

AGENDA

Planning Committee

Date: **Wednesday 2 November 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:

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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 5 October 2016.</p>	7 - 18
5.	<p>CHAIRMAN'S ANNOUNCEMENTS</p> <p>To receive any announcements from the Chairman.</p>	
6.	<p>APPEALS</p> <p>To be noted.</p>	19 - 22
7.	<p>160048 - LAND BETWEEN TILLINGTON ROAD AND ROMAN ROAD, HEREFORD.</p> <p>Proposed outline planning application (all matters reserved except access) for the development of up to 50 residential dwellings with associated access.</p>	23 - 50
8.	<p>162264 - LAND ADJACENT TO BROCKINGTON OFFICES, 35 HAFOD ROAD, BROCKINGTON, HEREFORD, HR1 1SH</p> <p>Two 4 bed and two 3 bed detached houses with allocated garages and one 3 storey apartment block consisting of four 2 bed apartments and a top floor pent house suite. With landscaping and civil works.</p>	51 - 66
9.	<p>161522 - LAND AT YARPOLE, LEOMINSTER, HEREFORDSHIRE, HR6 0BA</p> <p>Proposed 6 no. Detached dwellings and 4 no. garages.</p>	67 - 74
10.	<p>161627 - PLOT 7 LAND AT YARPOLE, LEOMINSTER, HEREFORDSHIRE, HR6 0BA</p> <p>Proposed dwelling and garage.</p>	75 - 80
11.	<p>DATE OF NEXT MEETING</p> <p>Date of next site inspection – 6 December 2016</p> <p>Date of next meeting – 7 December 2016</p>	

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

MINUTES of the meeting of Planning Committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 5 October 2016 at 10.00 am

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

Councillors: PA Andrews, BA Baker, CR Butler, PJ Edwards, DW Greenow, KS Guthrie, GJ Powell, AJW Powers, WC Skelton, D Summers, EJ Swinglehurst and LC Tawn

In attendance: Councillors MJK Cooper and SD Williams

58. APOLOGIES FOR ABSENCE

Apologies were received from Councillors EL Holton, JA Hyde and TM James.

59. NAMED SUBSTITUTES

Councillor PA Andrews substituted for Councillor TM James and Councillor GJ Powell for Councillor JA Hyde.

60. DECLARATIONS OF INTEREST

Agenda item 7: 131913 and 131916 Brightwells auction at the former Madley airfield, Stoney Street, Madley, Herefordshire

Councillor DW Greenow declared a non-pecuniary interest because he traded with Brightwells.

Councillor J Hardwick declared a non-pecuniary interest because he traded with Brightwells.

61. MINUTES

RESOLVED: That the Minutes of the meeting held on 14 September 2016 be approved as a correct record and signed by the Chairman.

62. CHAIRMAN'S ANNOUNCEMENTS

None.

63. APPEALS

The Planning Committee noted the report.

64. BRIGHTWELLS AUCTION AT THE FORMER MADLEY AIRFIELD, STONEY STREET, MADLEY, HEREFORDSHIRE, HR2 9NP

(Variation of condition 15 of permission s102843/f to allow 2 no. Sales per month (fortnightly) and variation of condition 4 of permission 102843 to allow sales of commercial vehicles.)

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

There were no public speakers.

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

He made the following principal comments:

- Whilst he had had no direct representations, when he had asked local residents for their views concerns had been expressed to him about the detrimental effects caused by the amount of traffic, including large vehicles, the auctions generated. A number of allegations had also been made that weekend working had been taking place.
- Madley Parish Council had requested that, if approved, traffic calming measures be provided on Stoney Street, the preference being for a chicane rather than traffic humps because of the noise those would generate; that the condition prohibiting weekend working be enforced and that priority be given to the proposed Traffic Regulation Order (TRO) for a speed limit that had been requested.

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

- Members emphasised the importance of the conditions of any planning permission for the site being firmly enforced.
- A concern was expressed that the statement at paragraph 6.3 of the report that the proposal would generate an additional 7-10 jobs at the site implied greater traffic generation than the assessment in the report suggested.
- The Transportation Manager commented that the TRO relating to a speed limit reduction was subject to consultation with the police and other parties and may not prove possible.
- A number of members spoke in support of a speed limit. A Member commented that he did not support traffic calming in the form of chicanes.
- The Lead Development Manager commented that the applicants had indicated their willingness to work with the Parish Council on the TRO.
- The highways impact was not so severe that the proposal should be refused having regard to paragraph 32 of the National Planning Policy Framework.
- The Principal Planning Officer commented that the application had been lodged some time ago. Comments in the report outlining concerns expressed by the Parish Council dated from 2013. The planning service had raised complaints about breaches of conditions with the applicant and the Parish Council had made no comment in response to the two most recent consultations on the application.

The local ward member was given the opportunity to close the debate. He re-emphasised the importance of the applicant adhering to any conditions attached to the planning permission, the prohibition on weekend working and the progression of the TRO.

It was proposed that officers be authorised to finalise conditions to ensure their robustness after consultation with the Chairman and local ward member.

RESOLVED: That, in respect of both applications 131913 and 131916, officers named in the scheme of delegation to officers be authorised to grant planning permission subject to the following conditions (to be imposed on both applications), modified as necessary and any other conditions considered necessary by officers, after consultation with the Chairman and local ward member :

1. **B01 Development in accordance with the approved plans**
2. **The premises shall be used for the auction (including administration of) of agricultural and land based plant and machinery and equipment and commercial vehicles and for no other purpose.**

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity and to comply with Policy SD1 and MT1 of the Herefordshire Local Plan – Core Strategy.

3. **The hours during which working may take place shall be restricted to 08.30am to 5.30pm Mondays to Fridays with the exception of office based uses. There shall be no such working on Saturdays, Sundays, Bank or Public Holidays**

Reasons: In the interests of the amenities of the locality and in the interests of highway safety in accordance with Policy SD1 of the Herefordshire local Plan - Core Strategy and guidance contained within the National Planning Policy Framework.

4. **The delivery of plant and machinery, their loading and unloading, shall not take place outside of the hours of 9am and 5pm Monday to Friday nor at any time on Saturdays, Sundays or Bank Holidays.**

Reason: In the interests of the amenities of the locality and in the interests of highway safety in accordance with Policy SD1 and MT1 of the Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework.

5. **G11 Landscaping scheme - implementation**
6. **The access shall be constructed and visibility splays (2.4m x 215m) provided and maintained in accordance with the details shown on drawing numbers WSP Drawing 0472/SK1 and 0472/SK02 Rev B.**

Reason: In the interests of highway safety having regard to Policy MT1 of the Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework.

7. **Prior to the first use of the site for the access to the north onto Stoney Street shall be closed and land reinstated in accordance with the details shown on drawing numbers WSP Drawing 0472/SK1 and 0472/SK02 Rev B. The access shall be used for emergency vehicles only and for no other purpose.**

Reason: To ensure the safe and free flow of traffic using the adjoining County highway and to conform with the requirements of Policy MT1 of Policy MT1 of the Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework.

8. **Prior to the commencement of the second monthly auction Day a detailed updated traffic management plan shall be submitted to the local planning authority for approval. This shall include, but not be limited to the information contained within the 'Technical Note' written by Transport Planning Associates dated April 2014.**

The approved plan shall be fully implemented prior to the first month of two auction days being held at the site and shall be retained in perpetuity unless otherwise agreed in writing by the local planning authority. Prior to the commencement of the second auction day, the operation of the site shall be undertaken in accordance with the Traffic Management Plan dated June 2011.

A detailed record of the measures undertaken shall be retained as a written record and made available for inspection upon reasonable request.

Reason: In the interests of protecting local amenities and having regard to highway safety in accordance with policies SD1 and MT1 of the Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework.

9. **Auctions shall only take place on two days per calendar month (excluding Saturdays, Sundays and Bank Holidays). Auctions shall not take place outside of the hours of 10am and 4pm on these days.**

Reasons: In the interests of protecting local amenities and having regard to highway safety in accordance with policies SD1 and MT1 of the Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework.

10. **No external lighting shall be installed upon the site (including upon the external elevations of the building) without the prior written consent of the local planning authority. The approved external lighting shall be installed in accordance with the approved details and thereafter maintained in accordance with those details.**

Reasons: In the interests of protecting local amenities and landscape character having regard to in accordance with policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework.

INFORMATIVES:

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. 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. **HN07 Section 278 Agreement**
3. **HN01 Mud on highway**
4. **HN05 Works within the highway**

65. 161601 - LAND AT WATLING MEADOW, CANON PYON, HEREFORDSHIRE, HR4 8NZ

(Proposed erection of 25 new dwellings of mixed tenure and associated works to provide a new access road.)

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

She corrected paragraph 6.26 of the report, confirming that the proposal would **not** represent an intensification of use that would result in a detrimental impact on the local and strategic highway network. She also corrected paragraph 6.28 of the report noting that no S106 agreement would be required.

In accordance with the criteria for public speaking, Mr H Ray, Chairman of Pyons Group Parish Council spoke in opposition to the Scheme. Mr G McLeod, a local resident, spoke in objection. Ms V Tomlinson from Herefordshire Housing spoke on behalf of the applicant.

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

He made the following principal comments:

- The development might appear to be a straightforward expansion of an approved scheme, but that was not the case.
- The planning permission for the original scheme had required a drainage scheme to be approved in writing and that no development should take place until that approval had been granted. However, development had commenced on site.
- The sum of money that the developer had agreed to provide under the S106 agreement for the original scheme to mitigate the effect of the original development had been reduced. A larger development was now being proposed creating an even greater need for mitigating measures that would no longer be provided.
- The new proposal would provide less, or even no, green space.
- The proposal was contrary to policy RA2 of the Core Strategy and policy PG3 of the Neighbourhood Development Plan (NDP).

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

- The original proposal had been unsatisfactory; the new proposal was worse. The village was opposed to the scheme and the NDP had identified other sites.
- Policy RA2 placed an emphasis on NDPs determining what housing individual settlements required. This must be interpreted to mean that the NDP for a settlement had primacy. Irrespective of the need for affordable housing in the county as a whole, the research carried out in developing the Pyons Group NDP had not identified a need in their settlement for the level of affordable housing that the application proposed.
- The Principal Planning Officer explained in relation to the provision of a S106 agreement that at the council's request the applicant had engaged the district valuer to consider the viability of the original scheme. It had been concluded that the

scheme was not viable when fully policy compliant and a deed of variation was agreed that reduced the affordable housing provision to 9 units and included a contribution of approximately £57,750. However, there were two people with an interest in the land who needed to be signatory to the section 106 agreement. The developer has not been able to make contact with these people, and therefore there was a risk that the section 106 agreement would not be signed before the grant funding for the site expired. Officers had been working with the developer to see how benefits could be secured in the absence of a section 106 agreement.

- Members of the Committee expressed discontent at the change to the S106 agreement noting that the agreement had been approved to provide mitigation for the original development.
- The Lead Development Manager stated that a change to a S106 agreement of this nature was only undertaken after careful consideration, hence the involvement of the district valuer, who had determined that the scheme was not viable with the original S106 agreement. He confirmed that in such cases the local ward member was informed.
- The new proposal reduced the quality of the development.
- The Transportation Manager had expressed concern about the hedgerow between the footpath and the visibility splay.
- The reduction in green space was contrary to the Core strategy.
- A drainage scheme had still not been agreed yet development had commenced.
- A member expressed concern that the council's lack of a five year housing land supply might mean that a decision to refuse planning permission might be lost at an appeal.
- The Lead Development Manager confirmed that the NDP had reached regulation 16 stage and that weight could be attributed to it in determining the application. The site had planning permission and the proposal was for an amended design. The overall footprint was less than the original development. In considering the need for affordable housing account had to be taken of the needs of adjoining parishes that could not themselves make such provision. Hub villages would be expected to deliver provision for the more rural areas.

He also confirmed that the developer had commenced work on site and had been advised that this was at his own risk.

The local ward member was given the opportunity to close the debate. He urged the Committee to refuse the application.

A motion that consideration of the application be deferred was lost.

It was proposed that the application should be refused on the grounds that it was contrary to policies in the Core strategy and the Pyons Group NDP.

RESOLVED: That planning permission be refused and officers named in the scheme of delegation to officers be authorised to finalise the drafting of the reasons for refusal for publication based on the Committee's view that the proposal was contrary to Core Strategy Policies RA1 and RA2 and LD1 and Pyons Group Neighbourhood Development Plan Policies PG2 and PG3.

66. 162018 - THE SPINNEY, BURGHILL, HEREFORD, HR4 7RN

(To enable 15 metres of panel fence to be retained with a height of 2.60 metres (retrospective)).

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.

In accordance with the criteria for public speaking, Mrs A Tyler spoke on behalf of Mr and Mrs Kelly the adjoining owners in objection to the application. Mr P Draper, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, the Chairman read out a statement from the local ward member, Councillor PE Crockett who had been unable to attend the meeting. In summary this stated that there had been a number of objections from local and non-local residents to the application, including one from Burghill Parish Council. The applicant had submitted a 'statement of fact' in relation to their application. The Planning Officer had recommended approval. It appeared that a case could be made both in support of and against the application.

Several members expressed the view that the application should be refused. There were a number of objections including one from the Parish Council. Reference was made to the case officer's comments at paragraph 6.12 of the report that there was little if any justification for a fence of the height as constructed and that a reduction in height would mitigate the impact on the neighbour's property. The fence should be restricted to the height of 2 metres, for which planning permission was not required, in the interests of residential amenity.

A contrary view was expressed that the fence did not have an impact on the amenity of the neighbour or the village and the application should be approved.

RESOLVED: That planning permission be refused and officers named in the scheme of delegation to officers be authorised to finalise the drafting of the reasons for refusal for publication based on the Committee's view that the proposal was contrary to policy SD1.

67. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix 1 - Schedule of Updates

The meeting ended at 12.30 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 5 October 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

131913 - VARIATION OF CONDITION 15 OF PERMISSION S102843/F TO ALLOW 2 NO. SALES PER MONTH (FORTNIGHTLY) AT BRIGHTWELLS AUCTION AT THE FORMER MADLEY AIRFIELD, STONEY STREET, MADLEY, HEREFORDSHIRE, HR2 9NP

131916 – VARIATION OF CONDITION 4 OF PERMISSION 102843 TO ALLOW SALES OF COMMERCIAL VEHICLES. AT BRIGHTWELLS AUCTION AT THE FORMER MADLEY AIRFIELD, STONEY STREET, MADLEY, HEREFORDSHIRE, HR2 9NP

For: Brightwells Ltd per Mr Stephenson, Barton Willmore, Greyfriars House, Greyfriars Road, Cardiff, CF10 3AL

ADDITIONAL REPRESENTATIONS

The Planning Obligations Manager has confirmed that we are in receipt of the £30,000 that was required to be paid by the legal agreement (attached to application 102843) for works to Bridge Sollars Road.

This has been programmed for delivery this financial year by Balfour Beatty Living Places (BBLP) who are the Council's contractor for the delivery of highway improvements.

A scheme had been designed by Amey Consulting (the Council's previous contractor) and this is being reviewed by BBLP in consultation with Madley Parish Council

CHANGE TO RECOMMENDATION

Amend Condition 2 as follows:

The premises shall be used for the auction (including administration of) of agricultural and land based plant and machinery and equipment and commercial vehicles and for no other purpose.

Reason: The Local Planning Authority wish to control the specific use of the land / premises, in the interest of local amenity and to comply with Policy SD1 and MT1 of the Herefordshire Local Plan – Core Strategy.

Delete Condition 4:

Reason: Applications for the retention of the modular buildings have been submitted (awaiting registration) that request the retention of the modular buildings, for a further two year period.

