Ecology Management Plan confirm the presence of Japanese Knotweed, a Schedule 9 invasive plant species, on the periphery of the application site and make specific recommendations for control measures to avoid the risk of spreading this invasive species. The key recommendation is that the advice of an invasive species specialist is sought to prescribe the most appropriate control measures. The applicant/developer is advised to prepare an Invasive Species Control Scheme in line with standard Environment Agency guidance and to implement accordingly. The responsibility to deal with this matter rests with the landowner/developer.
- 6.25 The proposal is considered to comply with policy LD2 of the Herefordshire Local Plan Core Strategy 2011-2031.

Sustainability Credentials

- 6.26 The sustainability credentials of such buildings are of importance and this is reflected in planning policy. In this instance the proposal is essentially designed to represent an improvement of 71% over the normal requirements of the building regulations in terms of CO2 emissions. Quite rightly the initial focus has been to reduce the amount of energy that the building itself consumes. This has meant improving the insulation in the walls and improving the quality of glazing contributing to increased air tightness of the building. Further improvements were then made through the design process by making improvements to the building services specification (e.g. use of LED lighting, enhanced controls & efficiency of boiler). The final aspect which makes a contribution is the introduction of renewables via the provision of the photovoltaic panels. A planning condition is also recommended with respect water conservation and efficiency measures.
- 6.27 It is therefore considered that the proposed development does seek to reduce energy consumption and achieves levels above the normal requirements of the Building Regulations. This is welcomed and is in sharp contrast to the significant energy consumption and thus cost, associated with the existing temporary classrooms at the existing school site.
- 6.28 In this respect the proposal is considered to comply with policies SD1 and SD2 of the Herefordshire Local Plan Core Strategy 2011-2031.

Residential Amenity

- 6.29 There are three dwellings in the area that it is considered would experience a material change to the environment / amenity that they currently enjoy. Those properties are 'Carpenters Cottage', 'Kildalton' and 'Hagley' that front Walwyn Road and are adjacent to the eastern boundary of the application site. It is considered that:-
- The occupiers of those dwellinghouses would notice the increased use of public right of way CW29A adjacent to their rear gardens.
 - The occupiers of those dwellinghouses would notice the lighting of the aforementioned public right of way; and
 - The occupiers of the residential property known as 'Kildalton' would experience the periodic noise emanating from the 'Hard Court' outside play area.
- 6.30 However, the increased use of the public right of way would effectively be confined to two short time periods in the morning and evening during school term time. It would not be apparent in the evenings, at weekends and out of school term times. It certainly would not be apparent at night-time (11pm – 7am).
- 6.31 Further detail is required with respect the external lighting hereabouts to ensure that the occupiers of the aforementioned dwellings do not suffer an undue loss of amenity and that the lighting does not cause light pollution that would harm the character and appearance of the Malvern Hills AONB hereabouts. However, it is considered that a satisfactory controlled lighting scheme is achievable that would not cause harm to the occupiers of the aforementioned residential properties.
- 6.32 The occupiers of 'Kildalton' would certainly experience the noise from children playing on the hard court during the limited times that it is used during the school days during term time. Other properties in the vicinity may also experience the noise. However, it is not considered that any such noise would result in an *undue* loss of residential amenity. The occupiers of those dwellinghouses would continue to enjoy a satisfactory level of amenity within their gardens in the evenings, weekends and out of school term times.

6.33 It is therefore considered that the proposal would comply with policy SD1 of the Herefordshire Local Plan Core Strategy 2011-2031.

Access/Transportation

6.34 Invariably and understandably with any application for a new school the local community have concerns with regard transportation and access arrangements. It is fair to say that almost all of the concern with respect the originally deposited plans arose from the proposed highway/transportation arrangements.

6.35 The initially deposited plans essentially resulted in considerable concern locally arising from the fact that those proposals had no proposed provision for a parent “drop-off” and “pick-up” area off the public highway. Nor did the plans have car parking areas for parents. It was not only the lack of this provision that gave rise to concern locally but what was perceived as the resulting consequences, such as considerable parking along Walwyn Road and cul-de-sacs. Concerns then arose as to resultant hazards to highway safety.

6.36 There was also considerable concern as to the amount of “lines and signs”. Many regarded the amount of the control proposed to be excessive and the associated physical works negatively affecting the character of the Malvern Hills Area of Outstanding Natural Beauty.

6.37 To address the original concerns the scheme was amended to show a parent “drop-off” and “pick-up” zone in the village hall car park which would involve minor internal alteration. In addition, the village hall car park is to be made available for use. The consequence of this is that it is considered that sufficient off- road car parking and “drop-off” “pick-up” provision is to be provided.

6.38 Previously a controlled parking zone was proposed but this has now been amended to a restrictive parking zone. This restriction would only be in operation during school “drop-off” and “pick-up” times during school term times.

Effectively the amount of “signs and lines” has been reduced.

6.39 The pedestrian crossing to the across Walwyn Road to the north-east of the Thai restaurant is designed to provide a safe link to public right of way CW29 for pedestrians from the northern part of Colwall village. The form of this crossing has been the subject of some considerable debate. Speeds in this part of Walwyn Road exceed 30mph and as a consequence a formal or controlled crossing was considered to be essential. After considerable thought it was decided that the optimum solution from both a safety and environmental perspective is the Puffin Crossing that is now proposed. It is considered that this is acceptable and would not harm the setting of the Grade 2* listed Brook House on the eastern side of Walwyn Road hereabouts. However, to safeguard the setting of Brook House the precise location of the highway signage needs to be agreed and an appropriate condition is proposed.

6.40 There is an issue with respect the short section of public right of way (CW29) beside the Thai restaurant. It’s width is restricted and whilst the applicant continues to try and secure additional land to secure a 2 metre wide width this may not be achievable, The question then arises is whether that would in itself represent a severe risk to highway safety warranting a refusal of the application. The professional view of the highway officer is that this would not represent a severe risk as:-

- The length of restricted width is limited; and
- A footway/pedestrian refuge and suitable guard rail or barrier would be provided on the western side of Walwyn Road where the public right of way emerges

- 6.41 In all respects it is considered that the proposed access and transportation arrangements are considered to be acceptable. The location of the building and its design maximises pedestrian / cycle access is most welcome.
- 6.42 Whilst invariably highway issues relating to schools create local concern it is worth noting that the existing school has no formal off road parking (although it is understood that it may in the past have been possible to park a couple of staff cars on site). All other staff car parking and parent parking has been on the public highway. In addition there has been an informal drop-off / pick-up loop across the Village Green, owned by the Parish Council but managed by the Malvern Hills Conservators. This loop is not public highway but has the same status as other accesses along this area (ie. private access ways across registered village green). Despite this complete lack of provision and whilst it is accepted that there is a degree of congestion and inconvenience during a brief period in the morning and evening together with on-street parking, there is no accident record. It is considered that this existing context demonstrates, that despite perceptions, such school traffic normally does not create safety problems but merely temporary inconvenience. The proposed arrangements for the new school are markedly and demonstrably better than the arrangements at the existing School.
- 6.43 The proposed highway/transportation arrangements are considered to be acceptable and in compliance with policies MT1 and LD4 of the Herefordshire Local Plan Core Strategy 2011-2031. The development is not considered to create residual highway/transport impacts that could accurately be described as severe.

Other Matters

- 6.44 Whilst it is considered the lighting detail beside the eastern boundary has not been submitted and requires approval, the lighting for the school site itself has been submitted and is considered to be acceptable subject to appropriate planning conditions.
- 6.45 One local resident had expressed that the proposed highway works along Mill Lane would encroach onto their and (as opposed to highway land). That would not be the case.
- 6.46 One local resident has raised the issue as to whether public right of way adjacent to the eastern boundary of the site CW29A could be used by cyclists (presumably children cycling to school). It appears that an application can be made for an Order under the provisions of the Cycle Tracks Act 1984 to convert such a public right of way into a cycle track. However, it appears that an easier process is just for the landowner to grant permissive rights. Assuming that the applicant (Herefordshire Council) acquires the land one would imagine that they would be willing to grant such permissive rights.
- 6.47 In reality the short-section of public right of way CW29 adjacent to the Thai restaurant is less likely to be altered / modified to facilitate cycling. However, cyclists dismounting for this short section should not prove problematic and should be beneficial in that those travelling from the school would have dismounted their bicycle before reaching Walwyn Road itself.
- 6.48 The amended plans no longer result in the loss of the loading / unloading and disabled parking provision to the front of the Village Hall.
- 6.49 There is a retaining wall adjacent to the public footpath CW29 that appears to be in the ownership of the 'Carpenters Cottage'. This is in need of repair. It is the intention of the contractor to liaise with the owner(s) of 'Carpenters Cottage' in due course.

Conclusion

- 6.50 In conclusion, the proposal would provide a much needed social / community facility that would assist in sustaining Colwall as a village in the long-term. The site of the proposed school is

considered to be the optimum location and the detail of the proposal is considered to be of a high standard. Certainly the environment will change. However, it is considered that any negative impacts can be satisfactorily controlled and mitigated. As a consequence the proposal is considered to represent sustainable development.

RECOMMENDATION

That Full Planning Permission be granted subject to the following conditions:

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

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

- 2. The development hereby permitted shall be carried out in strict accordance with the following approved plans and documents, except where otherwise stipulated by conditions attached to this permission:-**
 - Landscape and Ecological Management Plan (June 2016);**
 - Proposed Site Block Plan – Drawing number 5326/P/110 Rev. B;**
 - Proposed Site Layout & Hard Landscaping – Drawing number 5326/P/120 Rev.B;**
 - Proposed Planting Layout – Drawing number 5326/P/125 Rev.B;**
 - Detailed Planting Area: Orchard, Top of Bank 1 & Waterfall feature – Drawing number 5326/P/126 Rev.A;**
 - Detailed Planting Area – Top of Bank 2 – Drawing number 5326/P/127 Rev.A;**
 - Detailed planting area – Retained East side bank – Drawing number 5326/P/128 Rev. A;**
 - Detailed planting area – Front entrance – Drawing number 5326/P/129 Rev.A;**
 - Proposed Floor Plan – Drawing number 5326-P-200 Rev.A;**
 - Proposed Elevations – Drawing number 5326-P-700 Rev. B;**
 - Proposed Roof Plan – Drawing number 5326-P-900A;**
 - North Fence Facing Car Park – Drawing number 5326/P/1300 Rev.A;**
 - Palisade Fencing to Early Years Area – Drawing number 5326/P/1301 Rev.A;**
 - Proposed Bin Store – Drawing number 5326/P/1302 Rev.A;**
 - Proposed Retaining Structure – Drawing number 5326/P/1303 Rev.A;**
 - Typical section through swale – Drawing number 5326/P/1304 Rev.A;**
 - Pond – Long Section B-B – Drawing number 5326/P/1305 Rev.A;**
 - Typical tree pit detail for new single stem trees – Drawing number 5326-P-1306 Rev.A;**

Further information on the subject of this report is available from Mr Roland Close on 01432 261803

- **Written Schedule of Materials – Project reference 5326-P-3200C received 14th July 2016;**
- **Planting Schedule – Project reference 5326-P-3700 Rev.A 16/06/16;**
- **Proposed Site Access Junction Visibility Splays – Drawing number SK13 Revision C;**
- **Proposed Field Access and Mill Lane Gateway Feature – Drawing number SK11 Revision D;**
- **Off Site Highways Works Mill Lane / Walwyn Road – Drawing number SK10 Revision C;**
- **Proposed Pedestrian Improvements in Vicinity of Thai Rama – Drawing number SK09 Revision C;**
- **Proposed Off Site Highway Works – Drawing number SK02 Revision I;**
- **Lighting Plan (Scale 1:200) – Drawing number 165835/ES/EXT/01 Revision PL3;**
- **Site Location Plan – Drawing number 5326-P-001;**
- **Thorlux lighting detail received 28/6/16;**
- **Light / luminaire detail dated 28/6/16;**
- **Further detail re: external lighting received 15th July 2015;**
- **Sustainability Appraisal received 28/6/16;**
- **PV Detail received 28/6/16;**
- **Tree Protection Plans 01, 02 and 03 received 27/6/16;**
- **Root Protection Areas received 27/6/16;**
- **Amended Arboricultural Statement received 27/6/16;**
- **Transport Assessment May 2016 AND Transport Assessment addendum dated June 2016;**
- **Amended School Travel Plan dated June 2016;**
- **Structural Aspects of Works in Relation to Highway works near ‘Carpenters Cottage’ dated 05/05/16;**
- **Method Statement for Protection of Trees 5326-P-3710;**
- **E-mail dated 18th July 2016 explaining fixing of the eternit equitone fibre cement boarding/ cladding’**

and thereafter maintained as such to the satisfaction of the Local Planning Authority;

Reasons:

- a) To ensure a satisfactory appearance to the development within the landscape which hereabouts is designated as an Area of Outstanding Natural Beauty;
 - b) In the interests of ecology / bio-diversity;
 - c) To safeguard the amenities of the occupiers of dwellinghouses that adjoin the site; and
 - d) To retain and safeguard those trees on site that are to be retained and to safeguard those off-site trees that adjoin the site.
3. Notwithstanding condition 2) above, the development hereby permitted shall not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The approved scheme shall be fully implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding risk and to minimise the risk of pollution.

4. Notwithstanding condition 2) above, prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:-
- A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;
 - Confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels;
 - Evidence the Applicant has sought and agreed permissions to discharge foul and surface water runoff from the site with the relevant authorities (including allowable discharge rates);
 - Evidence that the Applicant has discussed sewer flooding with Severn Trent Water and confirmed there will be no increased risk of sewer flooding, on site or elsewhere, as a result of development;
 - Demonstration of the management of surface water during extreme events that overwhelm the surface water drainage system and/or occur as a result of blockage;
 - Confirmation of the proposed authority responsible for the adoption and maintenance of the proposed drainage systems;
 - Details of the proposed outfall.

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

Reason: To ensure satisfactory drainage arrangements.

5. If during the course of the development unexpected contamination not previously identified is found to be present at the site then the work shall be stopped and no further development shall be carried out unless or until the developer has submitted a written method statement to be approved in writing by the local planning authority. The method statement shall include details about how the unexpected contamination shall be dealt with. Thereafter the development of the site will be carried out in accordance with the appropriate method statement.

Reason: In the interests of human health.

6. The development is to be completed in strict accordance with the protected species safeguarding measures and biodiversity enhancement proposals as presented in the Great Crested Newt Survey (Keystone Ecology, June 2016) as amended by e-mail and accompanying plan from Keystone Ecology dated Fri 22/07/2016 09:06, the Ecological Appraisal Rev 2 (Keystone Ecology, June 2016); and the Landscape and Ecology Management Plan (Quattro and Keystone Ecology, June 2016) and thereafter maintained as such. Furthermore any minor changes detailed in any issued EPS license shall be adhered to in full;

Reason: To conserve, restore and enhance the biodiversity assets of Herefordshire in compliance with Core Strategy Policy LD2 Biodiversity and Geodiversity and to meet the requirements of the NPPF and the NERC Act;

7. Prior to the first use of the School hereby permitted all of the columns supporting luminaires/ lamps together with the encasements of the luminaires/lamps and all street signage columns to be provided as part of the off-site highway works shall be painted a matt Anthracite RAL7016 colour and thereafter shall be maintained as such.

Reason: To ensure a satisfactory appearance to the development within the Malvern Hills Areas of Outstanding Natural Beauty.

8. Unless otherwise agreed in writing by the Local Planning Authority all of the external luminaires /lamps shall be mounted parallel to the ground with a 0 degree angle of tilt.

Reason: To ensure that there is no undue light pollution harmful to the character and appearance of the Malvern Hills Area of Outstanding Natural Beauty.

9. All of the external lighting shall be controlled via a timeclock such that they are normally switched off outside the hours of 7:00 hours and 18:30 hours on school days and on all non-school operational days. In addition, there shall be photocell control to prevent the operation of the lighting within the normally permissible time period where not required by ambient daylight levels.

Reason: To ensure that there is no undue light pollution harmful to the character and appearance of the Malvern Hills Area of Outstanding Natural Beauty.

10. The colour temperature of all the luminaires / lamps shall not exceed 3000 degrees kelvin unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that there is no undue light pollution harmful to the character and appearance of the Malvern Hills Area of Outstanding Natural Beauty.

11. Notwithstanding the provisions of condition 2) above, prior to their installation/provision the following matters shall be submitted to the Local Planning Authority for their written approval:-

- Written details of material and precise product to be used for any kerbing / edging;
- Full details of all on-site signage (location, design, materials and colour);
- Full written details as to the internal colour scheme / finishes to the School. This must be informed by the Environmental Colour Assessment;
- Full details as to the precise location of all off-site highway signage;
- Full details of the precise photovoltaic panels to be installed / attached;
- Full details of the “gateway” feature to be provided along Mill Lane;
- Full details of the new surfacing material(s) and colour to be provided along Mill Lane;
- Full details of the new surfacing material(s) and colour to be provided upon the raised carriageway at the Mill Lane / Walwyn Road junction;
- Full details of the design of the guard rail / barrier to be provided at the point where the Public Right of Way CW29 emerges onto Walwyn Road; and
- Full detail as to the precise height and gradient of the raised carriageway to be provided at the Mill Lane / Walwyn Road junction;

None of these aspects of the development shall be carried out prior to the written approval of the Local Planning Authority having been obtained. Thereafter the development shall be carried out in full accordance with the approved detail and thereafter maintained as such;

Reason: To ensure a satisfactory appearance to the development within the Malvern Hills Area of Outstanding Natural Beauty and to ensure legibility for users of the facility.

12. Prior to its installation or within one month of its installation the guard rail/barrier to be provided at the point where the Public Right of Way CW29 emerges onto Walwyn Road shall be painted a matt Anthracite RAL7016 colour and thereafter shall be maintained as such.

Reason: To ensure a satisfactory appearance to the development within the Malvern Hills Areas of Outstanding Natural Beauty;

13. The access, vehicle parking and turning / manoeuvring areas shown upon the approved plans shall be fully implemented in accordance with the approved plans prior to the first use of the School, hereby permitted. Thereafter these areas shall be kept permanently

kept available for the parking and manoeuvring of motor vehicles in accordance with the approved detail and be kept free from obstruction.

Reason: In the interests of highway safety.

14. Prior to the first use of the School hereby permitted the refuse storage area(s) and cycle parking provision detailed upon the approved plans shall be fully implemented. Thereafter these facilities shall be kept available for use and maintained to the satisfaction of the Local Planning Authority.

Reason: To ensure satisfactory refuse storage facilities and to ensure adequate cycle parking facilities encouraging modes of transport other than the private motor vehicle;

15. No plant or any other form of equipment, other than the photovoltaic panels hereby permitted, shall be installed or placed on the roof of the school without the express consent of the Local Planning Authority.

Reason: To respect the architectural integrity of the building and to ensure a satisfactory appearance to the development within the Malvern Hills Area of Outstanding Natural Beauty.

16. Prior to commencement of the development hereby permitted all the trees to be retained including those that adjoin/overhang the eastern boundary together with the hedgerow along Mill Lane and the hedgerow adjacent to the eastern boundary of the site shall be protected by fencing erected in accordance with BS5837:2012. Once these protective measures have been erected but prior to commencement of the development, a suitably qualified arboricultural consultant or landscape architect shall inspect the site and write to the Local Planning Authority to confirm that the protective measures are in-situ. Upon confirmation of receipt of that letter by the Local Planning Authority the development may commence but the tree / hedgerow protection measures must remain in-situ until completion of the development;

Reason: To ensure that there is no undue damage to trees and hedgerows to be retained during the construction phase that would prejudice their health and future retention.

17. All planting, seeding and turfing shown upon the approved documents referred to in condition 2) above, shall be carried out in the first planting and seeding season following completion of the development or first use of the development (whichever is the sooner). Any trees of plants which within a period of ten years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure that the development is satisfactorily integrated into the landscape.

18. Prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:-

- A scheme for the provision and management of parking for construction workers and site operatives during the construction to minimise parking on the public highway

Development shall not commence until the written consent of the Local Planning Authority has been obtained. The development shall be carried out in full accordance with the approved detail.

Reason: To minimise disruption caused by on-street parking during the construction phase.

- 19. Prior to the first use of the building hereby permitted the new vehicular access onto Mill Lane hereby permitted to serve the School car park shall be provided with a visibility splay of 2.4 metres x 47 metres in a north-westerly direction and 2.4 metres x 54 metres in a south-easterly direction kept free of obstruction above a height of 0.6m from ground level. The approved splay shall be maintained and permanently be kept free of obstruction above a height of 0.6 m from ground level.**

Reason: In the interests of highway safety.

- 20. Any new access gates to the school car park hereby permitted and the new agricultural access shall be set back a minimum of 5.5 metres from the carriageway of Mill Lane.**

Reason: In the interests of highway safety.

- 21. The development hereby permitted shall not be brought into use until the off-site highway works that form part of the approval have been fully implemented.**

Reason: In the interests of highway safety.

- 22. CAT (H21 wheel washing)**

- 23. Prior to the first occupation of the development hereby permitted written evidence/certification demonstrating that water conservation and efficiency measures to achieve the equivalent of BREEAM 3 credit(s) (i.e. Wat 01 – Water consumption) for water consumption as a minimum have been installed / implemented shall be submitted to the Local Planning Authority for their written approval. The development shall not be first occupied until the Local Planning Authority have confirmed in writing receipt of the aforementioned evidence and their satisfaction with the submitted documentation. Thereafter those water conservation and efficiency measures shall be maintained for the lifetime of the development.**

Reason: To ensure water conservation and efficiency measures are secured, in accordance with policy SD3 (6) of the Herefordshire Local Plan Core Strategy 2011-2031.

- 24. Other than fencing, gates, walls or other means of enclosure permitted by virtue of this permission, no development normally permitted by Class A, Part 2, Schedule 2, Article 3 of the Town and Country Planning General Permitted Development (England) Order 2015 (as amended) (or any revoking and re-enacting that Order with or without modification) shall be carried out without the express consent of the Local Planning authority;**

Reason: - To ensure a satisfactory appearance to the development within the Malvern Hills area of Outstanding Natural beauty;

- 25. I16 Restriction of hours during construction**

- 26. No external lighting whatsoever, other than that approved under the auspices of this planning permission shall be installed upon the site (including upon the buildings) without the express consent of the Local planning authority;**

Reason: - to prevent light pollution and to safeguard the character of the Malvern Hills Area of Outstanding Natural Beauty;

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 Severn Trent Water advise that there may be a public sewer located within the application site and encourage the applicant / developer to investigate this. Note that public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. If there are sewers which will come into close proximity of the works, the applicant/developer is advised to contact Severn Trent Water to discuss the proposals and they would seek to assist with obtaining a solution which protects both the public sewer and the development.**
- 3 Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent water and advise them of any proposals located over or within 3 metres of a public sewer. In many cases under the provisions of the Building Regulations 2000 Part H4, Severn Trent can direct building control officers to refuse building regulations approval.**
- 4 Any discharge of surface water to an ordinary watercourse will require Ordinary Watercourse Consent from Herefordshire Council prior to construction.**
- 5 Japanese Knotweed, a Schedule 9 invasive plant species, is present on the periphery of the application site. The landowner/developer should seek the advice of an invasive species specialist to prescribe the most appropriate control measures. The applicant / developer are advised to prepare an Invasive Species Control Scheme in line with standard Environment Agency guidance and to implement accordingly. The responsibility to deal with this matter rests with the landowner/developer.**
- 6 The Parish Council wish the applicant/developer and Highway Authority to continue to liaise with them with respect the detailed highway design work required in relation to the requisite Section 278 Agreement. In particular they wish consideration to be given to see if the ramps can be softened sufficiently to avoid the Hump signs and limit the extension of the urban area along Mill Lane with the 30 mph and school sign.**
- 7 I11 - HN01 Mud on highway**
- 8 I09 - HN04 Private apparatus within highway**
- 9 I45 - HN05 Works within the highway**
- 10 I08 - HN07 Section 278 Agreement**
- 11 I05 - HN10 No drainage to discharge to highway**
- 12 I51 - HN22 Works adjoining highway**
- 13 I47 - HN24 Drainage other than via highway system**
- 14 I41 - HN25 Travel Plans**

15 I35 - HN28 Highways Design Guide and Specification

16 The Travel Plan submitted as part of the approved planning application submitted separately to the Council’s Travel Plan Co-Ordinator and reviewed on a two yearly basis.

