

# AGENDA

## Planning Committee

Date: **Wednesday 26 April 2017**

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Time: **10.00 am**

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

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

For any further information please contact:

**Tim Brown, Democratic Services Officer**

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If you would like help to understand this document, or would like it in another format, please call Tim Brown, Democratic Services Officer on 01432 260239 or e-mail [tbrown@herefordshire.gov.uk](mailto:tbrown@herefordshire.gov.uk) in advance of the meeting.

# Agenda for the meeting of the Planning Committee

## Membership

<b>Chairman</b>	<b>Councillor PGH Cutter</b>
<b>Vice-Chairman</b>	<b>Councillor J Hardwick</b>
	<b>Councillor BA Baker</b>
	<b>Councillor CR Butler</b>
	<b>Councillor PJ Edwards</b>
	<b>Councillor DW Greenow</b>
	<b>Councillor KS Guthrie</b>
	<b>Councillor EL Holton</b>
	<b>Councillor JA Hyde</b>
	<b>Councillor TM James</b>
	<b>Councillor FM Norman</b>
	<b>Councillor AJW Powers</b>
	<b>Councillor A Seldon</b>
	<b>Councillor WC Skelton</b>
	<b>Councillor D Summers</b>
	<b>Councillor EJ Swinglehurst</b>
	<b>Councillor LC Tawn</b>

## AGENDA

		Pages
1.	<p><b>APOLOGIES FOR ABSENCE</b></p> <p>To receive apologies for absence.</p>	
2.	<p><b>NAMED SUBSTITUTES (IF ANY)</b></p> <p>To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.</p>	
3.	<p><b>DECLARATIONS OF INTEREST</b></p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
4.	<p><b>MINUTES</b></p> <p>To approve and sign the Minutes of the meeting held on 7 April 2017.</p>	7 - 14
5.	<p><b>CHAIRMAN'S ANNOUNCEMENTS</b></p> <p>To receive any announcements from the Chairman.</p>	
6.	<p><b>APPEALS</b></p> <p>To be noted.</p>	15 - 18
7.	<p><b>152261 - LAND AT FORMER OLD SAWMILLS, EARDISLEY, HEREFORDSHIRE, HR3 6NS</b></p> <p>Outline application for approval of new vehicular access only. Demolition of existing site infrastructure and construction of a mixed use development comprising up to 25 dwellings, 3 offices (b1 use class), a village hall, children day-care centre, together with internal roads, car parking, landscaping and drainage.</p>	19 - 46
8.	<p><b>153330 - LAND ADJACENT TO VILLAGE HALL, AYMESTREY, LEOMINSTER</b></p> <p>Proposed 5 no. Dwellings with garages and treatment plant.</p>	47 - 56
9.	<p><b>163445 - LAND AT EATON HILL, LEOMINSTER, HEREFORDSHIRE, HR6 0DG</b></p> <p>Proposed dwelling.</p>	57 - 66
10.	<p><b>163364 - LAND SOUTH OF LADYWELL LANE, KINGSTHORNE, HEREFORD</b></p> <p>Site for 3 detached dwellings with garages and access.</p>	67 - 92
11.	<p><b>DATE OF NEXT MEETING</b></p> <p>Date of next site inspection – 16 May 2017</p> <p>Date of next meeting – 17 May 2017</p>	



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- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- 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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- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
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HEREFORDSHIRE COUNCIL

**MINUTES of the meeting of Planning Committee held at The Council Chamber - The Shire Hall, St. Peter's Square, Hereford, HR1 2HX on Friday 7 April 2017 at 10.00 am**

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

Councillors: BA Baker, BA Durkin, PJ Edwards, DW Greenow, KS Guthrie, EL Holton, MD Lloyd-Hayes, FM Norman, GJ Powell, AJW Powers, A Seldon, WC Skelton, EJ Swinglehurst and LC Tawn

**122. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors CR Butler, JA Hyde, TM James and D Summers.

**123. NAMED SUBSTITUTES**

Councillor BA Durkin substituted for Councillor CR Butler, Councillor MD Lloyd-Hayes for Councillor D Summers and Councillor GJ Powell for Councillor JA Hyde.

**124. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**125. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 15 March 2017 be approved as a correct record and signed by the Chairman.

**126. CHAIRMAN'S ANNOUNCEMENTS**

There were none.

**127. APPEALS**

The Planning Committee noted the report.

**128. 163996 - JUNCTION OF THE STRAIGHT MILE AND B4399, ROTHERWAS, HEREFORD, HR2 6JL**

*(Change of use to high quality public open space and a landmark public art feature. application for a skylon tower, a 46m high, vertical, corten steel landmark feature located within the heart of Skylon Park, Hereford Enterprise Zone.)*

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr N Kerr, Vice-Chair of the Enterprise Zone Executive Board, spoke in support of the application.

The local ward member was unable to attend the meeting. In accordance with the Council's Constitution, Councillor MD Lloyd-Hayes, spoke on the application on his behalf.

She commented that the proposal reflected Hereford's manufacturing heritage as a centre for engineering. The landscaping providing public open space was welcome. The construction itself was contemporary, attractive, and an iconic piece of public art. She supported the application.

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

- The structure would be a landmark of which the County could be proud. It was at a strategic junction. The scale was proportionate. It would have a limited visual impact on the landscape.
- Maintenance of the public open space and water feature would be important.
- It was to be hoped that local craftsmen would be involved in the design and construction.
- It was asked whether there was scope to use the structure for visual displays and other purposes. The Lead Development Manager commented that this would be a matter for the applicant to discuss with the authority. Any proposal would need to be considered on its merits.
- In response to further questions about lighting of the structure the Principal Planning Officer commented that consideration would need to be given amongst other things to a potential conflict with nature conservation interests. An additional condition could govern such matters. Members supported this addition.

The Lead Development Manager commented that the Committee had properly assessed the impact on nearby heritage assets.

Councillor Lloyd-Hayes was given the opportunity to close the debate on behalf of the local ward member and reiterated her support for the application.

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

1. **C01 - Time limit for commencement (full permission)**
2. **C06 - Development in accordance with the approved plans**
3. **C13 - Samples of external materials**
4. **C96 - Landscaping scheme**
5. **C97 - Landscaping scheme - implementation**
6. **Construction Method Statement**
7. **The recommendations set out in the ecologist's reports from Midland Ecology dated November 2016 and March 2017 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a species mitigation schedule and habitat enhancement scheme should be submitted to, and be approved in writing by, the local planning authority, and the scheme shall be implemented as approved.**

**Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment**



and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

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

8. A period of at least one year of ecological monitoring should be established unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved. On completion of the monitoring, confirmation of the success or otherwise of the mitigation measures should be made to the local planning authority in writing together with any photographic evidence of the measures implemented.

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

Reason: To comply with Policies LD2 and LD3 of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

9. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:
- a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice
  - b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors
  - c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment so as to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy.

10. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

**Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment so as to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy.**

- 11. The Remediation Scheme, as approved pursuant to condition no. 10 above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.**

**Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment so as to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy.**

- 12. Prior to the first use of the development hereby permitted, full details of all lighting to be installed upon the site (including upon or within the fabric of Skylon Tower) shall be submitted to and approved in writing by the local planning authority. No external lighting shall be installed upon the site 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.**

**Reason: To safeguard the character and amenities of the area and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework**

#### **INFORMATIVES:**

- 1. Statement of positive and proactive working**
- 2. I09 Private apparatus within highway**
- 3. I51 Works adjoining highway**

*(The meeting adjourned between 10.35 – 10.45 am.)*

#### **129. 163646 - BROCKINGTON, 35 HAFOD ROAD, HEREFORD, HR1 1TA**

*(Demolition of the former office buildings and the redevelopment of the site to provide a 70 bed care home (use class c2).)*

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

In accordance with the criteria for public speaking, Mr S Kerry, Clerk to Hereford City Council spoke expressing some opposition to the Scheme. Mr I Holme, the applicant's architect, spoke in support of the application.

The local ward member had indicated that they would not attend the meeting.