162018 - TO ENABLE 15 METRES OF PANEL FENCE TO BE RETAINED WITH A HEIGHT OF 2.60 METRES. (RETROSPECTIVE) AT THE SPINNEY, BURGHILL, HEREFORD, HR4 7RN

For: Mr Catchpole, The Spinney, Burghill, Hereford, Herefordshire HR4 7RN

ADDITIONAL REPRESENTATIONS

A further letter of support has been received from Peter Draper Associates (on behalf of the applicants). In summary the letter, which will form the basis of the 3 minute presentation, raises the following:

- The eaves and guttering of the garage at Helmsdale has been constructed over applicants property
- Garage not constructed in accordance with the approved plans
- Fence recently constructed by owners of Helmsdale also alleged to be on applicants property
- Fence constructed by applicant considered necessary to mitigate the impact of the garage
- Entirely in keeping with the local village scene
- The height of the fence is limited by reason of being set against the more dominant garage

NO CHANGE TO RECOMMENDATION

MEETING:	PLANNING COMMITTEE
DATE:	2 NOVEMBER 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 151325

- The appeal was received on 4 October 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 Malcolm Morgan
- The site is located at Land adjacent to Lustonbury, Luston, Leominster, Herefordshire, HR6 0AP
- The development proposed is Proposed erection of three dwellings with associated landscaping and infrastructure.
- The appeal is to be heard by Written Representations

Case Officer: Mr A Prior on 01432 261932

Application 161690

- The appeal was received on 6 October 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 Peter Styles
- The site is located at The Wheatsheaf Inn, Whitbourne, Herefordshire, WR6 5SF
- The development proposed is Change of use and residential development at The Wheatsheaf Inn to convert Wheatsheaf Inn into 2 dwellings and erection of further three dwellings
- The appeal is to be heard by Written Representations

Case Officer: Mr A Prior on 01432 261932

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

Application 161691

- The appeal was received on 6 October 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 Peter Styles
- The site is located at Land opposite The Wheatsheaf Inn, Whitbourne, Herefordshire
- The development proposed is Residential development of three dwellings.
- The appeal is to be heard by Written Representations

Case Officer: Mr A Prior on 01432 261932

Application 160025

- The appeal was received on 10 October 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 Roderick Warner
- The site is located at New House Farm, Glewstone Road, Glewstone, Ross on Wye, Herefordshire, HR9 6BA
- The development proposed is Proposed removal of conditions 3, 5 & 6 of planning permission S121614/F (conversion of redundant barn to a two storey holiday let accommodation) to allow use as a residential dwellinghouse (Use Class C3)
- The appeal is to be heard by Written Representations

Case Officer: Mr C Brace on 01432 261947

Application 153213

- The appeal was received on 10 October 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 R Phillips
- The site is located at Land adjoining New Mills, Ledbury, Herefordshire
- The development proposed is Proposed 4 nos. new dwellings.
- The appeal is to be heard by Written Representations

Case Officer: Mr A Prior on 01432 261932

Application 160795

- The appeal was received on 12 October 2016
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission (Householder)
- The appeal is brought by Mr & Mrs G Lee
- The site is located at Yew Tree House, Stretton Grandison, Ledbury, Herefordshire, HR8 2TS
- The development proposed is Proposed garden room to rear.
- The appeal is to be heard by Householder Procedure

Case Officer: Mr Fernando Barber-Martinez on 01432 383674

APPEALS DETERMINED

Application 152572 Appeal C

- The appeal was received on 29 January 2016
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission (Householder)
- The appeal was brought by Mr Thomas & Mrs Sara Williams
- The site is located at Winter Barn, Wallow Farm, Pontshill, Ross-On-Wye, Herefordshire, HR9 5TQ
- The development proposed was Proposed single storey rear extension (Retrospective).

Decision:

- The application was Refused under Delegated powers on 7 December 2015
- Appeal C is Allowed on 16 September 2016 and planning permission is granted

Case Officer: Miss Emily Reed on 01432 383894

Enforcement Notice 160810 Appeal A & B

- The appeal was received on 8 March 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 Thomas & Mrs Sara Williams
- The site is located at Winter Barn, Wallow Farm, Pontshill, Ross-On-Wye, Herefordshire, HR9 5TQ
- The breach of planning control alleged in this notice is:
 - Without planning permission the erection of a rear extension as shown edged in blue on the attached plan marked "B" to the aforesaid property (plan attached to the enforcement notice).
- The requirements of the notice are:
 - i) Demolish the unauthorised extension as shown in the approximate location marked "A" on the plan attached marked "A" and edged blue on the plan attached marked "B".
 - ii) Remove all resulting brickwork and waste materials from the site to a registered waste disposal site.
- The main issue in these appeals is the effect of the rear extension on the character and appearance of the host dwelling and the farmstead.

Decision:

- Summary of Decisions: Appeal A and Appeal B are allowed on 16 September 2016, the enforcement notice is quashed, and planning permission is granted

Case Officer: Miss Emily Reed on 01432 383894

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



MEETING:	PLANNING COMMITTEE
DATE:	2 NOVEMBER 2016
TITLE OF REPORT:	<p>160048 - PROPOSED OUTLINE PLANNING APPLICATION (ALL MATTERS RESERVED EXCEPT ACCESS) FOR THE DEVELOPMENT OF UP TO 50 RESIDENTIAL DWELLINGS WITH ASSOCIATED ACCESS ON LAND BETWEEN TILLINGTON ROAD AND ROMAN ROAD, HEREFORD.</p> <p>For: The trustees of the late Peter Matthews c/o Miss Emma Warren, CBRE, 5th floor Belvedere, 12 Booth Street, Manchester, Lancashire, M2 4AW</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=160048&search=160048
Reason Application submitted to Committee - Redirected	

Date Received: 11 January 2016 Ward: Queenswood Grid Ref: 348657,242415

Expiry Date: 20 April 2016

Local Member: Councillor PE Crockett

1. Site Description and Proposal

- 1.1 Outline planning permission with all matters bar access reserved is sought for the erection of up to 50 dwellings on a field of open pasture located at the junction of the C1095 Tillington Road and the A4103 Roman Road. The site falls within the Parish of Burghill, immediately adjacent to the UDP defined settlement boundary for Hereford City. The village of Burghill lies 1.6km to the north. Hereford city centre lies approximately 3km to the south-east.
- 1.2 The site is triangular in plan and bounded by the Tillington Road along its north-east boundary and by the A4103 Roman Road to the south. Open fields lie to the west beyond an overgrown hedgerow.
- 1.3 Existing residential development is found opposite in the form of Hospital Houses and at Lower Burlton Cottage and Lower Burlton Barns to the north-west. Beech Business Park is located to the south on the opposite side of Roman Road along with land forming part of the Three Elms strategic urban allocation and The Paddocks application site.
- 1.4 Public Right of Way (BX10) enters the site at roughly the mid-point of the site's southern boundary with the Roman Road and heads due north before terminating on the Tillington Road. To the south on the opposite side of Roman Road this footpath becomes HER37 extending to join with Huntington Lane. The site is relatively flat lying at an average height of around 72m AOD. Vehicular access is currently found at the north-western extreme of the site frontage onto Tillington Road adjacent Lower Burlton Cottage.

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

- 1.5 As identified above, the centre of Burghill village is located some 1.6km to north. The village of Tillington, also located within Burghill parish, is located approximately 3.4km north of the site. Both Burghill and Tillington are identified as settlements within the Hereford Housing Market Area (Figure 4.14 of the CS).
- 1.6 The application is accompanied by a range of supporting material and an illustrative masterplan demonstrating a scheme of 50 dwellings, which equates to a gross density of 33 dwellings per hectare. Access, which is for determination now, is taken from the mid-point of the Tillington Road boundary and takes the form of a simple T-junction with hedgerow removal to provide the requisite visibility splays.
- 1.7 The Council has adopted a Screening Opinion confirming it does not consider the scheme to represent development requiring the submission of an Environmental Statement.

2. Policies

2.1 The 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
SS7	-	Addressing Climate Change
HD1	-	Hereford
HD3	-	Hereford Movement
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
RA1	-	Rural Housing Distribution
RA2	-	Housing in Settlements Outside Hereford and the Market Towns
RA3	-	Herefordshire's Countryside
OS1	-	Requirement for Open Space, Sports and Recreation Facilities
OS2	-	Meeting Open Space, Sports and Recreation Needs
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Wastewater Treatment and River Water Quality
ID1	-	Infrastructure Delivery

2.2 National Planning Policy Framework 2012

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

2.3 National Planning Practice Guidance 2014

2.4 Neighbourhood Planning

The Parish Council designated a Neighbourhood Plan Area on 11 September 2013. The Regulation 16 consultation closed on August 16th 2016. Owing to a number of unresolved objections and concerns relating to the deliverability of housing site allocations the Plan has not been endorsed by the Council and will not progress to Examination. Instead, the Parish Council will be invited to review site selection and the proposed allocations to enable the re-submission of a revised plan under Regulation 16 in due course.

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

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

3. Planning History

3.1 None relevant

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water: Recommend conditions

We write further to our previous letter dated 29/02/2016 to update our consultation response. We would request that if you are minded to grant Planning Consent for the above development that the Conditions listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

WATER SUPPLY

4.2 The proposed development would exacerbate our water supply problems in the area. However, improvements are planned as part of our Asset Management Plan (2015 – 2020) to be completed by 31st March 2020 which will overcome the issues to the water supply system.

We consider any development prior to this date to be premature in advance of essential improvements to the public water supply system. Accordingly, we offer the following Conditions to safeguard our services to existing customers and ensure a satisfactory water supply to serve the new development:

No buildings on the application site shall be brought into use earlier than 31st March 2020, unless the upgrading of the public water supply system, into which the development shall connect has been completed and written confirmation of this has been issued to the Local Planning Authority

Reason: To ensure satisfactory mains water supply is available to properties at all times. Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

The proposed development site is crossed by two 500mm trunk water mains with the approximate position being marked on the attached Statutory Water Mains Record. Please find attached our conditions for working near a public water main.

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

SEWERAGE

- 4.3 We have considered the drainage proposal included within the Flood Risk Assessment and Drainage Strategy Ref: R/C151850/001 dated January 2016 and in the absence of infiltration tests and confirmation of a possible connection to the private surface water system we consider this proposal to be premature. We invite the submission of a further drainage strategy taking into account both foul and surface water flows. The strategy shall also account for the foul connection point offered in the condition below. We would therefore comment as follows:

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.

Only foul water from the development site shall be allowed discharge to the public sewerage system and this discharge shall be made at or downstream of manhole reference number SO48428301 as indicated on the extract of the Sewerage Network Plan attached to this decision notice.

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

SEWERAGE TREATMENT

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

Internal Council Consultations

- 4.5 Traffic Manager: No objection

The amended layout removes the direct driveway accesses from Tillington Road, and is considered preferable.

- 4.6 It is noted that all matters except access are reserved and that the layout is therefore indicative only. Should outline permission be granted, if that layout is progressed to subsequent reserved matters or full application stage I would comment that a plan would be showing the limits of proposed adoptable roads and paths to enable assessment of the acceptability of the layout and for the Section 38 Agreement. As previously commented, the layout should be in accordance with our Highways Design Guide for New Development, and with car parking provision in accordance with that document relevant to the size of each property and with appropriate secure covered cycle storage for each plot, as previously mentioned in original comments.

- 4.7 I would add that the junction layout indicated in the Amended Transport Assessment (issue 4 dated 14.06.16) included at Appendix D of the Assessment does not agree with the layout shown on the eEscape Amended Masterplan 015-027-07 Rev C in Appendix C. The footways

should extend round the junction radii to the tangent points as shown on the CBO Drawing in Appendix D, and the treatment of the three footpath stubs from the development onto Tillington Road need to be clarified in the final design.

- 4.8 With reference to the Hereford Relief Road, the Transport Assessment makes reference in 6.22 to the corridor for the road and the impact on the site. The Assessment includes in Appendix F a sample alignment extracted from the Study of Options 2010 report, Northern Core 1 Sheet 17 of 32 incorrectly stating in 6.22 that this shows the route of the road in the area of the proposed site. The plan referred to and included in Appendix F shows a study alignment for the road, as indicated in Figure ES2 in the Study of Options Report 2010, with the full Northern Corridor identified in Figure ES1 of that report and also shown in the Herefordshire Local Plan Core Strategy 2011-2031 on the Hereford Key Diagram on page 51. I can confirm that the northern extreme of the development site is some 150metres to the south of the southern edge of the identified Northern Corridor and therefore would be very unlikely to impact the future deliverability of the road.
- 4.9 Other aspects such as highway network impact and junction capacity have been confirmed as acceptable in the original comments. Those comments also identified that the proposed 30mph speed limit extension would require a Traffic Regulation Order. The full cost of that process and implementation of the resultant changes, to include extension of street lighting, would be borne by the applicant.
- 4.10 Conservation Manager (Landscape): No objection

The site for the proposed outline application for 50 houses is a segment of pasture land adjacent to the urban Settlement Boundary along its eastern extents, with open countryside to the west. Existing residential development forms a cluster of detached dwellings immediately north of the site the boundary partially marked by garden brick walling. A row of semi-detached brick dwellings front onto the C1095 Tillington Road and to the south beyond the A4103 is mixed development in the form of a commercial estate and the static caravan site Bovingdon Park. There are no formal landscape designations but the site is crossed by PROW BX10.

- Within the Urban Fringe Sensitivity Analysis 2010 the area in which the site lies is defined as high-medium sensitivity. Whilst the site itself remains agricultural land and sits within the Principal Settled Farmlands landscape character type, its immediate surroundings are subject to the characteristics of an urban fringe; The start of mixed development marking the transition between open countryside and urban scene as well as the reduced tranquillity as a result the two roads adjacent to the site.
- A further consideration is the proposed western urban extension (Three Elms) as set out in policy HD5 of the Core Strategy this will incorporate extensive residential development and employment land which will reach the A4103 the site will be viewed in this context.
- Pre-application advice was provided for the site (P151159/CE) in which a landscape and visual impact assessment was requested. Having read the report and visited the site I am satisfied that neither the landscape nor visual impact will be significant. As previously stated the site is not designated is located upon the urban fringe which will be further altered by the proposed expansion. In terms of visual impact the site is relatively well contained. Given its topography it is not prominent within its surroundings and many views are either filtered by vegetation or surrounding built form. The application therefore conforms to LD1 of the Core Strategy.
- In terms of the indicative layout as set out on the illustrative master plan, I would recommend further consideration be given to the road configuration and siting/orientation of dwellings in order to achieve more satisfactory layout. Green infrastructure should be an integral part of the design in particular along the route of the PROW. I would not wish to see parking areas intruding upon the area of POS and would like to see clear pedestrian links between the PROW and the POS to ensure it is usable space. It appears from the masterplan (although this is not stated in the arboricultural statement) that a section of

hedgerow is to be removed along the north eastern boundary given that there is only provision for one access the hedgerow should be retained or if the removal is necessary to achieve visibility splays the hedgerow should be reinstated.

- 4.11 An arboricultural statement has been submitted and a number of category C hedgerow trees shown. I would therefore recommend that a plan be submitted indicating the RPA's of both trees and hedgerow in accordance with BS5837:2012 as well as landscape drawings and plant details as part of the reserved matters application.

I note the amended masterplan and have read the submitted landscape and visual appraisal I am satisfied with the indicative layout.

Having looked at the required visibility splays shown in the Transport Statement Drawing CBO-0335-001 I would recommend the reinstatement of a new hedgerow (H15) which accommodates the visibility and retains the landscape character.

- 4.12 Land Drainage Officer: No objection subject to conditions

Overview of the Proposal

- 4.13 The Applicant's proposals are to construct 50 residential dwellings on a currently greenfield site. The Applicant states that the site measures 1.48 ha in area. The low point of the site is to the south west corner. Roman Road, which forms the southern site boundary, is typically raised above the site level.

Fluvial Flood Risk

- 4.14 Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the low risk Flood Zone 1. Flood Zone 1 comprises land assessed as having less than a 1 in 1,000 annual probability of river flooding. As the site is greater than 1ha, the planning application should be supported by a Flood Risk Assessment (FRA) undertaken in accordance with National Planning Policy Framework (NPPF) and its supporting Planning Practice Guidance. The Applicant has submitted a FRA which demonstrates that the site is in Flood Zone 1.

Other Considerations and Sources of Flood Risk

- 4.15 The FRA gives consideration to the risk of flooding on site from all sources, including surface water, groundwater, sewers, reservoirs and other locally identified sources of flooding.

The FRA states that the site is located 'predominantly outside areas of predicted surface water flooding'. Review of the EA's Risk of Flooding from Surface Water map (Figure 2) indicates that there is a strip of land adjacent to the southern site boundary which is at high risk of surface water flooding. This is considered likely to coincide with the raised embankment for Roman Road in this location. Review of the Proposed Site Plan indicates that the proposed houses will be set back from the southern site boundary and therefore this risk is unlikely to pose a risk of flooding to properties within the site. We do, however, recommend that the Applicant takes this potential 'low point' into account when developing the design of this site and proposed access roads/drainage features within this area.

The FRA states that there is anecdotal evidence of a culvert crossing the site, but states that this is subject to confirmation. This must be determined prior to the submission of any reserved matters application as the layout of this culvert may influence the layout of the development and/or the need to realign the culvert. If it is confirmed that a culvert crosses the site then any associated flood risk will also need to be quantified and mitigated. This may require a more

detailed investigation than the determination of the contributing area and the tracing of the pipe route, as suggested in the FRA.

It is noted that a minor watercourse runs north to south, about 300m west of the site. The FRA states that the site is at least 7m above the level of this watercourse and that the flood risk posed by this watercourse is low. We agree with this assessment.

Surface Water Drainage

- 4.16 The Applicant has provided a surface water drainage strategy showing how surface water from the proposed development will be managed.