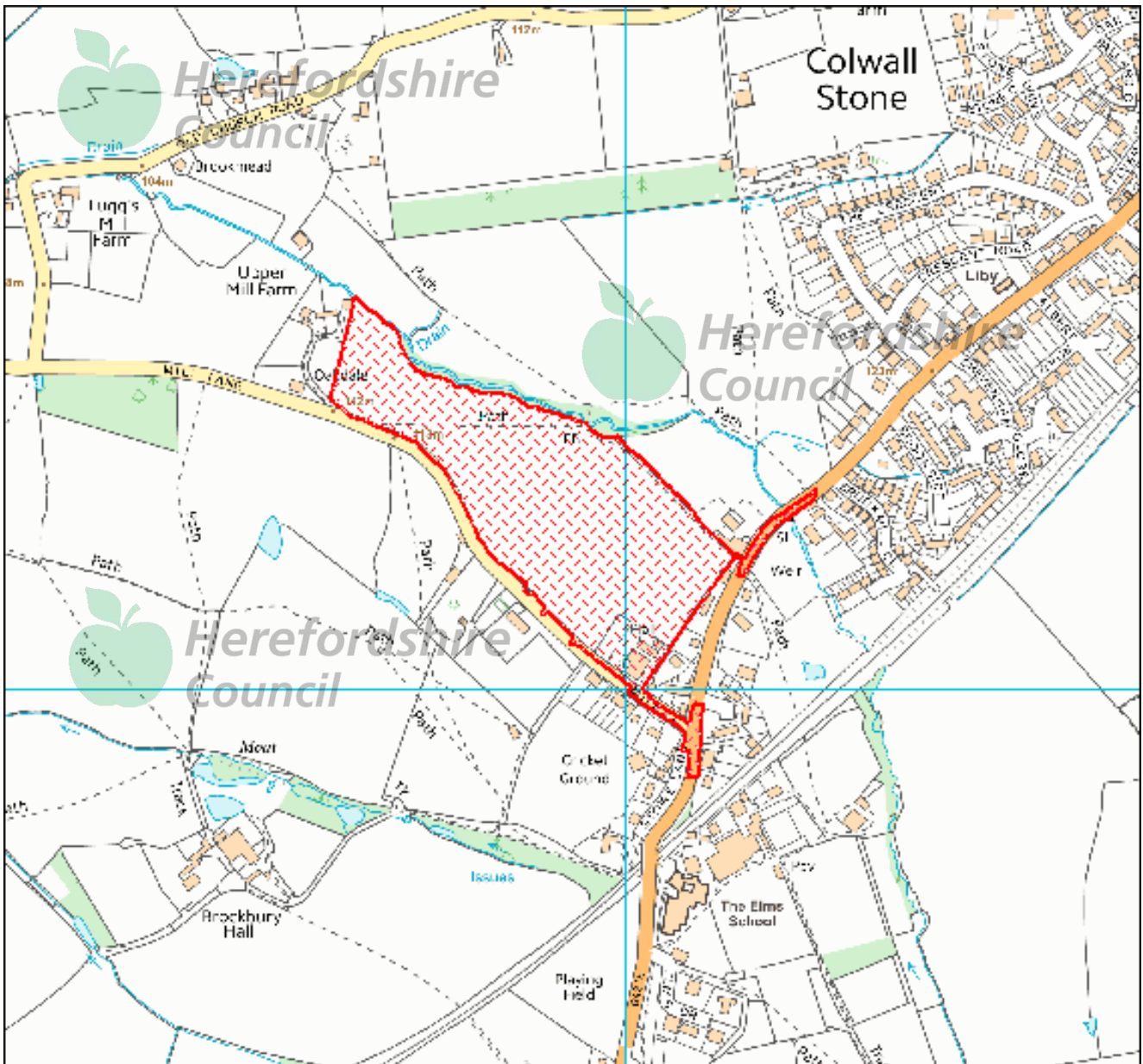
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies



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APPLICATION NO: 161407

SITE ADDRESS : LAND ADJACENT TO COLWALL VILLAGE HALL, MILL LANE, COLWALL,
HEREFORDSHIRE, WR13 6EQ

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Further information on the subject of this report is available from Mr Roland Close on 01432 261803



| | |
|--|---|
| MEETING: | PLANNING COMMITTEE |
| DATE: | 3 AUGUST 2016 |
| TITLE OF REPORT: | <p>150478 - PROPOSED ERECTION OF UP TO 460 DWELLINGS INCLUDING AFFORDABLE HOUSING, PUBLIC OPEN SPACE, A PARK & CHOOSE FACILITY, WITH ASSOCIATED LANDSCAPING ACCESS, DRAINAGE AND OTHER ASSOCIATED WORKS ON LAND TO THE NORTH OF THE ROMAN ROAD AND WEST OF THE A49, 'HOLMER WEST', HEREFORD.</p> <p>For: The Bloor Homes Ltd per Mr Guy Wakefield, Thornbury House, 18 High Street, Cheltenham, Gloucestershire, GL50 1DZ</p> |
| WEBSITE LINK: | https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=150478&search=150478 |
| Reason Application submitted to Committee – Strategic Application | |

Date Received: 18 February 2015

Ward: Holmer

Grid Ref: 350219,242481

Expiry Date: 31st AUGUST 2016

Local Member: Councillor AR Round

1. Site Description and Proposal

- 1.1 Outline planning permission with all matters bar access reserved is sought for the erection of up to 460 dwellings, including affordable housing, public open space, park and choose facilities, drainage, allotments and other associated works on land to the north of the Roman Road and west of the A49 Trunk Road, Hereford.
- 1.2 The site is allocated for residential development in the Herefordshire Local Plan – Core Strategy as the smallest of the three strategic urban extensions to Hereford and is known as 'Holmer West'. Policy HD4 describes the provision of 500 new homes and is a criteria-based policy, setting out the expectation that development should deliver a comprehensively planned sustainable urban expansion, sensitively integrated into both the existing urban fabric of Hereford, and the wider landscape, through high design and sustainability standards.
- 1.3 The site covers 22.6 hectares on rising ground on Hereford's northern fringe. It is comprised predominantly of agricultural fields and bound to the south and south-east by the Ayles Brook, dwellings to the north of Roman Road and for the western portion of the southern boundary, Roman Road itself. To the east the A49 runs north/south into Hereford and forms the site boundary at the north-eastern extremity. Moving south from here the site's eastern boundary is formed by Holmer House Farm, with its grade II listed farmhouse and the grade I listed Church

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

of St. Bartholomew, grade II listed detached bell-tower and grade II listed churchyard cross; which is also a Scheduled Monument and pedestal tomb.

- 1.4 To the north and west the principal land-use is agricultural, although dwellings line the northern edge of the Roman Road up to and beyond the junction with the A4110 Canon Pyon Road. The site's southern boundary is defined for much of its length by Ayles Brook and associated planting, with residential development in the form of The Crescent, Orchard Close, Dale Drive and Belle Bank. There is an existing field access onto Roman Road in the site's south-western corner. The site is traversed by Public Right of Way H01, which leaves Roman Road passing between dwellings in The Crescent and heading north-westwards through the site and over open countryside towards Elton's Marsh on the Canon Pyon Road (A4110).

Policy HD4 – Northern Urban Expansion (Holmer West)

- 1.5 Policy HD4 and its associated explanatory text outline the key opportunities and constraints for the site, reflecting on the site's landscape character assessment and the urban fringe sensitivity analysis which places the northern part of the site in a zone of high to medium sensitivity, reducing to medium sensitivity over the majority of the site as the land falls to the Ayles Brook.
- 1.6 The allocation is for a minimum of 500 homes, built to high energy efficiency standards with 35% affordable. Policy HD4 requires a mix of housing to meet the local requirements and the need for older persons' accommodation as expressed in the evidence base. There is the expectation that the design and styles of the new housing should complement the built and landscape character of the locality and that scale and density will be reflective of the topography and prominence of the area.
- 1.7 In terms of movement, the development is required to provide walking, cycling and green infrastructure corridors linking to a park and choose site to the west of the A49, the existing public right of way network and educational, community and employment sites in the locality. Reflecting the presence of the Ayles Brook and historic flooding episodes, the scheme is also required to mitigate flood risk for new and existing homes, through the incorporation of sustainable urban drainage solutions (SuDs).
- 1.8 The Green Infrastructure Strategy (2010) identifies the site as predominantly arable in use. It lies within a local enhancement zone (HerLEZ3) and incorporate strategic corridor HerLSC3. The strategy identifies a number of opportunities to enhance existing green infrastructure, including establishing robust linear habitats along Ayles Brook, with additional landscaping appropriate to landscape character.
- 1.9 The policy also refers to the need for land or a contribution towards the adjoining phase of the Hereford Relief Road (HRR), with additional contributions where appropriate, via S106, towards indoor and outdoor sports and play facilities, open space and allotments and the enhancement of existing educational facilities.
- 1.10 The application is supported by a range of technical studies, many of which have been reviewed/amended during the course of the application in response to responses received during the consultation stage. These studies include:-
- Planning Statement (Hunter Page Planning);
 - Design and Access Statement (Nash Partnership);
 - Heritage Statement (Nash Partnership);
 - Transport Assessment (Phil Jones Associates);
 - Landscape and Visual Impact Assessment (SLR Consulting);
 - Separate Drainage and Flood Risk Assessment (BWB);
 - Statement of Community Involvement (Hunter Page Planning);
 - Archaeology Report (Worcestershire Archaeology);

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

- Noise Assessment (Clarke Saunders Associates);
- Geophysical Survey Report (Stratascan); &
- Site Investigation Report (Integral Geotechnique).

1.11 The Design and Access Statement (which has been amended following adoption of the Core Strategy to define a potential expansion area to ensure delivery of 500 units and a park and choose as opposed to park and ride site), sets out the principles behind the illustrative masterplan. In summary the masterplan responds to the policy requirements as follows:-

- A fragmented and lower density edge to the northern boundary with frontage development on main link road and key pedestrian circulation routes.
- Maintenance of 'key view' corridors, including long-distance views to Cathedral to the south.
- Protection of existing field hedgerows where possible.
- Centrally located open space with the Ayles Brook corridor to provide a landscape buffer separating the new development from that beyond the site's southern boundary.
- Predominantly two-storey dwellings across the site, including the specialist, older persons' housing.
- The creation of linear wetland habitats along Ayles Brook, planting orchards and species rich hedgerows, establishing linear buffer areas of grassland, woodland and hedgerows; and promoting and extending public rights of way and access to the countryside
- Maintaining a buffer against St. Bartholomew's Church via the corridor along Ayles Brook.
- Continuous pedestrian and cycle shared use path separated from highway.

1.12 In recognition that the current proposal is for fewer dwellings than the policy requires, the revised masterplan suggests that the modest shortfall can be made up on land formerly part of the larger park and ride site.

1.13 The development has been assessed against the Environmental Impact Regulations. The Council has adopted a Screening Opinion which concludes that the scheme is not EIA development.

2. Policies

2.1 Herefordshire Local Plan – Core Strategy

2.2 Herefordshire Local Plan - Core Strategy.

| | | |
|------------|---|--|
| SS1 | - | Presumption in favour of sustainable development |
| SS2 | - | Delivering New Homes |
| SS3 | - | Releasing land for residential development |
| SS4 | - | Movement and transportation |
| SS6 | - | Addressing climate change |
| SS7 | - | Addressing climate change |
| HD1 | - | Hereford |
| HD3 | - | Hereford movement |
| HD4 | - | Northern Urban Expansion (Holmer West) |
| H1 | - | Affordable Housing – Thresholds and Targets |
| H3 | - | Ensuring an Appropriate Range and Mix of Housing |
| E2 | - | Redevelopment of existing employment land and buildings |
| 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 |

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

| | | |
|-----|---|--|
| SD1 | - | Sustainable Design and Energy Efficiency |
| SD3 | - | Sustainable Water Management and Water Resources |
| SD4 | - | Wastewater Treatment and River Water Quality |
| ID1 | - | Infrastructure Delivery |

2.2 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 8 | - | Promoting healthy communities |
| 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 |

2.3 National Planning Policy Guidance (NPPG)

National planning practice guidance was launched in March 2014, consolidating and updating previous guidance in a single online location. The guidance links to national policy in the NPPF and refers to matters relevant to this application, including the assessment of flood risk.

2.4 Policy HD4 – Northern Urban Expansion (Holmer West)

The policy underpinning the Holmer West allocation in the Core Strategy is quoted in full below:-

“Land at Holmer west will deliver a comprehensively planned sustainable urban expansion. The new development will be sensitively integrated into both the existing urban fabric of Hereford, and the wider landscape, through high design and sustainability standards. The development will be expected to provide:

- *500 new homes, at an average density of up to 35 dwellings per hectare, comprising a mix of market and affordable house sizes and types that meet the requirements of policy H3 and the needs identified in the latest version of the Herefordshire Local Housing Market Assessment;*
- *a target of 35% of the total number of dwellings shall be affordable housing;*
- *Park and Choose site (land and infrastructure) adjacent to the western side of the A49 in close proximity to the Hereford Relief Road and land or a contribution to facilitate the construction of the adjoining phase of the Hereford Relief Road;*
- *walking and cycle routes and green infrastructure corridors linking to the Park and Choose site the existing public right of way network and existing education and community facilities and employment sites in the locality;*
- *appropriate new green buffers and linear green routes, particularly along Ayles Brook;*
- *measures to mitigate flood risk both for the new homes within the expansion area and for the benefit of existing residents and businesses in other parts of the city through the incorporation of sustainable urban drainage solutions, as part of the green infrastructure network and measures to control water levels within Ayles Brook;*
- *appropriate provision of and contributions towards indoor and outdoor sports and play facilities, open space and allotments;*
- *where appropriate a contribution towards pre-school facility and contributions towards the enhancement of existing primary and secondary school provision and any identified need for other community infrastructure/facilities; and*
- *sustainable standards of design and construction.*

This expansion area will be accessed primarily off the A4103 Roman Road. The area will be planned in a comprehensive manner to show the layout of development and the required infrastructure. Appendix 5 sets out the relationship between the development of urban expansion areas and the provision of key new infrastructure.”

The policy is reinforced by supporting text set out under six topic headings. The officer's appraisal is structured to respond in turn to the the policy and supporting text.

2.5 Neighbourhood Planning

Although contributing to the housing requirement for Hereford city, the site lies within Holmer and Shelwick Parish. The Parish Council has opted not to produce a Neighbourhood Development Plan. This is understood to be on the basis that the parish adjoins Hereford and that housing requirements within the parish will be met and significantly exceeded by this allocated site and others arising over the lifetime of the Core Strategy.

The Parish has produced a Community-Led plan, but this does not have the status of a Development Plan Document. It nonetheless sets out key concerns and objectives within the parish.

2.6 Other Relevant National and Local Guidance / Material Considerations

- Annual Monitoring Report – 2015/16
- Urban Fringe Sensitivity Analysis
- Planning for Growth – 2011
- Laying the Foundations – 2011
- Housing and Growth – 2012
- Green Infrastructure Strategy - 2010

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

3.1 SH940076PF – Change of use of land from agricultural to two football pitches: Refused 23rd March 1994

3.2 921461PO – Outline application for residential development, refused and dismissed on appeal 30th November 1993.

3.3 871406PO – Residential development of approximately 200 dwellings, drainage, highway infrastructure and landscaping: Refused 25th November 1987

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

Conditions

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.

SEWAGE TREATMENT

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

WATER SUPPLY

The proposed development is located in an area of water supply issues. We have had the opportunity to reconsider any development commencing prior to the essential improvements being undertaken and completed by Welsh Water, and are able to allow no more than 150 dwelling to be occupied prior to the improvement works which are scheduled to be completed by 31st March 2020. We would therefore offer the following Condition:

- No more than 150 of the dwellings hereby approved shall be occupied until essential improvements to the public water supply system have been completed by Dwr Cymru Welsh Water and the Local Planning Authority have been informed in writing of its completion. This work is scheduled for completion by 31st March 2020.

Reason: To ensure satisfactory mains water supply is available to properties at all times.

4.2 Highways England: No objection subject to conditions

Annex A - Highways England recommended Planning Conditions attached to any planning permission that may be granted

HIGHWAYS ENGLAND ("we") has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regard to the above referenced planning application and has been prepared by Patrick Thomas, on behalf of Highways England.

The application was received in February 2015 and is for a housing site at Holmer West, Hereford. The Site is allocated in the adopted Herefordshire Core Strategy as a strategic site. The Core Strategy imposes a cap on the level of development pending the opening of the Hereford Western Relief Road.

Highways England considers that Herefordshire Council has responsibility to manage housing development coming forward within Hereford, paying due cognisance to the strategic housing sites and associated infrastructure required to be in place to support housing development, contained within Appendix 5 of the adopted Herefordshire Local Plan. As such, Highways England considers that the Council are best placed to manage the delivery of this site in accordance with the Core Strategy requirements.

There is no relevant planning application history associated with the site. A number of meetings were held with the Parish Councils, as well as pre-application discussions with Herefordshire Council and various statutory consultees, and a public exhibition held over two days, prior to the submission of the application. Following the submission of the application, a number of further discussions have been held with Herefordshire Council and Highways England.

We have reviewed the information submitted with the application which includes a Transport Assessment [TA] and Framework Travel Plan [TP] and confirm that the information provided is sufficient to allow a substantive response to be made.

Pre-application and post-application discussions have been held with the applicant. These discussions have resulted in the following:

- The agreement of a site access junction being constructed on the A49. This response confirms that the requirements of section 175B of the Highways Act 1980 have been satisfied and that consent for the creation of a new access junction on the A49 trunk road is hereby given;
- Highways England Planning Response (HEPR 16-07) July 2016
- The applicant will agree a commuted sum to the Highway Authority for the A49 for verge and hedge maintenance. The sum shall cover verge and hedge maintenance for 60 years, commencing on the date when the planning application is approved. The commuted sum shall be agreed, and paid in full. This is to be secured via a section 278 agreement;
- An agreement reached with the applicant to undertake a Highways Study and implement the Study outcomes for the Eign Street junction (A438 / A49 junction);
- Mitigation measures on the A49 being agreed; and
- Submission and implementation of a Travel Plan.

Condition(s) to be attached to any grant of planning permission:

Condition 1

No development shall commence on the site until such time as a Highways Study for the Eign Street junction (A438 / A49 junction) has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Highways Authority for the A49. The Highways Study shall demonstrate the impact of the submitted scheme on the Eign Street junction and identify any necessary mitigation measures required and a timetable for their provision. The Highways Study shall include, as a minimum the following elements:

- An assessment of trip generation and trip distribution associated with full occupation of the development hereby approved;
- An assessment of trip generation and trip distribution associated with full occupation of other development sites within Hereford, to be agreed with the Local Planning Authority and the Highways Authority for the A49;
- An assessment of traffic impacts at the Eign Street junction on the A49;
- Identification of any requirements for highways mitigation associated with the development in order to make it acceptable;
- The mechanisms which will be used to deliver any requirements for highways mitigation;
- The timeframes for implementation of the requisite highways mitigation; and

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

- The identification of appropriate contributions from the development sites considered within the Study to the requisite highways mitigation.

The measures identified within the Highways Study approved under this condition shall be agreed with the Local Planning Authority and Highways Authority for the A49 and implemented in accordance with the agreed provisions.

Condition 2

A full Travel Plan should be submitted to, and agreed by, the Local Planning Authority in consultation with the Highways Authority for the A49 prior to the occupation of any element of the site. The agreed Travel Plan shall be implemented in full.

Condition 3

No part of the development hereby permitted shall be occupied until such time as the highways scheme at the A49 Newtown Road/Mortimer Road junction, as detailed in Phil Jones Associates drawing no. 668 – 313 Rev, has been provided in full and is available for use by vehicular traffic.

Condition 4

No part of the development hereby permitted shall be occupied until such as a time as the highways scheme at the A49 Newtown Road / Farriers Way / A49 Edgar Street roundabout, as prescribed in the Phil Jones Associates drawing no 668 – 313 Rev, is provided in full and is available for use by vehicular traffic.

Reasons for the above conditions: To ensure the safe and free flow of traffic on the A49 and that it continues to serve its purpose as part of the national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 and to satisfy the reasonable requirements of road safety on that road.

4.3 Natural England

Following additional information being submitted, Natural England would like to make the following additional comments:

The Conservation of Habitats and Species Regulations 2010 (as amended) (Habitats Regulations) Wildlife and Countryside Act 1981 (as amended)

Internationally and nationally designated sites

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the River Wye Special Area of Conservation (SAC) which is a European site. The site is notified at a national level as the River Wye Site of Special Scientific Interest (SSSI) and the River Lugg SSSI. Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have

been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

River Wye SAC - No objection

A stretch of the river from the two sewage treatment works (STW) in Hereford (Rotherwas and Eign) to the confluence with the Lugg is at risk of exceeding the River Wye SAC conservation objective target for phosphates. Modelling has shown that up to approximately 6500 houses can be accommodated 1) within the existing discharge consents (permission for Welsh Water to discharge to the River Wye SAC, granted by the Environment Agency), and 2) without causing the River Wye SAC conservation objective target for phosphates to be exceeded (without causing adverse effect on integrity (AEOI)).

Your Authority needs to consider when determining this planning application the impacts of this proposal on the River Wye SAC alone or in combination with other projects and plans. In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided, Natural England offers the following advice:

- the proposal is not necessary for the management of the European site
- that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment.

It is proposed that the development will connect to mains sewer and we note Dŵr Cymru/ Welsh Water have not objected to mains connection in their letter dated the 21 October 2015. The development site is an allocated development site within the adopted Herefordshire Local Plan - Core Strategy and has therefore already been included within the available headroom.

River Wye SSSI and the River Lugg SSSI

Please see section above. Our concerns regarding the River Wye SSSI and River Lugg SSSI are the same as those for the River Wye SAC.

Lugg and Hampton Meadows SSSI – No objection – no conditions requested

We refer you back to the comments we made in our letter dated the 25 March 2015. We have no further comments to make.

Soils and Land Quality

Since our original response the Herefordshire Local Plan-Core Strategy has been adopted and therefore we consider that this proposal falls outside the scope of the Development Management Procedure Order (DMPO) (as amended) consultation arrangements. Although outside the scope of the DMPO, Natural England draws your Authority's attention to the following land quality and soil considerations:-

1. Based on the information provided with the planning application, it appears that the proposed development comprises approximately 22.7 ha of agricultural land. No information has been provided with the application with regards to the 'best and most versatile' (Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system).

2. Our maps show that the site is graded at a strategic level as grade 3 agricultural land. This information is available on www.magic.gov.uk. There are no available detailed Agricultural Land Classification surveys available for the site but our data indicates that the area has a high predictive likelihood of BMV.

3. The illustrative masterplan shows that some of the site will remain undeveloped as formal and public open space, allotments and green corridors. However the majority of the site which has been graded at a strategic level as grade 3 will be lost.

4. Government policy is set out in paragraph 112 of the National Planning Policy Framework which states that:

'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'.

5. In order to safeguard soil resources as part of the overall sustainability of the development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management.

6. Consequently, we advise that if the development proceeds, the developer uses an appropriately experienced soil specialist to advise on and supervise soil handling, including identifying when soils are dry enough to be handled and how to make best use of the different soils on site. Further guidance is available in Defra *Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (including accompanying Toolbox Talks)* and we recommend that this is followed.

Green Infrastructure and potential for Priority Habitat creation

We refer you to our response dated the 25 March 2015 and the comments made regarding green infrastructure and priority habitat creation. Our response remains unchanged.

Natural England, as stated in previous correspondence, is not in a position to give a view on issues such as local sites, local landscape character or the impacts of the development on species or habitats of biodiversity importance in a local context.

As we advised in our previous correspondence, your authority should seek advice from the appropriate local record centre, Local Site scheme and other appropriate recording bodies to ensure that any decision made relating to this application is compliant with relevant national planning policies. You should also assess whether the proposal respects and, where possible, enhances local distinctiveness and be guided by your Authority's landscape character assessment where available, and the policies protecting landscape character in your local plan or development framework when determining the application.

4.4 Environment Agency: No objection subject to conditions

I refer to your email of the 11 March 2016 in relation to the above development and, specifically amendments to the proposals, including the substitution of a smaller area set aside for park and choose instead of park and ride. We have no objection to the proposed development and would re-iterate and revise the following comments and conditions for your consideration at this time.

Flood Risk: The proposed development is located in Flood Zone 1 (low probability) based on our indicative Flood Zone Maps. Whilst development may be appropriate in flood zone 1, Table 1 of NPPF Technical Guide 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'.

Flood Risk Assessment (FRA): The Ayles Brook runs along the eastern and southern boundaries of the site and a smaller watercourse in the western section of the site. Both are classed as ordinary watercourses and we do not hold hydraulic models for either watercourse.

The Ayles Brook does, however, have flood zones associated with it, which have been produced using a national, generalised mapping technique. The watercourses then pass under Roman Road (A4103) and are, in culvert, run under the racecourse before eventually discharging into the River Wye. BWB have undertaken hydraulic modelling of both watercourses within the site boundary to further assess the flood risk to the site and the results are included in their FRA (Ref: BMW/2159/FRA/REVB dated November 2014). The modelling information is included in Appendix B (Hydraulic Modelling Technical Note) including the flood mapping of the various return periods. The FRA has also identified some historical flooding south of the site where the tributary of the Ayles Brook goes into culvert at the Roman Road (A4103). We are generally satisfied with the modelling undertaken and outlined in the Hydraulic Modelling Technical Note (Appendix B). The more conservative of the 2 flows derived has been used in the modelling though both the Statistical and Rainfall Runoff techniques produced comparable flows. Good sensitivity analysis has been undertaken looking at the impacts of flows, roughness, downstream boundary impacts and particularly on the blockages of structures and included in Appendix F and in Table 4.1 of the Technical Note. The FRA has confirmed (2.11) that although the modelling was sensitive to the various sensitivity testing carried out there was little alteration in the floodplain extent due to the topography which is understandable on a steep site like this. We note that the various small culverted crossings on the tributary of the Ayles Brook from a site visit and that they would be susceptible to blockages (BL7 and BL8 on Figure 4.3 of the Technical Note). There was flow in this watercourse during a site visit made in March 2015. The FRA has confirmed that all development will be located within Flood Zone 1 of BWB's modelling other than some of the parking associated with the Park and Ride scheme which is shown to flood to a depth of 80mm in a 1 in 1000 year event.