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

- Several Members expressed disappointment that the proposal involved the demolition of Brockington House and questioned whether this was necessary. The possibility of retaining at least the façade of the building was also raised. It was, however, also acknowledged that a purpose built building had its advantages.
- It was suggested that the existing building had been degraded as an asset. It was set back from the road and, given the nature of the extensions to it the impact on the conservation area of the new development would if anything be a marginal benefit.
- A concern was expressed that the local health care provider had not been consulted on the proposal. In reply the Lead Development Manager drew attention to paragraph 4.5 of the report which stated that the proposal would be welcomed by the Council, and by Herefordshire Clinical Commissioning Group. Several members commented on the benefit the scheme would provide.
- Concern was also expressed as to whether the proposed parking provision would be sufficient taking account the number of both staff and residents. There was a wish to avoid on-street parking. The Lead Development Manager commented that under the council's adopted standards the approved level of parking for such a proposal would normally be 17-18 spaces. The proposal currently provided for 31 spaces and a further 3 spaces could be accommodated within the existing design. Members supported this additional provision being secured.
- The comments of the Conservation Manager (Trees) on the protection of trees on the site were welcomed. The Principal Planning Officer commented that the protection of trees on the site had formed an important part of the discussions about the design of the proposal and condition 6 addressed this point.
- In response to a question the Principal Planning Officer confirmed that it would be possible to include provision within the conditions for the reuse of materials from the house where this was considered appropriate. Members supported such a condition.

**RESOLVED: That officers named in the Scheme of Delegation to officers be authorised to grant planning permission subject to the conditions set out in the report and an amendment to condition number 5 relating to parking provision and the reuse of materials from Brockington House where appropriate:**

1. **A01 - Time limit for commencement (full permission)**
2. **C08 - Amended plans**
3. **C13 - Samples of external materials**
4. **C26 - Details of window sections, eaves, verges and barge boards**
5. **C48 - Archaeological survey and recording (as amended)**
6. **C90 - Protection of trees/hedgerows that are to be retained**
7. **C95 - Details of boundary treatments**
8. **C96 - Landscaping scheme**
9. **C97 - Landscaping scheme - implementation**
10. **CAB - Visibility splays**
11. **CAE - Vehicular access construction**
12. **CAL - Access turning area and parking**

13. **CAZ - Parking for site operatives**
14. **CB2 - Cycle parking**
15. **CB3 - Travel Plan**
16. **CBK - Restriction on hours during construction**
17. **CCK - Details of slab levels**
18. **CD6 - Comprehensive and integrated draining of site**
19. **CE6 - Efficient use of water**

**INFORMATIVES:**

1. **Statement of positive and proactive working**
  2. **I05 - No drainage to discharge to highway**
  3. **I08 - Section 278 Agreement**
  4. **I09 - Private apparatus within highway**
130. **162601 - LAND ADJACENT TO UPPER WESTON, WESTON UNDER PENYARD, HEREFORDSHIRE**

This item was withdrawn from the agenda prior to the meeting at the agent's request following consultation by officers with the Chairman.

131. **DATE OF NEXT MEETING**

The Planning Committee noted the date of the next meeting.

**Appendix- Schedule of Updates**

The meeting ended at 11.40 am

**CHAIRMAN**

## PLANNING COMMITTEE

Date: 7 April 2017

### 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**

**163646 - DEMOLITION OF THE FORMER OFFICE BUILDINGS AND THE REDEVELOPMENT OF THE SITE TO PROVIDE A 70 BED CARE HOME (USE CLASS C2) AT BROCKINGTON, 35 HAFOD ROAD, HEREFORD, HR1 1TA**

**For: Prime Care Home Developments 2 Limited/Hereford Care Home Limited per Mr Bob Smaylen, 5 The Triangle, Wildwood Drive, Worcester, WR5 2QX**

### **ADDITIONAL REPRESENTATIONS**

In response to the amended proposals the City Council responded on 1<sup>st</sup> March 2017 as follows:-

*“No strong objection from Hereford City Council Planning Committee on Application 163646. However, we find it shameful that such a historic building need be demolished. It would be in the interest of preservation to keep it up. There is also no tree appraisal or report included, and this must be provided to gain our approval.”*

### **OFFICER COMMENTS**

In response to the City Council's amended comments, the case officer replied on 2<sup>nd</sup> March to confirm that a tree appraisal had been submitted and was available to view on the website. It was requested that an updated reply be submitted once the City Council had reviewed the tree appraisal. None was forthcoming.

### **NO CHANGE TO RECOMMENDATION**

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>26 April 2017</b>
<b>TITLE OF REPORT:</b>	<b>APPEALS</b>

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**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 163231**

- The appeal was received on 4 April 2017
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr & Mrs Colin Mason
- The site is located at Land at Comberton adjacent to Orchard Farm, Comberton, Orleton, Leominster, Herefordshire
- The development proposed is Proposed 2 bedroom dwelling and garage, workshop/implement store.
- The appeal is to be heard by Written Representations

**Case Officer: Mr Mark Tansley on 01432 261815**

## ***APPEALS DETERMINED***

### **Application 161909**

- The appeal was received on 8 December 2016
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Non determination
- The appeal was brought by M G & G J Morgan
- The site is located at Bage Court, Scotland Bank, Dorstone, Hereford, Herefordshire, HR3 5SU
- The development proposed was Erection of an agricultural building for free range egg production with associated feed bins and hardstanding areas.

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

- The main issues were:
  - (a) The effect of the proposed development on the character and appearance of the area;
  - (b) The effect of the proposed development on highway safety;
  - (c) The effect of the proposed development on biodiversity; and
  - (d) Whether any harm which may arise from the proposed development would be outweighed by any benefits which it may deliver.
- **Decision:**
- This appeal was made under Section 78 of the Town and Country Planning Act 1990 against Non determination
- The appeal was Dismissed on 29 March 2017

**Case Officer: Mr Roland Close on 01432 261803**

**Application 161388**

- The appeal was received on 5 December 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 E Widgery
- The site is located at 23 Winchester Avenue, Hereford, Herefordshire, HR1 1QJ
- The development proposed was Proposed extension
- The main issue(s) were:
  - (a) The character and appearance of the existing dwelling and the area;
  - (b) The living conditions of the occupiers of 21 Winchester Avenue, with particular regard to outlook and light

**Decision:**

- The application was Refused under Delegated Powers on 24 June 2016
- The appeal was Dismissed on 5 April 2017

**Case Officer: Mr Fernando Barber-Martinez on 01432 383674**

**Application 162611**

- The appeal was received on 8 December 2016
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Mr Richard Adams
- The site is located at Old Chapel Cottage, Upper Grove Common, Sellack, Herefordshire
- The development proposed was Application for erection of single dwelling, garage and access arrangements.
- The main issue(s) were:
  - (a) Whether the proposal development would be in a suitable location; and
  - (b) The effect of the proposed access and egress arrangements on highway safety.

**Decision:**

- The application was Refused under Delegated Powers on 25 October 2016
- The appeal was Dismissed on 5 April 2017

**Case Officer: Miss Emily Reed on 01432 383894**



**Application 162111**

- The appeal was received on 8 December 2016
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Mr R Cross
- The site is located at Stone House, Bromyard Road, Cradley, Malvern, Herefordshire, WR13 5JN
- The development proposed was Proposed detached dwelling and vehicle access.
- The main issue is whether the proposed development would be in a suitable location, given that the appeal site lies outside any settlement boundary.

**Decision:**

- The application was Refused under Delegated Powers on 26 August 2016
- The appeal was Dismissed on 6 April 2017

**Case Officer: Mrs G Webster on 01432 260139**

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





<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>26 April 2017</b>
<b>TITLE OF REPORT:</b>	<p><b>152261 - OUTLINE APPLICATION FOR APPROVAL OF NEW VEHICULAR ACCESS ONLY. DEMOLITION OF EXISTING SITE INFRASTRUCTURE AND CONSTRUCTION OF A MIXED USE DEVELOPMENT COMPRISING UP TO 25 DWELLINGS, 3 OFFICES (B1 USE CLASS), A VILLAGE HALL, CHILDREN DAY-CARE CENTRE, TOGETHER WITH INTERNAL ROADS, CAR PARKING, LANDSCAPING AND DRAINAGE AT LAND AT FORMER OLD SAWMILLS, EARDISLEY, HEREFORDSHIRE, HR3 6NS</b></p> <p><b>For: West Register (Realisation) Ltd per Mr Daniel Jackson, Lowry House, 17 Marble Street, Manchester, Greater Manchester, M2 3AW</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=152261&amp;search=152261">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=152261&amp;search=152261</a>
<b>Reason Application submitted to Committee – Contrary to Policy</b>	

**Date Received: 30 July 2015**

**Ward: Castle**

**Grid Ref: 331401,249094**

**Expiry Date: 31 August 2016**

Local Member: Councillor WC Skelton

## **1. Site Description and Proposal**

- 1.1 The site is approximately 2.4 hectares in size and comprises two parcels of brownfield land separated by a private road, which in turn emerges directly onto the A4111. The A4111 is the main road that runs through Eardisley and development is arranged in a linear fashion, but in some depth, along the road. Much of the village is designated as a Conservation Area and its boundary lies immediately to the east of the site.
- 1.2 The northern parcel of land currently comprises two vacant industrial buildings. These largely fill the site, but there are some small areas of grassland and hardstanding to the side and rear. The second parcel to the south of the private road comprises mostly hardstanding with three small pre-fabricated buildings. It is bounded to the south by trees and vegetation with agricultural land beyond. The western boundary is shared with a small residential estate (Lady Gardens) and Eardisley Church of England Primary School. This boundary is again well vegetated. An existing industrial estate is located immediately to the east with the boundary defined by a watercourse and intermittent vegetation.