The strategy demonstrates that surface water can be attenuated within the site between the 1 in 1 year event and up to the 1 in 100 year event (allowing for the potential effects of climate change). Betterment over existing discharge rates has been provided during larger storms. We approve of this approach.

- 4.17 In accordance with the NPPF, Non-Statutory Technical Standards for Sustainable Drainage Systems and Policy SD3 of the Core Strategy, the drainage strategy should incorporate the use of Sustainable Drainage (SUDS) where possible. Our review of the Cranfield University Soils mapping indicates that the site is underlain by freely draining soils which suggests that infiltration may be a viable means of surface water discharge, subject to review of groundwater levels. We note, however, that the bedrock beneath the site comprises Raglan Mudstone Formation (siltstone and mudstone) which may reduce the sites potential for infiltration of surface water runoff.

- 4.18 The FRA submitted by the Applicant states that the surface water design assumes that no soakage will be possible but that it will be used if infiltration rates allow it. Assuming poor infiltration rates, the Applicant is proposing to discharge surface water runoff to a Welsh Water combined sewer to the south-east of the site. It is essential that the Council consults with Welsh Water to confirm the suitability of this proposal and, if appropriate, agree allowable discharge rates. The Applicant is proposing to attenuate flow to a maximum rate of 2l/s through a Hydro-Brake with a 67mm diameter outlet. This is considered appropriate, but a call to the manufacturer confirmed that Hydro-Brakes this small are more prone to blockage than larger units. The Applicant must therefore set out their proposed approach to managing blockage risks associated with this flow control device.

- 4.19 In accordance with the hierarchy of drainage options as set out in NPPF Planning Practice Guidance, discharging to a combined sewer should only be considered after consideration has been given to the discharge of surface water runoff to ground, followed by discharge to a watercourse, followed by discharge to a surface water sewer or highway drain. The Applicant states that consideration will be given to infiltration to ground should ground conditions allow. We approve of this approach and recommend that infiltration testing is undertaken in accordance with BRE365 to inform the detailed design of the drainage system. If infiltration is feasible, a revised drainage strategy will need to be submitted for review and approval. We also strongly promote the use of combined infiltration and attenuation techniques that maximise infiltration during smaller rainfall events, even in soils with lower permeability. We do not believe that there are watercourses within close proximity to the site to receive a gravity discharge of surface water runoff. However, we note that the Applicant states that there is a private surface water sewer in Tillington Road and we recommend that the Applicant check whether the proposed surface water system can outfall to this existing surface water sewer. We also note that there are existing road gullies along Tillington Road, as well as a kerb drainage system along Roman Road, and recommend that the Applicant consults with the Council's asset management team if the options as discussed above are not viable.

- 4.20 The FRA proposes the use of a below ground geocellular storage crate to attenuate flow prior to discharge to the public sewerage system. Given the size of this development and its location within a greenfield setting, we would have expected best practice SUDS techniques to be used that maximise the management of surface water on the ground surface. We note that this approach was illustrated within the Proposed Site Plan. Whilst we appreciate that there may be other reasons that are influencing the selection of drainage techniques (such as adhering to Welsh Water adoption requirements) we recommend that opportunities for best practice SUDS are explored further. We also highlight that storage of surface water runoff between the 1 in 30 year event and 1 in 100 year event does not necessarily need to be attenuated below ground, and can be directed towards less vulnerable areas of the site for storage on the ground surface.
- 4.21 As per above, the Applicant must consider the management of surface water during extreme events that overwhelm the surface water drainage system and/or occur as a result of blockage. Whilst below ground storage up to the 1 in 100 year event may be provided, the surface water drainage system will be temporarily surcharged by these events and temporary storage will be required. Surface water should either be managed within the site boundary or directed to an area of low vulnerability. Guidance for managing extreme events can be found within CIRIA C635: Designing for exceedance in urban drainage: Good practice.
- 4.22 Consideration should also be given to the control of potential pollution of ground or surface waters from wash down, vehicles and other potentially contaminating sources. Evidence of adequate separation and/or treatment of polluted water should be provided to ensure no risk of pollution is introduced to groundwater or watercourses both locally and downstream of the site, especially from proposed parking and vehicular areas. SUDS treatment of surface water is considered preferential but consideration can be given to 'Pollution Prevention Guidance: Use and design of oil separators in surface water drainage systems: PPG 3' if necessary. It is noted that the site is partially located with Zone 3 (outer catchment) of a groundwater source protection zone and, therefore, pollution control is an important consideration, particularly if infiltration features or unlined attenuation features are proposed.

Foul Water Drainage

- 4.23 In accordance with Policy SD4 of the Core Strategy, the Applicant should provide a foul water drainage strategy showing how it will be managed. Foul water drainage must be separated from the surface water drainage. The Applicant should provide evidence that contaminated water will not get into the surface water drainage system or nearby watercourses.

Overall Comment

- 4.24 Prior to granting planning permission we recommend that the Council requests confirmation that the proposals are considered acceptable to Welsh Water, most notably the proposal to discharge surface water runoff to the combined sewer should other options for managing surface water prove unviable.
- 4.25 If Welsh Water agree to the proposals in principle, it is still essential that the Applicant provides further demonstration as part of any reserved matters application that other options have been explored for the management of surface water runoff in accordance with the hierarchy of drainage options as set out in NPPF Planning Practice Guidance. For a development of this size and given the uncertainty regarding the management of surface water runoff, it would be beneficial if the Applicant could undertake infiltration testing to support the reserved matters application.
- 4.26 If another method of discharging surface water runoff is proven feasible, a revised drainage strategy will need to be submitted for review and approval as part of the reserved matters application. We also strongly promote the use of combined infiltration and attenuation techniques that maximise infiltration during smaller rainfall events, even in soils with lower

permeability. We also stress that we would expect to see best practice SUDS measures in a development of this size and location.

- 4.27 The FRA states that there is anecdotal evidence of a culvert crossing the site, but states that this is subject to confirmation. This must be determined prior to the submission of any reserved matters application as the layout of this culvert may influence the layout of the development and/or the need to realign the culvert. If it is confirmed that a culvert crosses the site then any associated flood risk will also need to be quantified and mitigated. This may require a more detailed investigation than the determination of the contributing area and the tracing of the pipe route, as suggested in the FRA.
- 4.28 If an appropriate reserved matters application is made and the Council is minded to grant planning permission, we will recommend that the following information is requested as part of suitably worded planning conditions:
- Results of infiltration testing undertaken in accordance with BRE365.
 - Confirmation of groundwater levels to demonstrate that the base of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice.
 - 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.
 - Demonstration that appropriate pollution control measures are in place prior to discharge. The Applicant should take into consideration the groundwater source protection zone located beneath part of the site.
 - A detailed foul water drainage strategy showing how foul water from the development will be disposed of.
 - Confirmation of the authority responsible for the adoption and maintenance of the proposed drainage systems.

Ecology

- 4.29 I note that the Arboricultural Report (Urban Green/CBRE Ltd November 2015) does make any mention of the current UK tree pathogen issues – in particular Chalara (Ash Dieback Disease) that is endemic to England and Herefordshire and on the continent has led to a 95-98 mortality rate in *Fraxinus excelsior* – no different outcome is happening or expected in the UK. I would expect the next stage – an Arboricultural Impact Assessment and Arb. Method Statement (with Root Protection Plan) to take this issue in to consideration and it should also be a guiding factor in a detailed landscaping, planting and biodiversity enhancement plan. Both of these will be required under Reserved Matters. I am confident that with a well designed biodiversity mitigation and enhancement plan, combined with a well planned “Quality not Quantity” and “right tree in the right place” landscaping scheme and a green infrastructure establishment and maintenance plan, that the site’s ecological interests can be improved

The biodiversity plan should also include detailed working method statements and specifications and locations for the mitigation and enhancements recommended in the ecology report (Urban Green – October 2015).

I would suggest the following conditions for elements required as Reserved Matters are included if the outline application is approved.

Tree Protection and Assessment

- 4.30 *No development shall commence on site, or materials or machinery brought to the site for the purposes of development until a BS5837:2012 Arboricultural Impact Assessment (AIA), Arboricultural Method Statement (AMS) and Root Protection Areas have been completed with a copy supplied to, and received by the planning authority.*

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

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

Nature Conservation - Site Protection

- 4.31 *No development shall commence on site, or materials or machinery brought to the site for the purposes of development until the protection areas identified and required in the AIA, AMS and RPA and the work method statements as outlined in the Ecology Report (Urban Green – October 2015) have been 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

Habitat Enhancement Scheme

- 4.32 *No new development shall commence on site until, based on the recommendations in the ecology report a detailed habitat & biodiversity enhancement scheme, including but not limited to type and location of bat roosting and bird nesting mitigation/enhancements, a lighting plan. This should be included in, or related to, a detailed landscape & planting proposal with an associated 5 year establishment and replacement plan. And be submitted to, and approved in writing by, the local planning authority. The mitigation/enhancement scheme and landscaping plan 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.

- 4.33 Environmental Health Manager: Qualified comment

I am in receipt of the revised noise assessment which gives further detail on the specific noise levels in external areas of the site as requested as well as a proposed layout and noise mitigation measures. The revised assessment also considers noise from the existing industrial estate on the other side of the Roman Road.

In general terms our department has no objections to this site for development. However, I do have concerns about noise levels to the proposed houses at the junction of Tillington Road and Roman Road as external amenity areas are likely to be compromised.

Road traffic noise inside the proposed houses and to amenity areas would be an issue for those immediately adjacent to the Roman Road and Tillington Road and so any full application would need to be accompanied by detailed proposed mitigation measures so that we can be satisfied that the design standards of BS8233 are complied with. At the design stage, it may be appropriate to consider key living spaces such as bedrooms and living rooms are placed furthest away from these two busy roads.

4.34 Parks and Countryside Officer:

POS/Play requirements. Amendments to the masterplan include the relocation of the play area from the south-easterly corner to the north-eastern corner. This means it is now away from the road junction at Roman Road and Tillington Road which is supported as per my previous comments.

The relocated play area although in a better location which offers reasonable access now fronts Tillington Road which is not ideal and is bounded by the internal access road. Although the applicant has considered enclosing the play area by railings to the north and east and native scrub planting to the west I would still ask that further consideration is given to the health and safety of younger children particularly from a surveillance point of view. The proposed play areas are not that well over looked given the roads and planting and what looks to be mainly back gardens which surround the area although the applicant has at least suggested locating the infants play area in the more central part. I consider that it could still be better integrated into the housing development to create a more central attractive overlooked play and community space providing both formal and informal recreation opportunities.

The applicant hasn't given an indication of size and should also demonstrate that for a development of this size the proposal as a minimum meets the Core Strategy Policy requirements for open space set out below and on-site provision should also include an amount of POS/informal recreation as well as formal play provision.

For up to 50 houses at a population rate of 2.3 persons per house (115 in total) these are:

- POS: 0.046ha (460sq m) @ 0.4ha per 1000 population
- Children's Play: 0.092ha (920sq m) @ 0.8ha per 1000 population of which 0.28ha (280sq m) should be formal play @0.25ha per 1000 population. That said the applicant has shown the play provision in some detail (which is welcomed at this stage) and has proposed 2 areas consisting of a LEAP and a LAP.
- The LEAP (for older children) will contain at least 6 play experiences to be detailed at a later stage.
- The LAP (for infants) will consist of informal natural play such as mounding, tunnels and timber play equipment.

This approach including the provision for both infants and juniors on the same site would be supported as not only will it encourage children to play together but will offer more in play value and sustainability. Some thought has been given to the type and amount of play appropriate for each age group with a combination of both natural and equipped play. The linear nature of the site will also help to create more imaginative play area.

4.35 Schools Capital and Investment Manager: No objection subject to agreement of education contribution as set out below.

The educational facilities provided for this development site are Burghill Primary School and Whitecross High School.

In accordance with the SPD the Children’s Wellbeing Directorate would therefore be looking for a contribution to be made that would go towards the inclusion of all additional children generated by this development. The Children’s Wellbeing contribution for this development would be as follows:

Contribution by no. of bedrooms	Primary	Secondary	Total
2+bedroom apartment	£1,084	£1,036	£2,120
2/3 bedroom house or bungalow	£1,899	£1,949	£3,848
4+ bedroom house or bungalow	£3,111	£4,002	£7,113

4.36 Team Leader – Waste Operations: No objection subject to provision being made for a 26 ton Refuse Collection Vehicle.

5. Representations

5.1 Burghill Parish Council: Objection. The objection below was made in response to the original submission.

Burghill Parish Council objects to the development at the corner of Tillington and Roman Roads for the following reasons:

1. The consultation document refers to the site as a brownfield site (pages 9/52), this is incorrect, the site is open countryside, it is a greenfield site, with a public footpath running across it.

2. The site was considered and assessed during Burghill Neighbourhood Development Plan but was deemed to be unsuitable for development as a Greenfield site in open countryside. Development of this pasture would represent urban creep and change the rural surrounding area.

3. The submitted trip rate data is questioned as it appears to be suggesting an average of 23 trips per day from the site, which would be less than one trip per household. This is justified by the proximity to local services suggesting that car use will be at a minimum. Yet the plans make provision for two car spaces per household.

4. On weekday mornings traffic travelling towards Hereford backs up on the A4103 Roman Road back to Bovingdon Park mobile home site and to the Hospital Farm entrance on the Tillington Road, this will make exiting the site difficult and exacerbate the existing traffic issues. The speed of traffic heading towards Tillington is also known locally to be much greater than that suggested in the application.

5. The applicant’s noise impact assessment was carried out over a 24 hour period between a Friday and Saturday and took an average over that period; Burghill PC does not consider that reflective on an accurate traffic noise survey. Additional vehicles from 50 dwellings will make a considerable impact on the noise experienced by existing residents in the area.

6. The design and access statement (page 40, 6.15) states that a turning head is provided at the western end of the proposed street terminating at the site boundary to allow for possible future extension, by default this application if successful will support western spread urbanisation.

7. The plan supporting the application showed a very small play area in probably the worst place on the proposed site, if the application reaches the detailed planning stage the PC would like to see the location changed so children are away from the potential dangers of an A road and size of the play area increased.

5.2 Hereford City Council: Objection

The permissions given for residential developments on sites in close proximity to this one mean that the cumulative impact of developing this site is more than the area can reasonably bear. It constitutes an ill-considered over development of the area.

5.3 22 letters of objection have been received. The content is summarised as follows:

- The development proposes an extension of the urban area to the north of Roman Road, which would be uncharacteristic of the semi-rural environment. Roman Road is a barrier beyond which estate style housing is inappropriate;
- The volume of traffic on Tillington Road in particular has increased vastly over the last 20 or 30 years. Whilst the application grossly under-states the vehicle numbers associated with the development, it is also the case that traffic leaving the site will have great difficulty in joining Tillington Road at peak times;
- The application inaccurately describes the site as brownfield. It is not and has never been developed. Brownfield sites nearer to the city centre should be built on first;
- This site is contrary to the emerging Burghill and Tillington Neighbourhood Development Plan and is not identified for development in the Core Strategy. It does not appear necessary that this site be developed to meet the Council's housing targets over the lifetime of the Core Strategy;
- The area will see significant growth in the short to medium term. The Holmer West site has a resolution to approve and the Three Elms development (up to 1,200 houses) is now submitted. There are well documented issues with local infrastructure, including schools, the local hospital, GP surgeries and sewerage. The development will exacerbate these problems;
- Benefits arising to the local population are non-existent. Rather, the site will adversely affect amenity, resulting in overlooking, loss of character and adverse impacts for users of the public footpath crossing the site;
- There will be adverse effects for wildlife;
- Surface water run-off is a concern. Ground conditions are thought likely to prevent infiltration and surface water flooding is already apparent during periods of heavy rainfall. Concern is also expressed in relation to the propensity for discharging surface water to the Yazor Brook, with attendant risk to property downstream;
- Potential contamination of groundwater is also a concern; particularly in the context of large-scale abstraction for commercial uses on the southern side of Roman Road;
- Housing development would be better located adjacent Rotherwas;
- The scheme will add to the urban creep in the area and allied to Three Elms will detract from the unique character of the Huntington Conservation Area;
- Residents will suffer adverse impacts from road traffic, whereas additional traffic congestion arising from more vehicles will affect air quality on the busy routes into and out of Hereford;
- Existing residents will suffer from noise associated with vehicle turning movements and increased risk of accident when accessing their own properties;
- The site was identified in the SHLAA as having significant constraints. It is not suitable for development;

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- Development of this nature will result in the coalescence of Hereford and Burghill. Existing residents of Hospital Houses and Lower Burlton are Burghill parishioners and don't wish to become part of suburban Hereford;
- Arguing that development will "strengthen the residential character and coherence of the residential street" misses the point completely. Hospital Houses are a collection of dwellings that have historically been surrounded by agricultural land in a rural context. It is not a street.