Finished Floor Levels: This is the key issue given that the modelling has shown that the proposed dwellings will be located within Flood Zone 1. Section 3.11 of the FRA and Table 4.1 of the Technical Note have assessed the various modelled flood levels and suggested suitable finished floor levels which are generally the standard 600mm above the 1 in 100 year plus climate change modelled flood level. This is other than at Point H on Figure 3.1 of the FRA where the floor level has been raised due to the impact of blockages at this point and is 880mm above the 1 in 100 year plus climate change modelled flood level. These minimum floor levels are acceptable to the Environment Agency.

Safe Access/Egress: The FRA (3.6) confirms that the new access road will be set above the 1 in 100 year plus climate change modelled levels and provide safe pedestrian and vehicular access for the development. This will require culvert crossings over the two watercourses. As these are both ordinary watercourses these will require the consent of Herefordshire Council as the Lead Local Flood Authority (LLFA). Our preferred option would generally be for an open span bridge to cross the watercourses rather than a culvert crossing. The LLFA will have to be satisfied flood risk elsewhere will not occur as a consequence of the crossings/access road.

Overland Flow Routes: As highlighted in the FRA, given the topography of the site, it is essential that the development is designed to ensure that overland flows from the adjacent farmland are routed away from residential units and also that they are not diverted towards third parties. It is noted that BWB have produced a Technical Note (Ref: BMW/2159/TN2) to address concerns raised in relation to waste water infrastructure and surface water management. We would have no further comments to add on this.

Park and Ride: We note that the amended proposals now include a 'Park and Choose' facility as oppose to the previous, larger, 'Park and Ride'. Additionally, the new facility is located wholly within Flood Zone 1, the low risk Zone, which is welcomed.

Surface Water Drainage: Again Herefordshire Council, as the LLFA, will lead on this aspect of the proposals to ensure that flood risk elsewhere is not increased and ideally betterment will be provided post development as proposed in the FRA and Hydraulic Modelling Technical Note.
End 3

Flood Risk Betterment: Large strategic sites such as this should be designed to provide flood risk betterment post development, particularly as there have been historical flood events immediately downstream of the site on the southern side of Roman Road. The FRA suggests that flows could be directed away from the ordinary watercourse in the west of the site directly to the Ayles Brook thus avoiding the location of the historical flooding on the Roman Road. We agree that this is a matter that should be investigated with Herefordshire Council as development should also look to reduce existing flooding issues post development.

Summary: We are satisfied with BWB's FRA and that the vast majority of the site is not at fluvial flood risk and is therefore developable. We recommend the following conditions if planning permission is granted:

Condition: Finished floor levels shall be set no lower than the levels indicated in Figure 3.1 of the FRA and Table 4.1 of the Hydraulic Modelling Technical Note unless otherwise agreed in writing by the LPA.

Reason: To protect the proposed dwellings from flood risk for the lifetime of the development including culvert blockages.

Condition: The proposed access crossings must be designed to ensure that access and egress is available to all dwellings above the 1 in 100 year plus climate change modelled flood levels provided in Table 4.1 of the Hydraulic Modelling Technical Note without increasing flood risk elsewhere.

Reason: To ensure all residents have safe vehicular and pedestrian access to and from the development during flood events and that flood risk to third parties is not increased.

Foul Drainage: We would have no objection to the connection of foul water to the mains foul sewer, as proposed. The LPA must ensure that the existing public mains sewerage system has adequate capacity to accommodate this proposal, in consultation with the relevant Sewerage Utility Company.

Export & Import of wastes at site: Any waste produced as part of this development must be disposed of in accordance with all relevant waste management legislation. Where possible the production of waste from the development should be minimised and options for the reuse or recycling of any waste produced should be utilised.

4.5 Sport England

Sport England has assessed the application against its adopted planning policy objectives. The focus of these objectives is that a planned approach to the provision of facilities and opportunities for sport is necessary in order to meet the needs of local communities. The occupiers of any new development, especially residential, will generate demand for sporting provision. The existing provision within an area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, Sport England considers that new developments should be required to contribute towards meeting the demand they generate through the provision of on-site facilities and/or providing additional capacity off-site. The level and nature of any provision should be informed by a robust evidence base such as an up to date Sports Facility Strategy, Playing Pitch Strategy or other relevant needs assessment.

This requirement is supported by the Governments National Planning Policy Framework and Core Strategy Policies OS1 and OS2.

Built Facilities

The population of the proposed development could be between 1,150 – 1,610 (these figures are based on 2.5 occupiers per dwelling and 3.5 occupiers per dwelling). This additional population will generate additional demand for sports facilities. If this demand is not adequately met, then it may place additional pressure on existing sports facilities, thereby creating deficiencies in facility provision. In accordance with Circular 05/05, Sport England seeks to ensure that the development meets any new sports facility needs arising as a result of the development.

You may be aware that Sport England's Sports Facilities Calculator (SFC) can help to provide an indication of the likely demand that will be generated by a development for certain facility types. The SFC indicates that a population of 1,150 will generate a demand for the following built facility typologies:

The SFC indicates that a population of 1,610 will generate a demand for the following built facility typologies.

Sport England accepts that the population figures may not be correct, but it is the principle and method of calculating the contribution which is important here.

Playing Pitches

Herefordshire Council have been working with Sport England along with several of the National Governing Bodies for Sport in preparing a playing pitch strategy. This work is almost complete.

The Investment Plan's methodology is considered to be robust and it provides details of projects for Hereford city which are considered to be sustainable, deliverable and CIL compliant. They will help to address some of the existing deficiencies and future requirements to cover the plan period up to 2031 for each sport (football, cricket, rugby and hockey). Projects include both those to develop new facilities and those to provide improvements to existing facilities, to help improve both quantity and quality.

Contributions are calculated as follows:

- Total housing required in Hereford City (Core Strategy) 6,500
- Total market housing @ 65% 4,225
- Total investment required up to 2031 for outdoor sports facilities: £6,474,052: Estimated costs:

Facilities Costs are in accordance with our (Sport England's) Facility Costs Kitbag as of 2Q2012 where appropriate:

- 65% investment required: £4,208,134
- Cost per market house: £996

Total sought from this development @ 299 market housing £297,804 (if this is the level of market housing proposed) to be used for projects identified in the Investment Plan. At this stage it is not possible to identify one particular project as it will be subject to priorities at the time of receiving the contribution.

In conclusion, it is my view that there is robust evidence to seek contributions for off-site playing fields. I would support the LPA in seeking contributions towards built facilities.

This being the case, Sport England does not object to the granting of planning permission for this application subject to suitable contributions towards outdoor sports and if appropriate indoor built sports provision. If there is no contribution made available towards sports provision, then Sport England would wish to lodge an objection to the granting of planning permission. This is

because in my view the proposal is not sustainable, and does not meet the NPPF guidance on sustainable projects.

The absence of an objection to this application in the context of the Town and Country Planning Acts, does not in any way commit Sport England's or any National Governing Body of Sport's support for any related application for grants funding.

4.6 Heritage England: No objection

1. The advice of your archaeological adviser should be followed in full.
2. The layout of the site should provide a direct pedestrian link with the Parish Church, and that layout should reflect the significance of this outstanding historic building. The landscape design should however provide a green backdrop to the church, when seen from the east.

Internal Consultation Responses

4.7 Transportation Manager: No objection subject to conditions.

The council is in receipt of the addendum to the TA, which has been reviewed and discussed with the applicant.

To understand the impact on the strategic and local highway network of this and other strategic development sites, Highways England and the Council utilised the HE's Vissim model. The outputs of the model have been scrutinised by the Council's consultants. It is concluded, having regard to the provision of the A4103 – A49 link as part of the development will not have a severe impact and could be delivered.

The development will utilise a Traffic Light junction on Roman Road (A4103), which is deemed to be the best solution for the location taking into account the pedestrian movements. A roundabout was considered but this was not deemed a best solution as the traffic flows would impede the minor junction and this solution is not suitable for the pedestrian and cycle flows. There is potential for minor tweaks to the design that may require the junction to expand into land ownership of the applicant but this is acceptable to the developer.

A technical note from our consultants has been provided in relation to this junction. This is in response to the addendum provided by the applicant.

The note concludes that the junction would operate within the capacity of the junction's design and the staging of the lights are worse case scenario and would enable movement of traffic during the peak period including pedestrian and cycle movements. The constraints of the junction design are acceptable to the authority.

The impact of the development on the A4110 / A4103 junction has also been assessed; this was not part of the original Transport Assessment. The sensitivity testing has concluded that 'the development will have marginal impact upon the junction operation in both peak periods and corroborates with PJA's assessment that the development does not have a severe impact on the operation of the junction in 2022.'

The applicant has provided further information such that the junction will be installed with Mova which will maximise the efficiency of the junction.

The junction will be delivered under a Section 278 Agreement and must be delivered prior to occupation of any of the properties. The S278 will also deliver a cycle footway link from Kempton Avenue through to the Starting Gate; the time of the delivery of this scheme is linked to the junction.

The delivery of the housing needs to be agreed with the planning and highways authorities. It has been proposed that the link between the A4103 and the A49 will be delivered following occupation of no more than 200 houses. This is acceptable in principle but it should be demonstrated that this will have nil detriment to the network.

The applicant is prepared to contribute to the deliver of the by-pass and the package of measures required to mitigate the development, the contribution figure is £1,934,765.

In undertaking the Transport Assessment, the applicant's team have highlighted potential improvement in the network by improving the management of the traffic light system within the city This is currently undertaken by the council utilising the scoot system and the applicant has offered to pay for a review and assessment of the system and agreed to fund any improvements through the S106 contribution. This is acceptable to the Council.

The application has provided an indicative plan of the link or principal street between the A49 and the A4103 and the infrastructure required to service the site. Significant design work will be required to detail the scheme, this is for the Reserved Matters stage and it is envisaged that there will need to be close liaison between applicants, Council and Highways England to work through the design. At this stage it is proposed there will be a 7.5t weight limit and the expected speeds will be designed to be a maximum of 30mph. This is acceptable in principle to the Council.

If permission is granted in outline, I'd request inclusion of the following conditions:-

- Highway drainage
- Phasing of the deliver of the houses and the link road
- Construction and Traffic Management Plan
- CAP – off site highway improvements
- CAS – phasing for the completion of estate roads
- CAT – wheel washing
- CAZ – parking for site operatives
- CB3 – travel plan

4.8 Land Drainage Consultant: No objection subject to conditions

Overview of the Proposal

The Applicant proposes the construction of up to 460 new dwellings with a park and choose facility and access. The land is currently used for agricultural purposes and covers an area of 22.7 hectares (ha). An ordinary watercourse named the Ayles Brook flows along the eastern and southern boundaries of the site. An ephemeral stream is stated to run through the western part of the site and forms a tributary of the Ayles Brook. Both streams are under the jurisdiction of Herefordshire Council which acts as the Lead Local Flood Authority (LLFA) for this area. The surrounding area slopes fairly steeply down towards and across the site towards the Ayles Brook.

Fluvial Flood Risk

The Environment Agency Flood Map for Planning (Figure 1) indicates that the majority of the site is located in the low risk Flood Zone 1, where the annual probability of flooding from fluvial sources is less than 0.1% (1 in 1000). Land located immediately adjacent to the Ayles Brook is indicated to be located in the high risk Flood Zone 3 where the annual probability of flooding from fluvial sources is greater than 1% (1 in 100). As the site is greater than 1 ha and partially is located in Flood Zone 3, a Flood Risk Assessment (FRA) is required in accordance with National Planning Policy Framework (NPPF).

The Applicant submitted a FRA which confirms that the majority of the site is at low risk of flooding from the brook, with exception of the area located immediately adjacent to Ayles Brook. The submitted FRA includes results of hydraulic modelling of the Ayles Brook which was undertaken to confirm the existing capacity of the brook and exact extent of the floodplain. In addition, the hydraulic model identified the potential flood risk associated with the existing ephemeral stream in the western part of the site.

The FRA states that the proposed dwellings will be located in areas designed as Flood Zone 1 and that the park and choose car park will be located partially within the modelled floodplain. However, the works will result in no loss of the 1 in 100 year floodplain storage and the flood depths are predicted to not exceed 80mm during the modelled 1 in 1000 year event. The overall hazard level has been identified as 'low' during all modelled events and the location of the car park is therefore considered to be acceptable. We note that the EA has also confirmed that the proposals are acceptable.

The FRA states that finished floor levels of proposed dwellings will be established a minimum of 600mm above the fluvial flood level predicted for the 1 in 100 year plus climate change event, or 150mm above the peak water level generated by blockage scenarios (whichever is greater). Figure 3.1 and Table 4.1 of the FRA show the required minimum finished floor levels throughout the site. We agree with the proposed approach and note that the EA has also confirmed that the proposals are acceptable.

The FRA also states that the potential residual risk of groundwater emergence, pluvial runoff and sewer surcharging on the site will be mitigated by setting finished floor levels a minimum 150mm above adjacent ground levels and by profiling the ground to direct overland flows away from the built development and towards the nearest drainage point. We agree with the proposed approach.

The proposed access road will require the construction of new culverts across the Ayles Brook and the ephemeral stream. The FRA states that it is envisaged that the road can be set above the 1 in 100 year flood level with an allowance for climate change to allow dry access and egress through the site. In addition, the hydraulic modelling exercise indicated that a new upsized culvert across the ephemeral stream or new channel would provide some flood relief around the Roman Road area during flood events. We recommend that this option is investigated further at the detailed stage of the project. If any new crossings ensure no loss of channel capacity, no increased flood risk up to the 1 in 100 year plus climate change event, consideration of blockage risks and, where possible, betterment over existing conditions then we have no objections to this approach.

Construction of new crossings will require appropriate consents from Herefordshire Council as the LLFA. We also advise that ecological considerations will need to be taken into account and the need to consider migration routes and habitat loss. The note that the EA stated that their preferred option will be an open span bridge to cross the watercourses rather than a culvert crossing to mitigate potential risk of blockage.

The submitted FRA is found to be robust and provide sufficient information for outline planning permission. The Environment Agency provided recommendations on potential conditions if planning permission is granted. We agree these conditions.

Other Considerations and Sources of Flood Risk

As required by the NPPF, the FRA also gives consideration to flood risk from other sources. The potential flood risk from surface water, groundwater, impounded bodies of water and sewers have been assessed and considered to be of low risk. We concur with this assessment.

Surface Water Drainage

The submitted Site Investigation Report states that three soil infiltration tests were undertaken in the central and eastern areas of the site. No notable infiltration was observed hence it was concluded that infiltration techniques are not feasible on this site. Our review of the Cranfield University Soils map confirms that soils within this area are described as having impeded drainage. However, the same map indicates that the western part of the site is underlain by freely draining soils. Therefore, it is recommended that the Applicant maximises the use of infiltration techniques in this area, where possible, and maximises the use of combined attenuation and infiltration features – noting that groundwater levels should be a minimum of 1m below the base of any infiltration feature to maximise infiltration potential and reduce risk of groundwater ingress.

The submitted FRA states that surface water runoff from the development will be discharged to Ayles Brook with the discharge rate restricted to the current annual average greenfield runoff rate (QBAR). We are in support of this approach, although recommend that SUDS features are used to convey and attenuate surface water runoff to reduce runoff during smaller rainfall events.

It is proposed that surface water runoff from the development is attenuated in ponds that will be designed up to the 1 in 100 year event including allowance for climate change. For the park and choose area a system that includes a dry swale, filter drain and cellular storage and/or oversized pipes arrangement is proposed to provide attenuation storage for the 1 in 100 year event with climate change allowance. We note that the swale and filter drain are stated to be designed to provide two levels of treatment and stress the need for appropriate treatment to be carried through into the detailed design. The FRA also recommends that SUDS and source control techniques are considered throughout the development to minimise impermeable surfacing and to ensure runoff is passed through a minimum of two levels of treatment prior to discharge from the site. The submitted FRA includes drawings showing the proposed surface water drainage strategy, volumes of the attenuation storages and cross sections through typical SUDS measures.

We approve of the approach to surface water management and stress that a development of this size should be providing an exemplar of sustainable drainage techniques in accordance with the National Standards for Sustainable Drainage.

Information regarding the proposed adoption and maintenance of the drainage system must be provided as part of any subsequent reserved matters application.

Foul Water Drainage

The submitted FRA states that Dwr Cymru Welsh Water was consulted in regards to foul water discharge from the development and they confirmed there is capacity in the existing sewage system. The FRA states that the final approach for the disposal of foul water will be determined at the detailed design stage of the project and in consultation with Welsh Water. We concur with this approach.

Overall Comment

For outline planning permission we have no objections to the proposed development on flood risk and drainage grounds. Should the Council be minded to grant outline planning permission, we recommend that the submission and approval of detailed proposals for the disposal of foul water and surface water runoff from the development is included within any reserved matters application. The detailed drainage proposals should include:

- Provision of a detailed drainage strategy that demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features;

- Evidence that the Applicant is providing sufficient on-site attenuation storage to ensure that site-generated surface water runoff is controlled and limited to agreed discharge rates for all storm events up to and including the 1 in 100 year rainfall event, with a 30% increase in rainfall intensity to allow for the effects of future climate change;
- Demonstration that appropriate pollution control measures are in place prior to discharge;
- Information regarding the proposed adoption and maintenance of surface water and foul water drainage systems;
- Further information regarding the proposed access road structures across the Ayles Brook and ephemeral stream to ensure no loss of capacity, no increase in flood risk, consideration of blockage risks and consideration of ecological requirements.

It is recommended that surface water drainage strategy and mitigation measures for flooding are provided in accordance with the information provided in the submitted FRA, and that the use of SUDS techniques is maximised where possible

4.9 Strategic Planning Manager

The site's strategic housing allocation, incorporated into Policy HD4 of the emerging Herefordshire Local Plan Core Strategy, was decided at a relatively early stage in the process of its development. The Spatial Strategy identified Hereford as a "growth point", which would accommodate approximately half of the County's new homes allocation.

To meet this, it was recognised that the Core Strategy would need to identify some strategic locations to accommodate around 6500 new homes. It is recognised that for development of this scale, much of these will have to be accommodated on edge-of-city greenfield sites.

The Developing Options consultation in 2008 decided on how this type of growth would be distributed. The option preferred was a dispersed number of smaller urban extensions in various locations around Hereford, as opposed to focussing all growth on large sites to the south and west of the city.

With this option brought forward, the 2010 Place-Shaping Options paper identified five strategic sites in various locations around Hereford, of which Holmer West to the north of the city was one.

The site was included in the Strategic Housing Land Availability Assessment (SHLAA) in 2009 as a site with potential to accommodate some of the growth required, with the majority of the land covering the proposal area assessed as having only minor constraints to development. Using a mix of the five strategic sites identified, four further options were devised for distribution of growth at the Preferred Option consultation stage (2010). The preferred option taken forward was again a dispersed distribution of growth, which was developed and amended taking into account consultations, an updated evidence base, subsequent studies and the results of the Sustainability Appraisal (inclusive of the Habitats Regulations Assessment). The resulting devised policy included an urban expansion to the north of Hereford, of which part was Holmer West.

The specific policy devised for the northern urban expansion (H4) at the Preferred Option stage in 2010 initially made an allocation of circa 1000 new homes (35% affordable) for the Holmer West site, including a new Primary School amongst other community infrastructure and facilities. The housing figure had been revised up from 500 following the decision that a western inner corridor should be taken forward by the Hereford Relief Road - Study of Options.

However, this was subsequently reduced back to 500 as part of an overall reduction in housing targets for Hereford, amid concerns over deliverability.

The option to develop Holmer West has been presented in the context of the housing distribution strategy for Hereford at various stages of consultation in the Core Strategy's development. There were eight rounds of consultation undertaken between 2007 and pre-submission in 2014. Each stage of consultation ran for a minimum of six weeks, and all interested parties contained within the Local Development Framework database of respondents were contacted directly to take part through questionnaires and comment. All were well-publicised through a variety of advertising media and public engagement events held throughout the County. All relevant documentation was made widely available online, in public libraries, exhibitions and information centres.

Holmer West is an important strategic site, contributing to the delivery of Hereford's housing targets and the sustaining of a five-year housing land supply. The Annualised Trajectory (Appendix 4 of the Core Strategy) projects that the site should deliver up to 225 units in the first 5 years following the adoption of the Core Strategy.

4.10 Conservation Manager (Historic Buildings): No objection

The following comments relate to the level of harm, if any, potentially caused to the five heritage assets in the immediate vicinity of the application site by the proposed outline development. The comments are based on the indicative layout shown on drawing number 13005(L) 002 Rev O.

The five heritage assets are all located between the application site and the A49.

HOLMER HOUSE

The immediate setting of grade II listed Holmer House is its farmyard to the north and west, plus the mature trees in the garden to the south and east. The slightly wider setting is the agricultural landscape of the Holmer House farmstead itself. From the main public vantage point of the A49, the listed building is secluded and separated from the new development to the east of the A49 and is relatively removed from the Church of St Bartholomew (grade I) to the south.

The proposed housing development wraps round Holmer House farmstead, though there is a green buffer space between the housing and farm buildings. Holmer House derives its significance partly from its use as a Farmhouse with its attendant farm buildings within its agricultural landscape. The removal of a large portion of that immediate landscape will change the setting, reducing the connection between the farmstead and its fields. This will reduce the significance of the heritage asset provided by the setting. In terms of NPPF Paragraph 134, the degree of "less than substantial harm" caused by the housing development on Holmer House is considered to be Low/Medium.

PEDESTAL TOMB

The tomb is grade II listed and is located to the east of the Church of St Bartholomew, within the churchyard. Its setting is localised to the churchyard, between the church and the boundary wall. Views that encompass the tomb and the housing site are possible but are not dominant. In as much as the churchyard would become a more suburban space than a rural space, there would be an impact on the description of the tomb setting, however the way that the tomb would be experienced would be little altered in reality.

It is considered that in NPPF Paragraph 134 terms, the level of harm would be Very Low, if at all.

DETACHED BELL TOWER

A particular feature of the churchyard is the detached bell tower, which is grade II listed and has a distinctive timber-framed upper level. It is located to the south of the Church of St Bartholomew. The bell tower is set immediately adjacent to the church and also to the north of the former Vicarage (now extended for use as a care home) and the parish hall. It is therefore perceived as being part of a cluster of buildings of domestic scale. The new housing under construction to the east of the A49 will increase the built environment setting, relegating the rural landscape to the fields to the west only.

The proposed housing development will further eliminate the rural setting of the bell tower by leaving only a wide green buffer. The topography to the west of the bell tower means that the housing will be on gradually rising land, thus making it more prominent.

As a formerly rural churchyard and bell tower, there is a degree of significance that will be lost by the encroaching built environment. The proposed green buffer will assist in protecting the setting up to a point but the landscape will change from an agricultural, worked setting to a semi-wooded/park setting.

In terms of NPPF Paragraph 134, the level of harm is considered to be Low/Medium, since the main significance of the heritage asset lies within the building and its history, rather than purely its setting.

CHURCHYARD CROSS

The churchyard cross is both grade II listed and a scheduled ancient monument. It is situated to the south of the Church of St Bartholomew, to the east of the bell tower. The setting of the cross is similar to that of the listed tomb and is localised. The impact of the housing development on the cross would be minimal, though views incorporating both the cross and housing may be more possible than with the tomb simply due to location.

It is considered that in NPPF Paragraph 134 terms, the level of harm would be Very Low, if at all.

CHURCH OF ST BARTHOLOMEW

The church is a relatively unassuming building, especially with the timber-framed bell tower sitting adjacent to it, but it is grade I listed and therefore the most valuable heritage asset in the vicinity. The significance of the asset, however, lies within its fabric and history in the main, rather than in the setting. The rural setting does make a contribution to the significance, as it does to the bell tower and in the same way there is a degree of significance that will be lost by the encroachment of the built environment to the west of the church. The green buffer zone will help to alleviate the harm caused by this change, even though the buffer will, in itself, represent a change in landscape character, as highlighted above for the bell tower.

In terms of NPPF Paragraph 134, the level of harm is considered to be Low/Medium, since the main significance of the heritage asset lies within the building and its history, rather than purely its setting.

4.11 Conservation Manager (Archaeology): No objection subject to conditions.

The application has been preceded by lengthy pre application discussions, and includes - as advised - full desk and field based reports on the archaeological interest and significance of the site.

Whilst it is emphasised that archaeological assessment and evaluation (as undertaken here) can only ever give an *indication* of the potential for below-ground archaeology, a fair level of confidence can I think be placed in the results in this case.

In general, the results appear to indicate that although the majority of the application area is of limited archaeological interest and potential, there are a number of locations within which some finds of interest have been made, and where there is the potential for further finds.

At first sight the most sensitive of these locations is in the vicinity of Evaluation Trench 53 [see Field Evaluation report] where a buried cremation cemetery of likely prehistoric date is indicated. Although this is a discovery of some importance, it is clear that these remains would only be affected in the northern extremity of the developed area, if at all. Given their position, I do not regard these remains as a major issue – they can readily be accommodated/mitigated here.

Additional areas of interest include a confined zone in the central eastern part of the site, which appears to contain some moderately significant medieval /post medieval remains, and a number of other locations where intermittent remains/features of various periods are evident. None of these would be regarded as being particularly significant, although they may have some group value, and would certainly merit recording.

Therefore, in accordance with NPPF Para 141 and saved Policy ARCH 6 of the UDP, I am of the view that the proposal is acceptable subject to appropriate archaeological recording under condition. I would advise standard 'programme of archaeological work' archaeological condition E01 / C47.

4.12 Conservation Manager (Landscapes): Qualified comment

The proposal is for a large-scale development of up to 460 residential dwellings with associated landscaping, access, public open space and associated works. It has been previously screened out as EIA development as whilst the proposal is large scale it was considered unlikely to give rise to significant adverse effects in terms of the wider landscape character or visual amenity.