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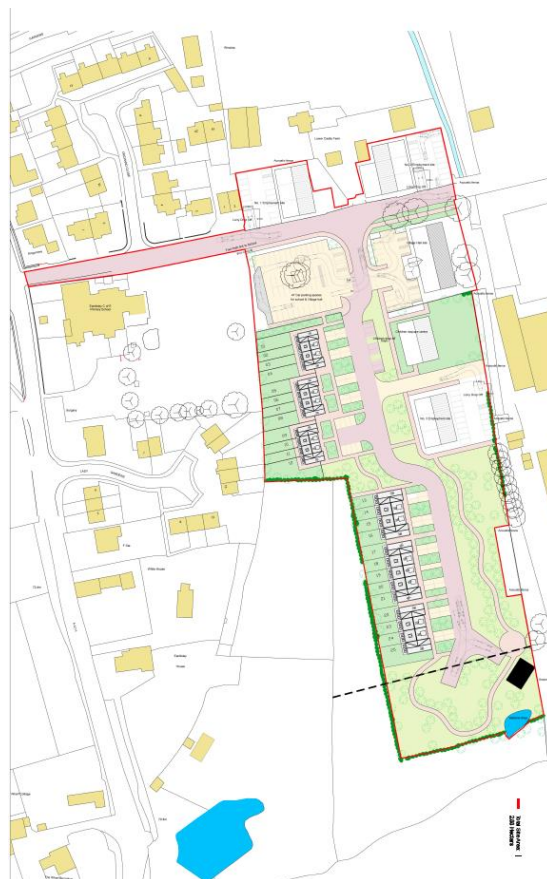
Further information on the subject of this report is available from Mr A Banks on 01432 383085

Aerial photo showing the site and surrounding area



- 1.3 The proposed development is for new housing with up to 25 dwellings, employment units, land to accommodate a village hall, children day-care centre, ancillary car parking spaces and associated open space. The application has been submitted in outline with all matters apart from access reserved for future consideration and includes an indicative layout, shown below:

Indicative layout plan



- 1.4 A Transport Assessment has been submitted in support of the application. Vehicular access to the site will be taken from the private road which in turn emerges onto the A4111. The Transport Assessment includes a series of upgrades along the private road, including the provision of footways back to the A4111 junction. The indicative layout shows a simple north-south spine road to serve the development site itself.

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Further information on the subject of this report is available from Mr A Banks on 01432 383085

1.5 In addition to the Transport Assessment, the application is also accompanied by the following documents:

- Design & Access Statement
- Planning & Heritage Statement
- Noise Impact Assessment
- Flood Risk Assessment & Drainage Strategy
- Geo-Environmental Desk Study / Risk Assessment (land contamination)
- Arboricultural Assessment
- Ecological Appraisal

1.6 The Noise Impact Assessment and Flood Risk Assessment & Drainage Strategy have been amended since their original submission to take account of comments received from the Council's Environmental Health Department and Environment Agency respectively. The application has also been subject to an independent viability assessment, commissioned by officers and completed by the District Valuation Office. This has concluded that the scheme will not be economically viable if the scheme is required to deliver affordable housing and financial contributions towards matters including highway and education improvements. On this basis this report does not include a Draft Heads of Terms Agreement. The absence of affordable housing also means that the proposals are contrary to Policy MD1 of the Eardisley Group Neighbourhood Plan and it is for this reason that the application is reported to this Planning Committee. Both of these matters will be considered in depth in the case officer's appraisal.

## 2. Policies

2.1 Herefordshire Local Plan - Core Strategy:

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land For Residential Development
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
RA1	-	Rural Housing Distribution
RA2	-	Herefordshire's Villages
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
SC1	-	Social and Community Facilities
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
E1	-	Employment Provision
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
ID1	-	Infrastructure Delivery

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

## 2.2 National Planning Policy Framework:

The following sections are of particular relevance:

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

## 2.3 Eardisley Group Neighbourhood Plan (This is a made plan.)

SD1 – Sustainable Development  
T1 – Traffic Measures within Villages  
T2 – Transport Requirements Related to Developments  
T3 – Promotion of Sustainable Transport Measures  
E1 – Flooding  
E2 – Heritage Assets and Village Character  
C1 – New or Additional Services and Facilities  
C2 – Developer Contributions to New Facilities  
H2 – Settlement Strategy  
H3 – Affordable Housing  
H4 – New Homes in Eardisley  
H7 – Criteria for Housing Development in Eardisley Group  
MD1 – The Old Sawmills Site, Eardisley

## 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 relevant to this application

## 4. Consultation Summary

### Statutory Consultations

#### 4.1 Environment Agency

Having reviewed section 5.0 of the submitted Flood Risk Assessment (FRA) we note reference to Table 3 (Flood Risk Vulnerability and Compatibility) and that 'more vulnerable' development is acceptable within Flood Zones 1 and 2 but will need to satisfy the Exception Test to be situation in Zone 3. However, a large portion of this site lies within Flood Zone 3, the high risk Zone. Whilst the FRA seeks to address issues relating to flood risk on the site (Exception test) there is no Sequential consideration of alternative sites at a lower level of flood risk i.e. wholly within Flood Zone 1. In essence Section 5.0 of the FRA has outlined the Sequential Test process without carrying it out. Whilst the FRA may ultimately show that the development is safe and will not increase flood risk post development we would still expect adherence to the Sequential Test in justifying why the proposals are to be located on a site with flood risk issues instead of other Flood Zone 1 sites.

- 4.2 On the basis of the above the Environment Agency originally objected to the application and outlined a number of matters to be addressed. The applicant's subsequently submitted a revised FRA and Drainage Strategy. The following comments were received from the Environment Agency:
- 4.3 The revised FRA has addressed the flood risk issues raised in our response of the 20 August 2015. This was primarily relating to the need for sensitivity tests to be undertaken on the modelling included in Odyssey Markides' original FRA.
- 4.4 However, we also questioned whether there would be safe access/egress from the site to land in Flood Zone 1 in a 1 in 100 year plus climate change event. We also requested more detailed information on the proposed flood storage compensation scheme should built development/ground raising take place in the 1 in 100 year plus climate change floodplain extent.
- 4.5 Section 3.13 of the revised FRA details the sensitivity tests that have now been undertaken including a blockage scenario and an assessment of the channel roughness and these are also included in H20k's hydraulic modelling report addendum dated November 2015. An assessment of a 70% blockage of the culvert at the upstream end of the site did result in overland flows but not affecting the site itself. Again, Table 1 of the FRA illustrates that increasing the channel roughness does raise flood levels slightly but levels are still lower than top of bank level.

We are therefore satisfied that the additional sensitivity tests have been undertaken as requested.