5.4 On behalf of Bobblestock Surgery PRIME UK have submitted a representation requesting a contribution towards the provision of a new GP surgery. This is on the basis that the existing surgery has no capacity and cannot expand on its present site. A feasibility study is thus underway concerning the construction of a new surgery at a cost of circa £3 million. The per-patient cost is calculated below and translates to a required contribution of £28,750 in this case.

New Surgery Calculation

Build Cost £3,000,000

Total number of patients 12,000

Cost per patient £250

Number of people per dwelling 2.3 (115)

Contribution required: 250 x 115 = £28,750

5.5 In response to concerns and objection received in response to the original submission the applicants provided amended proposals in July and as above these have been consulted upon. The additional information comprised a revised illustrative layout with POS relocated from the SE corner and direct drives onto Tillington Road removed. A noise survey was also submitted.

Further comments in response to the Land Drainage comments were also received. These confirm that foul and surface water drainage will be dealt with separately and that infiltration testing to determine whether infiltration to ground is viable will be undertaken as part of the detailed design. This will be required via planning conditions.

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

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

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

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

6. Officer's Appraisal

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

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

6.2 In this instance the Development Plan for the area comprises the Herefordshire Local Plan - Core Strategy (CS). A range of CS policies, referred to at section 2.1, are relevant. The strategic Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the NPPF. SS1 confirms that proposals that accord with the policies of the CS (and, where relevant other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise. SS1 also imports an equivalent of the NPPF paragraph 14 'test' where relevant policies are out-of-date, stating that permission will be granted unless material considerations indicate otherwise – taking into account whether "any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies

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in national policy taken as a whole or specific elements of national policy indicate that development should be restricted.

- 6.3 As per the NPPF, the delivery of sustainable housing development to meet objectively assessed need is a central theme of the CS. Policy SS2 'Delivering new homes' confirms that Hereford, with the market towns in the tier below, is the main focus for new housing development. In the rural areas new housing development will be acceptable "where it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community."
- 6.4 Equally it is clear that failure to maintain a robust NPPF compliant supply of housing land will render the housing supply policies of the CS and by extension adopted NDPs out-of-date. Policy SS3 'Ensuring sufficient housing land delivery' thus imposes requirements on the Council in the event that completions fall below the trajectory set out in Appendix 4.
- 6.5 Having regard to the above, I consider the main issues are as follows:-
- Housing delivery and the weight to be apportioned to the draft NDP in the context of the housing land supply shortfall;
 - The impact of the development upon the character and appearance of the area;
 - The impact of the development upon the local highway and pedestrian/cycling facilities;
 - Whether, having regard to the Development Plan and material considerations, the development can be regarded as sustainable.

Housing Delivery

- 6.6 In recognition of the continued failure to demonstrate a robust supply of housing land, the Council has recently invoked the third mechanism outlined under SS3 and adopted an interim position statement that utilises evidence from the Strategic Housing Land Availability Assessment to identify additional housing land. The site was assessed via the Hereford Housing and Economic Land Availability Assessment (September 2015) as site entry Bur01. Whilst the landscape is recognised as being sensitive, the overall assessment is that the site, owing to its location relative to the urban edge and employment opportunities, is suitable for residential development. It is a site that the interim position statement therefore seeks to promote.
- 6.7 The interim position statement also seeks to give additional weight to prospective allocations within NDPs that have reached Regulation 16. As above, the draft NDP has not proceeded to referendum following the Regulation 16 consultation. Instead it has been returned to the parish on account of concerns in relation to the methodology underpinning the putative housing allocations and consequently their deliverability. This site was not identified as an allocation. The NDP steering group will now reconsider options with the expectation that they devise an alternative strategy that fulfils the requirements of CS Policies RA1 and RA2 i.e. a strategy that either allocates land for new housing or otherwise demonstrates delivery to provide levels of housing to meet the indicative minimum target by indicating levels of suitable and available capacity.
- 6.8 For the present therefore, and having regard to NPPF paragraph 216, it is your officers' opinion that overall the NDP attracts very limited weight for the purpose of decision-making in this instance and that the draft housing policies attract no weight. This reflects the stage of preparation and the extent to which there are unresolved objections to relevant policies; factors that have combined to determine that the NDP should not proceed to Examination.
- 6.9 Taking all of the above into account, it is your officers' opinion that the site is appropriate for residential development in spatial terms. Whilst it is recognised that the site is within Burghill and Tillington Parish, there is considerable uncertainty surrounding the approach to housing

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delivery at the parish level such that the NDP cannot attract significant weight. The site is well-related to Hereford City and further weight is added by the recent adoption of the interim position statement which states a clear preference for SHLAA minor constraints sites such as this. Thus, having regard to the fact that policies relevant for the supply of housing are out-of-date, officers conclude overall that the principle of development at this location is acceptable.

- 6.10 At the present, therefore, the contribution that the scheme would make towards the supply of housing (including 35% affordable housing), particularly in the context of close connection to the county's main focus for growth, is a significant material consideration telling in favour of the proposal. Moreover, development of this site for housing does not conflict with the spatial strategy as set out at CS policies SS2 and SS3.
- 6.11 It being established that the principle of development at this location is considered acceptable it falls to consider the proposal against the relevant policies outlined at section 2.1 above. This exercise establishes the degree to which there are any adverse impacts to weigh against the benefits in determining whether the proposal, having regard to the development plan and material considerations, is sustainable development.

Character and Appearance of the Area

- 6.12 The proposal is for housing and the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. Other than the policies that are relevant for the supply of housing, other CS Policies continue to attract full weight. In this case I refer to the 'LD' policies and policies relevant to highways and movement and public open space.
- 6.13 Policy LD1 'Landscape and townscape' requires, *inter alia*, that development should demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas. Schemes should also incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings, with the maintenance and extension of tree cover where important to amenity...through new planting to support green infrastructure.
- 6.14 The Council's urban fringe sensitivity analysis considers the site of high-medium sensitivity although it is not subject to any form of landscape or historic designation. It should not be considered, in the terms of the framework, a 'valued landscape' and its baseline character is influenced by the urban fringe as well as open countryside beyond.
- 6.15 Whilst a significant change in terms of appearance and character is axiomatic, the illustrative layout takes care to respond sensitively to the strong boundary features by conserving and enhancing them where possible. Significant additional tree planting is proposed, on a site that has, boundary planting aside, no landscape features. Against its current agricultural use and as recognised by the Landscape Officer, the scheme is considered to represent an opportunity to enhance bio-diversity. Officers consider the scheme complies with Policy LD1 in every respect.
- 6.16 Policy LD2 'Biodiversity and geodiversity' requires the conservation, restoration and enhancement of the county's biodiversity and geodiversity assets. Development considered likely to harm sites and species of European importance will not be permitted. This links back to NPPF paragraph 118 – a restrictive policy. In this case the ability to connect foul drainage to the mains sewer has overcome any doubt that the scheme might pose a threat to the conservation objectives of the River Wye SAC/SSSI and its tributaries. As above, through significant native species landscaping, the proposal offers the opportunity to enhance bio-diversity and Green Infrastructure as per the requirements of Policy LD3. This will be considered more fully at the Reserved Matters stage.

- 6.17 Policy LD4 'Historic environment and heritage assets', requires, inter alia, that development affecting heritage assets and the wider historic environment should preserve or where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design. In this case the site has no direct effect on any designated or non-designated heritage assets. The Huntington Conservation Area (a designated heritage asset) stands to the south at a distance of approximately 370 metres. It contains a number of historic buildings, including Grade II listed houses and the Grade II listed Church of St Mary Magdelene.
- 6.18 Given the intervening features, topography and self-contained nature of the application site, it is my view that the impact on designated and non-designated heritage assets will be negligible and that LD4 is not breached accordingly. In reaching this conclusion I have also had regard to the fact that the Three Elms Strategic Urban Extension, whilst maintaining a buffer to the conservation area, proposes housing development on the land to the south of the current application site and thus in closer proximity to the conservation area.
- 6.19 Overall, on this main issue officers accept that the loss of a greenfield to residential development will have an adverse impact on the character and appearance of the area by comparison with the baseline situation. However, the site is not subject to any environmental designation and development has the potential to enhance bio-diversity and green infrastructure in accordance with LD2 and LD3. Heritage assets would also be unaffected; resulting in no conflict with LD4.

Highway Matters

- 6.20 Core Strategy Policy MT1 'Traffic management, highway safety and promoting active travel' deals with highway matters. NPPF paragraph 32 confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development (i.e. post-mitigation) are severe.
- 6.21 Policy MT1 requires that development proposals should demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development. Development should also promote and, where possible, incorporate integrated transport connections and supporting infrastructure (depending on the nature and location of the site), including access to services by means other than private motorised transport and encourage active travel behaviour to reduce numbers of short distance car journeys through the use of travel plans and other promotional and awareness raising activities.
- 6.22 The site would be served by a single vehicular access at roughly the mid point of the Tillington Road frontage, beyond the properties opposite. The access would take the form of a simple priority junction arrangement, with a 5.5 metre wide carriageway, 10 metre radii and 2 metre wide footways to both sides. Visibility splays are 2.4m x 94m to the north-west and 2.4m x 70m to the south-east.
- 6.23 Tillington Road past the site frontage is a single carriageway road of approximately 6 metres in width. It travels on a straight alignment and runs north-west to Tillington and Burghill and south-east to the A4103. The first circa 130 metres of the route travelling northwest from the A4103 includes frontage properties to the north and is subject to a 30mph speed limit. From this point, the route is subject to a 40mph speed limit along the remainder of the site frontage.
- 6.24 The Transportation Manager has no objection and is content that the submitted arrangement represents a suitable basis on which to issue outline planning permission subject to conditions. The junction works will also be subject to detailed assessment via a S278 application, which will also require a TRO to extend the 30mph limit to the north-west beyond the access into the

application site. In conclusion on the third main issue, officers are content that the scheme accords with CS Policy MT1. The Transportation Manager is also content that the local highway network can absorb the additional traffic generated without compromising the safe operation of the network.

S106

- 6.25 The application is accompanied by a draft Heads of Terms, as appended, that makes provision for contributions towards education, sustainable transport, on-site play equipment, a surgery contribution and the provision of and eligibility for occupation of the affordable housing. I am content that these contributions are fair, reasonable and necessary to make the development acceptable and thus compliant with the CIL Regulations.

Impacts on Amenity of Adjoining Property

- 6.26 Concerns have been expressed in relation to the propensity for overlooking and adverse impacts on amenity arising from the loss of views from existing properties opposite. The CS and NPPF require new development to ensure a good standard of amenity for all existing and future occupants of land and buildings (SD1 and NPPF paragraph 17).
- 6.27 Whilst concern in respect of the loss of views is understood and officers are sympathetic, it is well-established in case law that there is no right to a view. This issue is not material to decision-making.
- 6.28 The potential for adverse impacts arising from loss of privacy is material to decision-making and must be weighed in the planning balance. In this instance the dwellings backing onto Lower Burlton Cottage are, according to the illustrative layout plan, 12.5m from the common boundary. There is also the potential for the introduction of additional boundary planting along this boundary and subject to an appropriate layout and orientation of houses at the Reserved Matters stage, officers are content that any adverse impact can be mitigated such that SD1 is not breached.

Ecology

- 6.29 The Council's Ecologist is content that the submitted assessment is an accurate reflection of the site's ecological interest and offers no objection subject to conditions.

Noise

- 6.30 A noise report has been prepared to address road traffic and potential for noise emanating from Beeches Business Park. The report concludes that some form of mitigation will be required in order to ensure that noise levels fall within acceptable bounds within private garden spaces. This will be governed by a planning condition requiring the formulation and submission for agreement in writing of a noise attenuation scheme. The Environmental Health Manager (noise) has no objection in principle.

Foul Drainage

- 6.31 Welsh Water does not object subject to conditions and the Land Drainage comments draw the same conclusion. Whilst there is not certainty as to the ability to deal with surface water via infiltration alone, the scheme is in outline and further assessment will be necessary in advance of Reserved Matters submissions. On this basis I am content that subject to the imposition of planning conditions, the scheme would not conflict with the objectives of CS Policies SD3 and SD4. A Grampian condition is recommended in relation to upgrades to the water supply such that occupation cannot take place until Welsh Water has completed the works. This is reflected in the recommendation.

7. The Planning Balance

- 7.1 The application is for housing and in the light of the housing land supply deficit must be considered against the test prescribed at NPPF paragraph 14 and CS Policy SS1. Permission should be granted, therefore, unless the adverse impacts of doing so would *significantly* and *demonstrably* outweigh the benefits when assessed against the NPPF when considered as a whole. There are no restrictive policies applicable.
- 7.2 In the context of the housing land supply shortfall, progress with the NDP and having regard to the site's location and relative accessibility, the principle of development is acceptable. The Officer's Appraisal assesses the scheme against the principal relevant policies and concludes that the scheme is in accordance with them. There is an absence of demonstrable harm, the site is not subject to any landscape or conservation designation and there are no objections from statutory or internal consultees. Allied to this, weight should also be attributed to the demonstrable need for housing and the contribution that the proposal would make in fulfilling the need for affordable housing.
- 7.3 The NPPF describes the three dimensions of sustainable development as comprising the economic, social and environmental roles. These are to be pursued together as they are mutually dependent.

Economic Role

- 7.4 The scheme would result in positive benefits in economic terms. As well as providing for a development for which there is a demonstrable need, the economic benefits can be summarised as:
- Expenditure by the resident population;
 - Expenditure arising through the construction phase itself, with attendant creation and support for construction jobs and those in related sectors;
 - New homes bonus.

Social Role

- 7.5 The scheme gives rise to significant benefits in terms of the social role, again arising principally from the supply, in a sustainable location, of general needs and affordable housing.

Environmental Role

- 7.6 The scheme is also considered to have negligible environmental impacts.
- The site utilises land that is not the subject of any landscape, conservation or other environmental designation;
 - The Conservation Manager does not object to the landscape impact of the scheme;
 - The Conservation Manager has no objection in relation to ecology or the setting of designated heritage assets within the locality;

Conclusion

- 7.7 Having regard to s38(6) of the Planning and Compulsory Purchase Act 2004, officers consider that the proposal accords with the provisions of the Core Strategy when taken as a whole. Moreover, and in the light of the lack of housing land supply and evidence of under-supply for market and affordable housing, officers consider that given the positive benefits arising and lack of significant or demonstrable adverse impacts, the application should be recommended for

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approval as per the NPPF test at paragraph 14. The position for the present is that significant weight cannot be attributed to the emerging NDP. The recommendation is contingent on the completion of a S106 agreement in accordance with the draft Heads of Terms.

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, and as appended, officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any further conditions considered necessary by officers.

- 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. H06 Vehicular access construction**
- 5. H17 Junction improvement/off site works**
- 6. H21 Wheel washing**
- 7. No development shall commence or site huts, machinery or materials brought onto the site, 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**

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.

- 8. H29 Secure covered cycle parking provision**
- 9. H30 Travel Plans**
- 10. E01 Site investigation – archaeology**
- 11. G04 Protection of trees/hedgerows that are to be retained**

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12. **None of the dwellings hereby approved shall be occupied before 31st March 2020, unless the upgrading of the public water supply system, into which the development shall connect has been completed and written confirmation of this has been issued to the Local Planning Authority**

Reason: To ensure satisfactory mains water supply is available to properties at all times. Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

13. **Only foul water from the development site shall be allowed discharge to the public sewerage system and this discharge shall be made at or downstream of manhole reference number SO48428301 as indicated on the extract of the Sewerage Network Plan attached to this decision notice.**

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment so as to comply with Herefordshire Local Plan – Core Strategy Policies SD1, SD3 and SD4.

14. **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 so as to comply with Herefordshire Local Plan – Core Strategy Policies SD1, SD3 and SD4.

15. **No development shall commence on site, or materials or machinery brought to the site for the purposes of development until the work method statements as outlined in the Ecology Report (Urban Green – October 2015) have been 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.

16. **No new development shall commence on site until, based on the recommendations in the ecology report a detailed habitat & biodiversity enhancement scheme,**

including but not limited to type and location of bat roosting and bird nesting mitigation/enhancements, a lighting plan. This should be included in, or related to, a detailed landscape & planting proposal with an associated 5 year establishment and replacement plan. And be submitted to, and approved in writing by, the local planning authority. The mitigation/enhancement scheme and landscaping plan 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.