The site comprises a number of medium to large scale arable fields, contained by hawthorn hedgerow. The landscape character type is Principal Settled Farmlands, described as a landscape with a domestic character defined chiefly by the scale of its field pattern, of small to medium sized fields. As a result of land use and perhaps due to its proximity to the city this local landscape has undergone a degree of change including the loss of hedgerow and traditional orchard. The arboricultural report indicates the presence of a network of hedgerow in good physiological and structural condition as well as a number of Category B trees. It does not however indicate the number of trees or extent of hedgerow to be removed as part of the proposal necessary in order to be able to judge the extent of the localised landscape effects. However it is accepted that as stated in the LVIA that landscape effects on the wider landscape character are unlikely to be significant.

With regard to visual amenity, the visual influence of the site is limited as a result of the south facing slope. The built form and vegetation along the watercourse further contain views. Visual impact is therefore unlikely to be significant.

There are no landscape designations on site itself and the site is referenced within the Urban Fringe Sensitivity Analysis (2010) as being, for the main part, medium sensitivity. As well as being within enhancement zone HerLez3 within The Green Infrastructure Strategy (2010) and these factors along with the strategy for conservation and enhancement for this character type should be the guiding factors in terms of any layout proposals.

It is noted that the previous landscape officer has commented upon the proposed layout and acknowledged that most concerns from a landscape perspective have been addressed.

Further comments were made in respect of GI links both within the site in terms of the connection between the formal space and the outer green edge as well as links beyond the site to existing green assets. Green fingers connecting the internal formal open space to the outer corridor are crucial in terms of GI and ecological corridors the detail of which will be required as part of the reserved matters.

The landscape setting of the grade I listed church of St Bartholomew's appears to be adequately addressed given the landscape buffer provided by the green corridor and visual links and vistas to this important landmark retained from the formal open space.

The specialist housing is in terms of scale and mass considerably greater than adjacent built form and how successfully it sits within the landscape should be further assessed.

Finally, the existing function of this site is as transition zone between the city extents and open countryside. This transition zone will move further north as a result of the proposal and this should be a primary consideration with respect to the design proposals. As previously stated edges defined by garden boundaries are inherently weak. In my opinion this sensitive northern boundary needs further consideration.

Additional comments in light of amended indicative master plan

- I note the submission of the amended indicative masterplan, which illustrates a revised park and choose scheme thereby significantly reducing the area of hard standing within the scheme.
- Finally in respect of the PROW H01, whilst I differ in judgement to the findings shown in Appendix 4 of the LVIA – the landscape effects on completion are stated as not significant – I do however consider that the scheme offers an extensive green infrastructure network which goes some way to compensate for this adverse effect my overall conclusion remains therefore the same.

4.13 Conservation Manager (Ecology): Qualified comment

I have read the ecology report from Ecology Solutions and acknowledge that it covers the necessary appraisal of the site for protected species and habitats. I am glad to see that the provision for protect species. On site has been made with continued access for them to the wide countryside via the green corridor to the north and west of the site. I am also content that the report offers sufficient mitigation and biodiversity enhancements for the project and would recommend that this is secured by non-standard conditions as follows:

The recommendations set out in the ecologist's report from Ecology Solutions dated February 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.

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

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 the Herefordshire Unitary Development Plan

To comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006.

4.14 Schools Capital and Investment Manager: The Council has negotiated a contribution using the Planning Obligations SPD methodology, which according to the indicative housing mix generates a contribution of £1,155,620.00 (index linked) to provide enhanced educational infrastructure at Trinity Primary School and/or Holmer Primary School or such other primary school that may be delivered during the course of the development, and Whitecross Secondary School.

4.15 Housing Development Officer: No objection

In principle the housing team support the above application for up to 460 dwellings of which 161 would be made available for a housing association to procure. The 161 dwellings would consist of an 80 bed supported housing unit and the balance as general needs accommodation pepper potted throughout the remainder of the development site.

Herefordshire has a rapidly growing older population with estimates predicted to reach 100,592 older persons aged 65+ by 2030. The Herefordshire Older People Housing Strategy and Pathway identifies a need for +3384 units of specialist accommodation alone for older persons within the county by 2030. The strategy identifies that there is a mismatch in current supply of specialist housing against what is needed, suggesting that there is a very limited supply of retirement type accommodation available. The specialist accommodation proposed on the site is therefore welcomed.

The Herefordshire Local Housing Market Assessment - 2012 (updated) identifies a need for 16,500 dwellings of open market and general needs accommodation within the County by 2031, of which 5,686 are identified as affordable. The development falls within the Hereford HMA where there is an annual backlog of need for 417 units of affordable housing per year (11-17). A further 2929 dwellings required by 2031.

Following discussions with Bloor Homes it has been mutually agreed that on approval of the outline planning application the land for the development of the supported housing unit is to be transferred to a Housing Association for the development to be completed by the Housing Association. Further negotiations between Adult Social Care and the preferred Housing Association/ Housing Provider will take place to ensure the most appropriate development is created to meet the identified vulnerable need.

Bed size and tenure have also been discussed and agreed with Bloor Homes. The general affordable needs dwellings are to be allocated to those with a local connection to Hereford city in the first instance, the supported housing to have a local lettings plan agreed with the housing association as per the allocation criteria of the dwellings.

4.16 NHS

The development will impact upon the Bobblestock Surgery which is fully utilising all of its available clinical space so is unable to provide services to this increased population. A Section 106 capital contribution from the developer for primary medical care facilities is required to support this residential development as per the analysis below:

Capacity Analysis

Planned Number of dwellings 460

Forecast increase in population 1,058

Average No. of consultations per annum 6

Forecast No. of consultations per annum 6,348

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

Consulting Room Capacity 6,300
No of consulting rooms required 1.01

Cost Analysis

Consulting room floor area required 16.12 sq m
Clinical/Non clinical support (excluding circulation) 10.75 sq m
Total floor area required 26.87 sq m
Forecast outturn costs (fully inclusive) £95,671

The NHS England Area Team requests a capital contribution of £95,671 to be allocated under Section 106 of the Town and Country Planning Act as part of this application. As can be seen from the capacity and cost analysis above this request is directly related to the development and is fairly and reasonably related in scale and kind to the development.

4.17 Environmental Health Manager (Contamination): No objections subject to conditions.

4.18 Environmental Health Manager (Noise): No objection

The submitted noise report is based on noise readings at four locations around the site taken in September 2013 and is an assessment of background noise levels.

The report identifies potentially noise sensitive receptors on the part of the site closes to the A4103 and advises that further predictions will need to be made on the impact of, in particular, road traffic noise and an assessment is to be made at this time on the impact of proposed mitigation measures such as windows with enhanced acoustic performance and fencing (I would suggest acoustic fencing).

I would support this approach and recommend that the design and positioning of the dwellings and any proposed mitigation measures aim at achieving the internal noise standards set out in BS8233 and outdoor amenity areas achieve sound levels of a maximum 50dB.

4.19 Public Rights of Way Officer:

I have overlaid the proposed plan on top of our GIS layer and a line of trees appears to be on top of public footpath H01. This footpath needs to be clearly integrated into the plan. It must remain unobstructed and clearly waymarked.

4.20 Parks and Countryside Manager: No objection

These comments have been amended from the original ones dated 24/03/2015 to take account of updated information and Core Strategy Policies OS1 and OS2.

Core Strategy Policies OS1: Requirement for open space, sport and recreation facilities and OS2: Meeting open space and recreation needs.

In accordance with Core Strategy OS1 and OS2, open space provision will be sought from all new residential development and considered on a site by site basis in accordance with all applicable set standards of quantity, quality and accessibility which in this instance are set out below. Where on-site provision is not appropriate off-site contributions may be sought where appropriate on an equally beneficial basis for the local community. Standards of provision are to be based on:-

- Local Evidence: Herefordshire Open Space Study 2006 (data for amenity public open space has not changed significantly and it is still considered to be accurate). This recommends POS should be at a rate of 0.4ha per 1000 population.

- Local Evidence: Herefordshire Play Facilities Study and Investment Plan 2012 and National Evidence: Fields in Trust Guidance: These recommend children's play at a rate of 0.8ha per 1000 population. Of this 0.25ha per 1000 population should be formal equipped play.
- Local: Playing Pitch Assessment 2012 and update 2014, Outdoor Sports Investment Plan (draft) and National Evidence: Fields in Trust Guidance: These recommend outdoors sports provision of between 1.4 and 1.6ha per 1000 population and where future investment in outdoor sport should be directed to maximise the benefits to the local community.

**please note this information will form the basis of a separate SPD on POS standards currently being prepared.*

In meeting policy requirements, both on and off site provision is required to include a combination of on and off site children's play and an off site outdoor sports contribution as advised at the pre-application stage. The applicant has acknowledged this but will they need to be considered as the application progresses; particularly the off-site requirements.

On-site Provision: There is limited detail but the layout appears to remain largely the same as at pre-application despite some of our concerns identified at this stage.

For 380 houses (excluding the 80 extra care homes) including the following bed space this equates to a population of 856:

- 27 x 1 bed (1.4 pop)
- 104 x 2 bed(1.7 pop)
- 111 x 3 bed(2.3pop)
- 138 x 4+ bed(2.8 pop)

Based on this population to meet policy requirements this equates to the following:

- POS provision (@ 0.4 ha per 1000 population) approximately 0.34 ha (3,400sq m)
- Children's Play (@ 0.8ha per 1000 population)approximately 0.68 ha (6,800sq m)

It is understood that provision on site has been developed to take account of landscape structure, to preserve important views and to enable a hierarchy of pedestrian links including cycle routes to connect local residents to open spaces within the development and this approach is supported. It includes:-

- 0.78 ha located in a central area. Central locations for formal and informal play are supported and we would like to see formal play located on this area. Consideration will need to be given to the road and safe crossing points.
- 0.3ha located in the N/E of the site. The inclusion of this area has never been supported given its limited use, particularly for a formal play area. This use would not be acceptable as it would create a very tight area of play with little boundary between it and the surrounding housing which would create future problems. If there is no reason to separate this area from the nearby attenuation pond area, it would make sense from a POS point of view to re-design this area to provide one larger more usable area suitable for SuDS, informal recreation, natural play and biodiversity. Design would need to take account of health and safety and standing water.

In total the provision on site of both POS and Play provision is approximately 1.28ha which adequately meets the policy requirements.

At pre-application stage, both on and off-site provision for children's play was asked for and details provided. This is to support the development of the Hereford Skate Park which is accessible from the proposed development site and provides opportunities for play and

recreation. Any off-site contribution would reduce the amount of on-site provision accordingly. As the application progresses this should be further considered.

Landscape Areas including attenuation ponds (SuDS): It is noted that there is 2.54ha of semi natural landscape provided as part of the SuDs areas. As described above these areas can make for good informal recreation and natural play opportunities as well as being good for biodiversity if designed to take account of health and safety issues of standing water.

Community Fruit Route: This area could provide an opportunity to develop a “Community Fruit Route” as part of the open space along the Ayles Brook which extends along the southern boundary of the development.

4.21 Waste Manager: Qualified comment

There are a number of ‘lanes’ outlined in the proposal which do not look accessible or suitable for a refuse collection vehicle. The vehicle which operates in this area is a 26 tonne RCV.

5. Representations

5.1 Holmer and Shelwick Parish Council: Objection

The Parish Council continues to object to this application for the following reasons:

1. Traffic is a major issue in the vicinity of the site with the Starting Gate Roundabout being at capacity. Additional traffic generated from the site along with traffic from other recently approved sites will only add to the traffic problems. Also, since the installation of the crossing with traffic lights by Holmer Church, the traffic has now started to back up the A49 which is having a detrimental impact on residents living in the area affecting their amenity and further traffic from the Holmer West will only add to this problem.

2. Flooding issues resulting from the Aylesbrook has not been addressed and there is concern that additional housing will increase the flooding risk.

3. The Parish Council has concerns over the lack of community facilities in particular the impact on local schools and local doctors’ surgeries as no provision has been made.

4. The proposed road through the development site will become a rat run for traffic cutting across to the West, thus posing a major safety concern.

5. There is no evidence to support the need for the footpath alongside Whitegates and the Parish Council feel this has been “added in” following comments made by Historic England without proper consultation.

6. The NPPF paragraph 58 aims to ensure that amongst other criteria that development “will create safe and accessible environments where crime and disorder and fear of crime do not undermine quality of life or community cohesion”. St. Bartholomew Church is a Grade I Listed Building, along with its roof and other listed assets within the churchyard are of great national significance. The heritage assets would be significantly at harm through lack of security and anti-social behaviour that has been afforded protection by the nature of the agricultural fields. Public access can only be gained from the footpath adjoining the layby off the A49. The existing PROW H01 offers sufficient links from the development to the A4103 thus reducing the need to form a new footpath across open fields that will ultimately lead to fear of crime and disorder, pollute night skies, affect the private amenity and quality of life for the owners of Whitegates, residential amenity of the existing dwellings of Belle Bank Avenue and the proposed housing development.

7. Since our first submission, Holmer and Shelwick Parish Council has adopted and launched their Community Led Plan which highlights the concerns of current residents and areas in need of improvement. There has been no consultation regarding section 106 monies with the Parish Council which should be aimed at mitigating the impact on present and future residents. With several new developments at Holmer, the Parish Council is already receiving complaints from people moving into the parish over lack of facilities. The previous Ward Councillor, Sally Robertson, made the planning department aware of the wishes of the community based on evidence from the consultations for the Community Led Plan and these feature in the adopted plan.

8. We would also like to add that we have major concerns about the principal street and the road through the development. Holmer and Shelwick PC would like to the relief road go round the outside of the development. In addition to the original plan a footpath has been introduced and we would ask why this was done and its purpose as it is a major change.

5.2 Hereford City Council: Objection

We support the views expressed by Holmer and Shelwick Council. In order to mitigate the effects of this development we wish to see investment in infrastructure specifically to replace the single carriageway bridge over the railway on the Roman Road, improvements to the Starting Gate junction, traffic management measures to prevent rat running through the new development. The dial-a-ride [park and ride] facility is redundant without an A49 bus lane into Hereford. The space would be better used for a shop and or surgery.

5.3 Ten letters of objection have been received, including one from the Hereford Civic Society. The objections are summarised as follows:-

- The local area is prone to severe flooding during and after periods of wet weather. The application does not contain sufficient measures in response to the necessary management of surface water during and post-construction.
- Putting more water into Aylesbrook will cause problems for buildings near to it, some of which have flooded in the past. Gardens are frequently waterlogged.
- All radial routes into the city centre suffer severe congestion in the AM and PM peaks. A lot of this traffic passes through the Starting Gate roundabout, which is acknowledged as being at capacity.
- The site is well removed from the planned employment development at Rotherwas. People will drive to work, putting more pressure on congested roads;
- Park & ride doesn't work as we have no separate bus infrastructure. Road and transportation issues need to be considered first.
- Local amenities and facilities are already at full capacity e.g. Holmer Primary school and Bobblestock GP. There are no other primary schools in the vicinity and walking to Holmer school requires crossing busy roads. There is no secondary school within 1.25miles;
- The size of this development is too large and equivalent to dropping a village into an established area. There are no community facilities proposed within the site itself;
- The application is premature in advance of the Inspector's report into the Core Strategy;
- The development will be visually intrusive, appearing against the skyline on rising ground;
- Loss of agriculturally productive land.
- Are more houses needed here? Houses on the Furlongs remain unsold;
- 10 year build out is too long. How can we mitigate against construction phase impacts? Some landscaping should happen in advance to help reduce noise and visual impact. Land form rises, which will result in overlooking.
- Street lighting will adversely affect neighbouring amenity;

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

- The development will result in adverse impacts on the setting of nationally significant listed buildings, including the Church.
- Ecology – site is well used by birds of prey.
- The development will impact adversely on the amenity of the public footpath which traverses the site.
- Proximity of access onto Roman Road with Aylesbrook is dangerous and estate road will be a rat-run.
- If permitted conditions must include flood prevention measures and noise attenuation – the developer should offer secondary glazing to properties on Roman Road affected by noise arising from the development. Traffic calming should also be required.
- Main exit will be directly opposite Aylesbrook. At peak times it is very difficult to turn onto Roman Road.
- The PRoW affords a beautiful view of Holmer Church in its lovely setting. The opportunity to view the historically-valued church would be lost forever.
- The development will compromise the historic setting to the city;
- The proposed Care Home looks like an attempt to reduce the Affordable Housing provision.

5.4 Hereford Ramblers' Association: No objection

Having seen the amended indicative masterplan, which clearly shows public footpath H01, we formally withdraw our objection to the proposal. However H01 does pass close to what appears to be a new line of trees. The developers need to be made aware that future growth must not obstruct the path.

5.5 Herefordshire Wildlife Trust: Qualified comment

We concur with Dr Rob Widdicombe's, Herefordshire's County Ecologist, sentiments regarding the satisfactory mitigations and biodiversity enhancements that have been suggested by Ecology Solutions in the Ecology report for the site. We also support the recommendation of his suggested conditions.

Regarding the impact on the River Wye SAC via the mains sewage disposal we would consider there to still be potential for a significant negative impact upon the SAC via the addition of extra nutrients without the evidence of how the sewage treatment works would progress. Whilst we acknowledge that the agreement stated in the Water Technical Note - Response to Flood Risk & Drainage Comments with Welsh water is a positive step forward we would recommend the following condition to be upon the development: Construction and development of the houses must not commence, until or unless:-

- information has been provided regarding the works that will be carried out to improve the waste water treatment system
- this information is subject to a Habitat Regulations Assessment and shown to have no adverse impact on the water quality of the River Wye SAC (either alone, or in combination with other developments)
- the works themselves need to be completed and fully functional before the development can be started.

5.6 Wellington Parish Council: No objection

Although Wellington Parish Council is not an official consultee and the date for representations has long past, we ask that you consider the comments we are making in regard to education provision relating to the above application. This follows a meeting recently between the Parish Council and the Headmistress of Wellington Primary School. We note the comments made by the Schools Capital Investment Officer, who when assessing

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

the schools stated in the report, finds them variously at/near/over capacity. We do not understand why Wellington school has not been taken into account in this report given that it is a relatively straightforward journey up the A49 for a few miles and is a school with capacity. We already have children at the school from villages other than Wellington and it seems short sighted not to consider all available options.

5.7 CPRE: Concern is expressed at the absence of screening against the Habitats Regulations in the context of foul drainage discharging via the Eign Treatment Works to the River Wye SAC/SSSI.

5.8 The CPRE comments were received following Welsh Water's original consultation response (26th March 2015), in which they objected to the development on the basis the development would overload the public sewerage system. In the intervening period Welsh Water has withdrawn this objection via the comments dated 21st October 2015 and states "no problems are envisaged Waste Water Treatment Works for the treatment of domestic discharges from this site.

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>

5.9 In response to the comments that have been received through the application process the following amendments have been made to the indicative layout for the scheme at Holmer West:

Specialised Housing

- The building has been orientated to front the principal street and provide south-facing courtyards for the future residents.
- The building has been arranged to enable the built form to step up the contours between the two blocks that are perpendicular to the principle street.
- The form allows for an indicative layout of 80no beds at two-storey. This arrangement has enabled the mass of the building to be rationalised utilising the courtyards and south facing view over the open space.

Plots adjacent to Specialised Housing

- The principal routes have been retained through the above amendment to the Specialised Housing The residential plots proposed along the southern edge of the proposed development are lower density.
- The east west route along the green corridor adjacent to the water attenuation has been retained as a pedestrian/cycle only route, with courtyard parking provided accessed from the road to the north.

Park and Choose

- The proposed 350 space park and ride has been adjusted to provide a 100 space park and choose facility.
- The land to the west of the proposed park and choose is retained for a future phase of development, providing housing and public open space as required.

5.10 In response to the Parish Council concerns in relation to the routing of the internal link road or 'principal street', the applicants have responded as follows:-

“The main purpose of the link through the site is to serve as the principal street for the development, giving access to the various residential parcels. A secondary purpose is to provide some relief at the Starting Gate roundabout by offering an alternative route for traffic travelling between the north (via the A49) and the west (via Roman Road).

It is important to strike a balance for this road between its ‘place’ function i.e. serving the residential development, and its ‘movement’ function i.e. serving the needs of through traffic. The traffic modelling shows that this balance has been struck well; with the design of the link being sufficiently attractive to encourage some through traffic and providing relief at the Starting Gate roundabout, whilst not encouraging inappropriately high traffic levels.

It should be noted that there is no policy requirement or support for a relief road in this area, other of course than the Hereford Relief Road (HRR), either in isolation or as requirement of this proposed development. It is also important that the link through this site does not undermine the future provision of the HRR through the northern corridor. If a separate link, or ‘inner relief road’, was provided around the outside of the development as suggested by the Parish Council, it would inevitably be of a higher speed, a higher capacity, be more attractive, would carry more traffic etc., and in doing so may well diminish the case for the future provision of the HRR. Such a proposal would therefore not be policy compliant in terms of potentially prejudicing the future delivery of the HRR, nor is such a high capacity link required in order to deliver this development.”

6. Officer’s Appraisal

6.1 The application is made in outline with all matters reserved except for access and involves the erection of up to 460 dwellings, with associated infrastructure, on land to the north of Roman Road and west of the A49 on the allocated strategic urban extension ‘Holmer West’ (CS Policy HD4).

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.”

The development plan for Herefordshire is in main part the Herefordshire Local Plan - Core Strategy. The Core Strategy was adopted on 16 October 2015. This followed Examination hearings in February 2015 and the Inspector’s subsequent conclusion that, with modifications as proposed, the Core Strategy is sound and provides an appropriate basis for the planning of the District.

6.3 The application site is allocated for housing via Policy HD4 of the Core Strategy. This allocation followed extensive consultation over a number of years as outlined at section 4.9 above. The site consists predominantly of land defined as being of ‘medium’ landscape sensitivity in the Urban Fringe Sensitivity Analysis 2010 – a key component of the evidence base underpinning housing allocations at Hereford and the market towns. The principle of residential development of the site is thus identified within the Core Strategy, is plan-led and a key component of housing delivery within the early part of the Core Strategy Plan Period and essential to maintaining the annualised trajectory for housing completions set out in Appendix 4 to the Core Strategy. This trajectory envisaged that the site would yield 50 dwellings during the period 2016/17. It can thus be seen that delays in delivery are such that this yield will not be delivered, which in turn perpetuates the housing land supply issue.

Housing delivery

- 6.4 The Core Strategy sets out a number of policies in chapters 3, 4 and 5 for the delivery of housing. Core Strategy policy SS2, Delivering new homes, makes an overall provision for the delivery of a minimum 16,500 homes in Herefordshire between 2011 and 2031 to meet market and affordable housing need. Of these, just under two fifths are directed to Hereford, which is required to deliver a minimum of 6,500 homes. This reflects Hereford's role as the main centre in the County.
- 6.5 Policy SS3, Ensuring sufficient housing land delivery, sets out a range of measures to be undertaken should a material shortfall in the rate of housing delivery be identified through the annual monitoring process. The policy addresses the relationship between the delivery of strategic housing sites and key elements of infrastructure.

Housing land supply

- 6.6 The Examination Inspector concluded that there was a marginal but realistic five year housing land supply on the basis of the Core Strategy provisions. The supply was assessed at 5.24 years.
- 6.7 The Council updated this assessment in January 2016, following completion of the annual monitoring round. This exercise had a base date of April 2015 and demonstrated a housing land supply of 5.01 years. Subsequent amendments reduced this to 5.00 years.
- 6.8 Housing land supply has been further examined in recent Inquiry discussions in the County in respect of appeals for proposed housing developments at Leintwardine and Ledbury. In both cases the respective Inspectors concluded that the Council was unable to demonstrate a robust five-year supply of deliverable housing sufficient to meet its identified needs. This view was reached on an assessment of the amount of housing reasonably likely to be delivered on the strategic sites allocated in the Core Strategy. This was the main area of dispute between the parties in respect of housing land supply.
- 6.9 This position was also adopted at the Public Inquiry concerning a 100 dwelling development at Bartestree (Ref: 143771), where a HLS of 3.63 years was agreed for the purpose of the appeal – a deficit of 1,564 dwellings. The Council conceded that delays in delivering housing on the strategic sites was a key contributor to the continued absence of housing land supply.
- 6.10 The recently published Annual Monitoring Report for 2015/16 concludes that the position as of April 2016 is that the current HLS stands at 4.49 years. This is not a NPPF compliant position.
- 6.11 On this basis, NPPF paragraph 49 provides that relevant policies for the supply of housing should not be considered up-to-date. In this case, whilst it is accepted that policies relevant to the supply of housing *may* carry reduced weight, the fact that the site is allocated in the Development Plan as one of the three strategic urban extensions to Hereford is of significant material weight and officers consider that assessment of the proposals in the light of Policy HD4, supplemented by other relevant policies and material considerations is appropriate. Moreover, as recent case law has confirmed, the fact that housing policies are out-of-date does not direct the decision-maker on the matter of the weight that may be attributed these policies.
- 6.12 Policy HD4 signifies the formal allocation of the land at Holmer West for residential development, and in your officer's view, given the plan-led system, is equivalent to acceptance that the development of the site is acceptable in principle. Given the application is made in outline with only access for determination now, compliance with some of the criteria within HD4 cannot be assessed to the fullest extent now but will be considered at the detailed or Reserved Matters stage. What is clear from the submitted documentation, however, is that the policy requirements have fully informed the work undertaken to date. Insofar as is practical, this

appraisal now assesses the application, in summary, against these individual criteria, before looking at specific matters identified in the text following on from HD4 (CS 4.2.50 – 4.2.61 p.62-64) in more detail below.