- 4.6 Section 7.1 of the FRA states that most of the residential units will be located in Flood Zone 1 except 3 units and part of the highway which are located in Flood Zone 2 towards the southern end of the site. Section 7.3 of the revised FRA offers 2 suggestions for finished floor levels. We would expect floor levels to be set 600mm above the 1 in 100 year plus climate change event. Drawing No. 13/237/104/C in Appendix D of the hydraulic modelling report addendum shows minimum floor levels of 71.84m AOD for residential properties in the southern part of the site. According to the drawing, this would be 600mm above the 1 in 1000 year modelled level of 71.24m AOD and would be satisfactory.
- 4.7 Section 7.6 explains that safe access/egress is available and that maximum depths on the route are 100mm in a 1 in 100 year event, including climate change. Table 13.1 of the Defra/EA guide (Flood Risk Assessment Guidance for New Development) confirms that this degree of flooding would be deemed as falling below 'Danger for Some'. Figure 5.1 of the original modelling report highlights the 1 in 100 year plus climate change depths in Eardisley. It should be noted that we do not offer a flood warning service for the watercourses in Eardisley though we do for the River Wye to the south of the village.
- 4.8 We would question why development is required in Flood Zone 2. However, this is a brownfield site with the majority of land being shown to fall in Flood Zone 1 so there would be higher land available to lower to offset any buildings/ground raising in the 1 in 100 year plus climate change floodplain. On this occasion, given the size of the watercourse, the small extent of the floodplain within the site and the land above the floodplain which could be reprofiled, we would be satisfied that a planning condition could deal with the details of this flood storage compensation scheme.
- 4.9 Welsh Water

No objection subject to the imposition of conditions

#### 4.10 Heritage England

Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

#### Internal Council Consultations

#### 4.11 Transportation Manager

The road serves an industrial estate with significant HGV movements. The proposal is to provide a mix of employment, residential and school traffic in the provision of parking and potentially a village hall.

4.12 The access onto the A4111 doesn't provide suitable footpath width and radii for vehicles to enter and exit safely without conflict. The intensification of residential will increase significantly the footfall in the location. The footpath on the north side is substandard. The access road will not promote a shared space due the type of traffic generated, therefore safe passage is required for vulnerable users, for the site to the desired location whether it's the school, church or north of the village.

4.13 The drawings provided do not give surety of this requirement, I can't see any speed surveys to support the very short distance, y distance of 43m, for the access.

4.14 The applicant needs to demonstrate, through the TA, that the access arrangements are safe, also taking into account the close proximity of the crossing, this has been a concern for the locals and school who wish to see this as a controlled crossing.

4.15 There should be opportunities in the existing layout to provide a footpath link of suitable width, to the footpaths onto the A4111. The access junction needs to be assessed as to suitable visibility splays, non-conflict with the crossing and taking the opportunity to provide a layout that will be to adoptable standards and a S38 agreement entered into. The school should be party to the discussion as they may be able to provide land especially as they will see the benefit of the development with additional parking.

#### Conservation Manager

#### 4.16 Ecology

I have read the ecological report which I find both comprehensive and reasonable in its proposals. I note that there are difficulties with access to some ponds to determine the status of great crested newt (GCN) in the vicinity. However, the proposals for reasonable avoidance measures outlined in the report together with site mitigation measures should be adequate to deal with the risks to any GCN in their terrestrial phase. Likewise, site checks can also incorporate reptile appraisal to ensure that no individuals are left vulnerable as a result of the displacement procedure to be adopted and also a dormouse follow-up survey. Features on the site also require checking for other species such as the voids of the buildings for bats although the evidence suggests there are no roosts. Likewise pre-clearance checks of trees to be removed are also possible. The site's development proposes retention of the most valuable biodiversity features intact such as hedgerows along with most trees and scrub; this offers potential for the enhancement of these features which I welcome. No objection subject to conditions.



#### 4.17 Landscape

The site is located upon land formerly used as a saw mills, situated between Eardisley Primary School to the west with further industrial units to the north and east.

4.18 The site lies adjacent to the existing settlement boundary and relates well to the village of Eardisley. There are no designations on site but the Conservation Area does run parallel with part of the western boundary. Given the sites former use and its current condition it is considered that there is opportunity for enhancement of this brownfield site, the principal of development upon the site is therefore welcomed.

4.19 Notwithstanding the above there are a number of constraints that would need to be addressed as part of the proposal; the site lies wholly within Flood zone 2 and partially within Flood zone 3 as shown on Environment Agency mapping. The site does lie adjacent to industrial space and will share the same access via Orchard Close, any conflict of land use would therefore need to be considered and the layout adjusted accordingly.

4.20 With respect to landscape features having read the arboriculture report dated July 2015 it is noted that a number of individual trees and groups of trees are shown on figure 3 for removal. It is acknowledged that these are category C and are either poor quality or limited life span however the removal of Groups 4 and 5 in particular will open up the site to the surrounding landscape, resulting in views from the A4111 southern approach to the settlement. Given that this southern section of the site falls within Wet Pasture Meadows landscape character type; described as unsettled landscapes, it is recommended that this section of the site be retained and planted to provide an extensive landscape buffer, in line with management guidelines for this landscape type.

#### 4.21 Land Drainage Engineer

The submitted FRA indicates that the proposed foul water pumping station is to be located in Flood Zone 2. Whilst we have no objections to this proposal, we recommend that the pumping station is located outside of the predicted extent of fluvial flood risk to minimise associated pollution risks or damage to the pumping station should a fluvial flood event occur. If the pumping station is to remain in the modelled fluvial flood extents, we recommend that, prior to construction, the Council requests further clarification as to the measures that will be implemented to manage the potential ingress of flood waters to prevent unacceptable pollution risks or performance of the pumped system.

4.22 The FRA states that flood compensation storage equal to the volume that is to be lifted out of Flood Zone 2 (to provide the recommended raised finished floor levels) will be provided within the site boundary to ensure no reduction in the total floodplain storage volume up to the 0.1% (1 in 1000) annual probability event. The FRA states that the flood compensation area is shown on Drawing No 13/237/104 revision C, but no flood compensation area is indicated on this drawing. We recommend that this is clarified by the Applicant.

4.23 The submitted FRA states that safe access and egress will be available via the access road in the north of the site, and then via Park Road that continues west of the site or Church Road that continues north and south of the site. The Modelling Report included in the FRA indicates no flooding along Park Road up to the 1 in 100 year event with climate change allowance. The same report indicates a flood depth of up to 0.10m at Church Road – this depth is not considered dangerous for people and cars. The proposed access and egress routes are therefore considered appropriate.

#### 4.24 Other Considerations and Sources of Flood Risk

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

#### 4.25 Surface Water Drainage

The submitted FRA states that it is unclear how surface water runoff from the existing site is currently drained. Welsh Water records identify no public sewers within the site boundary or its vicinity. The report states that it is likely that surface water runoff is discharged to the adjacent ordinary watercourse at a point adjacent to the southern boundary of the site.

4.26 The submitted FRA includes information regarding the proposed surface water drainage strategy for this development. Currently the vast majority of the site is impervious. The submitted FRA states that the proposed development will reduce the impervious area from approximately 1.9ha to approximately 1.1ha, which would reduce the surface water runoff generated on site and therefore reduce the existing discharge rate to the nearby watercourse. The submitted FRA includes a table comparing greenfield runoff rates calculated for the site to pre- and post-development runoff rates. This information is summarised in the table below:

Storm event (years)	Greenfield runoff rate (l/s)	Pre-development runoff rate (l/s)	Post-development runoff rate (l/s) + 30% CC
1	4.9	230	82
30	9.9	564	113
100	12.3	729	128

4.27 The submitted FRA states that the proposed drainage system will include SUDS techniques in the form of permeable paving, swales/filter strips and an attenuation pond. Discharge from the system will be to the ordinary watercourse to the east of the site. We approve of this approach and, in particular, the Applicant's use of natural techniques for the treatment of runoff prior to discharge.

4.28 The submitted FRA also states that the proposed drainage system will be designed to cater for the 1 in 100 year event with 30% climate change allowance. We assume that this means that all runoff up to and including the 1 in 100 year event will be contained within the proposed drainage system – with attenuation provided beneath the permeable paving and in the proposed pond to the south of the site. However, the proposed rate of discharge to the ordinary watercourse to the east of the site is unclear.

4.29 The Non-Statutory Technical Standards for Sustainable Drainage Systems states that "For developments which were previously developed, the peak runoff rate from the development to any drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event must be as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event" and that "Where reasonably practicable, for developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year, 6 hour rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event". Whilst we fully appreciate that the development will naturally reduce the runoff rate from the site through the reduction in impervious area, the post-development runoff rate as summarised in the table above is still significantly greater than the equivalent greenfield runoff rate. For a development of this size, we therefore expect some further attenuation of runoff to be provided prior to discharge.