17. I51 Details of slab levels
18. I16 Restriction of hours during construction
19. I01 Scheme of noise attenuating measures
20. The development hereby approved shall be for no more than 50 dwellings

Reason: To define the terms of the permission and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

21. The development shall be carried out strictly in accordance with the approved plans contained in the following schedule except where otherwise stipulated by conditions attached to this permission:

Plan Description	Drawing number
Location Plan	EVW/102
Site Access Plan	CBO-0335-001

22. G19 Details of play equipment

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 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 in the National Planning Policy Framework.
2. HN01 Mud on highway
3. HN02 Public rights of way
4. HN04 Private apparatus within highway
5. HN05 Works within the highway
6. HN07 Section 278 Agreement
7. HN10 No drainage to discharge to highway

- 8. **HN25 Travel Plans**
- 9. **N02 Section 106 obligation**

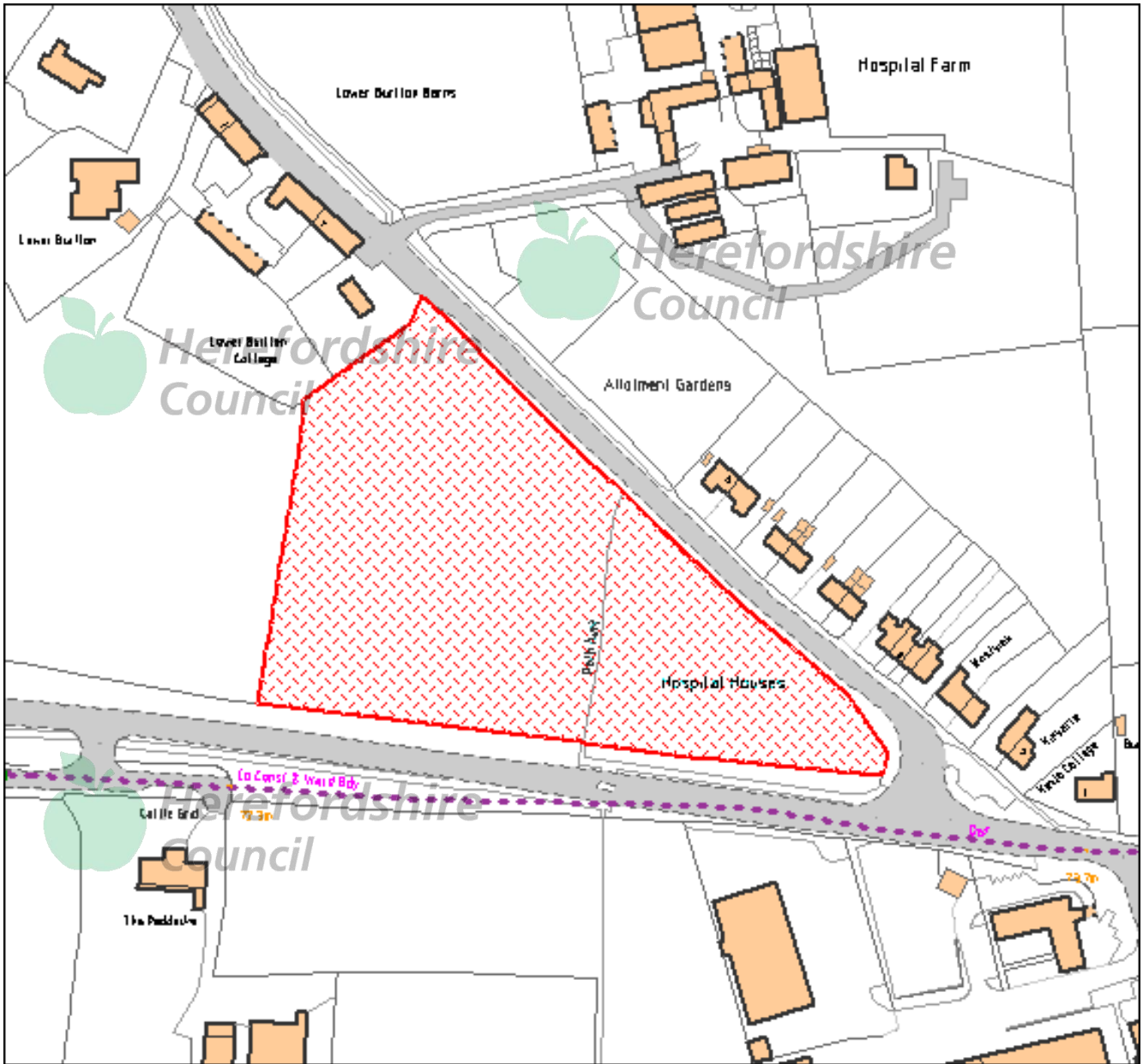
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 160048

SITE ADDRESS : LAND BETWEEN TILLINGTON ROAD AND, ROMAN ROAD, HEREFORDSHIRE

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DRAFT HEADS OF TERMS

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

Planning Application – P160048/O

Site address:

[Land between Tillington Road and Roman Road](#)

Planning application for:

Proposed outline planning application (all matters reserved except access) for the development of up to 50 residential dwellings with associated access.

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

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

£ 1,084.00 (index linked) for a 2 bedroom apartment open market unit

£ 1,899.00 (index linked) for a 2/3 bedroom open market unit

£ 3,111.00 (index linked) for a 4+ bedroom open market unit

to provide enhanced educational infrastructure at Burghill Primary School. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

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

£ 1,721.00 (index linked) for a 2 bedroom open market unit

£ 2,583.00 (index linked) for a 3 bedroom open market unit

£ 3,442.00 (index linked) for a 4+ bedroom open market unit

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

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

- a) Pedestrian access improvements to the following facilities as shown on Walking Catchment & Site Accessibility Plan Figure 3.1:
 - Trinity Primary School
 - Holmer Primary School
 - Whitecross High School

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

- Employment units at Beech Business Park
 - Bobblestock Doctors Surgery
 - Foodstore/newsagent at Bobblestock
- b) Upgrade of existing bus stop infrastructure on A4103, Three Elms Road and Kempton Avenue/Grandstand Road

NOTE: A Section 278 agreement will also be required for the extension of the 30mph speed limit on Tillington Road and the provision of 2m wide footways either side of the access with dropped crossing points (tactile paved) to either side of the access and opposite side of the road.

3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £80.00 (index linked) per dwelling. The contribution will be used to provide 1x waste and 1x recycling bin for each open market property. The sum shall be paid on or before the commencement of the development.
4. The developer covenant with Herefordshire Council to provide on-site green infrastructure to include;
 - Public Open Space: 0.046ha (460sq m) @ 0.4ha per 1000 population
 - Children's Play: 0.092ha (920sq m) @ 0.8ha per 1000 population of which 0.28ha (280sq m) should be formal play @0.25ha per 1000 population.

5. The maintenance of any on-site Public Open Space (POS) will be by a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as the parish council and/or a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

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

6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £960.00 (index linked) per open market dwelling. The contributions will be used for outdoor football, cricket and rugby provision in Hereford City. This would be identified as per the priorities identified in the Council's Outdoor Sports Investment Plan at the time of receiving the contribution and in consultation with the local parish council. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.
7. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £28,750.00 (index linked) towards a new surgery. The sum shall be paid on or before commencement of the development, and may be pooled with other contributions if appropriate.
8. The developer covenants with Herefordshire Council that 35% of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H1 of the Herefordshire Core Strategy or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.
9. The developer covenants with Herefordshire Council that the tenure of the affordable housing shall comprise 54% social rented and 46% intermediate.
10. All the affordable housing units shall be completed and made available for occupation in accordance with a phasing programme to be agreed in writing with Herefordshire Council.
11. The Affordable Housing Units must at all times be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or any successor agency) from time

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

to time with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-:

- 11.1. registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
- 11.2. satisfy the requirements of paragraphs 12 & 13 of this schedule
12. The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of whom has:-
 - 12.1. a local connection with the parish of Hereford City
 - 12.2. in the event of there being no person with a local connection to Hereford City any other person ordinarily resident within the administrative area of the Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 10.1 above.
13. For the purposes of sub-paragraph 11.1 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
 - 13.1. is or in the past was normally resident there; or
 - 13.2. is employed there; or
 - 13.3. has a family association there; or
 - 13.4. a proven need to give support to or receive support from family members; or
 - 13.5. because of special circumstances;
14. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 3, 6 and 7 above, for the purposes specified in the agreement within 10 years of the date of payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
15. The sums referred to in paragraphs 1, 2, 3, 6 and 7 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
16. If the developer wishes to negotiate staged and/or phased trigger points upon which one or more of the covenants referred to above shall be payable/delivered, then the developer shall pay a contribution towards Herefordshire Council's cost of monitoring and enforcing the Section 106 Agreement. Depending on the complexity of the deferred payment/delivery schedule the contribution will be no more than 2% of the total sum detailed in this Heads of Terms. The contribution shall be paid on or before the commencement of the development.
17. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

Yvonne Coleman
Planning Obligations Manager
27 September 2016

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



MEETING:	PLANNING COMMITTEE
DATE:	2 NOVEMBER 2016
TITLE OF REPORT:	<p>162264 - TWO 4 BED AND TWO 3 BED DETACHED HOUSES WITH ALLOCATED GARAGES AND ONE 3 STOREY APARTMENT BLOCK CONSISTING OF FOUR 2 BED APARTMENTS AND A TOP FLOOR PENT HOUSE SUITE. WITH LANDSCAPING AND CIVIL WORKS AT LAND ADJACENT TO BROCKINGTON OFFICES, 35 HAFOD ROAD, BROCKINGTON, HEREFORD, HR1 1SH</p> <p>For: Mr Evans per Mr Abz Randerer, 5 The Triangle, Wildwood Drive, Worcester, WR5 2QX</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=162264&search=162264
Reason Application submitted to Committee – Council Land	

Date Received: 20 July 2016

Ward: Eign Hill

Grid Ref: 352533,239575

Expiry Date: 14 September 2016

Local Member: Councillor CA North

1. Site Description and Proposal

- 1.1 The application site comprises a rectangular 0.42 hectare plot located on the north side of Hafod Road (C1127). It forms part of the former Council office site known as Brockington and lies to the east of Brockington House and the former Council Chamber. There is a small single storey building located towards the rear of the site but otherwise it is characterised by surface car parking with open space and mature landscaping either side of the existing vehicular access on the southern boundary, dense planting dominated by evergreen coniferous trees along the length of the eastern boundary, a pocket of trees on the western boundary and a fenced but more open and treed boundary to the north.
- 1.2 There are a number of individual and group Tree Preservation Orders affecting the site and it is within the Hafod Road Conservation Area.
- 1.3 The southern boundary of the site has a street frontage of approximately 40 metres. There is a mature beech hedge atop an embankment and an existing splayed vehicular access off Hafod Road. Opposite this is a large semi-detached period property (60 and 62 Hafod Road). The eastern boundary is densely landscaped and is shared with a private driveway that serves 37 and 45 Hafod Road. A separate access serving 47 Hafod Road lies beyond this. The northern boundary is shared with the fenced rear gardens or properties on Quarry Road (specifically 83-91 Quarry Road). The western boundary of the site comprises the remaining buildings and grounds of the former Council offices, which are being sold to a separate third party.

Further information on the subject of this report is available from Mr Simon Withers on 01432 260612

- 1.4 Planning permission is sought for 4 detached two storey dwellings (2no. 4 bed and 2no. 3 bed) and a three storey apartment block comprising 5 units (4no. 2 bed apartments and a second floor penthouse).
- 1.5 The apartment block would occupy the most prominent location and would be located some 13 metres back from the roadside boundary. It would be 22.25m wide and 10.5m deep (excluding the 2.5 metre terrace/balcony projection on the front elevation). It would have a maximum ridge height of 12.2 metres and a minimum eaves height of 5.8 metres. The design approach is contemporary and incorporates brick, render and large glazed openings under a slate effect roof.
- 1.6 In relation to the detached dwellings, Plots 1 and 2 (4 bed units) are located at the northern end of the site with a north-south aspect. They would measure 11.6 metres wide (excluding garage) by 8.6 metres (excluding projecting bay) and would have a ridge and eaves height of 9.8 metres and 5.3 metres respectively.
- 1.7 Plots 3 and 4 (3 bed units) are located between Plots 1 and 2 and the apartment block and have a west-east orientation. They would be 10.3 metres wide (excluding garage) and 7.9 metres deep (excluding projecting bay) and would have a ridge and eaves height of 9.7 metres and 5.3 metres respectively.
- 1.8 The dwellings are similarly of contemporary design utilising the same pallet of materials as the apartment block.
- 1.9 A 2 metre high brick wall (and part railing) and set back gated entrance was proposed at the access, which incorporated recessed areas for refuse and recycling storage. This was revised in favour of a lower wall, railings and waste collection facilities within the site and subsequently the applicant has deleted the gated entrance feature from the scheme. The detached dwellings have on-plot parking and the apartment block would have shared parking located on the northern boundary of the site. A total of 10 spaces are proposed for the apartment block.
- 1.10 The application is accompanied by a Design and Access Statement, an Ecological Appraisal, an Arboricultural Impact and Method Statement Assessment and a Ground Investigation Report.

2. Policies

2.1 The Herefordshire Local Plan Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
SS7	-	Addressing Climate Change
HD1	-	Hereford
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Waste Water Treatment and River Water Quality

Further information on the subject of this report is available from Mr Simon Withers on 01432 260612

2.2 National Planning Policy Framework (NPPF)

The NPPF needs to be read as a whole but the following sections are considered to be of particular relevance:

- Achieving sustainable development
- Delivering a wide choice of high quality homes
- Requiring good design
- Promoting healthy communities
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment

2.3 National Planning Policy Guidance

2.4 Hereford Area Plan

A reference group has been established to take forward an options and issues appraisal and as such there is no Plan sufficiently advanced to be afforded any weight as a material consideration

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

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

3. Planning History

3.1 Numerous applications relating to works to trees but none relevant to this application.

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water – No objection subject to condition:

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

Internal Council Consultations

4.2 Transportation Manager raises no objection commenting as follows:

Whilst the previous level of use of the access as car park egress for the offices is noted, improvements to visibility to the northwest would be beneficial by cutting back/removal of part of the existing holly hedge.

No cycle storage is indicated on the masterplan. The single garages for the detached properties plots 1 & 2 are very large (6470x4660) and will accommodate cycles as well as a car. Garages for plots 3 & 4 are 5470x2975 and therefore should be increased in size to 6000x3000 as recommended in Manual for Streets. Presumably as the garages provide part of the car parking provision, they will need to be controlled by condition for that purpose.

Secure covered cycle storage for the apartment block will need to be provided.

Proposal acceptable, subject to the following conditions and / or informatives:-

CAE CAH CAL CB2 and informatives I05 and I45

In response to the revised layout; a comment is made about the potential difficulty in accessing the waste and refuse collection facility behind the cycle storage area and need to ensure levels are addressed to enable inward opening of the gates.

4.3 Conservation Manager (Ecology) raises no objection commenting as follows:

The ecological report by Countryside Consultants Ltd dated July 2016 reads well and appears to cover all relevant ecological considerations of the site in question. I am equally happy that we can condition appropriate ecological enhancements as per the report's recommendations – though I would suggest the inclusion of pollinator/insect homes and a hedgehog house in appropriate locations. I would want to approve the full detail and location of these prior to any work commencing on site. I would ask that in this mitigation/enhancement plan that details and locations of any external lights on the new dwellings be included. If any external lighting is to be installed it should be low power LED downlighters with time limited illumination and PIR activation and be located so as not to illuminate, beyond existing levels any existing hedgerows or any of the proposed biodiversity enhancement.

4.4 Conservation Manager (Trees) comments as follows:

I have reviewed the Arb Impact Assessment (AIA), Arb Method Statement (AMS) and tree condition report.

4.5 The Tree Protection Plan (TPP) does not indicate where site buildings and storage of materials will be located as set out within paragraph 4.3.2 of AMS. As the site is limited in regards to space, this I consider is an important aspect of the construction phase.

4.6 There are existing hard-surfacing within the RPA of Holm Oak T75, this has not been addressed within paragraph 4.4.1 of the AMS. This tree is considered important in the context of the site.

4.7 Paragraph 4.5.4 – 3 states that tanalised timber edging will be utilised for the 'no dig' construction within RPAs. It also suggests that concrete kerbs will not be 'appropriate or allowed'. We will need confirmation that this is the case, or if concrete kerbs will be used within RPAs, we will require a specification to how these will be installed.

4.8 The retention of Holm Oak T75 is good, but is shown in close proximity to plot 4 and block of flats. Although it is stated within the AIA (paragraph 3.4.2), this tree will become very large in time and will require space to grow, its retention in the site will almost certainly lead to post development pressure fell or reduce the tree which will result in the amenity of the tree being lost.

4.9 The tree condition report shows clear evidence to the internal stem condition to T31, T33, T38 and T47. Evidence is conclusive that there is major decay within T31 and T38 – these trees should therefore be removed on safety grounds.