Assessment against Policy HD4 – Northern Urban Extension (Holmer West)

Criteria 1: 500 homes at average density of 35 dw/ha, comprising a mix of sizes and tenures that meet the requirements of policy H3 and the LHMA The now adopted Core Strategy allocates of the site for 500 new homes.

- 6.13 The outline application is for up to 460 dwellings. Whilst this number is short of the proposed 500 new homes, the Design and Access Statement (DAS) shows a further phase of potential future development should it be deemed acceptable in the context of technical matters, particularly congestion levels at the Starting Gate roundabout and the A49 to the south. The reduction in scale of the park and choose will also give the opportunity for development on the land now surplus to the original park and ride requirements.
- 6.14 As confirmed above, the Housing Delivery Officer supports the proposed affordable housing provision, which involves 80 dwellings and an 80 unit specialist care scheme. The precise mix of open market housing will be agreed via Reserved Matters.

Conclusion

It is your officers' opinion that the scheme complies with this criterion.

Criterion 2: A target of 35% affordable

- 6.15 On approval of the outline planning application the land for the development of the 80 unit specialist housing scheme would be transferred to a Housing Association. Further negotiations between Adult Social Care and the preferred Housing Association / Housing Provider will take place to ensure the most appropriate development is created to meet the identified need. This will account for 50% of the affordable housing provided on site.
- 6.16 The remaining general needs affordable dwellings (80 units) are to be allocated to those with a local connection to Hereford city in the first instance, the supported housing to have a local lettings plan agreed with the housing association as per the allocation criteria of the dwellings. The S106 agreement will be the mechanism for determining the appropriate bedroom and tenure mix.

Conclusion

- 6.17 The proposed development comprises 35% level of affordable housing which in your officers' opinion, complies with this criterion and by extension policies H1 (Affordable housing thresholds and targets) and H3 (Ensuring an appropriate range and mix of housing). Further consideration of the open market housing mix will be undertaken at the Reserved Matters stage.

Criterion 3: Park & Choose facility adjacent the A49 and land or a contribution to facilitate the construction of the adjoining phase of the Hereford Relief Road

- 6.18 The indicative masterplan has been amended to reflect the change in circumstances pre and post CS adoption; during which the previously required park and ride facility has been replaced by a park and choose facility adjacent the A49 – as now required by policy. This change reflects attitudes expressed in some of the letters of objection, which queried the sustainability of park and ride in the context of no segregated bus lanes.
- 6.19 A contribution towards delivery of the HRR, based on the CIL-charging schedule, has been negotiated and will form part of the S106 agreement. The overall contribution is £1,934,765.

Conclusion

- 6.20 It is your officers' opinion that the scheme complies with this criterion and by extension the relevant components of SS4, HD3, MT1 and ID1.

Criterion 4: Walking and cycle routes and green infrastructure corridors linking to the Park and Choose site, the existing public right of way network and existing education and community facilities and employment sites in the locality;

- 6.21 This is a criterion that can be fully assessed at the Reserved Matters stage as layout is not for determination now. The indicative masterplan nonetheless makes provision for off-site pedestrian crossing points of the A4103 in locations that correspond with the existing PRoW network. The sustainable transport measures for inclusion in the S106 include an upgrade to the PRoW/cycleway crossing the racecourse, whilst the PRoW entering the site through 'The Crescent' is also incorporated into the design. The link road is also designed with segregated cycle/footway, with an additional footpath link proposed to exit at the entrance to Holmer Farm, just north of the church, linking to the improved footway and signalised crossing just to the north of the A49 junction with Churchway.

Conclusion

- 6.22 It is your officers' opinion that the scheme complies with this criterion and by extension the relevant components of SS4, HD3 and MT1.

Criterion 5: Appropriate new green buffers and linear green routes, particularly along Ayles Brook

- 6.23 The illustrative master plan is considered to respond positively to the requirement to provide a buffer along the Ayles Book; a perspective shared by the Council's conservation and landscapes officers. This requirement is reinforced at paragraph 4.2.55, which recognises that the Green Infrastructure Strategy (2010) identifies a number of new opportunities to enhance existing green infrastructure, including "*establishing robust linear habitats along Ayles Brook, planting new hedgerow and traditional orchards and appropriate planting to soften the transition between settlement and open countryside.*"

- 6.24 Accepting the masterplan is illustrative, the formation of a robust linear green space along the Ayles Brook is a consistent feature in all of the application documentation and this proposed space is multi-functional;

- It operates as a linear green space that will promote activity, including walking
- It serves as a buffer to the listed heritage complex around St. Bartholomew's Church
- It serves to provide separation from existing dwellings on the north side of Roman Road.

- 6.25 In order to place the master plan on a firmer footing, it is proposed to include a condition requiring the layout at Reserved Matters to accord with the principles around the Ayles Brook established at the outline stage.

Criterion 6: Measures to mitigate flood risk both for the new homes within the expansion area and for the benefit of existing residents and businesses in other parts of the city through the incorporation of sustainable urban drainage solutions, as part of the green infrastructure network and measures to control water levels within Ayles Brook

- 6.26 The application is accompanied by a Drainage Strategy and Flood Risk Assessment, which confirms that the vast majority of the site falls within Flood Zone 1; the exception being a small area in the north-eastern corner adjacent the revised park and choose facility and the Ayles Brook channel. As such, more vulnerable residential uses will not be located anywhere other than Flood Zone 1. Subject to conditions requiring finished floor levels to be set at an

appropriate height above recorded flood levels, the Environment Agency and Council's land drainage consultants are content that the proposal will accord with the requirement to ensure that flood risk is mitigated for new homes upon the site itself.

- 6.27 Flooding of Roman Road and properties adjoining has occurred in the recent past and hydraulic modelling of the Ayles Brook and ephemeral stream, which are both culverted under Roman Road, indicates that such events are connected to a lack of capacity at these culvert structures. It is understood that work undertaken on Roman Road has been successful in preventing flooding associated with extreme rainfall events over the past several years, but both the Drainage Strategy and Flood Risk Assessment concede that additional impermeable surfaces associated with the proposal has the potential to increase surface water run-off.
- 6.28 In response to this, the Drainage Strategy, in accordance with NPPF and NPPG guidance, is designed to mimic existing green-field run-off rates. The underlying ground conditions are understood to limit the potential for infiltration to ground, so some form of on-site attenuation will be required, with the master plan indicating the use of ponds.
- 6.29 In addition, and subject to further detailed modelling, it is suggested that the line of the ephemeral stream be diverted into the Ayles Brook; this being on the basis that hydraulic modelling of the Ayles Brook catchment and channel suggests that it has capacity within bank to accept additional flows arising. This would reduce the potential for surface water flooding at the culvert beneath Roman Road and be to the benefit of existing residents in the area.
- 6.30 It will be necessary to cross the line of Ayles Brook with the principal street and both the Environment Agency and land drainage consultant have expressed the preference for clear-span bridges as opposed to culverts. This will be considered further at the detailed design stage. It should be noted, also, that Core Strategy Policy SD3 requires that open watercourses should not be lost and culverts should be opened up to assist with drainage and flood flows.
- 6.31 Officers are content that subject to further detailed consideration, the application accords with the requirements of this criterion.

Criterion 7: Appropriate provision of and contributions towards indoor and outdoor sports and play facilities, open space and allotments

- 6.32 At section 4.20 the Parks and Countryside Officer describes the methodology for calculating contributions to indoor and outdoor sports. The contribution is £142 and £960 respectively per each market dwelling. On the basis of 299 market dwellings the indoor sports contribution is £42,458 and the outdoor sports contribution is £287,040. This contribution will be secured via the S106 agreement.
- 6.33 The illustrative scheme makes provision for generous areas of open space and an obligation will ensure the delivery of open space in line with this, to include the setting aside of land for allotments.

Criterion 8: Where appropriate a contribution towards pre-school facilities and contributions towards the enhancement of existing primary and secondary school provision and any identified need for other community infrastructure/facilities

- 6.34 This criterion is a requirement that the development mitigate adverse impacts on existing educational infrastructure. The Council has negotiated a contribution using the Planning Obligations SPD methodology, which according to the indicative housing mix generates a contribution of £1,155,620.00 (index linked) to provide enhanced educational infrastructure at Trinity Primary School and/or Holmer Primary School or such other primary school that may be delivered during the course of the development, and Whitecross Secondary School.

- 6.35 The scheme complies with this criterion of HD4 and by extension Policy ID1 – infrastructure delivery.

Criterion 9: Sustainable standards of design and construction

- 6.36 Core Strategy Policy SD1 deals with sustainable design and energy efficiency and thus underpins this criterion of Policy HD4. SD1 opens with a requirement that development proposals should create safe, sustainable and well-integrated environments for all members of the community and incorporate a range of requirements, including the efficient use of land, maintenance of local distinctiveness whilst making a positive contribution to the architectural diversity and character of the area and the safeguarding of residential amenity for existing and proposed residents. Development should also ensure that it does not contribute to or suffer from adverse noise, light or air contamination impacts or cause ground water pollution.
- 6.37 The Policy also incorporates a range of criteria aimed at sustainable construction and the utilisation of orientation of buildings to make best use of renewable energy production and water conservation measures. In accordance with Policy SD3 (6), the recommendation includes a condition to ensure that the scheme achieves the Housing – Optional Technical Standards – Water efficiency standards, which stand presently at 110 litres/person/day.
- 6.38 The supporting text to SD1 also refers to the need to future proof developments in order to make them resilient to flood risk, which in this case is recognised, as recorded elsewhere, by locating more vulnerable development in areas least liable to flooding and setting floor levels at an appropriate level. These levels will be governed by the imposition of planning conditions as per the Environment Agency recommendation.
- 6.39 The Design and Access Statement also alludes to the potential for maximising the potential for passive solar gain through south-facing layouts and the revisions to the specialist accommodation, where south-facing courtyards are proposed, already alludes to this. Further detailed consideration of sustainable construction will rest with the Reserved Matters though there is no discordance with criterion 9 at this stage.

OTHER MATTERS

- 6.40 As described above, the supporting text to Policy HD4 refers to six topic areas that development of the site should address. These topics are “new homes”, “movement”, “landscape and heritage”, “green infrastructure and biodiversity” , “community recreation and education facilities” and “fluvial flooding, surface water management and drainage.” Where not already addressed, this section of the appraisal considers these requirements further below.

New Homes

- 6.41 The supporting text (CS paragraph 4.2.50) states that the scheme will deliver 500 dwellings, all built to high energy efficiency standards. Reference is made to the need to meet the housing needs of all sections of the community, including for older persons, and the scheme responds to this by planning for an 80 unit specialist affordable housing scheme; the precise tenure of which will be agreed with the Council and Registered Provider. Likewise the mix of housing across the site in its entirety will be determined at the Reserved Matters stage, when assessment against Core Strategy Policy H3 (Ensuring an appropriate range and mix of housing) will be made.
- 6.42 The paragraph concludes by referring to the need for appropriate layout, scale and density in recognition of the topography and prominence of the area and high standards of sustainability. Again, this will be detailed at the reserved matters stage. Further, whilst sustainable

construction will be governed by the Building Regulations, a condition will be necessary to ensure water efficiency measures are in place as per CS Policy SD3.

Movement

- 6.43 The supporting text requires that the 'new area' will be required to encourage sustainable modes of travel and served primarily from Roman Road, with the option of a further access link to the northern Hereford Relief Road corridor and park and choose. Core Strategy Policy SS4 states that new developments should be designed and located to minimise the impacts on the transport network and that journey times and the efficient and safe operations of the network are not detrimentally impacted. It is also a requirement, where practicable, that development proposals should be accessible by and facilitate a genuine choice of modes of travel including walking, cycling and public transport. These principles are repeated in Policy MT1 Traffic management, highway safety and promoting active travel.
- 6.44 The proposal, including the masterplan and access strategy outlined in the Transport Assessment in particular, is consistent with the relevant movement requirements. The masterplan sets aside sufficient land to accommodate a Park and Choose site to the west of the A49 access, and the indicative internal layout of the site has been carefully designed to ensure that this facility is connected both to the site and the wider existing area by the provision of internal footpath links and new external crossing points. The vehicular access strategy for the site is consistent with the policy and provides an access from the A4103 Roman Road and the A49 Holmer Road, which also serves the Park and Choose.
- 6.45 The masterplan has been developed to ensure that there are foot/cycle links both to the east and south of the site to ensure that there are high quality routes to the existing public right of way network and existing local education, community and employment sites. In line with the requirements to encourage sustainable travel, a Travel Plan has been prepared and improvements to sustainable infrastructure (footways, crossings etc) forms part of the integrated transport strategy.
- 6.46 In more detail the transport strategy incorporates the following:-

Bus strategy

- 6.47 There are bus stops on Roman Road and the A49, which are accessible from the site. Analysis of the current service has determined that the early morning and late PM peak services are comparatively infrequent. In order to address this it is proposed that the developer makes a contribution of £45,000 per annum for five years in order to enable the provision of additional services to better enable travel between the city centre and site during the AM and PM peaks.
- 6.48 It is clearly important that the layout proposed at the Reserved Matters stage enables good and direct pedestrian/cycle access to bus waiting facilities and that these facilities are improved. To this end the developer suggests that part of the sustainable transport contribution could be put to the erection of passenger waiting facilities at the five nearest bus stops with raised kerbs as necessary.
- 6.49 Whilst it is not presently intended that existing services will divert into the site, the principal street will be designed so as to not preclude bus access in the future; despite being subject to a 7.5t restriction for general traffic.

Cycling and walking strategy

- 6.50 The measures proposed to enhance accessibility by cycle and pedestrians are applicable to both modes.

6.51 Several schemes have been identified following negotiations with the Highways Authority and these are as follows:-

Scheme one – Roman Road/Race-course bridleway

6.52 This scheme comprises the provision, as part of the Roman Road junction arrangements, of a 'Toucan' crossing of Roman Road to correspond with the bridleway crossing the north-western corner of the racecourse which exits onto Highmore Street. The bridleway would be re-surfaced and lit and brought up to standard as a shared cycle/footway. This scheme will be delivered via s106 contributions.

Scheme two – North side of Roman Road – Shared cycle/footway lane between site entrance and Belle Bank Avenue

6.53 At the Council's request this scheme has been amended from one relying on road markings, to full segregation of cycle, pedestrian and vehicular traffic via the construction of a shared cycle/footway and associated reduction in carriageway width of the stretch of Roman Road between the site access and Belle Bank Avenue. This will be delivered by the developer via s278 agreement.

Scheme three – shared cycle/footway to west of Roman Road site entrance

6.54 This scheme involves the provision of a shared cycle/footway extending west from the site entrance to the junction with Kempton Avenue. In response to a request from the Council footways will be installed on both sides of the carriageway. This will be delivered by the developer via s278 agreement.

6.55 A fourth scheme, involving the provision of a signalised crossing of the A49 just north of the junction with Churchway has already been installed by others.

6.56 Further mitigation takes the form of a proposed TRO to extend the 30mph speed limit to the west of the Roman Road / Kempton Avenue junction, alongside a gateway traffic calming feature. These will be developer funded, with the gateway feature delivered via gateway.

6.57 The scheme is also supported by a Framework Travel Plan (TP) which envisages the appointment of a Travel Plan Co-ordinator; the TP to have the objective of achieving a 10% reduction in single occupancy car journeys.

6.58 Overall, officers consider that insofar as is practical and deliverable, the scheme takes the opportunities available to enhance access to sustainable transport modes and is in accordance with the requirements of Policies HD3, HD4 and MT1.

Landscape and heritage

6.59 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development that affects listed buildings or their setting, the planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which they may possess. Case law has confirmed that decision-makers should give great weight to the desirability of preserving the setting of listed buildings.

6.60 NPPF Section 12, paragraph 126: 'Conserving and Enhancing the Historic Environment' sets out the Government's policies regarding planning and the historic environment.

"Local planning authorities should set out in their local plan a positive strategy for the conservation and enjoyment of the historic environment... in doing so they should recognize that

heritage assets are an irreplaceable resource and conserve them in the manner appropriate to their significance...

- 6.61 In determining applications Paragraph 131 of the NPPF requires that account should be taken of the desirability of sustaining and enhancing the significance of heritage assets and putting them to, or keeping them in viable uses consistent with their conservation.
- 6.62 In determining planning applications, local planning authorities should take account of “the desirability of new development making a positive contribution to local character and distinctiveness.”
- 6.63 This requires a judgment as to how development will affect the use of the assets and how they can help sustain a community. Paragraph 132 states that:
- “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development in its setting. As heritage assets are irreplaceable, any harm or loss of a grade II listed building; park or garden should be exceptional...”*
- 6.64 It goes on to state that: 'Substantial harm to, or loss of designated heritage assets of the highest significance, notably scheduled ancient monuments, protected wreck site, battlefields, grade I and II* listed buildings, grade I and registered parks and gardens, and World Heritage Sites, should be wholly be exceptional.
- 6.65 Paragraph 134 states: “where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal.”
- 6.66 The supporting text to Policy HD4 recognises the presence nearby of St Bartholomew’s Church and associated listed structures and scheduled monuments as well as Holmer House Farm. It requires that the development should be designed to ensure that the impacts on the significance and setting of these heritage assets are minimised and that opportunities for enhancement are pursued.
- 6.67 At section 4.10 the Conservation Manager recognises the inevitability of an impact arising in relation to the setting of these assets, but it is not suggested that the level of harm to significance approaches substantial or total and that the assessment is thus within the ambit of paragraph 134, as listed above.
- 6.68 The five heritage assets are all located between the application site and the A49. These comments conclude that the harm to the significance of these assets falls entirely within the purview of NPPF paragraph 134 i.e. levels of harm that are less than substantial. In respect of the pedestal tomb and churchyard cross the level of harm is described as very low, if at all discernible.
- 6.69 In respect of Holmer House, St Bartholomew’s Church and the detached bell tower, the level of harm is described as low/medium on the basis that the greater part of the significance of these assets derives from the age and fabric of the assets themselves, rather than the setting.

Conclusion

- 6.70 The harm to the significance of the designated heritage assets identified in this report is considered to fall within the ambit of NPPF paragraph 134 i.e. where a development will lead to less than substantial harm to significance of a designated heritage asset, this harm should be

weighed against the public benefits of the proposal. Thus, for decision-making the NPPF paragraph 14 'limb two' test is satisfied. Although 134 is a restrictive policy, the level of harm to the significance of designated heritage assets is such that the benefits of the scheme outweigh the harm. In this context, development need not be restricted.

- 6.71 The Council's Conservation Manager has concluded that harm to significance is capable of being mitigated by appropriate layout and design, which must include the retention of the proposed linear open space along the Ayles Brook and that harm, as a consequence, may reasonably be assessed as falling towards the lower end of the less than substantial 'spectrum', in which case the public benefits associated with the scheme, which include the supply of market and affordable housing and off-site highway infrastructure improvements, can reasonably be considered to outweigh the harm. The proposal is therefore considered to accord with the requirements of HD4, LD4 and NPPF guidance.

Green Infrastructure and biodiversity

- 6.72 The site lies within Green Infrastructure local enhancement zone HerLEZ3, incorporating strategic corridor HerLSC3. As above, the indicative scheme responds to the identified opportunities by establishing a robust linear habitat along Ayles Brook, with new hedgerows, orchard and appropriate transition between settlement and open countryside. This aspect is referred to in the landscape officer's comment (section 4.12), it being considered that the northern boundary planting and management thereof requires further thought at the detailed design stage. It will be crucial to ensure that a landscaped boundary is maintained on the site's northern edge as opposed to an assortment of intrusive and inappropriate boundary treatments associated with individual properties.
- 6.73 The indicative masterplan is considered to respond well to the requirement for a network of green infrastructure with linear green routes supporting biodiversity, conservation and sustainable transport routes. Ensuring that the Reserved Matters submission continues to fulfil these objectives will be critical.

Community, recreation and education facilities

- 6.74 The text at 4.2.56 and 4.2.57 of the CS confirms the need to ensure that pressure on existing educational infrastructure is mitigated and this is achieved via the requisite contribution. Likewise, reference is made to the need to provide and incorporate acceptable levels of open space and play facilities in accordance with Policies OS1 and OS2. At section 4.XX the Parks and Countryside officer confirms that the indicative masterplan achieves the requisite amount of open space and a contribution is also secured in relation to formal off-site sports infrastructure in accordance with Sport England advice. The indicative scheme is considered to accord with the policy requirements and compliance will be ensured via a combination, as appropriate, of Reserved Matters, planning conditions and obligation.

Fluvial flooding, surface water management and drainage

- 6.75 The CS text supporting Policy HD4 recognises the site is predominantly within Flood Zone 1, but that flood events have affected dwellings and community facilities to the south of the site. As a consequence the text relates the need for a detailed FRA which contains hydraulic modelling of the brook and thus establishes the extent of flooding from the watercourse.
- 6.76 Overall, the requirement is to ensure that the scheme adequately mitigates flood risk to neighbouring properties and those upon the site itself.

6.77 During the consultation phase a number of objections were made by local residents and the Civic Society. A summary of the comments were provided to the developer for response by their consultants and this is reported below.

“Severe flooding during and after periods of wet weather”, “Flooding needs to be addressed”, “Flood prevention measures”, “Localised flooding from run-off has occurred in the past”

6.78 The development has been designed to mitigate flood risk issues in the following manner:

(i) The development and access routes have been located outside of the floodplain, and the development will be set at a level well above flood levels.

(ii) The development will seek to intercept and divert an ephemeral (seasonally wet) stream within the site which currently leads to flooding of Roman Road, thus reducing floodplain extents outside of the site.

(iii) The development will include a drainage and SuDS network which will provide attenuated storage to surface water runoff from the development, this will discharge to the Ayles Brook at the existing greenfield annual average runoff rate (QBAR). This approach offers a reduction in the peak flows entering the Ayles Brook from the site during extreme storm events.

“Management of surface water and watercourses during construction”

6.79 To avoid negatively impacting the downstream watercourse, surface water runoff from the site will be appropriately managed during the construction phases. The runoff from the construction site will be appropriately attenuated in line with the requirements of the Flood Risk Assessment and Environment Agency pollution prevention guidelines and treated to remove sediments and pollutants.

“Putting more water into Ayles Brook will cause problems for buildings near to it”

6.80 The development will include a drainage and SuDS network which will provide attenuated storage to surface water runoff from the development. This will discharge to the Ayles Brook at the existing greenfield annual average run-off rate. This approach offers a reduction in the peak flows entering the Ayles Brook from the site during extreme storm events.

“What happens if the pond overflows?”

6.81 As part of the drainage and SuDS network two attenuation ponds are proposed. In line with national standards, and Environment Agency and Lead Local Flood Authority requirements the ponds are designed to provide attenuated storage up to the 1 in 100 year storm event with an allowance for future climate change over the next 100 years (up to 2115).

6.82 If the site is subject to a more extreme storm event then the ponds will overflow into the Ayles Brook, as it would do in its existing state.

6.83 The following table is taken from the Flood Risk Assessment. It summarises the potential sources of flood risk and the mitigation measures proposed.

| Flood Source | Proposed Mitigation Measure |
|---------------------|------------------------------------|
|---------------------|------------------------------------|

| | |
|---------|--|
| Fluvial | The site is to be arranged sequentially to ensure that all of the 'More Vulnerable' development is located outside of the 1000 year floodplain. Finished floor levels and threshold levels will be set a minimum of 600mm above the adjacent 1 in 100 year + 20% flood level, or 150mm |
|---------|--|

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

above the peak water level generated by blockage scenarios (whichever is greater).

Groundwater
Sewers
Pluvial runoff

Any residual risk of groundwater emergence, pluvial runoff and sewer surcharging on the site will be mitigated by setting finished floor levels a minimum of 150mm above surrounding ground levels, and by profiling ground levels to direct overland flows away from the built development and towards the nearest drainage point.

Impact of the
Development

The development will be located outside of the 1 in 1000 year floodplain where possible - this includes all the proposed residential development. Any bridging or new culverts over the watercourse will be sized to offer no significant impact on flood levels or floodplain extents within the wider catchment. Surface water runoff from the development will to be restricted to the existing greenfield QBAR rate. Attenuated storage will be provided up to and including the critical 1 in 100 year event with an allowance for climate change.

- 6.84 The Environment Agency and Lead Local Flood Authority have confirmed that the flood mitigation proposals outlined in the Drainage Strategy and FRA are robust. Further to this, the development seeks to offer betterment to downstream flood risk issues through the interception and diversion of an ephemeral stream, and through the implementation of a surface water drainage and SuDS strategy. Officers conclude that the scheme, subject to conditions, fulfils the objectives of Policy HD4 and SD3 and is compliant with NPPF guidance.

Other Matters

Sewerage treatment and water supply

- 6.85 During the planning application consultation phase Welsh Water raised an objection to the development in relation to two points:

(i) Sewerage capacity – it was stated that there was a risk that development would overload the existing public sewerage system.

(ii) Water Supply – it was stated that the water mains serving this area are known to have minimal pressures at times of peak demand, and that any increase in demand would exacerbate the situation.

- 6.86 Further consultations with Welsh Water revealed that their previous hydraulic study, which identified that a development on the site could be accommodated in the local sewer infrastructure, needed to be updated as it was only valid for a 6 month period. It was also confirmed that a hydraulic study of the local water supply network was needed to identify potential improvement works necessary to accommodate the development.