4.30 Prior to construction, the discharge of surface water from the site to the ordinary watercourse to the east of the site will require the appropriate Ordinary Watercourse Consent from Herefordshire Council.

- 4.31 In accordance with the NPPF, the use of infiltration features for the management of surface water runoff should be promoted in the first instance. If drainage cannot be achieved solely through infiltration due to site conditions or contamination risks, the preferred options are (in order of preference): (i) a controlled discharge to a local watercourse, or (ii) a controlled discharge into the public sewer network (depending on availability and capacity).
- 4.32 The submitted FRA states that the site is underlain by clayey soils and therefore infiltration techniques are unlikely to be feasible. We agree with this conclusion, but recommend that soil infiltration tests are undertaken in accordance with BRE365 guidance prior to construction to demonstrate the poor suitability of the site for infiltration techniques, or to demonstrate that infiltration techniques have been maximised as far as practicable should infiltration (or combined infiltration and attenuation) prove a viable option.
- 4.33 The submitted FRA considers the need for overland flow paths to mitigate residual flood risk and states that these are proposed to be along the access road before spilling over the kerb and tipping into the existing floodplain area adjacent to the southern boundary of the site.
- 4.34 **Foul Water**  
Foul water generated by the development is proposed to be discharged by gravity to a pumping station located in the south-eastern corner of the site, and then pumped through a raising main back up to a new manhole near the intersection of Church Road. From this manhole, the foul water will be discharged via gravity to the existing 225mm diameter public combined sewer located in Church Street.
- 4.35 As discussed above, the submitted FRA indicates that the proposed foul water pumping station is to be located in Flood Zone 2. We recommend that the pumping station is located outside of the predicted extent of fluvial flood risk to minimise associated pollution risks or damage to the pumping station should a fluvial flood event occur. If the pumping station is to remain in the modelled fluvial flood extents, we recommend that, prior to construction, the Council requests further clarification as to the measures that will be implemented to manage the potential ingress of flood waters to prevent unacceptable pollution risks or performance of the pumped system. This could potentially be achieved through raising the pumping station above the flood level predicted for the 1 in 1000 year event and/or implementing measures to manage any residual risks should flooding of the pumping station occur.
- 4.36 It is recommended that prior to construction the Applicant submits confirmation from Welsh Water regarding the acceptability of the proposed foul water connection.
- 4.37 **Overall Comment**  
In principle for outline planning permission we do not object the proposed development on flood risk and drainage grounds. We do, however, highlight that there are a number of concerns that must be addressed during any subsequent reserved matters application and/or discharge of conditions:
- Consideration of revising the proposed development layout to locate all residential development plots outside of the mapped fluvial Flood Zone 2.
  - Consideration of revising the proposed development layout to locate the proposed foul water pumping station outside of the mapped fluvial Flood Zone 2, or provision of further information to demonstrate the measures that will be implemented to manage the potential ingress of flood waters to prevent unacceptable pollution risks or performance of the pumped system.
  - Clarification of the proposed surface water discharge rate to the adjacent ordinary watercourse and demonstration that the Applicant has strived to meet the recommendations of the Non-Statutory Technical Standards for Sustainable Drainage Systems as far as practicable.

#### 4.38 Housing Officer

In principle Housing support the outline application for 25 dwellings of which 9 would be affordable. It would be requested that the 9 dwellings are split 56% social rent, 44% Intermediate Housing. Further discussions are needed to determine the bed size and location of the dwellings.

All affordable housing to be allocated to those with a local connection to Eardisley in the first instance.

#### 4.39 Parks & Countryside Officer

The indicative masterplan shows an area of green space. It is understood from the accompanying information that this will meet both the policy requirements and local needs as follows:

4.40 Planning statement: The applicant states that: In total the indicative layout provides approximately 0.15ha of open space which more than adequately meets the policy requirements

4.41 Developer Contributions: It is agreed that the applicant is providing in excess of the size required but much of it is provided to enhance the overall biodiversity of the site and provision of new wildlife habitats and in doing so provide "a landscape buffer zone/linear park/open space".

4.42 In meeting policy requirements the applicant should therefore demonstrate how much of this would be considered usable for informal recreation and informal children's play. It is understood that some of it may form a SuDs area and it can if designed accordingly to take account of health and safety of standing water to be used for informal recreation and if so can be considered as part of the overall POS requirements as identified above.

4.43 With regard to the formal play element there is no mention of this being provided either on or off-site (the existing play area at the Millenium Green in accordance with the Play Facilities Investment Plan is in need of refurbishment) but it is acknowledged that the Parish Council has been consulted during the process of preparing this application and in taking into account their local needs and in particular the emerging neighbourhood plan the applicant has not included a formal play element but possibly above the minimum requirement of informal green space.

#### Environmental Health & Trading Standards Manager

#### 4.44 Contaminated Land

No objection subject to the imposition of conditions

#### 4.45 Noise

The key issues in relation to noise are:

- The proposed units adjacent to existing residential property to the north of the site. I am of the opinion that the use of these units be restricted to B1 to minimise the impact on neighbouring residents.
- Similarly the proposed units to the eastern side of the development close to proposed residential property.
- The siting of the proposed four residential units to the east of the site abutting the industrial estate. We would expect noise levels in the amenity ie rear gardens of these properties to meet the standard of 50dB in external areas where possible as set out in BS8233.

Please can you advise further on:

- i) The existing use classes of the industrial premises to the eastern side of the proposal.
- ii) Any restrictions on hours of trading and vehicular movement on the site to the east.

Following the submission of a revised noise assessment the following comments were received:

- 4.46 Our department objects to the change of use of part of the industrial estate from B2 industry to C3 residential dwellings at this site due to the proximity and potential impact on the proposed residential development of existing industrial use. We are of the view that sectioning off part of the industrial estate for housing is inappropriate due to the noise emanating from the site which is noticeable and disruptive for the majority of the working day.
- 4.47 Although we have had no complaints regarding noise from the current industrial activities at the site including the wood chipper at Edge Renewables, this department has received complaints from neighbouring residential premises regarding the noise emanating from the former Forest Fencing.
- 4.48 The noise assessment focusses on the impact of the wood chipper at Edge Renewables and background noise levels are assessed when this is not active. We would take the view that background noise levels might be higher due to other industrial activity on the site and understand that there are no planning controls which regulate the hours of trading or other conditions relating to noise or nuisance on any part of the Old Sawmill site. This is cause for concern as businesses on the site could generate noisier activities at different times of day without planning controls which could impact on the amenity of any new residential occupants.
- 4.49 Furthermore the noise impact assessment does not supply an assessment table as outlined in the BS4142 standard and no acoustic feature correction has been supplied with regard to the noise assessment which takes into account the character if the wood chipper noise which is tonal and intermittent.
- 4.50 Education  
  
The educational facilities provided for this development site are Kington Primary School and Lady Hawkins High School.
- 4.51 Eardisley Primary School has a planned admission number of 15. As at the schools summer census 2015 three year groups are at or over capacity- YR=17, Y1=18, Y3=17  
The school will require additional classroom space to accommodate the needs of the children created by this development and we would therefore be seeking the contribution to provide additional classroom, cloakroom and toilet facilities to accommodate larger groups.
- 4.52 Lady Hawkins Secondary School has a planned admission number of 80. As at the schools summer census 2015 all year groups have spare capacity- no contribution.
- 4.53 Please note that the Planned Admission Number of the above year groups is based on permanent and temporary accommodation, whereas section 3.5.6 of the SPD states that the capacity should be based on the permanent accommodation, therefore, additional children may also prevent us from being able to remove temporary classrooms at Lady Hawkins School that we would otherwise be able to do.

4.54 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:

- 2+bedroom apartment - £1,084
- 2/3 bedroom house or bungalow - £1,899
- 4+ bedroom house or bungalow - £3,111

## 5. Representations

### 5.1 Eardisley Group Parish Council

The Parish Council are happy with the principle of the development of this site to provide a mix of housing, offices, village hall, and children's day-care nursery, car-parking and landscaping as it is part of the Eardisley Group Neighbourhood Plan which is currently at the external examiner stage. The housing numbers are in accordance with the Neighbourhood Plan.

EGPC broadly support this outline application but have reservations about some aspects which will need careful consideration before the submission of a detailed application.