4.10 T33 was identified to have a Ganoderma infection, which has started to degrade the wood of lower stem. The healthy residual wall within the stem is still of a size to mitigate potential failure, but failure could still occur. This tree could be retained and have its canopy reduced to lower pressure and forces on lower stem. Obviously the amenity of the tree would be lost and as the wood decay fungus (Ganoderma) is progressive, it is unclear to its useful life expectancy. In light of the findings and considering the change of use of the site where the tree is located, I consider that it should also be removed.

Further information on the subject of this report is available from Mr Simon Withers on 01432 260612

4.11 T47 was identified to have a poor graft union at approximately 2m. This is an obvious failure point in the stem. The tree is also suppressed with a poor form. I have no objection to this tree being removed.

4.12 Conservation Manager (Historic Buildings)

Comments on Original Scheme

The proposal site is located on Hafod Road, to the east of Hereford city within an area of 19th century, imposing red brick residential development. Hafod Road was designated a Conservation Area in 1992. Brockington House and its gardens have been split into two development plots with the southern part.

4.13 The proposal site is located on Hafod Road, to the east of Hereford city within an area of 19th century, imposing red brick residential development. Hafod Road was designated a Conservation Area in 1992. Brockington House and its gardens have been split into two development plots with the southern portion being the subject of this application. Pre-application advice has been provided.

4.14 Brockington House is an early 20th century two-storey, stucco property of spacious proportions in the Georgian/Regency style. This building is considered to be of local heritage importance. The character of Brockington House is dissimilar to the original Victorian housing along the rest of Hafod Road and which is the dominant character of the conservation area. The Victorian red brick dwellings are either detached or semi-detached and are mostly of generous scale. The mass of the buildings is offset by the use of string courses, heads and cills and quoin details in cream and generally white painted window frames. This detailing relieves the potential heaviness of the large red brick elevations, as do the bay windows and the bold gables.

4.15 The conservation area is also typified by the use of brick walls and gate piers to the boundary with the road. These have become softened in appearance by trees and shrubberies in the front gardens and, though there must have originally been gates, these are on the whole missing. It is likely that the gates were of painted metal and certainly only served one plot rather than several. The very small, recent cul de sac developments do not have gates on Hafod Road, though one has gate piers.

4.16 The other main characteristic of Hafod Road Conservation Area is that the development was originally only one generous plot deep. The dwellings are close together, it is still possible to see between them and thus to realise that the rear garden are long, giving significant space between dwellings on Hafod Road and the roads running parallel to it. The recent cul de sac developments are generally either one or two dwellings relatively close to the road, or are hidden from views along Hafod Road.

4.17 Brockington and the very generous gardens are the anomaly within the conservation area; however the house itself is not prominent, being set much further back from Hafod Road than was the case in the Victorian era development. The hedging and trees within the gardens serves to hide the original built development, giving a natural rather than built-environment landscape.

4.18 The application site is approximately the width of two Victorian Hafod Road plots and the proposed development is for 4no large houses and a block of 5 apartments. The apartment block would be positioned near to the road, in a similar fashion to the Victorian dwellings of the conservation area. The pair of semi-detached dwellings would face onto the cul de sac, therefore showing their side elevations to Hafod Road. One of the detached dwellings to the

rear of the site would also face the cul-de-sac but the other faces onto the side of the eastern semi-detached house and does not address the cul-de-sac.

- 4.19 This last dwelling appears shoe-horned into the site and is an unsuccessful anomaly in the pattern of development within the conservation area.
- 4.20 Since the buildings on the site will be prominent they should be in harmony with the principles of the conservation area character. The other small cul-de-sac developments are largely hidden and therefore do not have such a significant potential impact. Hafod Road conservation area is a linear development but this proposal will be prominent enough to set up a visual departure from that character. It is suggested therefore that the cul-de-sac road proposed needs to be treated as a road and not as a drive to several houses.
- 4.21 The proposed entrance gate, whether open in the daytime or not, is contrary to the character of the conservation area. If each dwelling had its own gates, this would follow the principles of the conservation area. This would allow the cul-de-sac to be legible as a road not as a driveway.
- 4.22 The most visible building within the conservation area would be the apartment block. During pre-application discussions this building was shown as two independent blocks with a central circulation space. This gave a pleasing level of moulding and movement within the massing of the block and tended to reduce the apparent bulk of the form. The scale of the block was generally considered acceptable since the Victorian buildings of the conservation area are of a similar height though not generally combined with the same depth.
- 4.23 The submitted scheme seems to have lost the movement and moulding and appears to be a single building of large scale that has a few small projections to give emphasis. It would appear that this has occurred due to the retention of the evergreen oak to the front of the building. The effect on the design has not been beneficial, though it would be possible to address this extra constraint and still capture the essence of a more fluid massing.
- 4.24 The gable feature that was discussed facing Hafod Road has also lost its power by seemingly having the roof disconnected from the walls and ground. The gable roof has reduced to fit inside the flat roof/balcony arrangement rather than giving shelter to the full width of the projection. The gable on the north-west elevation is more successful.
- 4.25 The use of render is largely acceptable but there is very little to be seen on the elevation fronting Hafod Road (only to the sides of the glazing in the gable). Even if render were to be incorporated to a greater degree, it does not reflect the more delicate use of lighter colours as seen in the Victorian buildings to which this scheme alludes. Even using white powder-coated window frames would lift the very dark elevations, without being as prominent as using large slabs of white render.
- 4.26 The materials are stated as being Slate-effect for the roof. This is a conservation area scheme and therefore natural slate should be used, preferably Welsh. The walls are noted as being “engineered” red brick. This needs clarification as to whether “engineering” brick is meant or something else. Why is it proposed to use “cement board” fascias rather than painted wood?
- 4.27 Though the north boundary is noted as not being in the remit of this scheme, it is considered that the use of a solid 1.8m high fence is not appropriate in this conservation area locality, at least towards the front of the site.
- 4.28 Overall the principle of the scheme is supported, however there are details of design and layout that are of considerable concern. At present it is not considered that the scheme complies with Core Strategy Policy LD4 and Policy SS6. In addition it is considered to be at the lower end of NPPF paragraph 134’s “less than substantial” harm.

Further information on the subject of this report is available from Mr Simon Withers on 01432 260612

Comments on Revised Scheme

- 4.29 The following summarised comments have been received in relation to the revised proposals:
- I have made comments on the relationship between Plots 1, 2 and 3. I understand the design choices that were made to accommodate Plot 2, but I am of the opinion that this plot is the least successful on the development as it does not address the road. It is not considered, however, that the positioning would warrant a refusal of the scheme.
- 4.30 The cul-de-sac road should be seen as a side road, off Hafod Road, rather than a single driveway to several houses. The principle within the conservation area is that properties face onto the road, therefore setting the cul-de-sac up as a road rather than drive would be compatible with the character of the conservation area. The removal of the entrance gate achieves this removing the visual separation from the rest of the conservation area and making the development more inclusive.
- 4.31 There are certain characteristics that should be reused in a contemporary scheme without the design being labelled as Victorian. In particular the features which have been incorporated, such as the steep pitched roof, red brick and good overhangs. However the “good overhangs” has not been employed on the most prominent elevation, that onto Hafod Road. At this point the main walls are not contained within the footprint of the roof (regardless of the bay window projections), and this does not therefore follow the design rationale stated as being used. The revision to the Hafod Road elevation of the apartment block does improve the character of the building slightly by bringing the roof out towards Hafod Road a little but it does not enable the roof to shelter the walls. The design of this block generally shows either a flat roof being used as a balcony over a bay window or the pitched roof sails over the top of the walls. The Hafod Road elevation has flat roof that is not used as a balcony and extends out further than the pitched roof, thus divorcing the walls from the roof and the traditional relationship used elsewhere.
- 4.32 The comments concerning render and window frames was related to visually lightening the Hafod Road elevation only, though coloured frames could be used on the other elevations for consistency. The red brick Victorian buildings utilise string courses, cills or painted window frames to introduce a small amount of a lighter colour, as relief to the red brick. The Hafod Road elevation appears, to me, to be visually heavy due to the lack of a lighter colour, though there is a small amount within the roof gable area. It is not suggested that the design should necessarily follow the Victorian lead as to the location of light colours and it is certainly appreciated that minimal maintenance is desirable, however a lighter colour on the window frames could be achieved using ppc for low maintenance whilst providing a careful accent to the elevations.
- 4.33 The clarification concerning “engineered brick” is helpful. Even if the materials are conditioned I would be anticipating the use of a natural roofing material, though a smooth finish could be acceptable. It is the manufactured material that is of concern.
- 4.34 The removal of the entrance gate and piers is a fundamental improvement. The relatively minor adjustment to the Hafod Road elevation is a small improvement. It is considered to be the least successful elevation on the building.

5. Representations

Further information on the subject of this report is available from Mr Simon Withers on 01432 260612

5.1 In relation to the original proposal, Hereford City Council objected stating:

We have no objection to the overall scheme which is well designed. We do however oppose a gated entrance as this is out of keeping with the character of the site and the surrounding area.

In response to the amended proposal (excluding the gated entrance), Hereford City Council commented as follows:

Generally the City Council thought this was a good scheme and we were particularly impressed by the thorough and professional approach to preserving so many of the trees. Our only source of objection was the gated entrance and if that is now out of the plans we have no objections.

5.2 A total of 4 letters of objection (including 1 from the Hereford Civic Society) have been received. These responses can be summarised as follows:

- Object to a gated development as contrary to paragraphs 61 and 69 of the NPPF and counter to the previous use of the land for street parties
- Overdevelopment of the site
- An estate of identical properties is not in keeping with the area.

The Civic Society were consulted on the amended proposal (excluding the gated entrance) and made the following comments:

No further comments but of course pleased with the outcome.

5.3 One letter of support has been received summarised as follows:

- Fully supportive of gated community and the security that this offers
- Plots appropriate in size
- Example of good quality contemporary design.

5.4 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=162264&search=162264>

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

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

6. Officer's Appraisal

6.1 The key considerations in the determination of the application are considered to be:

- The principle of development, having particular regard to its sustainability;
- The impact of the proposal upon the character and appearance of the Conservation Area (including effect on trees);
- The impact of the proposal on biodiversity;
- The effect of the proposal on residential amenity;
- Highway safety and parking;
- Foul and surface water drainage and
- Section 106 requirements

The Principle

- 6.2 The legal starting point, as set out in section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, is that applications for planning permission should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan is currently the Herefordshire Local Plan Core Strategy (CS). As this is an application for new housing, as stipulated at paragraph 49 of the National Planning Policy Framework (NPPF), the relevant policies for the supply of housing should be considered to be out of date because the local planning authority cannot currently demonstrate a five year supply of deliverable housing sites (latest published position confirm a figure of 4.49 years). On this basis, the application falls to be considered against the NPPF's presumption in favour of sustainable development, as set out in paragraph 14. This states that where relevant policies of the Development Plan are out of date, as is the case currently, permission should be granted unless:-
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole;
 - or specific policies in this Framework indicate development should be restricted (see footnote 9).
- 6.3 Notwithstanding the housing supply consideration, which must be afforded weight, there remains a requirement for the development to accord with other relevant CS policies and NPPF guidance and paragraph 14 makes it clear that the balance between adverse impacts and benefits should be assessed against the policies in the NPPF as a whole.
- 6.4 When assessing if the proposal would represent sustainable development the NPPF states that this comprises three dimensions – economic, social and environmental, all three of which give rise to different roles, but which are mutually dependent. As such they should be sought jointly and simultaneously. Sustainable development seeks to achieve positive improvements in the quality of the environment as well as in people's lives through, amongst other things, improving the conditions in which people live, work, travel and take leisure and widening the choice of high quality homes.
- 6.5 The site is in a suburban location clearly within the existing settlement and is previously developed. It is in relatively close proximity to the wider services and facilities provided in the city centre as well as more locally accessible facilities (neighbourhood shops, nursery, primary and secondary schools, a public park and churches) with access to these being readily practicable by foot, bicycle and bus. In addition the site is well located in relation to the segregated footpath/cycle path to Rotherwas/HEZ. The railway station and county bus station are also within reasonable walking distance of the site, and hence provide the ability to travel further afield for employment, leisure, education without the need to rely on the private vehicle.
- 6.6 It is considered that future occupants of the proposed apartments would have a real choice about how they travel.
- 6.7 In addition to the physical and locational benefits of the site, the applicant also has a track record of delivering thermally efficient buildings. In this case the intention is to achieve an Environment Performance Certificate rating of no less than B but preferably A (very efficient). Whilst there is no current target prescribed in policy, this commitment will exceed current Building Regulations requirements.
- 6.8 Turning to the economic and social roles, it is considered that the proposal would provide economic and social benefits throughout the construction phase, with local contractors and suppliers more likely to be utilised for the scale of the scheme, compared to larger, strategic sites. Upon occupation of the units residents would provide increased spending and support to

local services and most obviously the scheme would provide a modest contribution to the reduction of the identified housing shortfall. Furthermore, the scheme proposes a mix of larger detached properties (3 and 4 bed units) and smaller units of accommodation (2 bedroomed apartments).

- 6.9 As such the site is considered to be well located and representative of sustainable development and is therefore in accordance with the overarching strategic CS policies SS1, SS2, SS4, SS7, HD1 and H3 and the corresponding sections of the NPPF.

Character and Appearance of the Conservation Area

- 6.10 In terms of the environmental impact, the site is within the Conservation Area boundary, which as a designated heritage asset is included in footnote 9 to paragraph 14 of the NPPF, in respect of policies that may restrict development. CS policy LD4 require that proposals protect, conserve and where possible enhance the asset in question. Similarly Chapter 12 of the NPPF acknowledges the desirability of sustaining and enhancing the significance of heritage assets and of new development making a positive contribution to local character and distinctiveness. Policies LD1 and SD1 of the CS require developments to promote or reinforce the distinctive character and appearance of the locality in terms of layout, density, scale, mass, height, design and materials, demonstrating that townscape character has positively influenced the design approach. The NPPF (chapter 7 – Requiring good design) emphasises that good design is a key aspect of sustainable development and it is indivisible from good planning. It states that decisions should not attempt to impose architectural styles or tastes, but that it is proper to seek to promote or reinforce local distinctiveness.
- 6.11 When affording weight to the impact on the Conservation Area, and therefore part of the environmental dimension of sustainable development, it should be noted that it is a statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, for the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. In practice this means that when undertaking a planning balance the weight afforded to preserving or enhancing the character and appearance of the Conservation Area is greater than that given to the other considerations.
- 6.12 The proposal would undoubtedly permanently change the character of the site, which is currently characterised by its open nature, devoid of any buildings (other than an inconspicuous single story storage building). However it is considered that the site is somewhat anomalous to the prevailing residential character of the area by reason of its previous use as car parking associated with the former Council offices. In this context, it is considered that the efficient use of the site for residential purposes, subject to appropriate design and respecting the key characteristics of the site would potentially preserve the character and appearance of the Conservation Area.
- 6.13 The most evident impact associated with the proposed development is the loss of trees, a number of which benefit from individual and group Tree Preservation Order (TPO) protection. The proposal would involve the felling of 18 individual trees and 2 small groups. Of these, 8 specimens have TPO protection and as a result of the detailed tree survey that has been undertaken to accompany this application, all 8 of these trees have been categorised as unsuitable for retention or of low value. Of particular note are 2 individual trees (T38 a red oak and T47 a copper beech), towards the rear of the site, which by reason of their poor health and extensive decay are recommended for felling irrespective of the development proposal. The emphasis throughout pre-application discussions was to ensure that the most visually prominent and highest amenity value trees were retained. Accordingly, in addition to the well established and maintained hedgerow boundary to Hafod Road, the trees of higher value immediately adjacent to the access are retained, with particular importance attached to the striking cedar tree (T52) and the evergreen oak (T75) which straddle either side of the access

road and are particularly important in terms of the character and setting of the Conservation Area. The evergreen oak will require regular maintenance and will not grow to full maturity in this instance, but its retention as a feature tree is considered to be an important requirement so far as this proposal is concerned.