- 6.87 Welsh Water has confirmed subsequently they are comfortable with removing their objection in relation to sewerage capacity. Concern remains, however, in relation to the supply of drinking water, particularly until such time that the necessary reinforcements are completed by 31st March 2020. Further discussion has ensued and Welsh Water is now prepared to offer a condition limiting the number of dwellings that can be occupied in advance of 31st March 2020 to 150. The applicant is content with this approach.

Loss of Agriculturally Productive Land

- 6.88 The Natural England comments at 4.XX reference the loss of agriculturally productive land. The Agricultural Land Classification Map confirms the site comprises Grade 3 land. The NPPF confirms that where significant development is demonstrated to be necessary, the use of poorer quality land should be prioritised. In this case, the site is allocated via the Core Strategy and the loss of agriculturally productive land must be considered in the balance. The delivery of 6,500 homes in Hereford can only be met with the loss of agricultural land and the ALC map confirms that as Grade 3, the application site is not among the most productive land; the majority of the land adjoining forming the urban fringe to the west and south of the city is Grade 2. Officers consider an objection to the scheme on the basis of unacceptable loss of agriculturally productive land is untenable.

Consultation

- 6.89 It is clear that despite concerns expressed locally, the consultation associated with production of the Core Strategy and eventual allocation of land at Holmer West as an urban extension, was extensive. This is outlined in the Strategic Planning Team Leader's comments at 4.XX.
- 6.90 Consultation as a prelude to the application itself consisted of community consultation events on 28th June and 1st July 2014 at the church hall. Meetings were also held separately with Holmer and Shelwick Parish Council and Pipe and Lyde Parish Council. Around 150 people attended the consultation events over the two days. Concerns expressed in feedback received at the event are similar to those reported at 5.2 above and reflect concerns at increase traffic congestion, the potential for exacerbation of flooding and concerns at the overall scale of the development and consequent pressure on infrastructure.
- 6.91 The indicative masterplan has been amended to address these concerns insofar as possible and additional technical notes have been produced in response to specific queries. Overall, officers are content that an appropriate level of engagement with members of the public has been undertaken.

Crime and safety – 'Whitegates footway'

- 6.92 Concern has been expressed on behalf of the owner of Whitegates, the detached dwelling situated at the entrance into Holmer House Farm. The amended illustrative masterplan includes a shared-use footway that would run adjacent the northern boundary of Whitegates, next to the rear garden. At the outline stage detailed design for this footway is not available, but the link does represent a desirable pedestrian and cycle link that would offer the most direct connection possible between the site and St Bartholomew's Church, the community centre and bus stops on the A49. In the context of a recent break-in at Whitegates, the concerns around fear of crime are understood. However, this pedestrian link has obvious benefits in terms of fulfilling a potentially important sustainable transport link and it does not follow, subject to appropriate design and adherence to secure by design principles, that the footway will necessarily increase the propensity for burglary and other forms of anti-social behaviour. It could also be that increased footfall will increase natural surveillance.

7. Conclusion

- 7.1 The proposal is for development of one of the three strategic allocations around Hereford that are crucial to delivery of the requisite 6,500 homes over the lifetime of the Core Strategy. The principle of development is supported via the Council's adopted policies.
- 7.2 The application is made in outline with all matters bar access reserved, yet sufficient information is provided to enable consideration against the policy requirements set out in HD4 as reported

above. Overall, officers consider that the scheme is well-conceived and capable of delivering the high-quality sustainable development that the Core Strategy envisages.

- 7.3 The contribution the scheme makes to the supply and delivery of housing in the county is a significant material consideration telling in favour of the scheme. In environmental terms the scheme offers the ability to mitigate flooding locally and also offers improved access to public transport and opportunities for cycling and walking not just to prospective inhabitants, but the wider population. These opportunities arise from the park and choose facility, financial contribution towards bus services and upgrades to walking and cycling infrastructure that will be delivered by the developer.
- 7.4 Impacts associated with the development are inevitable. The loss of agriculturally productive land, the amenity of the existing public right of way and views of the listed church are all adverse impacts and yet they do not in isolation or cumulatively amount to sustainable grounds to resist the development in the light of the substantial benefits.
- 7.5 The Conservation Manager confirms that the level of harm to significance of the designated heritage assets is less than substantial and tending towards the lower end of that spectrum. As such, on the unweighted balance at NPPF paragraph 134, the public benefits are considered to outweigh the harm to significance and this restrictive policy, supported by legislation, is not breached and refusal on this basis is not sustainable. As such, it is then appropriate to consider the scheme in the context of the presumption in favour of sustainable development and the 'weighted' balance at limb 1 of paragraph 14. In undertaking that assessment, the case for the development is even more clear-cut.
- 7.6 The recommendation is subject to the completion of a s106 agreement to secure the affordable housing, transfer of land for the specialist housing, provision of the requisite levels of public open space; and financial contributions to mitigate impacts arising on educational infrastructure, the local transport network, off-site sports infrastructure, health care provision and waste collection.
- 7.7 Planning conditions that are further necessary to regulate development in accordance with the tests prescribed at paragraph 204 of the NPPF are set out below. Conditions will include provisions relating to the phasing of the development and requirement that the Reserved Matters layout is informed by the revised indicative masterplan.

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 commencement (outline permission)**
- 2. A03 Time limit for commencement (outline permission)**
- 3. A04 Approval of Reserved Matters**
- 4. No development shall commence until a plan has been submitted to and approved in writing by the local planning authority identifying the phasing for the development. The development shall be constructed in accordance with the agreed phasing plan.**

Reason: To ensure the acceptable phasing of the construction so as to ensure no

detriment to the safe operation of the highway network, water supply, foul sewerage system and the timely provision of necessary infrastructure. This is to ensure compliance with Herefordshire Local Plan – Core Strategy Policies MT1, SD3 and SD4.

5. **C47 Site Investigation (archaeology)**

Environment Agency conditions

6. **Finished floor levels shall be set no lower than the levels indicated in Figure 3.1 of the FRA and Table 4.1 of the Hydraulic Modelling Technical Note unless otherwise agreed in writing by the LPA.**

Reason: To protect the proposed dwellings from flood risk for the lifetime of the development including culvert blockages.

7. **The proposed access crossings must be designed to ensure that access and egress is available to all dwellings above the 1 in 100 year plus climate change modelled flood levels provided in Table 4.1 of the Hydraulic Modelling Technical Note without increasing flood risk elsewhere.**

Reason: To ensure all residents have safe vehicular and pedestrian access to and from the development during flood events and that flood risk to third parties is not increased.

Highways England / Highway Authority conditions

8. **No development shall commence on the site until such time as a Highways Study for the Eign Street junction (A438 / A49 junction) has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Highways Authority for the A49. The Highways Study shall demonstrate the impact of the submitted scheme on the Eign Street junction and identify any necessary mitigation measures required and a timetable for their provision. The Highways Study shall include, as a minimum the following elements:**

- **An assessment of trip generation and trip distribution associated with full occupation of the development hereby approved;**
- **An assessment of trip generation and trip distribution associated with full occupation of other development sites within Hereford, to be agreed with the Local Planning Authority and the Highways Authority for the A49;**
- **An assessment of traffic impacts at the Eign Street junction on the A49;**
- **Identification of any requirements for highways mitigation associated with the development in order to make it acceptable;**
- **The mechanisms which will be used to deliver any requirements for highways mitigation;**
- **The timeframes for implementation of the requisite highways mitigation; and**
- **The identification of appropriate contributions from the development sites considered within the Study to the requisite highways mitigation.**

The measures identified within the Highways Study approved under this condition shall be agreed with the Local Planning Authority and Highways Authority for the A49 and implemented in accordance with the agreed provisions.

9. **No part of the development hereby permitted shall be occupied until such time as the highways scheme at the A49 Newtown Road / Mortimer Road junction, as detailed in Phil Jones Associates drawing no. 668 – 313 Rev **XX** has been provided**

in full and is available for use by vehicular traffic.

Reason: To ensure no adverse impact on the operation of the e

10. No part of the development hereby permitted shall be occupied until such as a time as the highways scheme at the A49 Newtown Road / Farriers Way / A49 Edgar Street roundabout, as prescribed in the Phil Jones Associates drawing no 668 – 313 Rev, is provided in full and is available for use by vehicular traffic.

Reasons for the above conditions: To ensure the safe and free flow of traffic on the A49 and that it continues to serve its purpose as part of the national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 and to satisfy the reasonable requirements of road safety on that road.

11. Construction and Traffic Management Plan

12. CAP

13. CAS

14. CAT

15. CAZ

16. CB3

Other conditions regulation the planning permission

17. 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 Design and Access Statement (Nash Partnership) and Illustrative Masterplan 13005(L) 002 Rev O.

Reason: To define the terms of the permission and to conform to Herefordshire Local Plan - Core Strategy Policies HD4, LD1, LD2, LD3, LD4 and MT1.

18. G04 Protection of trees/hedgerows that are to be retained

19. G10 Landscaping scheme

20. G11 Landscaping scheme - implementation

21. G14 Landscape management plan

22. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:

- a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice
b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all

the potential pollutant linkages and an assessment of risk to identified receptors
c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.
Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

23. The Remediation Scheme, as approved pursuant to condition no.22 above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

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

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

Welsh Water conditions

25. 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.

26. No more than 150 of the dwellings hereby approved shall be occupied until essential improvements to the public water supply system have been completed by Dwr Cymru Welsh Water and the Local Planning Authority have been informed in writing of its completion. This work is scheduled for completion by 31st March 2020.

Reason: To ensure satisfactory mains water supply is available to properties at all times.

- 27. CE6 – Efficient use of water
- 28. CD1 – Nature Conservation

INFORMATIVES:

- 1. Statement of positive and proactive working
- 2. N02 Section 106 obligation
- 3. The drainage scheme for the site shall have regard to the requirements expressed at the conclusion of the Land Drainage consultant’s response to the application (reported at section 4.8 of the report to Committee dated 3rd August 2016).
- 4. I11 Mud on highway
- 5. I09 Private apparatus within the highway
- 6. I45 Works within the highway
- 7. I08 Section 278 agreement
- 8. N11C

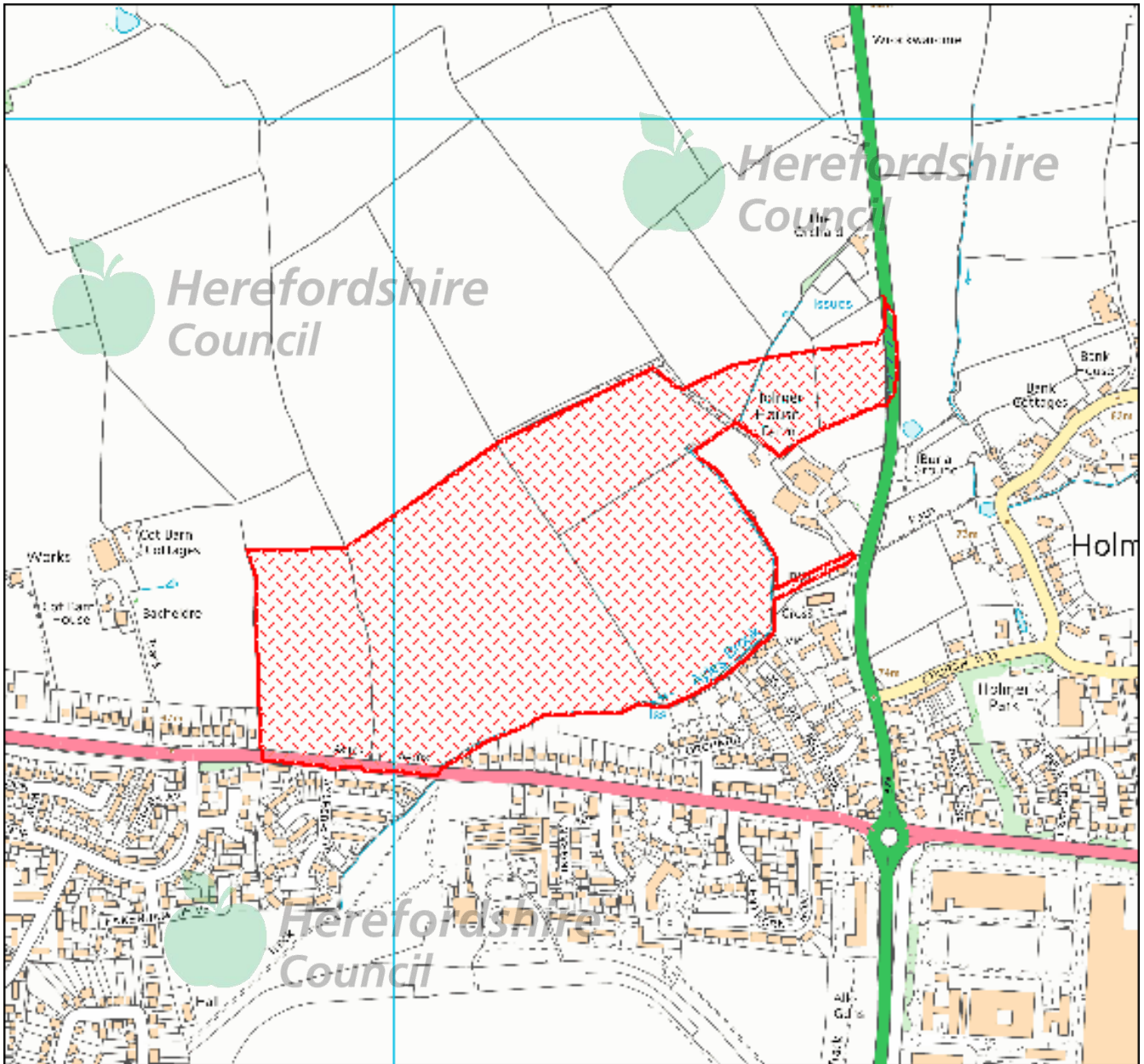
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 150478

SITE ADDRESS: LAND TO THE NORTH OF THE ROMAN ROAD WEST OF THE A49, HOLMER WEST, HEREFORD, HEREFORDSHIRE

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



| | |
|--|--|
| MEETING: | PLANNING COMMITTEE |
| DATE: | 3 AUGUST 2016 |
| TITLE OF REPORT: | <p>152779 - PROPOSED CONSTRUCTION OF 5 NO DWELLINGS WITH GARAGES. FORMATION OF NEW ACCESS AND PRIVATE DRIVE AND CLOSE EXISTING. DEMOLITION OF OUTBUILDING, STEEL FRAMED BARN, WIND TUNNEL AND GREENHOUSE AT LAND ADJOINING ORCHARD FARM, EARDISLAND, HEREFORDSHIRE</p> <p>For: Pallas Ventures Ltd per Mr John Needham, 22 Broad Street, Ludlow, Shropshire, SY8 1NG</p> |
| WEBSITE LINK: | https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=152779&search=152779 |
| Reason Application submitted to Committee – Redirection | |

Date Received: 15 September 2015 **Ward: Arrow**

Grid Ref: 341731,258331

Expiry Date: 5 August 2016

Local Member: Councillor RJ Phillips

1. Site Description and Proposal

- 1.1 Eardisland is a picturesque historic village on the River Arrow about 15 miles north west of Hereford and 5 miles west of Leominster. It is a nucleated settlement which is centred on the river's crossing point and is set either side of the B4529 Road that runs through the village. The village has two public houses, two tea rooms and a community run village store. Other services, including schools and a doctor's surgery, are available in nearby Pembridge and Kingsland.
- 1.2 The village is characterised by its timber frame cottages and larger farmhouses with more contemporary residential development utilising brick, stone and render, but nevertheless maintaining a traditional form of pitched roofs and small modular windows to complement the older properties. There is no set building line and many of the existing buildings are set alongside, at right angles or obliquely to the main road and are dispersed and fairly sporadic further outside the village centre.
- 1.3 The application site is located on the western side of the highway on 0.84ha of land behind Orchard Farmhouse in the southern part of the village with direct access onto the B4529.
- 1.4 The site is part of a former nursery complex and comprises mainly open land which is enclosed by mature hedges. Denser tree planting screens the site from the south whilst immediately to the north is existing terraced housing (beyond which a further 10 dwellings are proposed on The Elms site, P144390/F). To the east and south east are a loosely knit group of houses, which also front the B4529 and to the west are a series of arable fields.

Further information on the subject of this report is available from Mr Nicholas Hall on 01432 261808

- 1.5 The Applicant is proposing to construct five dwellings with garages on the northern portion of the site and demolish five existing structures including an outbuilding, steel framed barn, wind tunnel and greenhouse. The existing access would be closed and a new access and private drive would be created in a safer position some 10m to the north.
- 1.6 At officer's request, the scheme has been amended primarily in response to issues raised in relation to flood risk, which are discussed in Section 6 of this report. The application is supported by the following documents:
- Planning, Design & Access Statement
 - Flood Risk Assessment
 - Ground Infiltration Testing
 - Highway Safety Assessment
 - Phase 1 Ecological Survey

2. Policies

2.1 National Planning Policy Framework:

The following sections are of particular relevance:

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

2.2 Herefordshire Local Plan - Core Strategy:

| | | |
|-----|---|--|
| SS1 | - | Presumption in Favour of Sustainable Development |
| SS2 | - | Delivering New Homes |
| SS3 | - | Releasing Land For Residential Development |
| SS4 | - | Movement and Transportation |
| SS6 | - | Environmental Quality and Local Distinctiveness |
| RA1 | - | Rural Housing Distribution |
| 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 |
| ID1 | - | Infrastructure Delivery |

2.3 Neighbourhood Planning

Eardisland Parish Council designated a Neighbourhood Area on 24 February 2014 and has produced a Neighbourhood Plan for the area. On 29 June 2016, the Regulation 16 Plan was sent for Examination and the Council is awaiting the Examiner's Report. This emerging

neighbourhood plan is sufficiently advanced to attract 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 None.

4. Consultation Summary

- 4.1 Statutory Consultations

The Environment Agency removed its original objection to the application subject to flood risk conditions being imposed and made the following comments:

I refer to further information received in support of the above application and in consideration of our outstanding objection (14 March 2016). Having reviewed the updated FRA undertaken by Hydro-Logic Services dated May 2016 (Ref K0634/1 Rev 2) we are in a position to remove our objection to the application and would offer the following conditions and comments for your consideration at this time.

The updated FRA confirms that the development layout has been revised and that Plots 1 and 3 are no longer located within the 1 in 100 year plus climate change floodplain extent based on our River Arrow model. There is therefore no requirement for flood storage compensation as outlined in our previous response. Page 18 of the FRA highlights that 2 of the garages will protrude into the 1 in 100 year plus climate change extent but the impacts would be minimal. As stated on Page 24 of the report, these garages would be built at existing ground levels and would be allowed to flood. We are satisfied with this and would not seek compensation for these losses given the extensive floodplain extent in Eardisland.

Any boundary treatment of gardens falling within the 1 in 100 year plus climate change extent (85.20m AOD or below) should be of a nature to allow floodwater to enter the garden i.e. post and rail fencing or natural hedgerows. The development layout does show 1.0m high post and rail fencing in the 1 in 100 year plus climate change floodplain extent.

The FRA Summary of Report section also confirms that finished floor levels will now be set at 600mm above the 1 in 100 year plus climate change flood level of 85.20m AOD at 85.80m AOD which is in line with our guidance.

As highlighted in our response of 14 March 2016, the site is a dry island surrounded by Flood Zone 3 (High Probability) and safe, dry access is not available. We are satisfied the FRA details the risk to occupants on this route. A Flood Evacuation Management Plan (FEMP) has been produced following discussions with your Emergency Planning team. Whilst we offer a flood warning service on which the plan can be based, we would not make comment on the adequacy of the Flood Evacuation Management Plan should you be minded to secure permission with it to ensure it secures safe and sustainable development.

Welsh Water had no objection as a private treatment plant would be utilised as there is no foul mains connection available in the village and no problems are envisaged with the provision of water supply.

4.2 Internal Council Consultations

Transportation Manager: No objection, subject to conditions

Land Drainage Manager: No objection to the application on drainage and flood risk grounds, subject to further drainage details being provided prior to construction.

River Lugg Internal Drainage Board: No objection, provided the Board's standard requirements in respect of surface water disposal are taken into account when the application is being assessed.

Conservation Manager (Ecology): No objection subject to a condition being imposed requiring the recommendations of the submitted ecologist's report being implemented, and for an integrated landscape and habitat protection and enhancement scheme to be prepared on the site.

Conservation Manager (Archaeology): Noted that the site is within the Conservation Area and has some broad relation to the former medieval layout of the settlement but acknowledged that it is quite peripheral, and there is no particular evidence of below-ground archaeological interest. Accordingly, no objection and no other requirements to advise.

Conservation Manager (Historic Buildings): No objection as the proposal would not have an adverse impact on the Conservation Area nor the setting of any nearby listing buildings.

5. Representations

5.1 Eardisland Parish Council made 4 submissions on the application and objected to the application for the reasons summarised below.

| | |
|-----------------------|---|
| Flooding and Drainage | <ul style="list-style-type: none">• The application has not addressed the issue of flooding in those parts of the site lying in Flood Zones 2 and 3.• The proposal relies on an unsuitable flood evacuation route via Burton Lane, which is known to flood to substantial depth.• The development would increase impermeable surface area exacerbating flood risk. |
| Highway Safety | <ul style="list-style-type: none">• The area around the proposed access floods in heavy rain and poses a danger to motorists. |
| Landscape and Ecology | <ul style="list-style-type: none">• The application should have been accompanied by an Ecological Assessment. |
| Heritage | <ul style="list-style-type: none">• The application should have been accompanied by a Heritage Impact Assessment. |
| Layout and Design | <ul style="list-style-type: none">• The design and layout does not reflect the existing layout of the village and does not make a positive contribution to the surrounding environment.• The application no longer takes account of the high voltage electricity supply crossing the site.• The proposal does not ensure an appropriate range of tenures, types and sizes of houses.• The density differs to other development nearby and the proposal does not contribute to local identity and sense of place. |
| Other Matters | <ul style="list-style-type: none">• The site layout no longer accommodates the effluent pipe from the Housing Association development and farmhouse to the treatment plant. |
| Policy | <ul style="list-style-type: none">• In light of the above issues, the proposal represents unsustainable development and is not in conformity with the NPPF, the Core Strategy and the Eardisland NDP. |

The full comments are attached as an appendix to the report.

5.2 13 objections have been received from local residents many of which echoed the issues raised by the Parish Council. In summary, the relevant points raised are as follows:

- Flooding risk and drainage issues on the site and possible impacts on surrounding land.
- Highway safety of the access particularly during flooding events.
- Amenity including loss of outlook, privacy and light to neighbouring properties.
- The design of the proposed dwellings is generic and incongruous with local character.
- Lack of information provided in relation to flooding, drainage and heritage issues.

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

<https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=152779&search=152779>

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

Principle of Development

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

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

6.2 In this instance the Development Plan for the area is the Herefordshire Local Plan - Core Strategy. A range of Core Strategy policies, referred to at section 2.1, are relevant to a development of this nature. The strategic Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the NPPF. Policy SS1 confirms proposals that accord with the policies of the Core Strategy (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 Core Strategy theme. 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 Core Strategy 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 Core Strategy Appendix 4.

6.5 The matter of housing land supply has been the subject of particular scrutiny in a number of recent appeal inquiries and it has been consistently concluded that that the Council is not able to demonstrate a 5 year supply of housing land. Therefore, policies relevant to the supply of housing are, in accordance with paragraph 49 of the NPPF, out-of-date. However, this does not render such policies an irrelevance and they may still be afforded some weight. For the avoidance of doubt, Inspectors have determined that Core Strategy policies SS2, SS3, RA1 and RA2 are all relevant to the supply of housing in the rural context.

- 6.6 Irrespective of the weight to be ascribed to the Core Strategy housing supply policies, it is useful to review the application in context. Eardisland is identified as one of the rural settlements within the Leominster 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 Core Strategy Policy RA1 is to ascribe an indicative housing growth target for the settlements listed within each rural HMA. Within the Leominster HMA the indicative minimum housing growth is 14%. This equates to 35 dwellings for Eardisland.
- 6.7 The growth target should not be seen as a ceiling to development and proposals should be considered in terms of paragraph 14 of the NPPF which states that the presumption in favour of sustainable development requires the granting of planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 6.8 The preamble to Policy 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.”* In these locations, housing growth will enable development that has the ability to bolster existing service provision, improve facilities and infrastructure and meet the needs of the communities concerned. Policy RA2 seeks to support housing growth in or adjacent to these settlements and confirms that the indicative targets established in Policy RA1 will be used to inform the level of development in the identified settlements.
- 6.9 The Core Strategy confirms that housing schemes should be assessed against their relationship to the main built up part of the settlement; the intention being to avoid unsustainable patterns of development that give rise to isolated residential development, that are inaccessible and give rise to attendant landscape harm.
- 6.10 The core principles upon which Policy RA2 is founded can be summarised as an expectation that development proposals should reflect the size, role and function of the village concerned; make best use of brownfield land where possible; result in high-quality, sustainable development which enhances local character where possible and does not result in unsustainable patterns of development. It is my view, therefore, that although out-of-date, Policy RA2 may continue to attract weight in the determination of this application. This is because it is positively worded and does not, in advance of an NDP, seek to impose a cap on development. It does, however, require development to be built within or adjacent the main built up part of the settlement concerned.
- 6.11 The site is well related to Eardisland and is adjacent to the main built up part of the settlement. It is bounded by residential development to the north, east and south. Safe access can be achieved onto the B4529 and the site is a short distance from existing services and facilities that are available in the village centre. The proposal would not therefore result in an isolated or unsustainable pattern of development and the detailed design of the scheme is considered acceptable.
- 6.12 In this instance, officers consider that there is no overriding harm in the context of Policy RA2. The proposal is therefore representative of sustainable development when held against both the Core Strategy and paragraph 14 of the NPPF.
- 6.13 The expectation of Policy RA2 is that NDPs will define appropriate settlement boundaries or reasonable alternatives or will allocate land for new housing or otherwise demonstrate delivery by indicating levels of suitable and available capacity.
- 6.14 The site lies within the designated Neighbourhood Area of Eardisland and is adjacent to the settlement boundary proposed by the emerging Neighbourhood Plan.