The following should be noted when preparing the detailed application: -

- The position of the children's day-care nursery – it would be better next to the School to enable them to share facilities; so that toddlers do not have to cross any roads and so improve security as there would need to be a safe access onto the School playing fields from the nursery and car-park.
- The layout of the site especially the positioning of some of the proposed housing.
- Maintenance of the brooks/ditches with the provision of a 3 metre strip alongside for cleaning access – Neighbourhood Plan recommendation
- Drainage needs to be improved with a larger culvert.
- Flood risk properly investigated.
- Concern over access to the site as this is currently used by HGVs accessing the neighbouring industrial site.

In accordance with the Neighbourhood Plan this application recognises the need for both jobs and housing within the village; both vital if the village is to thrive.

### 5.2 West Mercia Police

I do not wish to formally object to the proposals at this time. However there are opportunities to design out crime and/or the fear of crime and to promote community safety.

I note that this application does not make reference to crime reduction measures within the Design Access Statement. There is a clear opportunity within the development to achieve the Secured by Design award scheme. The development appears to have good access control and natural surveillance already built into the design. The principles and standards of the award give excellent guidance on crime prevention through the environmental design and also on the physical measures. The scheme has a proven track record in crime prevention and reduction which would enhance the community safety in this village.

5.3 Ten letters of support have been received in response to the public consultation process. In summary the points raised are as follows:

- This is a mixed use proposal in accordance with the Neighbourhood Development Plan
- The proposal will provide genuine benefits for Eardisley and surrounding communities
- It will bring about the re-development of a brownfield site
- The proposal accords with Central Government policy

5.4 Two objections have been received in response to the public consultation process. In summary the points raised are as follows:

- The transport survey does not take account of existing HGV movements into and out of the adjacent industrial estate
- Development will put pressure on the A4111 junction and this will jeopardise existing businesses
- Concerns regarding flooding associated with the brook between the development site and industrial estate
- It is suggested that a new road is constructed to run to the south of the site and industrial estate and join the A4111 to the south of the village

5.5 One letter expressing mixed views has also been received. In summary the points it raises are as follows:

- The noise report does not take account of an existing woodchip processing business and surveys were completed when its machinery was not operational
- The sawmill site has been a home for wood manufacture for many years and the use of such machinery is permitted
- Whilst noise levels are not expected to increase, their duration might with an increase in business
- Without appropriate acoustic prevention on the site, existing background noise would be to the detriment of prospective residents.
- It is encouraging that the noise report was also undertaken overnight and confirms that noise levels are acceptable at night
- There is a possible conflict between existing HGV movements and traffic generated by this proposal

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

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=152261&search=152261](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=152261&search=152261)

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

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

## 6. Officer's Appraisal

### Principle of Development

6.1 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 The development plan for Herefordshire is in main part the Herefordshire Local Plan - Core Strategy. The Core Strategy was adopted on 16 October 2015. This followed Examination

hearings in February 2015 and the Inspector's subsequent conclusion that, with modifications as proposed, the Core Strategy is sound and provides an appropriate basis for the planning of the District.

- 6.3 With specific regard to Eardisley, the development plan also comprises the Eardisley Group Neighbourhood Plan (EGNP). It was formally made on 13<sup>th</sup> June 2016 and carries full weight in the determination of this application. Policy MD1 allocates the site for a mix of housing and employment uses, together with allocations to be made for a new village hall site, children's day care centre and car parking to serve both and Eardisley Primary School. This allocation followed extensive local consultation and consultation with public bodies including the Environment Agency.
- 6.4 The principle of development of the site is thus identified within the Core Strategy and EGNP, is plan-led and a key component of housing delivery within Eardisley in order for the village to meet its proportionate housing growth targets.
- 6.5 Policy MD1 signifies the formal allocation of the land at the sawmills site for a mixed use development, and in your officer's view, given the plan-led system, is equivalent to acceptance that the development of the site is acceptable in principle. Given the application is made in outline with only access for determination now, compliance with some of the matters identified by MD1 cannot be assessed to the fullest extent now but will be considered at the detailed or Reserved Matters stage. What is clear from the submitted documentation and from the comments made in support of the application by local residents and the parish council, is that the policy requirements have fully informed the work undertaken to date. Insofar as is practical, this appraisal now assesses the application against the matters identified, before looking at any other matters raised in consultation responses that are considered to be material to the determination of the application.

#### Assessment Against Policy MD1 of the EGNP

- 6.6 As a point of reference, Policy MD1 is set out in full below and reads as follows:

*The area of employment land identified on Eardisley Policies Map comprising part (2.5 ha) of the Old Sawmills site may accommodate a range of uses comprising:*

- a) Land amounting to 0.25 ha made available for a future new village hall, with parking elsewhere;*
- b) Land for a new Day Care facility adjacent to Eardisley Primary School, capable of accommodating a building with minimum floor space of 260 sq. metres on two storeys and a play area of 0.13 ha (1,335 sq. metres);*
- c) An area of car parking providing at least 60 spaces that can serve the new Village Hall, Day Care and Eardisley Primary School;*
- d) Premises to support modern employment requirements including flexible office and light industrial units and associated parking, occupying no less than 1.0 ha, subject to viability considerations; with provision for fibre-optic connectivity throughout all areas of the site;*
- e) An area of green infrastructure protection of on-site trees, supporting biodiversity and providing safeguards against surface water flooding;*
- f) A range of 2 to 4 bedroom family and key-worker dwellings, not exceeding 25, to be constructed through a phased programme over 5 years, and including intermediate affordable homes mixed among open market homes, with gardens and off-road parking.*



*Measures will be required to ensure:*

- i) Land is made available to ensure the mixture of uses can be brought forward in a co-ordinated fashion, with appropriate services and access;*
- ii) Arrangements are made to address flooding through a comprehensive approach;*
- iii) Any new homes built are protected from noise, light and air pollution arising from the neighbouring employment area through building design, site layout, buffering and juxtaposition of the uses proposed.*
- iv) Access is retained for the maintenance of the brook running along the side of the site.*

6.7 With regard to points a) and b), the proposal is policy compliant. The indicative layout shows land allocations for a village hall and a day care facility, including an indication of parking provision to be made for both. The applicant has stated that their intention is simply to make the sites available and that their construction will fall to others. This is not considered to be unreasonable in light of the fact that the residential element of the proposal is relatively small scale and an expectation on a developer to construct both would make the scheme as a whole unviable. However, your officers are of the view that in order to facilitate the construction of these community facilities, it would be reasonable to impose a condition to require that both plots are made good and provided with service infrastructure prior to the occupation of the 20<sup>th</sup> dwelling. The imposition of a condition of this nature would also ensure compliance with point i) of policy MD1 which requires uses to be brought forward in a co-ordinated fashion and that they are appropriately serviced.

6.8 In accordance with point c), the plan also shows the provision of a car park that would serve Eardisley Primary School. Although only an outline application, its location on the shared boundary with the school is logical and would facilitate the creation of a pedestrian link into the school grounds. This would represent a significant benefit in terms of highway safety. Parents dropping off or collecting children are currently required to either park along the private road bounding the school to the north, or on the opposite side of the A4111 by the church. This causes conflict between pedestrians, HGVs accessing the industrial estate and other road users. A resolution of this situation represents a significant benefit to highway safety in accordance with Policy MT1 of the Core Strategy and T1 of the EGDP, which specifically seeks to improve the safe delivery of pupils to the school. This has significant weight in the planning balance. In order to ensure compliance with point i) of MD1, officers are of the view that the early delivery of the car park is essential to the development as a whole. It is therefore recommended that, should planning permission be granted, a condition is imposed to ensure that the car park is constructed and capable of use prior to the occupation of the 10<sup>th</sup> dwelling.

6.9 The indicative layout also shows the provision of employment units in accordance with point d). It states that these should provide office and light industrial space. Although not explicit from the policy, such office and light industrial uses fall within Class B1 of the Use Classes Order and are generally considered to be compatible with residential areas. In other instances; Porthouse Farm, Bromyard being a fairly recent example, the introduction of B1 uses to act as a buffer between residential development and less compatible industrial uses has been advocated as a way of mitigating their impacts. These units have the potential to provide a similar buffer to the existing industrial units to the east which are not restricted in terms of their use. It is therefore recommended that, should planning permission be granted, a condition is imposed to limit the use of the buildings to those falling within Class B1 of the Use Classes Order. Members may also wish to consider the imposition of a condition that requires the buildings to be constructed and capable of use prior to the occupation of the 25<sup>th</sup> dwelling. The delivery of the employment element of this mixed used development is an important element of policy MD1 and without a condition there is no certainty that the units would be built. Again, this would also ensure compliance with point i) of the policy.