- 6.14 Aside from this, the main losses have been limited to the the centre of the site, in and around the existing communal parking area and along the southern boundary of the site, which is dominated by dense and poorly maintained coniferous trees.
- 6.15 Whilst the loss of trees is unfortunate in both visual and biodiversity terms, it is considered unavoidable in terms of delivering a viable residential development of the site. The supporting documentation, which has been reviewed and accepted by the Council's arboricultural adviser, demonstrates that losses have been limited to poorer specimens and the landscaping and mitigation proposals provide for 15 replacement trees and approximately 85 metres of native species hedgerow focussed largely on the south-eastern boundary. These planting proposals have been designed to integrate effectively with the proposed development and are capable of being properly maintained by future occupants in the longer term. Conditions are proposed to ensure appropriate protection of trees during construction.
- 6.16 Turning to the design, scale and layout of the proposed development, given the degree of prominence in the streetscene, the proposed apartment building is of particular importance to the overall success of the scheme. The design approach is contemporary and would incorporate brick (including a feature brick detail), render and large glazed sections under a slate effect roof. The final choice of materials would be reserved by condition but the intention would be to use materials (in particular the brick) that complement rather than contrast with the older properties in the locality. The height of the apartment building, whilst clearly tall at 12.2 metres to ridge, has been informed by the the larger period properties on Hafod Road and the architectural detailing is considered to respect the proportions of the taller gabled buildings that front the street. Following comments received by the Conservation Manager (Building Conservation) the design of the apartment block has been amended to provide a greater emphasis upon the prominent road-facing elevation. By reference to the updated comments received, it can be appreciated that the Conservation Manager (Historic Buildings) remains unconvinced by this particular aspect of the proposal. However in my view the revised proposals provide a better sense of balance and proportion that is more characteristic of the period properties that contribute positively to the Hafod Road streetscene. Overall, it is considered that the design approach utilised for the apartment block demonstrates a positive response to the townscape and assists, alongside the retained and enhanced planting, to reduce the scale and visual impact of the apartment building and ensure that the character of the Conservation Area is preserved.
- 6.17 Whilst there has been no specific objection raised to the height of the apartment block, upon request, the applicant has provided additional sections through and across the site illustrating that the apartment block is comparable in height to Brockington House and approximately 1 metre higher, relative to existing ground level than 60 Hafod Road, which is directly opposite. These are considered to demonstrate that the height of the proposed building will respect that of surrounding period properties, preserving the character of the Conservation Area.
- 6.18 Having regard to the concerns relating to the "shoehorned" nature of the layout of the detached dwellings raised by the Conservation Manager (Historic Buildings), it is considered that these will only be partially glimpsed in views from the access road and as such their impact on the character of the street and the wider Conservation Area would be extremely limited. Indeed the corner plot (Plot 2) would not be seen from any public vanatage point by reason of the presence of the apartment block and intervening landscaping. The dwellings would utilise similar materials and have lower ridge heights than the apartment building, which would alongside the retained planting, visually screen this part of the site from wider views. The updated comments from the Conservation Manager (Historic Buildings) confirm that this

aspect of the proposal would not warrant the refusal of planning permission on conservation grounds.

- 6.19 It is considered that the siting of the apartment building is in keeping with the essentially linear pattern of development along Hafod Road. The cul-de-sac form represents the most appropriate approach in the context of the remainder of the relatively narrow but deep plot and is redolent of the manner in which the site to the east has developed with more modern infill located to the rear of the larger period property.
- 6.20 A review of the objections received to the application confirms that the main concern relates to the treatment of the gated entrance to the site. In its original form, 2 metre high brick retaining walls with recessed bin enclosures together with an unspecified secured gated entrance were proposed. A number of objections, whilst commenting in positive terms on the design of the proposal, specifically mention concerns about the creation of gated communities, referring to NPPF guidance that encourages active frontages that assist in bringing together those that work, live and play in the vicinity. The applicant has responded to these concerns through the submission of revised proposals for the entrance to the site. The revised proposals now omit any form of gated/walled structure at the access which addresses the concerns raised by third parties (including Hereford City Council and Hereford Civic Society) and the Conservation Manager (Historic Buildings). It is considered that this represents a positive response to the concerns raised and is representative of inclusive design as promoted by the NPPF.
- 6.21 Having regard to the assessment outlined above, it is considered that the proposal would result in less than substantial harm to the character and setting of the designated heritage asset and as such the NPPF does not direct that permission should be refused. Instead the harm should be weighed against the public benefits (NPPF paragraph 134). The Planning Balance is addressed later in the appraisal.

Biodiversity

- 6.22 The Council's Ecologist has reviewed the Ecological Appraisal and raises no objection subject to compliance with the mitigation strategy and the addition of some additional features that would enhance the biodiversity value of the proposal. This can be addressed by the imposition of condition(s) and on this basis I consider that the requirements of policy LD2 of the CS are satisfied.
- 6.23 A mains connection is available, as confirmed by Welsh Water, and in this respect it is accepted that there will be no likely significant effects upon the integrity of the River Wye Special Area of Conservation and this, coupled with a condition requiring the development to achieve Housing- Optional Technical Standards – Water Efficiency standards would satisfactorily address the linked requirements required under CS policy SD3.

Residential Amenity

- 6.24 The nearest existing residential property to the apartment building is the side wall of 47 Hafod Road to the east which is approximately 24.7 metres away. It is considered that, although the outlook from the front garden and shared driveway will change quite significantly, the combination of the distance; relative orientation; the fact that windows in the rear elevation of the apartment building largely serve bedrooms and ensuite bathrooms; and the retained planting in between the existing and proposed buildings is such that there would be no adverse impact upon residential amenity through unacceptable loss of privacy, overshadowing or loss of daylight/sunlight. The outlook across Hafod Road would be towards 60 and 62, some 51 metres away and screened by dense planting such that there are no concerns in respect of this relationship.

- 6.25 In relation to the detached properties, the flank wall of Plot 2 would be 11.4 metres from the opposing flank wall of 37 Hafod Road. The side elevation of Plot 2 has no windows and this would be maintained by way of condition. As such it is not considered that there would be any undue loss of privacy. Furthermore, the distance together with relative orientation is such that there would be no overshadowing or loss of daylight. As such whilst the outlook from the rear garden of 37 Hafod Road will change, it is not considered that this would be harmful to the extent that refusal would be warranted. Indeed the removal of the diseased copper beech, which is quite overbearing in its own right will allow more light into the area at the front and side of this property.
- 6.26 The distance between the rear elevations of Plots 1 and 2 and the existing rear elevations of the nearest properties on Quarry Road varies between 27 metres and 33 metres which again is sufficient to overcome any concerns regarding loss of privacy, overshadowing or loss of daylight/sunlight.
- 6.27 Within the site itself, the relationship between Plots 2 and 3 in the corner of the site is such that there will be some overlooking from first floor windows into the rear garden of Plot 3 but this will be filtered somewhat by a retained tree and ultimately the intervisibility between the proposed houses within the site carries less weight than the impacts of the proposal on existing neighbouring residents, which is entirely acceptable in my view.
- 6.28 Accordingly, whilst existing residents will be affected by the development of what has essentially been a private landscaped garden, the proposal has been designed to limit this impact to an acceptable level that is considered to accord with CS policy SD1.

Highway Safety and Parking

- 6.29 The access has a long established use in connection with the former Council offices and as such historically has a level of use that would far exceed that of a residential development of this scale. Accordingly, whilst it is recognised that improvements could be made to achieve greater visibility, it is considered that the lower level of use, the lack of any evidence of accidents and the desire to retain the hedgerow embankment weighs in favour of retaining the access in its current form.
- 6.30 The access design and parking provision accord with the Highway Design Guidance and the revised layout now provides for the secure cycle storage (for the apartment building) and waste collection facilities that have been promoted by the Transportation Manager and the Head of Environment and Waste Services respectively.
- 6.31 Having regard to the above, it is considered that the proposal accords with CS policies MT1 and SD1.

Drainage

- 6.32 Welsh Water raise no objection to the proposed mains sewage connection. The site is not within a Flood Zone and is below the threshold whereby a Flood Risk Assessment is required. An Outline Drainage Strategy has been proposed underpinned by a Ground Investigation Report. The latter indicates that the soil condition does not favour an infiltration system (soakways) and as such the strategy envisages the use of attenuation tanks to regulate the flow or surface water to the combined sewer. This would be supported by rainwater harvesting provision for each of the detached dwellings.
- 6.33 A condition is recommended to secure the detailed design and performance of the sustainable drainage system and to ensure compliance with CS policy SD3.

Section 106 Matters

- 6.34 In line with National Planning Practice Guidance and CS policy H1, neither affordable housing or Section 106 contributions are sought from developments of 10 units or less. As such there is no requirement for affordable housing or S106 contributions arising from this proposal for 9 units.

Planning Balance

- 6.35 Having assessed the various impacts of the proposal, under the three dimensions of sustainable development, it is considered that the proposal is representative of sustainable development and the presumption in favour of development is engaged. Whilst some environmental harm has been identified, primarily through the loss of trees within the conservation area, this is considered to be less than substantial. As such paragraph 134 of the NPPF requires only for the public benefits to outweigh the harm. In this case, I am satisfied that the public benefits do outweigh the harm identified to the heritage asset and furthermore, applying NPPF paragraph 14 it is considered that there are no adverse impacts that would significantly and demonstrably outweigh the well-established economic and social benefits associated with the boosting of housing delivery. It is therefore recommended that permission is granted subject to conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B02 Development in accordance with approved plans and materials**
- 3. C01 Samples of external materials**
- 4. F08 No conversion of garage to habitable accommodation**
- 5. F15 No windows in side elevation of extension**
- 6. G04 Protection of trees/hedgerows that are to be retained**
- 7. G11 Landscaping scheme - implementation**
- 8. H06 Vehicular access construction**
- 9. H09 Driveway gradient**
- 10. H13 Access, turning area and parking**
- 11. H27 Parking for site operatives**
- 12. H29 Secure covered cycle parking provision**
- 13. I16 Restriction of hours during construction**
- 14. M17 Water Efficiency - Residential**
- 15. I20 Scheme of surface water drainage**
- 16. L02 No surface water to connect to public system**

Further information on the subject of this report is available from Mr Simon Withers on 01432 260612

17. **K4 Nature Conservation - Implementation**

18. **K5 Habitat Enhancement Scheme**

Informatives:

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
2. **HN10 No drainage to discharge to highway**
3. **HN05 Works within the highway**

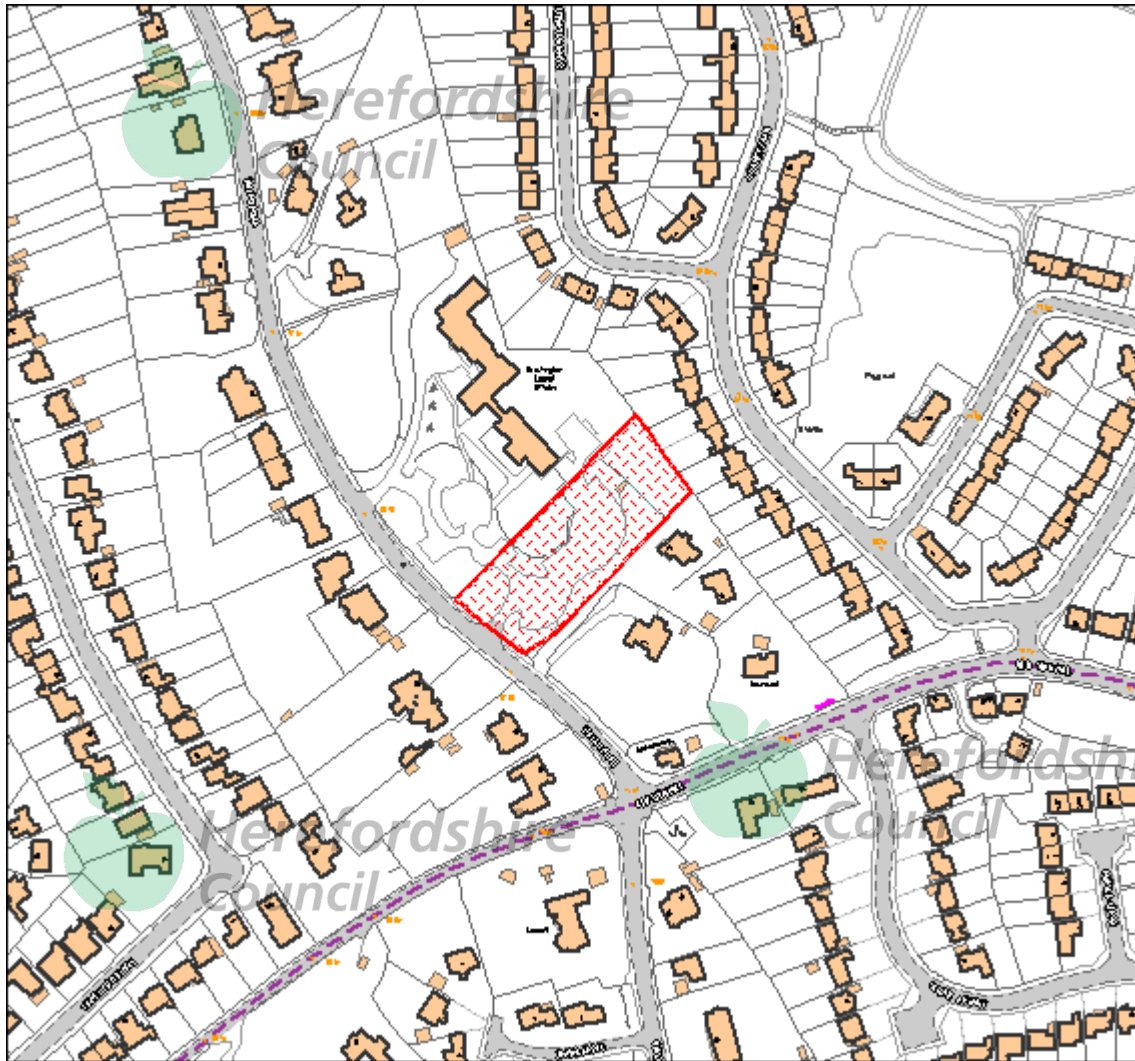
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 162264

SITE ADDRESS : LAND ADJACENT TO BROCKINGTON OFFICES, 35 HAFOD ROAD, BROCKINGTON, HEREFORD, HR1 1SH

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Further information on the subject of this report is available from Mr Simon Withers on 01432 260612



MEETING:	PLANNING COMMITTEE
DATE:	2 NOVEMBER 2016
TITLE OF REPORT:	161522 - PROPOSED 6 NO. DETACHED DWELLINGS AND 4 NO. GARAGES AT LAND AT YARPOLE, LEOMINSTER, HEREFORDSHIRE, HR6 0BA For: Mr F Price per John Needham Associates, 22 Broad Street, Ludlow, Shropshire, SY8 1NG
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=161522&search=161522
Reason Application submitted to Committee – Re-direction	

Date Received: 11 May 2016

Ward: Bircher

Grid Ref: 347162,264764

Expiry Date: 6 July 2016

Local Member: Councillor WLS Bowen

1. Site Description and Proposal

- 1.1 The site comprises 0.49 hectares and is part of a larger area of arable farming land on the south eastern edge of Yarpole. The site has frontage to the northern side of the C1039, which runs through the village, linking the settlement to Luston, the B4361 to Leominster and Kingsland. A public footpath also meanders through the site in a north-south direction (YP6).
- 1.2 Stony Brook flows along the site's southern boundary beyond which there is a small pumping station. Native trees and hedgerows are present along the same boundary with the main road. The western boundary of the site adjoins single storey properties on the northern side of the highway. On the opposite side of the road are a number of former agricultural buildings which have been converted to residential use.
- 1.3 The site is located adjacent to Yarpole Conservation Area and the historic core of the village. The proposal involves the development of six residential properties of mixed design, four of which would have detached garages. A new access is proposed off the highway from the south western corner of the site with each individual dwelling gaining access via an internal private road.
- 1.4 This application is a re-submission following a refusal and a dismissed appeal of ref 150995. It seeks to address the reasons set out by the Inspector for that dismissal, namely:
- i) Lack of confirmation about safety in event of flood;
 - ii) Arbitrary layout with suburban feel,

As a consequence of the above the Inspector found the development not to be sustainable.

Further information on the subject of this report is available from Mr M Tansley on 01432 261815

Previous concerns relating to drainage, impact on heritage assets, highway safety and ecology were all considered to be acceptable or capable of being resolved by condition.

The proposal falls below the threshold for S106 contributions.

2. Policies

2.1 The Herefordshire Local Plan Core Strategy

SSI	-	Presumption in Favour of Sustainable Development
RA2	-	Housing in Settlements Outside Hereford and the Market Towns
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Waste Water Treatment and River Water Quality

2.2 National Planning Policy Framework

Chapter 4	–	Promoting sustainable transport
Chapter 6	–	Delivering a wide choice of high quality homes
Chapter 7	–	Requiring good design
Chapter 11	–	Conserving and enhancing the natural environment
Chapter 12	–	Conserving and enhancing the historic environment

2.3 Neighbourhood Plan

Yarpole Neighbourhood Area was designated on 8 February 2013. The Plan has reached regulation 14 (9 June 2016) and whilst it is therefore a material consideration it has no weight in the determination of 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 150995 - 6 dwellings and 4 garages refused November 2015, appeal dismissed 22 March 2016, for the reasons set out in paragraph 1.4 of this report.