- 6.15 Eardisland NDP acknowledges in its objectives, the need to promote a level of housing growth to meet the indicative housing target for Herefordshire that is proportionate to the size of Eardisland Parish and its settlements so that the parish retains its essentially rural character. The Regulation 16 Plan has been sent Examination and the Council is awaiting the Examiner's Report. It is therefore sufficiently advanced to attract weight for the purposes of determining planning applications.
- 6.16 The Neighbourhood Plan does not allocate sites for housing but does identify settlement boundaries with criteria-based policies. There is a current shortfall of 35 dwellings from the proportional growth requirement. Policies E1(i) and E9(b) of the NDP permit new residential development that is located within or adjacent to the settlement boundary. Given that the proposal is able to satisfy these, together with other relevant criteria in these and other relevant policies, the principle of developing this site for residential purposes is considered to comply with the NDP.

Flooding and Drainage

- 6.17 Part of the southern portion of the site lies within Flood Zones 2 and 3. In accordance with Policy SD3 of the Core Strategy, Policy E9 of the NDP and the NPPF, development should not be permitted if there are reasonably available sites appropriate for the development in areas with a lower probability of flooding.
- 6.18 Residential development is classified in the NPPF as 'more vulnerable'. This type of development is considered appropriate in Flood Zones 1 and 2. However, to develop in the floodplain (i.e. Flood Zone 3), the Council must be satisfied that the development passes the Sequential Test and the first two points of the Exception Test namely that it is not possible for the development to be located on land with a lower probability of flooding and that the development provides wider sustainability benefits to the community that outweigh flood risk.
- 6.19 Plots 1 and 3 were originally proposed within the Flood Zone 3. Having applied these tests, officers informed the applicant that that proposal would not be supported in its then current form. The applicant subsequently obtained confirmation and a budget estimate from Western Power Distribution that an existing high voltage overhead power cable, which had before constrained the development potential of the site, could be diverted underground to provide more developable area. The layout of the scheme was reconfigured to allow all new dwellings outside the flood zone (i.e. in Flood Zone 1). As such, floodplain storage compensation is no longer required and the NPPF Sequential Test is no longer relevant. The Environment Agency and the Council's land drainage engineer have no objection to the revised proposal, subject to a series of flood risk and drainage related conditions being imposed, and officer's are able to support the revised layout.
- 6.20 There is also a requirement in the NPPF and Policy SD3 of the Core Strategy to ensure that the development would be safe for its lifetime taking into account of the vulnerability of its users without increasing flood risk elsewhere, and, where possible, reducing overall flood risk.
- 6.21 To ensure this is achieved, finished floor levels would be set a minimum of 600mm above the 1 in 100 year plus climate change River Arrow flood level to protect the proposed dwellings from possible flood risk and no new solid structures such as walls or fences or changing ground levels below this level would be permitted in order to prevent any impact on flood flows consistent with Environment Agency advice.
- 6.22 Infiltration testing has been undertaken to assess the soil infiltration rate across the site. Based on this, it is recommended that soakways are used to manage surface water runoff from the impermeable areas on site and outline designs have been prepared by specialist consultants.

- 6.23 The Council's land drainage engineer has no objection to this approach in principle but has recommended that additional information is submitted prior to construction, including a detailed surface water drainage strategy which demonstrates that the rate and volume of discharges would provide betterment and be restricted to the pre-development greenfield values. A sustainable drainage solution is considered to be demonstrated and deliverable at this site. The most important function of this drainage strategy is to demonstrate that the development would not increase flood risk elsewhere.
- 6.24 The other main issue in relation to flood risk is that the main access road through the village could flood to an unsafe and unpassable depth during the peak of a 1 in 100 year plus climate change flood event. The applicant has produced a Flood Evacuation Management Plan (FEMP) which has been developed in consultation with and reviewed by the Council's Emergency Planning Team, which has confirmed that the FEMP provides an acceptable risk-mitigation strategy for egress and ingress in an emergency out of the site. Eardisland benefits from the Environment Agency's Floodline Warning Direct Service which includes a series of alerts and warnings that are triggered in the event of a flooding event of this magnitude. Following this warning, residents could make use of the site-specific FEMP. The application site is located along the same evacuation route that would be used by The Elms development to the north (P143390/F) and, if residents chose to evacuate their properties (noting they would be outside the 1 in 100 Year + CC flood level), they would have at least two hours to reach safety along this route, before the access became inundated with flood waters.
- 6.25 Policy SD4 seeks to ensure that new development does not undermine the achievement of water quality targets for rivers across the County, in particular through the treatment of wastewater. The applicant is proposing to treat foul water discharge via a package treatment plant and with treated foul water to be discharged into a watercourse at the rear of the site given there is not currently a foul mains connection available in Eardisland. The Council acknowledges this and therefore has no objection to a private arrangement in principle subject to a detailed foul water drainage strategy being submitted prior to construction.
- 6.26 Based on the above assessment, and subject to the imposition of a series of conditions requiring further detailed water-drainage information being submitted prior to construction, the Council is satisfied that the proposal complies with Policies SD3 and SD4 of the Core Strategy and Policies E1 and E5 of the NDP.

Highways

- 6.27 Policy MT1 of the Core Strategy requires development proposals to demonstrate that the strategic and local highway network can absorb their traffic impacts without adversely affecting the safe and efficient flow of traffic on the network. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.28 The proposed means of access to the site is onto the B4529 which is within a 30mph zone. Alpha Traffic Consultants carried out surveys of vehicle speeds and flows in the vicinity of the site access, which recorded Wet Weather 85th percentile speeds of 27mph northbound to Eardisland and 26.2mph southbound to the A44.
- 6.29 Based on the speed survey results, and having regard to relevant highway design guidance, the desirable minimum stopping distances are 36m to the north and 37m to the south of the proposed access. These are well within the available visibility in both directions of 56m and 87m respectively. As adequate visibility can be achieved in both directions, there would be no issues with achieving adequate visibility splays along both sides of the proposed access so as to achieve a safe and viable access to and from the site.

- 6.30 Paragraph 30 of the NPPF and Policy MT1 of the Core Strategy requires local authorities to facilitate sustainable modes of transport. As indicated earlier in this report, the site is considered sustainable being located alongside existing residential development that forms part of the village and is a short walk to nearby services and facilities in Eardisland and a bus stop with regular buses to other essential services in Kingsland and Pembridge and the larger centres of Hereford and Leominster.
- 6.31 If planning permission were to be granted, the development would be subject to the completion of a Section 278 Agreement. This would include works that are deemed to be necessary within the application site or on highway land to ensure the development is acceptable in highway safety terms. In this case, the Highway Safety Assessment has indicated that a new shared access ramp and dropped kerb/vehicle crossover would be provided.
- 6.32 Officers are satisfied that the local highway network can absorb the low number of traffic movements that would be generated by the proposed development and that the residual impacts cannot be considered severe. It is also noted that there have been no recorded personal injury collisions within the vicinity of the site over the last five years and the Transportation Manager has no objection to the application. The proposal is in accordance with Policy MT1 of the Core Strategy, Policy E1 of the NDP and Paragraph 32 of the NPPF.

Landscape and Ecology

- 6.33 The site is located behind Orchard Farm and is surrounded by mature hedgerows and trees which are to be retained. In landscape terms, longer distance views from the footpath to the north west (ED7) are filtered by these hedgerows and trees and the site is not especially evident. In any event, any dwellings on this site would be viewed in the context of existing adjacent residential development.
- 6.34 The site itself has been used as a market garden and plant nursery with a small number of buildings associated with this past use. Over time, the land has become overgrown with vegetation and grass.
- 6.35 The ecological survey and report submitted with the application confirms the existing buildings do not offer bat habitat and the field was assessed as having no significant habitat for reptiles and amphibians. Other than a single probable predated Robin's nest, no other evidence of any protected species was identified during the survey.
- 6.36 Whilst the survey results found the site to be of low biodiversity value, the Conservation Manager (Ecology) is of the view that the scheme provides an opportunity to secure some habitat enhancements for the area. It is recommended that a habitat protection and enhancement scheme should be prepared which is integrated with a wider landscaping scheme for the site. Root Protection Areas would also be provided around existing trees and hedgerows. These measures would all be secured through the imposition of planning conditions.
- 6.37 Development of any sort inevitably has impacts to landscape and ecological values. However, it is considered that the impacts of the proposed development are in this case minor and can be easily mitigated. The proposal is therefore in accordance with Policies LD1 and LD2 of the Core Strategy and Policies E1 and E4 of the NDP.

Heritage

- 6.38 There are several listed buildings along the main road from which the site would gain access, including two Grade II listed buildings immediately opposite the site entrance (The Latchetts and Ruscote). The application site also lies within Eardisland Conservation Area. As such, the proposal needs to be considered against Policy LD4 of the Core Strategy and the NPPF, in particular Paragraphs 128 to 137, which seeks to protect heritage assets. Considerable

importance and weight has been given to the desirability of preserving the setting of the listed buildings and not adversely affecting the character of a recognised heritage asset.

- 6.39 In addition, Sections 66 (1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Herefordshire Council, as the local planning authority, is required, when considering development which affects a listed building or its setting or a Conservation Area:

S66 “to have special regard for the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

S72 “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

- 6.40 The submitted Heritage Impact Assessment found that there is no physical association between the site and the setting of the listing buildings along the main road from where access would be gained. Council officer’s generally concur with this view and are satisfied that there would be no harm to recognised heritage assets.
- 6.41 The site is located in the southern part of the village on a former nursery behind Orchard Farm. As such, and given that it is surrounded by mature hedgerows, the site is largely hidden from view on all sides and the development would only result in glimpses of architectural form for those walking nearby. As a result, there would be negligible impact and it is the officer’s view that the character of the Conservation Area would be preserved and not harmed in this case. The Conservation Manager (Historic Buildings) is also satisfied that the proposal would not have an adverse impact on the Conservation Area nor the setting of any nearby listing buildings.
- 6.42 Five dilapidated structures associated with the former nursery use would be removed from the site and replaced with architecturally designed housing which has embraced the traditional form and detailing of existing development in the village. The low density of development also allows for relatively large, open garden areas allowing for effective landscaping and planting.
- 6.43 Overall, the development proposal would complement the existing character of the village and improve the attractiveness of this part of the settlement. Existing heritage assets, including both nearby listed buildings and the wider Conservation Area, would not be adversely impacted by the proposal. As such, the proposed development complies with Policies LD1 and LD4 of the Core Strategy, Policy E2 of the NDP and Paragraphs 128 to 137 of the NPPF.

Layout and Design

- 6.44 The scheme has been designed to maintain local distinctiveness by incorporating strong traditional elements.
- 6.45 A combination of vernacular materials would be used including brick, render, weatherboarding and structural timber framing. Steep roof pitches are proposed which would be clad in a combination of plain clay tiles and slate, with a variety of fenestration detailing and traditional chimneys.
- 6.46 The scale of dwellings would be reduced with a series of individual gables, stepped ridge lines and dormer windows that enable the overall heights of the dwellings to be limited and varied. The scale, height, proportions and massing of the scheme respects other surrounding development in the village.
- 6.47 The density of the development makes efficient use of land taking into account the local context and site characteristics (particularly the constraints posed by flood risk) but is low enough to allow for spacious gardens and separate garages on all plots.

- 6.48 There are no privacy or amenity issues that would arise given the distance between and orientation of existing and proposed dwellings and supplementary planting would help mitigate any visual impacts of the development.
- 6.49 The architectural approach has been to embrace traditional form and detailing of existing development in the village and the wider area and to use closely matching local materials. This approach is considered appropriate given the site's context and it is considered that the proposal complies with Policy SD1 of the Core Strategy and Policy E1 of the NDP.

Summary and Conclusion

- 6.50 Both Policy SS1 of the Core Strategy and Paragraph 14 of the NPPF engage the presumption in favour of sustainable development and require that development should be approved where they accord with the development plan, which in this case is both the Core Strategy and the Eardisland Neighbourhood Development Plan. The site is well related to the built form of the village, which is considered to be sustainable and is one where proportionate growth will be promoted. The proposal accords with the relevant policies in the development plan.
- 6.51 The Council is unable to demonstrate a five-year supply of housing land and failure to maintain a robust NPPF compliant supply of housing land render the housing supply policies of the Core Strategy out-of-date. As a result, Paragraph 14 of the NPPF is engaged. In this case, there are no adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.
- 6.52 In weighing the planning balance, the delivery of 5 dwellings in this location and having regard to the Council's housing land supply position and in the absence of any detrimental impacts in respect of flooding and drainage, highway safety and heritage assets (indeed there are material benefits) outweighs any environmental impacts of the development. The only residual impact in this regard is loss of some vegetation and habitat, which is able to be mitigated through an integrated landscape and habitat enhancement scheme which can be enforced and protected through conditions.
- 6.53 In assessing the three indivisible dimensions of sustainable development as set out in the Core Strategy and NPPF, officers are of the opinion that the scheme is representative of sustainable development and that the presumption in favour of approval is engaged. The contribution the development would make in terms of jobs and associated activity in the construction sector and supporting local business turnover in the village and wider area should also be acknowledged as fulfilment of the economic and social roles.
- 6.54 Officers also note the lack of housing delivery and the absence of any other sites currently coming forward in and around Eardisland (apart from The Elms site to the north) to deliver housing growth in the locality given amount of floodplain in this settlement. The proposal would contribute 5 dwellings towards the indicative housing growth target for the parish area of 35 dwellings.
- 6.55 In conclusion, the proposal is considered to represent a sustainable development for which there is a presumption in favour of and, as such, the application is recommended for approval subject to conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions being drafted in detail by officers:

1. A01 (one year commencement)

Further information on the subject of this report is available from Mr Nicholas Hall on 01432 261808

2. **B01 Development in accordance with approved plans**
3. **C01 Samples of external materials**
4. **D04 Details of window sections, eaves, verges and barge boards**
5. **F01 Restriction on hours of working**
F08 No conversion of garages to habitable accommodation
6. **G02 Retention of existing trees/hedgerows**
7. **G04 Protection of trees/hedgerows that are to be retained**
8. **G09 Details of boundary treatments**
9. **G10 Landscaping scheme**
10. **G11 Landscaping scheme – implementation**
11. **Habitat enhancement scheme – approval and implementation**
12. **The recommendations set out in the ecologist’s report from Protected Species Ecology dated October 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 proposals for the scheme’s landscaping should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.**

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

Reasons:

To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

To comply Herefordshire Council’s Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

14. **H03 Visibility splays**
15. **H06 Vehicular access construction**
16. **H08 Access closure**
17. **H09 Driveway gradient**
18. **H11 Parking – estate development (more than one house)**
19. **H13 Access, turning area and parking**

20. H17 Junction improvement/off site works
21. H20 Road completion in 2 years
22. H27 Parking for site operatives
23. H29 Covered and secure cycle parking provision
24. I16 Restriction of hours during construction
25. I18 Scheme of foul drainage disposal
26. I20 Scheme of surface drainage
27. I21 Scheme of surface water regulation
28. I24 Standard of septic tank/soakaway system
29. Prior to the first occupation of any of the residential development hereby permitted written evidence / certification demonstrating that water conservation and efficiency measures to achieve the 'Housing – Optional Technical Standards – Water efficiency standards' (i.e. currently a maximum of 110 litres per person per day) for water consumption as a minimum have been installed / implemented shall be submitted to the Local Planning Authority for their written approval. The development shall not be first occupied until the Local Planning Authority have confirmed in writing receipt of the aforementioned evidence and their satisfaction with the submitted documentation. Thereafter those water conservation and efficiency measures shall be maintained for the lifetime of the development.

Reason: To ensure water conservation and efficiency measures are secured, in accordance with Policy SD3 of the Hereford Local Plan – Core Strategy

30. M06 Finished floor levels (85.80m AOD)
31. There shall be no new solid structures such as walls and fences or raising of ground levels on land below 85.20m AOD, within the 1 in 100 year plus climate change floodplain extent as shown in Figure 15 of Hydro-Logic Services' FRA (Ref K0634/1 Rev 2), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent any impact on flood flows and flood risk elsewhere.

32. M07 Evacuation management plan
33. M08 Flood warning
34. M11 Use of SUDS infiltration methods including soakaways

Informatives:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning

permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework

2. **HN01 Mud on highway**
3. **HN04 Private apparatus within highway**
4. **HN05 Works within highway**
5. **HN07 Section 278 Agreement**
6. **HN08 Section 38 Agreement & drainage details**
7. **HN21 Extraordinary maintenance**
8. **HN24 Drainage other than via highway system**
9. **HN28 Highways design guide and specification**

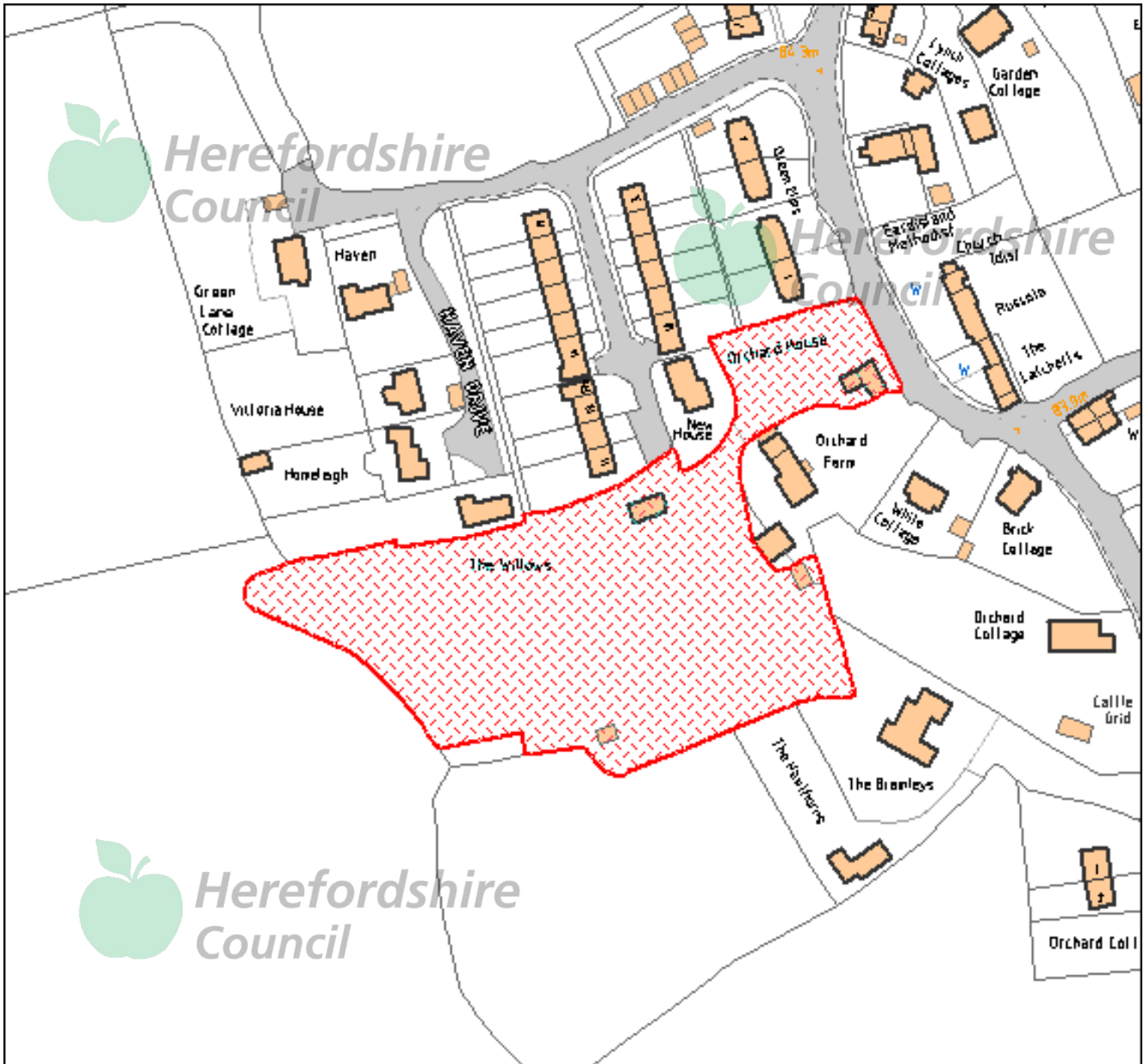
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 152779

SITE ADDRESS : LAND ADJOINING ORCHARD FARM, EARDISLAND, HEREFORDSHIRE

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Further information on the subject of this report is available from Mr Nicholas Hall on 01432 261808

Planning Objection
Application Ref P152779/F
Land at Orchard Farm



On behalf of
Eardisland Parish
Council

Kirkwells

The Planning People

Introduction

1. These comments in response to consultation on planning application P152779/O on land adjoining Orchard Farm, Eardisland are made on behalf of Eardisland Parish Council.
2. The application is for the proposed construction of 5 no dwellings with garages. Formation of new access and private drive and close existing. Demolition of outbuilding, steel framed barn, wind tunnel and greenhouse.

Summary of Key Points

3. Planning application P155279/F should be refused for the following reasons:
 - The application includes an area of land adjacent to Green Elms in which the sewage treatment plant for Green Elms is located. No notice has been served on the owners as part of the planning application. Until this is undertaken, the planning application should be declared invalid.
 - This site, due to the concerns and issues identified in this document, is not considered to be in accordance with the NPPF and is therefore not sustainable development.
 - This application proposal would leave future occupiers at significant high risk of flooding and would exacerbate existing problems for the existing residents of the village of Eardisland by directing more surface water from the development into existing ditches and Brooks which are at capacity. This is contrary to the NPPF and Herefordshire Core Strategy Policies SS1, SS7, SD3 and SD4.
 - Paragraph 192 of the NPPF states that the right information is crucial to good decision taking particularly where formal assessments are required. The lack of any meaningful information in relation to the impact of the development on heritage assets or landscape means that a proper assessment of the application cannot be made.
 - The proposed design and layout does not reflect the existing layout of the village and the design in its present form is not appropriate and does not make a positive contribution to the surrounding environment. This is contrary to Policies RA2 and LD1 of the Herefordshire Core Strategy.
 - With regards to ecology, biodiversity and protected species, in the absence of sufficient information to enable proper consideration, this application is contrary to Policies SS6 and LD2 of the Herefordshire Core Strategy and paragraph 118 of the NPPF.

- The access to the site is located at a significant blind-spot, where traffic speeds are higher than the speed limit and visibility is limited. The access will exacerbate existing safety concerns. This is contrary to Policy MT1 of the Herefordshire Core Strategy.
- The provision of four bedroomed detached dwellings is not in accordance with Policy H3 of the Herefordshire Core Strategy in that the proposal adds to an existing overprovision of house size, and does not seek to provide a range of housing units to create a balanced and inclusive community.
- The application is not in conformity to the emerging Eardisland Neighbourhood Development Plan (NDP), which is currently undertaking Regulation 14 Consultation.

The Proposal

4. This application, on land adjoining Orchard Farm, Eardisland is a full application for the proposed construction of 5 no dwellings with garages. Formation of new access and private drive and close existing. Demolition of outbuilding, steel framed barn, wind tunnel and greenhouse.

Eardisland

5. Eardisland Village is a classic nuclear settlement, clustered around a crossing-point of the River Arrow. It is mentioned in Domesday Book (1086). There is archaeological evidence of occupation here very much earlier. The moated castle site and the church not far from the river crossing and also parts of the present road network indicate the presence of an active community here well over a thousand years ago.
6. While timber framed houses, of which Eardisland has some outstanding examples, are regarded as the local vernacular, Eardisland village and the wider parish display styles of building periods from mediaeval times until the present day. These buildings, together with various wild-life rich open spaces and enclaves within the village itself, have evolved into a prime example of the quintessential English village and community. The Parish Council believe it can remain equally special for future generations.
7. In 1996 Eardisland village and its surrounds were designated a Conservation Area by Leominster District council and this designation has been carried forward by Herefordshire Council. The preservation of its special ambiance is greatly valued by our many visitors, as is reflected in comments made in the visitors' books in our church and the community shop.
8. The historical outline and expansion of the village of Eardisland has been to some extent dictated by its position within the local flood plain of the River Arrow, which runs west to east across the Parish. The number of homes in the village expanded relatively quickly in the latter half of the 20th century with groups of new houses being erected, and some conversions or re-developments of former farm and residential sites taking place.
9. Alterations over the years in roadway surfacing and drainage, the culverting or infilling of drainage ditches and changes in agricultural practice have tended to aggravate the effects of flooding around the village

and parish. In recognition of this the Parish Council commissioned a Flood Alleviation Study in September 2014 of the village and its surroundings to help assess and potentially ameliorate the current position.