- 6.10 The indicative layout shows a significant area of open space in the southerly part of the site. This corresponds with the area that is at the greatest risk of flooding as shown by the applicant's site specific modelling. It shows that only the south eastern corner of the site is at risk of flooding in the 1 in 100 and 1 in 1000 year events, thereby placing the majority of the site in Flood Zone 1. This position has been accepted by the Environment Agency and the modelling has allowed them to withdraw their initial objection to this application and also an objection lodged during the consultation phase of the Neighbourhood Plan. The location of the open space provides a link with an area of vegetation that lies beyond the application site and its continuation along the eastern boundary also provides a green corridor along the watercourse. Officers are therefore of the view that the requirements of point e) of policy MD1 are also met.
- 6.11 The application originally included the provision of affordable housing. However, the applicant latterly concluded that the scheme would not be economically viable if affordable housing was required and a Financial Viability Report was submitted to support this position. As indicated in paragraph 1.6 of this report, this has been independently appraised at the request of officers by the District Valuers Office. The absence of affordable housing results in the application being contrary to policy MD1. Members are being asked to set this requirement aside on the basis that the scheme will not otherwise be viable, and grant planning permission.
- 6.12 The applicants Financial Viability Report deals with the economic viability of the proposed scheme and makes a number of assumptions about the eventual value of the residential and commercial units, the build cost of the development, the profit margin that should be expected by the developer and the value of the site. The report is based on an assumption that Section 106 contributions will be paid, but excludes the provision of affordable housing from its development costs,
- 6.13 Paragraph 173 of the NPPF provides some useful advice about financial viability of schemes and reads as follows:
- Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.*
- 6.14 The District Valuers Office (DVO) has been engaged to provide independent expert advice. Their report is based on an assumption that the scheme would deliver 9 affordable units and would attract total contributions of £91,424 through a Section 106 Agreement to mitigate the impacts of the development. This has been undertaken with the agreement of the applicant.
- 6.15 The DVO assessment assumes a slightly lower developer profit of 17.5% as opposed to the 20% on which the applicant's Financial Viability Report is based. Notwithstanding this, the DVO assessment shows a negative Residual Land Value of £-615,735 per hectare and as a result concludes that the scheme would not be viable if the Council were to insist on the provision of affordable housing and S106 Agreement contributions.
- 6.16 The DVO were also asked to undertake sensitivity analysis on the basis of a non-policy compliant scheme whereby no affordable housing or S106 contributions were provided. With these assumptions the Residual Land Value remains as a negative at £-362,083 and the District Valuer concludes that, even in a scenario of non-policy compliance, the scheme remains unviable.

### Conclusion of points a to e

- 6.17 On this basis, your officers are of the view that the requirements to provide affordable housing and to make contributions through a Section 106 Agreement should be set aside. The scheme does secure the provision of other community assets in the form of sites for a village hall and day care centre, and the delivery of a car park to be used by Eardisley Primary School, and these are all given considerable weight in the planning balance. If there is a continued insistence to deliver affordable housing, the site is unlikely to come forward and the other benefits to be derived from the scheme will not be achieved.

### Highway Safety

- 6.18 Policy MT1 of the Core Strategy and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 30 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 32 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where *‘the residual cumulative impacts of development are severe.’*(NPPF para. 32).
- 6.19 The Council’s Transportation Manager’s comments focus primarily on the junction between the A4111 and the private road that gives access to the site. They identify a specific need for the junction to be improved and a need for pedestrian connections to be improved. The improvements that have been identified rely on third party land being released; the suggestion being that the school should be engaged in this process. The school has been approached but have said that they would not be willing to provide land to facilitate the improvement of the junction.
- 6.20 It is accepted that improvements to the junction would be desirable but, in the absence of the co-operation of third parties, they are simply not achievable as shown by the photograph below:

*Junction of the A4111 and private road leading to the application site*



- 6.21 Policy MD1 of the EGNP does not make any specific requirement for junction improvements to be made to facilitate the development of the site. Policy T1 requires proposals to improve the safe delivery of pupils to the school and in your officers view the creation of the car park achieves this.
- 6.22 The allocation of the site for the purposes identified by Policy MD1 will inevitably bring about additional traffic movements and will also introduce more domestic vehicles into an area used substantially by HGV’s. Refusal of this application on the basis that it will bring about

unacceptable increases in vehicle movements at the junction of the A4111 and private road without improvements to it will effectively lead to a conclusion that the only site allocated for specific uses in the EGNP is not deliverable. On balance your officers are of the view that, whilst the development will have a negative impact as the junction is narrow and there will, at times, be conflict between vehicles using it, they are not so severe to warrant refusal. The proposal therefore complies with Policy MT1 of the Core Strategy and Policies T1 and T2 of the EGNP.

### Noise

- 6.23 The results of an initial noise survey completed by the applicants acoustic consultant concluded that noise levels across the site were generally quite low, at levels around 50-55 dB LAeq,T during the day-time, and levels around 40-50 dB LAeq,T during the night time. However, it became evident to the Council that the survey had not taken into account noise generated by a mobile wood chipper on the industrial estate: it later transpired that the wood chipper had been out of action when the survey was completed. At the request of officers a further noise survey was carried out at the site to reassess noise levels.
- 6.24 The survey found that, when operating, the wood chipper was clearly audible across the proposed development site at levels around 55-57 dB LAeq,T. This compares with ambient levels in the absence of the wood chipper noise of around 50-55 dB as measured during the initial survey. These are external noise levels and do not account for any potential acoustic mitigation, other than the distance of the chipper from the site and the intervening industrial buildings which do, to so extent, act as a buffer.
- 6.25 Appropriate design criteria for acceptable maximum noise levels in habitable rooms of new residential developments are given in the World Health Organisation (WHO) document 'Guidelines for community noise', which recommends that "noise exceeding 45dB LAFmax should be limited, if possible" and that "for a good sleep, it is believed that indoor sound pressure levels should not exceed 45dB LAmax more than 10-15 times per night.
- 6.26 National Planning Policy Guidance offers some assistance on the matter of noise and says that:

*Increasing noise exposure will at some point cause the significant observed adverse effect level boundary to be crossed. Above this level the noise causes a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. If the exposure is above this level the planning process should be used to avoid this effect occurring, by use of appropriate mitigation such as by altering the design and layout. Such decisions must be made taking account of the economic and social benefit of the activity causing the noise, but it is undesirable for such exposure to be caused.*

*At the highest extreme, noise exposure would cause extensive and sustained changes in behaviour without an ability to mitigate the effect of noise. The impacts on health and quality of life are such that regardless of the benefits of the activity causing the noise, this situation should be prevented from occurring.*

- 6.27 Paragraph 123 of the NPPF also provides further advice on the determination of planning applications and says that:

*Planning policies and decisions should aim to:*

- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
- *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable*

*restrictions put on them because of changes in nearby land uses since they were established;*

- *and identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.*

6.28 The applicants have sought to address concerns raised by the Council's Environmental Health Officer by amending the illustrative layout and locating the proposed dwellings at a point furthest from the noise source. They have also indicated that an acoustic barrier will be provided along the eastern boundary of the site. In your officers view the applicants have demonstrated that they have had regard for noise and taken steps to mitigate its impact to the best of their abilities within the boundaries of the site. The illustrative layout provides parameters for development and, should planning permission be granted, it is recommended that it is referred to by condition. It is also recommended that the details of an acoustic barrier and measures to mitigate noise within each of the dwellings are provided before the commencement of development and that it should be erected / implemented before any of the dwellings are occupied.

## **Conclusion**

7.1 The proposal is for development of the only site specifically allocated for development in the Eardisley Group Neighbourhood Plan. It is integral to the delivery of sites for facilities that have been identified by the local community as being necessary for the development and growth of the village. The plan has full weight, accords with the principles of the Core Strategy and therefore the principle of development is supported.