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water – no objection subject to condition.

Internal Council Consultations

4.2 Transportation Manager formal comment awaited, but no objection.

4.3 Drainage Consultant - recommends that should permission be granted conditions be imposed.

4.4 Emergency Planning and Resilience Officer:

The planning inspectorate appeal decision points 18 and 19 relate to flood risk at the site. Point 19 states that the application conflicts with policy SD3 of the Core Strategy as it does not demonstrate that “safe access for emergency vehicles would be available for future occupiers during a flood event”.

The Herefordshire Local Plan Core Strategy 2011-2031 ‘Policy SD3 – Sustainable water management and water resources’ point 2 states that the:

“Development is designed to be safe, taking into account the lifetime of the development and the need to adapt to climate change by setting appropriate floor levels, providing safe pedestrian and vehicular access, where appropriate, implementing a flood evacuation management plan and avoiding areas identified as being subject to Rapid Inundation from a breach of a Flood Defence;”

This is elaborated on in paragraph 5.3.47:

“Policy SD3 also provides criteria for developers to consider when proposing development within areas identified as being at risk of flooding within the district. The policy identifies the need for development proposed within flood risk areas to take account of a number of measures to ensure that the development is safe and remains safe, in times of flood including:

- setting appropriate floor levels which should be above the 1% predicted plus climate change design flood level, incorporating an allowance for freeboard. Development should also consider in the design the risk from more extreme events. Where it is not feasible or practicable to set the floor levels, then other forms of flood resilience and resistance techniques may be considered as an alternative;
- where overnight accommodation is included, the development should include a safe pedestrian access route which would be available during a 1% plus climate change design flood event. In considering this, regard should be given to the evidence in the SFRA and for ‘defended areas’ including an assessment of Flood Defence breach/overtopping scenarios. Other development should consider this as a residual risk;
- consideration of safe vehicular access; and
- for developments implementing a flood evacuation management plan, where appropriate, to manage the risk to the development site itself and future users/occupiers during all flood events along with any remaining residual risks.”

As far as I’m aware the Core Strategy makes no reference to emergency vehicle access being required specifically at times of flooding.

As above a “safe pedestrian access route” should be included. Safe vehicular access should be considered but at sites where that is not possible the Flood Management and Evacuation Plan will detail when and how a site should be evacuated. For this application where the site itself is not within the flood zone and a “safe pedestrian access route” is available residents may choose to shelter in-situ.

4.5 Public Rights of Way Officer objects as no contact has been made regarding diversion of footpath.

5. Representations

5.1 Yarpole Parish Council object for the following reasons:

1. Number of dwellings: This is a stated re-submission of an application for 6 houses, yet there are 7 indicated on the block plan, not 6. All the documentation relates to 6 dwellings, so there is something wrong here.
2. Visibility splays: The diagram in DRG1432/SW/1 indicates road width of 4.5m and a wider road than actually exists on site (over the brook). The existing culvert is less than 4m so the access would need to be widened. Widening the access can only be done by removing trees and hedgerows but there is no reference to this in the application. An assessment of this should be made before any decision is taken, and the Parish Council does not support removal of indigenous hedgerow unless a full planting scheme is submitted as part of the application.
3. Flooding & emergency vehicle access: The Inspector dealing with the Appeal on the original application was concerned about emergency vehicle access to the site at times of flooding. The Applicant's response is to include a FMEP which expects occupants to either evacuate the site via the public footpath which is 200m away, leave the site ahead of the flooding, or remain on site until the flooding subsides. The Parish Council considers that all of these 3 options are unacceptable, especially if residents have reduced mobility. We do not feel that the FMEP sufficiently addresses the inspectors concerns.
4. Access road: The parish Council is concerned that the proposed access location is unsafe and that safety issues will be made worse by vehicles coming and going from the site. We know that a survey was taken, but the villagers are fully aware of the traffic dangers on this part of the road and were never satisfied with the conditions and length of time in which the survey was carried out. The monitors were laid in the wrong place and the survey was too short and a 'one off', whereas the PC and village experience is of frequent use and concerns farming vehicles that regularly block this bend, and cars that regularly speed in to the bend from the long straight stretch (from Kingsland direction). Traffic moving fast from the straight stretch has no view of emerging traffic from an existing access road further in to the village, and the same will be true of this new access.
5. Sewer Network: The Water Cycle Study Addendum of Feb. 2015, as published by Herefordshire Council, clearly states that there is no headroom available within the Luston and Yarpole STW, no capacity for new housing, and that DCWW have commented that they are currently investigating options. Further DCWW comment that an improvement scheme is included within their AMP6 with a time horizon of 2035. Can we be assured that no connections will therefore be made to the existing system ahead of these improvements? The Parish Council supports off grid solutions to sewage and waste management and expects that no new developments be connected to the mains sewer network, which clearly cannot cope. We have frequent meeting with Welsh Water about this, who have told us they routinely support planning applications, despite knowing that the network cannot cope.
6. The Parish Council published the Reg 14 Draft Neighbourhood Development Plan on Monday 6th June. The plan clearly shows that there are definite proposals for more houses than required by the targets indicated in the Core Strategy. So this application does not need to be assessed in the light of meeting 5 year land supply, as the NDP already more than satisfies our local requirement. You can also see from the draft NDP how supportive of new development the community is, in the right place and under the right conditions. The Parish Council would be happy to discuss this site with the developer, and would have liked the opportunity to support a different scheme on this site, but the developer has indicated no will to share ideas or discuss with the community.

7. This site is outside the proposed new settlement boundary as illustrated in the draft NDP.

5.2 12 letters of objection have been received making the following points:

1. The site floods
2. Highway safety
3. Outside settlement boundary/inconsistent with NDP
4. Disagree with inspector's conclusion
5. Sewage capacity
6. No need for executive houses
7. Disrupt enjoyment of footpath

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=161522&search=161522>

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

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

6. Officer's Appraisal

6.1 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 policy position in terms of the Council's 5 year housing land supply remains as it was at the time the appeal was determined. The Yarpole Neighbourhood Development Plan has now reached Regulation 14 stage, but can be afforded no weight at this stage. The housing target in this plan is a minimum of 48 dwellings, to date there are 8 commitments. The presumption in favour of sustainable development set out in the NPPF therefore supports the principle of development. Consequently the main issues to be addressed on this occasion are the reasons for refusal expressed by the Inspector in dismissing the appeal. To re-impose previous reasons for refusal in the absence of any significant policy change in the intervening period would be to risk a cost award at any subsequent appeal.

Flood Risk

6.2 The Inspector expressed concern about the provision for emergency vehicles to access the site in the event of a flood. As the Emergency Planning and Resilience Officer points out policy SD3 of the Core Strategy does not call for access for emergency vehicles. The policy can be satisfied through a Flood Evacuation and Management Plan.

Site Layout

6.3 The concerns expressed by the Inspector related to the layout of the site, the open ended nature of which was considered as suburban in nature and lacking the organic feel of the courtyard arrangement opposite. Whilst the proposed layout is much as before, a seventh dwelling, subject of the next report on the agenda, and referred to by the parish council, seeks to close off the development from the adjoining field creating a definitive edge. Given that there was no concern in terms of the impact of the development on the setting of the Conservation Area nor upon listed buildings, it is considered that the layout, with the additional dwelling sufficiently addresses that concern such that a reason for refusal could not now be sustained.

It should also be noted that the design of the dwellings was considered to be acceptable.

- 6.4 Additional areas of concern expressed by the parish council not already commented upon include the sewer network. In this instance Welsh Water have no objection to the proposal and it was not previously a ground for refusal in the appeal.
- 6.5 The Transportation Manager's comment is awaited, but again the Inspector concluded that the access arrangements were acceptable. The route of a proposed diversion of the footpath is shown on the layout plan, this would remain to be agreed however.
- 6.6 Similarly ecology matters were accepted by the Inspector.
- 6.7 Given the lack of significant difference in policy terms since the appeal decision, the subsequent comment of the Emergency Planning and Resilience Officer and the closing of the cul-de sac it is considered that the planning balance now lies in favour of the development and it is recommended for approval accordingly.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **C01 - A01 Time limit for commencement (full permission)**
2. **C06 - B01 Development in accordance with the approved plans**
3. **C13 - C01 Samples of external materials**
4. **Highway conditions inc CB1- diversion of public right of way**
5. **C96 - G10 Landscaping scheme**
6. **C97 - G11 Landscaping scheme - implementation**
7. **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, to ensure compliance with policy SD3 and SD4 of the Herefordshire Local plan- Core Strategy.
8. **CDD - M07 Evacuation management plan**
9. **I16 – Hours of construction**
10. **CE6 – Water usage**

INFORMATIVES:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



MEETING:	PLANNING COMMITTEE
DATE:	2 NOVEMBER 2016
TITLE OF REPORT:	161627 - PROPOSED DWELLING AND GARAGE AT PLOT 7 LAND AT YARPOLE, LEOMINSTER, HEREFORDSHIRE, HR6 0BA For: Mr O Probert per John Needham Associates, 22 Broad Street, Ludlow, Shropshire, SY8 1NG
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=161627&search=161627
Reason Application submitted to Committee – Re-direction	

Date Received: 18 May 2016

Ward: Bircher

Grid Ref: 347160,264766

Expiry Date: 13 July 2016

Local Member: Councillor WLS Bowen

1. Site Description and Proposal

- 1.1 The application site lies adjacent to that considered in the previous report, hence the reference to plot 7. The site lies on the eastern edge of the village, the field lies adjacent to the Yarpole Conservation Area. The design indicates a two storey, 4 bedroom dwelling with detached double garage. Access to the plot is proposed via the safe access arrangement as per the previous application.
- 1.2 But for the proposal on the adjacent site, subject of the previous report, this site would be considered an arbitrary location within a larger field.

2. Policies

2.1 The Herefordshire Local Plan Core Strategy

SSI	-	Presumption in Favour of Sustainable Development
RA2	-	Housing in Settlements Outside Hereford and the Market Towns
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Waste Water Treatment and River Water Quality

Further information on the subject of this report is available from Mr M Tansley on 01432 261815

2.2 National Planning Policy Framework

- Chapter 4 – Promoting sustainable transport
- Chapter 6 – Delivering a wide choice of high quality homes
- Chapter 7 – Requiring good design
- Chapter 11 – Conserving and enhancing the natural environment
- Chapter 12 – Conserving and enhancing the historic environment

2.3 Neighbourhood Plan

Yarpole Neighbourhood Area was designated on 8 February 2013. The Plan has reached regulation 14 (9 June 2016) and whilst it is therefore a material consideration it has no weight in the determination of 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 on this site although the appeal and application on the adjacent site are relevant.

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water no objection subject to condition.

Internal Council Consultations

4.2 Transportation Manager formal comment awaited, but no objection.

4.3 Public Rights of Way Officer - Public footpath YP6 must be legally diverted before work starts on site.

5. Representations

5.1 Yarpole Parish Council comment awaited.

5.2 Objections have been received from 4 local residences making the following points

1. 6 houses already rejected.
2. Previous concerns re sewage /flooding still apply
3. Ditto highway safety
4. Not identified for development in Yarpole NDP

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=161627&search=161627>

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

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

6. Officer's Appraisal

6.1 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 main considerations for this application are the same as those with the previous application on the adjoining site. The Council cannot meet its 5 year housing land supply obligation at this time, consequently unless any adverse impacts of the development would significantly and demonstrably outweigh the benefits permission should be granted.

6.2 As the Yarpole Neighbourhood Development Plan is only at Reg 14 stage, it can be afforded no weight at this time. The housing target for the parish is a minimum of 48 dwellings. The existing commitment to date is 8 dwellings. If the previous application on this agenda for 6 dwellings (161522) was approved this would still only be 14.

6.3 It is not considered that the addition of a further dwelling in this location makes any significant difference to the weight which can be attributed to the material considerations. For example in terms of highway safety, flooding, sewage capacity, impact upon Conservation Area and setting of Listed Buildings. The design is consistent with the adjoining site. Consequently it is considered that the proposal complies with the relevant policies of the Herefordshire Local Plan and National Planning Policy Framework and is recommended for approval accordingly.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **C01 - A01 Time limit for commencement (full permission)**
2. **C06 - B01 Development in accordance with the approved plans**
3. **C13 - C01 Samples of external materials**
4. **Highway conditions, inc CB1 footpath diversion.**
5. **C96 - G10 Landscaping scheme**
6. **C97 - G11 Landscaping scheme – implementation**
7. **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, to ensure compliance with policy SD3 and SD4 of the Herefordshire Local plan- Core Strategy.

8. **CDD - M07 Evacuation management plan**

Further information on the subject of this report is available from Mr M Tansley on 01432 261815

9. I16 - Hours of construction

10. CE6 - Water usage

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

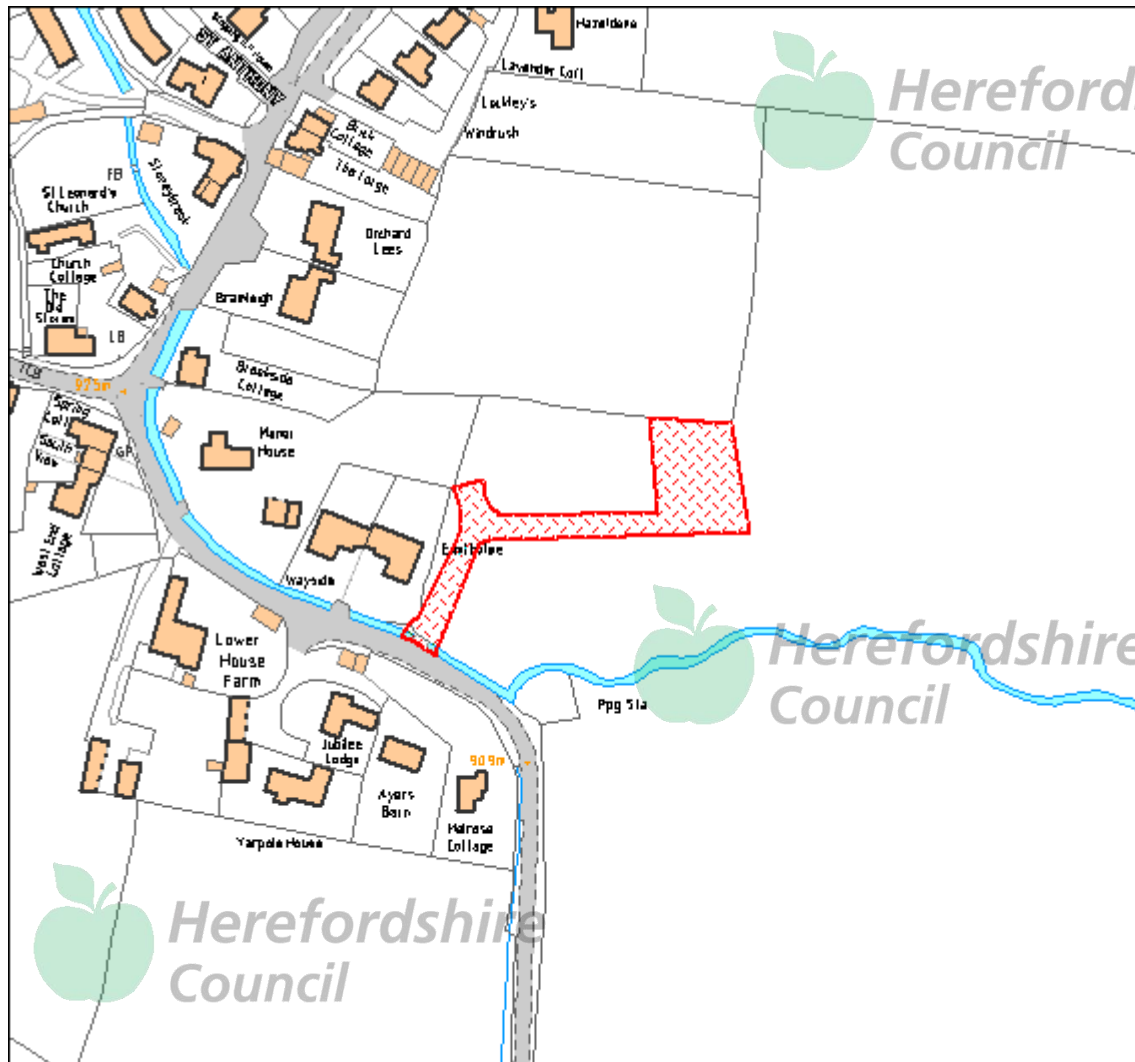
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 161627

SITE ADDRESS : PLOT 7 LAND AT YARPOLE, LEOMINSTER, HEREFORDSHIRE, HR6 0BA

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