National Planning Policy

10. The relevant sections of the National Planning Policy Framework are as follows:

11. Para 7: There are three dimensions to sustainable development:

economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- A social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
- An environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

6. Delivering a wide choice of high quality homes

12. Para 49: Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

13. Para 55: To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality or rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.

7. Requiring Good Design

14. Para 56: The Government attached 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.
15. Para 57: It is important to plan positively for the achievement of high quality and inclusive design of all development, including individual buildings, public and private spaces and wider area development schemes.
16. Para 60: Planning policies should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms and styles. It is however, proper to seek to promote or reinforce local distinctiveness.

10. Meeting the challenge of climate change, flooding and coastal change

17. Para 99: New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.
18. Para 100: Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

11. Conserving and enhancing the natural environment

19. Para 109: The planning system should contribute to and enhance the natural and local environment by:
- protecting and enhancing valued landscapes, geological conservation interests and soils
 - recognising the wider benefits of ecosystem services

- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity.

20. Para 111: Planning policies should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.

12. Conserving and enhancing the historic environment

21. Para 132: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset the greater the weight should be.

Local Planning Policy

22. Existing local planning policy is contained in the Herefordshire Core Strategy adopted on 15th October 2015. The relevant planning policies within the Core Strategy are as follows:

Policy SS1: Presumption in favour of sustainable development.

Policy SS2: Delivering new homes.

Policy SS3: Ensuring sufficient housing land delivery.

Policy SS4: Movement and Transportation.

Policy SS6: Environmental quality and local distinctiveness.

Policy SS7: Addressing climate change.

Policy RA1: Rural housing distribution.

Policy RA2: Housing in settlements outside Hereford and the market towns.

Policy RA3: Herefordshire's Countryside.

Policy H3: Ensuring an appropriate range and mix of housing.

Policy MT1: Traffic management, highway safety and promoting active travel.

Policy LD1: Landscape and Townscape.

Policy LD2: Biodiversity and Geodiversity.

Policy LD4: Historic environment and heritage assets.

Policy SD3: Sustainable water management and water resources.

Policy SD4: wastewater treatment and river water quality.

23. The Council's *Landscape Character Supplementary Planning Guidance* (2004) seeks to explain the modern concepts of landscape and landscape character and to offer guidance in the application of Landscape Character Assessment to professionals and lay persons alike.
24. The current application site falls within the Landscape Characterised as *Principal Settled Farmlands - Networks of small winding lanes nestling within a matrix of hedged fields are characteristic. Tree cover is largely restricted to thinly scattered hedgerow trees, groups of trees around dwellings and trees along stream sides and other watercourses. This is a landscape with a notably domestic character, defined chiefly by the scale of its field pattern, the nature and density of its settlement and its traditional land uses.*
25. The document identifies that the dispersed settlement pattern of farmsteads and hamlets is capable of accommodating limited new development if it is in accordance with planning policy. Additional housing in hamlets and villages should be modest in size in order to preserve the character of the original settlement. New development should remain at a low density with most housing associated with existing hamlets and villages. In order to conserve the landscape character new development is expected to retain the integrity of a dispersed settlement pattern.

The Application

26. The application includes an area of land adjacent to Green Elms in which the sewage treatment plant for Green Elms is located. No notice has been served on the owners as part of the planning application. Until this is undertaken, the planning application should be declared invalid.

Sustainable Development

27. This site, due to the concerns and issues identified in this document, is not considered to be in accordance with the NPPF and is therefore not sustainable development.

28. A Strategic Housing Land Availability Assessment (SHLAA) has been prepared as part of the Herefordshire's Core Strategy evidence base. The SHLAA assesses the potential availability of land for housing across Herefordshire up to the end of the plan period, and explores any constraints that might affect their suitability, achievability or availability for development. The study, which has been based upon Hereford, the market towns and the most sustainable rural settlements identifies both brownfield and greenfield opportunities. This site was not identified in the SHLAA.

29. Eardisland Parish Council is preparing a Neighbourhood Development Plan. The emerging plan is currently about to undertake the 6 week consultation period required by Regulation 14 of the Neighbourhood Planning Regulations 2012. Following this, the plan will be revised and submitted to Herefordshire Council in early 2016. This application is contrary to the emerging NDP and would be seen as unsustainable once the NDP is part of local policy.

Flooding and Drainage

30. Eardisland is affected by flooding from the River Arrow and a number of tributaries and smaller watercourses in the area. Surface water flooding, from overland flows, land drainage and highway drainage is also a known issue. The Environment Agency indicative flood risk maps indicate over 100 properties are in areas at risk of fluvial flooding and a further 25 properties are in areas at risk of surface water flooding. Flooding of roads also occurs regularly causing disruption for periods of 24 to 48 hours.

31. This application is located partly in Flood Zone 3. The NPPF states that all development should be directed to the area of lowest risk of flooding. The village of Eardisland is located on the floodplain for the River Arrow.
32. In addition to this, the flood alleviation study carried out in 2014 includes photographs of flooding of the main road directly at the point of access from this development.
33. The proposed emergency access at times of flooding is identified as being onto Green Elms to the north of the site. This narrow road is impassable the majority of the time due to parked cars.
34. During previous flooding incidents, flood water from the proposed development site has flooded the neighbouring property's garden and house. The submitted Flood Risk Assessment (FRA) states there will be no extra run-off but development must increase the risk of more run-off and flooding. As no counter measures to control this are proposed, the application will increase the flood risk to neighbouring houses.
35. The map within the FRA on page 11 shows houses for plots 1 and 3 in Flood Zone 2/3, however at page 10 point 3a the FRA states areas in FZs 2/3 should be used for gardens. The FRA contradicts itself.
36. The area of the site where plots 1 and 3 are positioned is the route of floodwater through the site from other areas. Construction of buildings in this area will exacerbate flooding issues elsewhere. In addition, the plot 1 is located on the area of a former pond used for surface water management. This pond has since been filled, which contributes to further surface water flooding in the area.
37. The area identified for run off to discharge into is already full to capacity, as is Southalls Brook. The discharge of further surface water into the existing ditches and streams will create additional flooding issues up stream, exacerbating flooding issues in the village.
38. This application is contrary to the NPPF as development is located in an area of high risk, without any sequential or exception test being undertaken.
39. Paragraph 101 of the NPPF states that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably

available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.

40. Paragraph 102 states that if, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

41. Both elements of the test will have to be passed for development to be allocated or permitted.

42. Paragraph 103 of the NPPF specifically states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

43. This application proposal would leave future occupiers at significant high risk of flooding and would exacerbate existing problems for the existing residents of the village of Eardisland by directing more surface water from the development into existing ditches and Brooks which are at capacity. This is contrary to the NPPF and Herefordshire Core Strategy Policies

SS1, SS7, SD3 and SD4. The application is also contrary to the emerging Eardisland NDP.

Access

44. The proposed access to the site is located adjacent to double bends on the road from the village of Eardisland to the A44. This is a dangerous blind-spot on the road as there have been accidents and near misses on this section of road.
45. The visibility from the proposed access is limited and it is debateable whether the correct splays can be achieved.
46. It is indicated in the Design and Access Statement that traffic speed survey information is available. However no information has been submitted with the application.
47. Policy MT1 of the Herefordshire Core Strategy states that development should demonstrate that the local highway network can absorb the traffic impact without adversely affecting the safe and efficient flow of traffic.
48. The access to the site is located at a significant blind-spot, where traffic speeds are higher than the speed limit and visibility is limited. The access will exacerbate existing safety concerns. This is contrary to Policy MT1 of the Herefordshire Core Strategy and the emerging Eardisland NDP.

Housing Mix

49. This application proposes 5 detached 4 bed dwellings. Currently in Eardisland there are a number of large properties on the market, which are not selling.
50. The 2011 Census identifies that Eardisland has a significant number of dwellings of 4 or more bedrooms (35.5%) compared to the Herefordshire figure of 24.8%.
51. The application submission identifies local need, however does not qualify how the result has been arrived at. There is a need in Eardisland to provide 2 or 3 bedroomed starter homes, which are in short supply.

52. The provision of four bedroomed detached dwellings is not in accordance with Policy H3 of the Herefordshire Core Strategy in that the proposal adds to an existing overprovision of house size, and does not seek to provide a range of housing units to create a balanced and inclusive community. In addition it is contrary to the emerging Eardisland NDP.

Impact on setting of Heritage Assets/Wider Landscape Character

53. The application is located in open countryside, and within the Eardisland Conservation Area. The proposal extends the village form in a westerly direction.

54. No Significance statement or assessment of impact on the Conservation Area has been submitted with the application. Therefore no proper assessment of the impact of the development on heritage assets, such as the listed buildings adjacent and opposite the proposed access, has been undertaken. This is contrary to the emerging Eardisland NDP.

55. The NPPF clearly states at Para 132 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset the greater the weight should be.

56. No assessment of the visual impact on the wider landscape character has been undertaken.

57. Paragraph 192 of the NPPF states that the right information is crucial to good decision taking particularly where formal assessments are required. The lack of any meaningful information in relation to the impact of the development on heritage assets, or landscape means that a proper assessment of the application cannot be made.

Design

58. The design of some of the properties is a pastiche. Whilst elements of design features of the village are reflected in the design of other dwellings included on the site, the use of timber boarding/ render as a cladding material very rarely works.

59. Timber boarding is only successful in modern construction if the timber framed construction methods are understood and used.

60. Policy RA2 of the Herefordshire Core Strategy states that 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 settlements, reflecting local demand.

61. 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.

62. In the case of this application, the proposed design and layout does not reflect the existing layout of the village and the design in its present form is not appropriate and does not make a positive contribution to the surrounding environment. This is contrary to Policies RA2 and LD1 of the Herefordshire Core Strategy and the emerging Eardisland NDP.

Impact on Ecology/Biodiversity/Protected species

63. This application involves the development of a greenfield site and the demolition of existing buildings. No ecological assessment has been carried out on the land, nor has any survey of protected species been carried out on the existing buildings.

64. The site also includes a significant number of trees, of which no assessment has been carried out.

65. Due to the lack of meaningful information in relation to ecology, biodiversity and protected species on the site, it is not possible to carry out any proper assessment of the application.

66. In the absence of sufficient information to enable proper consideration, this application is contrary to Policies SS6 and LD2 of the Herefordshire Core Strategy and paragraph 118 of the NPPF.

Conclusion

67. The presumption in favour of granting planning permission would normally take effect. But this is qualified in the NPPF where there are “any adverse impacts” which would “significantly and demonstrably outweigh the benefits”, crucially when assessed against the NPPF as a whole.
68. This objection demonstrates that there are adverse impacts that significantly outweigh the benefits of the proposal.
69. The current planning application should therefore be refused for the following reasons:
- The application includes an area of land adjacent to Green Elms in which the sewage treatment plant for Green Elms is located. No notice has been served on the owners as part of the planning application. Until this is undertaken, the planning application should be declared invalid.
 - This site, due to the concerns and issues identified in this document, is not considered to be in accordance with the NPPF and is therefore not sustainable development.
 - This application proposal would leave future occupiers at significant high risk of flooding and would exacerbate existing problems for the existing residents of the village of Eardisland by directing more surface water from the development into existing ditches and Brooks which are at capacity. This is contrary to the NPPF and Herefordshire Core Strategy Policies SS1, SS7, SD3 and SD4.
 - Paragraph 192 of the NPPF states that the right information is crucial to good decision taking particularly where formal assessments are required. The lack of any meaningful information in relation to the impact of the development on heritage assets or landscape means that a proper assessment of the application cannot be made.
 - The proposed design and layout does not reflect the existing layout of the village and the design in its present form is not appropriate and does not make a positive contribution to the surrounding environment. This is contrary to Policies RA2 and LD1 of the Herefordshire Core Strategy.
 - With regards to ecology, biodiversity and protected species, in the absence of sufficient information to enable proper consideration, this

application is contrary to Policies SS6 and LD2 of the Herefordshire Core Strategy and paragraph 118 of the NPPF.

- The access to the site is located at a significant blind-spot, where traffic speeds are higher than the speed limit and visibility is limited. The access will exacerbate existing safety concerns. This is contrary to Policy MT1 of the Herefordshire Core Strategy.
- The provision of four bedroomed detached dwellings is not in accordance with Policy H3 of the Herefordshire Core Strategy in that the proposal adds to an existing overprovision of house size, and does not seek to provide a range of housing units to create a balanced and inclusive community.
- The application is not in conformity with various policies of the emerging Eardisland NDP.

For more information on the contents of this document contact:

Claire Parker

Director

Kirkwells

Lancashire Digital Technology Centre

Bancroft Road

Burnley

Lancashire

BB10 2TP

01282 872570

claireparker@kirkwells.co.uk

Eardisland Parish Council wishes to make a further representation to the applicant's response to Parish Council objection to P152779/F, Land adjoining Orchard Farm, Eardisland – Proposed construction of 5 no dwellings with garages. Formation of new access and private drive and close existing. Demolition of outbuilding, steel framed barn, wind tunnel and greenhouse.

Please note the following points:

- The applicant states that the application meets Eardisland Neighbourhood Development Plan policy E1 (a), (b), (c), (d) and (e)
- However the application does not conform to policy E1(f) as the proposed access is onto the road at a point that is known to flood in heavy rain, as shown in picture 1 below , which clearly shows how cars go on the wrong side of the road (coming from the village) to avoid flood water at the point where the new access would join the main road

Picture 1



- The application does not conform to policy E1(j) as part of the site is regularly under water in heavy rain, at the position of plots 1 and 3, as shown in pictures 2, 3 and 4 below (taken with consent from the adjoining property, when the flooding was improving)

Pictures 2, 3 and 4 showing proposed site of plots 1 and 3



- Any application must meet all the criteria in policy E1 not merely those that suit the application
- The applicant states that the site is 'largely on Flood Zone 1 land'. This is in direct opposition to the applicant's own Flood Risk Assessment (FRA), which clearly shows on p11 that a significant proportion of the site is in Flood Zone 3/2, including part of the access onto the site and plots 1 and 3
- The application is also in opposition to p10 of the FRA which states that 'Land use with higher vulnerability should be located in areas of least flood risk, with areas designated as Flood Zones 2 and 3 being used for lower vulnerability uses, such as gardens'
- The Parish Council has certainly not 'misunderstood or misled themselves' on technical issues but has accurately read the applicant's own FRA
- At the Parish Council site visit on 12 November, the applicant was asked why there was not an ecological assessment submitted
- The Parish Council notes that there is now an ecological assessment available on Herefordshire Council's website and clearly dated 2.12.15, therefore not available at the time of the Parish Council's response
- The applicant states 'The application boundary line was modified in the early stages and excludes land owned by the Housing association as correspondence between us shows , and no notice is required to be served on anyone. This was again mentioned at the meeting with the Parish Council on site'
- This is totally inaccurate. The applicant was asked at the aforementioned site visit why he had included the sewage treatment works owned by the housing association and replied 'It's a mistake'
- The Parish Council notes that there is now an amended site location plan excluding the sewage treatment works available on Herefordshire Council's website and clearly dated 7.12.15, therefore not available at the time of the Parish Council's response
- Whilst it is recognised that only limited weight can be given to the Eardisland NDP as it is not yet submitted under Regulation 16, the application is not in conformity with either the National Planning Policy Framework or Herefordshire Council's Core Strategy, as shown in the Parish Council's objection document.

Eardisland Parish Council 23.2.16

Eardisland Parish Council wishes to object to the amended plans and documents submitted for P152779/F, Land adjoining Orchard Farm, Eardisland – Proposed construction of 5 no dwellings with garages. Formation of new access and private drive and close existing. Demolition of outbuilding, steel framed barn, wind tunnel and greenhouse.

Please note the following points:

1. The amended Flood Risk Assessment (FRA) dated February 2016 is noted
2. This report states at 2a that the only significant flood risk is from fluvial flooding. This is inaccurate. In heavy rainfall, water flows off the fields to the west of the site without any fluvial flooding and flows through the site leading to standing water on the lower part of the site as shown below

Pictures 1, 2 and 3 showing the lower part of site close to new position of proposed plots 1 and 3. These photos were taken when much of the standing surface water was receding



3. The amended FRA states that land at 2 points on the southern part of the site will be lowered to provide floodplain storage as compensation for specifically plots 1 and 3
4. Although the amended plans have moved the site for plots 1 and 3 just out of the Flood Zone 2/3 area of the application site, the 2 points for floodplain storage are in Flood Zone 2/3 and if the water table is as high as usual when there is heavy rain in Eardisland (see 15 below), it is likely that such floodplain storage will be overwhelmed
5. This floodplain storage takes no account of water coming off the fields onto the site in heavy rain. Therefore there is still a significant risk of flooding to the proposed new properties and to neighbouring properties when the proposed floodplain storage is overwhelmed
6. The suggested raising of height by a minimum of 450mm is likely to impinge on the neighbouring properties. Roof heights of proposed properties need to be adjusted to be in relationship to surrounding properties
7. Any application must meet all the criteria in Eardisland NDP policy E1 and this application is currently not in conformity with at least E1 (e), (j), (n), (p) and (s)

8. The evacuation route suggests taking residents down Burton Lane past The Brouch. This is not an achievable pedestrian evacuation route, as in flood events it would take pedestrians through the deepest area of flooding by the entrance to School Lane – see 9 below
9. Although the Environment Agency warning system for Eardisland has improved, lack of mobile signal throughout most of Eardisland village means that the 2-hour warning window is likely to be compromised if other communications are affected, as noted on 8 March by a resident whose mobile signal was disrupted leading to receipt of a warning considerably more than 2 hours later
10. This leads to a risk of prospective residents leaving their properties and going onto the road which has been known to reach 600mm in depth of floodwater, with a strong current going from the main road into School Lane and possibly with floodwater on the road stretching from the village side of Orchard Farm continuously past the turning for Burton Lane, as shown in pictures 4 and 5 below

Picture 4 is looking from the village past Green Elms towards Orchard Farm entrance. Picture 5 is looking towards the Burton Lane turn



11. It is noted that the Highway Safety Assessment report is based on a site visit in fine and dry conditions. The photo at 1.4 contrasts greatly with the situation after rainfall as below

Picture 6 clearly shows a car coming from the village on the wrong side of the road to avoid standing water on the road. Picture 7 shows standing water coming from the current Orchard Farm entrance leading to flooding across the road in rainfall



12. The Highway Safety Assessment does not address the issue of turning right coming from the village into the proposed site with much reduced sight lines
13. The optimum speed of 25 mph to negotiate the bend in the road to the south of the proposed site entrance is noted by residents with daily experience of this road
14. Therefore the dry and wet 85th percentile speeds noted in 3.2 of the Highway Safety Assessment show speeds that may be within the 30 mph speed limit but are higher than the optimum speed considered safe by residents

15. It is known that the high water table in rainfall prevents drainage in many parts of the village, leading to water surging upwards out of drains onto the road rather than the drains taking water away off the road
16. Neither the amended FRA nor the Highway Safety Report consider work that will be needed to address the water flooding and land drainage at the point of the proposed new access, so that the situation in rainfall is not worsened from the currently observed situation
17. The ditch along the field line on the western edge of the site continues south past The Bramleys and then is blocked. It does not have an outflow into Southalls Brook
18. Given the known levels of water on the road and in the ditches and Southalls Brook in rainfall, the channelling of 'any surcharged flow away from the dwellings, in the event of failure' of the proposed surface water management system for the application site (as stated in 8a of the FRA) will lead to an unacceptable increased risk of flooding to neighbouring properties
19. In addition the discharge from the planned new treatment plant will be entering a ditch with no outlet, leading to further increased flooding risk to both prospective and neighbouring properties
20. Section 2a of the amended FRA states that there are no sewers on the site. However the sewage plant for Green Elms is adjacent to the site and the pipe from Green Elms to the sewage plant crosses the site
21. The sewage plant discharges into the ditch mentioned in 16 and 18 above and currently appears to be discharging sewage rather than cleaned water into the ditch, with a subsequent offensive foul smell pervading the prospective site and surrounding areas
22. The danger of noxious smells from the sewage plant was pointed out to the applicant at the site visit with Parish Councillors on 12 November 2015
23. The impact on 2 listed buildings located opposite the proposed site entrance (Ruscote and The Latchetts) and on the Eardisland Conservation Area has not been addressed by any heritage impact assessment
24. Therefore this application does not conform to the National Planning Policy Framework, paras 128-129
25. Whilst it is recognised that only limited weight can be given to the Eardisland NDP as it is not yet submitted under Regulation 16, the application is not in conformity with either the National Planning Policy Framework or Herefordshire Council's Core Strategy and is therefore unsustainable development.

Eardisland Parish Council wishes to make a further representation to the applicant's amended and new documents for P152779/F, Land adjoining Orchard Farm, Eardisland – Proposed construction of 5 no dwellings with garages. Formation of new access and private drive and close existing. Demolition of outbuilding, steel framed barn, wind tunnel and greenhouse.

Please note the following points:

- The Eardisland Neighbourhood Development Plan has completed Regulation 16 Consultation, has been found to be in conformity with Herefordshire Council's Core Strategy and is now being progressed to Examination. Therefore material weight must be given to the policies in the NDP as well as the National Planning Policy Framework (NPPF) and the Core Strategy.
- The application has still not addressed the access issues highlighted in a previous response from the Parish Council and repeated below. The application does not conform to policy E1(f) of Eardisland Neighbourhood Development Plan (Submission Draft April 2016) as the proposed access is onto the road at a point that is known to flood in heavy rain, as shown in picture 1 below (please note this photo was taken when road flooding conditions were improving).

Picture 1



- At the Parish Council site visit on 12 November, the applicant stated that future application might be made for some small, probably terraced, dwellings for rent/social housing sited near the entrance to the site. The Parish Council notes that the amended plan now appears to show a road area within the site to facilitate this, increasing the risk to the access to the main road.
- The amended Flood Risk Assessment (May 2016) notes the response from Mr Irwin of the Environment Agency (appendix E and below):

*'The need for such a scheme on undeveloped agricultural land such as this suggests that a sequential approach is not being fully adopted and that **too many dwellings are being proposed for the site given its constraints.** (Parish Council highlighting). Given the size of the development, the Sequential Test is a matter for the LPA to comment on but we would seek clarification that they are comfortable with the proposed development within the southern portion of the site.'*

Proposals assessed in earlier revisions of this report considered a more open layout, in which two of the proposed dwellings were sited within areas designated as Flood Zones 2 and 3, in the southern part of the site. In response to Mr. Irwin's comments, the proposed layout has been rearranged such that the dwellings are all on higher land, beyond the modelled limits of 1:

1,000 year flooding. Floodplain storage compensation is no longer required and the Sequential Test is no longer relevant.

The amended FRA has indeed rearranged the dwellings so that all are sited on the higher portion of the site. However the applicant has still not addressed the issue of flooding in the flood zone 2/3 part of the site (documented by local residents – see representations from Mr and Mrs Staples – and below by the Parish Council).

This flooding will be exacerbated by 5 houses on the north of the site reducing the land available to take rain water and field run-off, particularly as ‘the current proposals have abandoned any floodplain storage compensation’. The southern part of the site is regularly under water in heavy rain and without floodplain storage compensation in this area, the situation will only be made worse for any resident in the application dwellings and the neighbouring residents. The applicant has ignored Mr Irwin’s comment above that there are ‘too many dwellings being proposed for the site given its constraints’.

Therefore the application still does not conform to policy E1(j) as seen in pictures 2, 3 and 4 below (taken with consent from the adjoining property, when the flooding was improving)

Pictures 2, 3 and 4 showing the lower southern portion of the site



- By siting all 5 dwellings on the northern part of the site, the applicant has gone against his Planning Design and Access Statement para 41. The amended site layout no longer takes ‘account of the high voltage electricity supply crossing the site’.
- There is currently a major issue with the sewage treatment plant sited adjacent and on the edge of the proposed development. This plant, for the Housing Association properties in Green Elms, is currently being emptied 1-2 times every day as the plant has failed and has been discharging raw sewage into the ditch running along the field edge adjacent to the development site. This has been logged as an incident with the Environment Agency. By siting all 5 dwellings on the northern part of the site, the applicant has further gone against his Planning Design and Access Statement para 41, as the amended site layout no longer

‘accommodates the effluent pipe from the housing Association development (*sic*) and farmhouse to the treatment plant’.

Therefore this amended application does not conform to the NDP policies E1(e) and E9(k) as it will unduly harm the amenity of both the proposed development and existing neighbouring properties.

- The amended layout does not conform to E1(n) and (m) and E9(c). Although the density of housing on Green Elms is high, they are small mostly semi-detached or terraced houses. The proposed development is for large 4-bedroom dwellings which should be at a density of surrounding dwellings of this size and therefore ‘appropriate and proportionate to its surroundings’. By siting all 5 proposed dwellings on the northern part of the site to avoid flood zone 2-3, the applicant has reduced the plot size to unsuitable proportions and scale. The application does not contribute to local identity and sense of place. In addition, policy E10 is still not addressed and the application is therefore not in conformity with it.
- The Parish Council notes that the amended FRA for this application continues to rely on a flood evacuation route outlined in the FRA for 143390 The Elms. This route takes residents up Burton Lane. This is unsafe as the lower end of Burton Lane is known to flood to substantial depth before the main road is affected. The application will need to provide a safer evacuation route, following discussion with and input from the Parish Council and residents who understand the actual flooding sequence and risk.
- As a result of all the points above, Eardisland Parish Council objects to this amended application and considers it is unsustainable development and therefore not in conformity with the NPPF, the Core Strategy and the Eardisland NDP.