7.2 The determination of this application has identified that the site has some shortcomings; most notably the means of access via a private road and its junction with the A4111 and its close proximity to an existing industrial estate and its associated noise sources. The applicant has also provided information to demonstrate that the economic viability of developing the site is marginal and has requested that the application be determined on the basis that it will not provide affordable housing or Section 106 contributions

7.3 With the exception of affordable housing, the proposal will provide sites for all of the local facilities required by Policy MD1 of the EGNP. This is a material consideration that weighs heavily in favour of the development.

7.4 The Council's Environmental Health and Trading Standards Manager has identified the source of noise on the adjacent industrial estate; and particularly a wood chipping business, as having a potential negative impact on development. The amended illustrative layout positions dwellings at the furthest point away from the noise source as is possible and provides for an acoustic barrier along the shared boundary. Further mitigation should be employed in the construction of the dwellings themselves and on this basis it is the view of the case officer that this is the maximum that can be achieved to ensure the delivery of the allocated site.

7.5 The highway improvements that can be achieved at the junction of the private road serving the site and the A4111 are limited given the immediate proximity of third party land to either side. Conditions are recommended to secure the early delivery of the car park to be used by the school and other pedestrian improvements along the private road, which the applicant controls, as these will ensure improvements to highway safety by minimising conflicts between traffic and pedestrians. Whilst there will be highway impacts, these are not considered to be so severe to withhold planning permission.

7.6 The applicant's contention that the scheme would not be economically viable if it is to be required to deliver affordable housing and Section 106 contributions has been independently assessed by the District Valuers Office. They have concurred that the scheme would not be

viable and therefore officers are satisfied that approval absent of affordable housing and contributions is acceptable.

- 7.7 All other matters relevant to the determination of the proposal have been considered and this is reflected by the planning conditions recommended that are further necessary to regulate development in accordance with the tests prescribed at paragraph 204 of the NPPF. The application is accordingly recommended for approval.

## **RECOMMENDATION**

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

- 1. A02 Time limit for submission of reserved matters (outline permission)**
- 2. A03 Time limit for commencement (outline permission)**
- 3. A04 Approval of reserved matters**
- 4. The submission of reserved matters in respect of layout, scale, appearance and landscaping and the implementation of the development shall be carried out in substantial accordance with the revised Proposed Site Plan – Drawing no. AL-20-01 Revision P7**

**Reason: To define the terms of the permission and to conform to Herefordshire Local Plan - Core Strategy Policies LD1, LD2, LD3 and MT1 and Eardisley Group Neighbourhood Plan Policy MD1.**

- 5. Prior to the commencement of any development written approval must be gained from the Local Planning Authority for a scheme of noise insulation and reduction measures for the proposed housing development. Any such scheme must ensure that sound levels in bedrooms of less than 30dB<sub>L</sub>A<sub>eq</sub> and 45dB<sub>L</sub>A<sub>max</sub>. can be achieved. The development shall be carried out in accordance with the approved details.**

**Reason: To protect the residential amenities of the future occupiers of the properties and to comply with Policy SD1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 6. The recommendations set out in the ecologist's report from fpcr dated July 2015 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a working method statement for species mitigation and a habitat enhancement scheme integrated with the landscape scheme should be submitted to, and be approved in writing by, the local planning authority, and the scheme shall be implemented as approved.**

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

**Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment). To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).**

- 7. The recommendations for species and habitat enhancements set out in the recommendations of the ecologist's report from fpcr dated July 2015 should be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved. Prior to commencement of the development, an appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to inspect the site and implement the measures recommended to ensure there is no impact upon protected species by demolition of the building and clearance of the area. The results and actions from the inspection and additional protected species surveys with mitigation shall be relayed to the local planning authority upon completion.**

**Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment). To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework.**

- 8. No building hereby permitted shall be occupied until the open space/play area have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. The submitted details shall:**
- i. provide information about the design of the open space/play area;**
  - ii. include a timetable for its implementation; and**
  - iii. provide a management and maintenance plan for the lifetime of the development**

**Reason: Reason: To define the terms of the permission and to conform to Herefordshire Local Plan - Core Strategy Policies LD1, LD2, LD3 and MT1 and Eardisley Group Neighbourhood Plan Policy MD1.**

- 9. Finished floor levels in the southern part of the site shall be set no lower than 71.84m AOD (600mm above the 1 in 1000 year level of 71.24m AOD)**

**Reason: To protect the proposed dwellings from flood risk for the lifetime of the development and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 10. Flood storage compensation shall be carried out in accordance with the details submitted, including the FRA (Revision E dated November 2015) and Drawing No.13/237/104/C (Appendix D of the Hydraulic Modelling Report Addendum Revision A dated November 2015).**

**Reason: To minimise flood risk and enhance the flooding regime of the local area and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

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

**Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

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

**Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

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

**Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 14. CAJ – Parking – Estate Development**

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Further information on the subject of this report is available from Mr A Banks on 01432 383085



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

**Reason: To ensure an adequate and acceptable means of access is available before any dwelling is occupied and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy T2 of the Eardisley Group Neighbourhood Plan and the National Planning Policy Framework.**

16. **Development shall not begin in until details of the improvements to pedestrian footways within the application site have been submitted to and approved in writing by the local planning authority. None of the dwellings hereby approved shall be occupied until the scheme has been constructed in accordance with the approved details.**

**Reason: To ensure the safe and free flow of traffic on the highway and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy Plan, Policies T1 and T2 of the Eardisley Group Neighbourhood Plan and the National Planning Policy Framework.**

17. **Prior to the occupation of any of the dwellings on site the car park shown on the revised Proposed Site Plan – Drawing no. AL-20-01 Revision P7 to serve Eardisley Primary School shall be properly constructed, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority. Its construction shall be carried out in accordance with the approved details.**

**Reason: In order to ensure that highway improvements are provided at an early stage of the development and to protect the safety of school children as they are dropped off and collected from school, and to accord with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy Plan, Policies T1, T2 and MD1 of the Eardisley Group Neighbourhood Plan and the National Planning Policy Framework.**

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

**Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform to the requirements of Policy MT1 of the Herefordshire Local Plan – Core Strategy, T1 of the Eardisley Group Neighbourhood Plan and the National Planning Policy Framework.**

19. No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following details:
- a. Wheel cleaning apparatus which shall be operated and maintained during construction of the development hereby approved.
  - b. Parking for site operatives and visitors which shall be retained and kept available during construction of the development.
  - c. A noise management plan including a scheme for the monitoring of construction noise.
  - d. Details of working hours and hours for deliveries
  - e. A scheme for the control of dust arising from building and site works
  - f. A scheme for the management of all waste arising from the site
  - g. A travel plan for employees.

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

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

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

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

21. Prior to the commencement of any development full details of surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details which should address the following:
- Provision of a detailed drainage drawing, including supporting calculations, showing the proposed surface and foul drainage networks including the location and size of all soakaways;
  - Soil infiltration rates (soil infiltration tests should be undertaken in accordance with BRE365 guidance) and groundwater levels;
  - If infiltration is not feasible on the site, evidence that the Applicant is providing sufficient on-site attenuation storage to ensure no flood risk to the development and no increased flood risk to third parties outside the development between the 1 in 1 year event and up to and including the 1 in 100 year rainfall event, with appropriate increase in rainfall intensity to

allow for the effects of future climate change. The Applicant should refer to the latest Environment Agency guidelines for climate change allowances at <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>;

- Evidence that the Applicant has considered the management of surface water runoff in extreme rainfall events;
- Demonstration that appropriate pollution control measures are in place prior to discharge;
- Evidence that the Applicant has sought and agreed all necessary permissions to discharge foul water from the site with the relevant authorities;
- Confirmation of the proposals for adoption and maintenance of the surface and foul water drainage strategies.

**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, and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan Core Strategy.

22. No building shall be occupied until the drainage system for the site has been completed in accordance with the approved details. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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

23. C57 – Restriction on use

24. Prior to the occupation of the 20<sup>th</sup> dwelling of the development hereby approved, sites for the provision of a new village hall and children’s day care centre shall be made good, serviced and be capable of development. The details of the works to be undertaken shall be submitted to and be agreed in writing by the local planning authority and shall be completed in accordance with the approved details.

**Reason:** To define the terms of the permission and to conform to Eardisley Group Neighbourhood Plan Policy MD1.

#### **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. **I 09 Private apparatus within the highway**
3. **I 11 Mud on the highway**
4. **I 35 Highways Design Guide**
5. **I 41 Travel Plans**
6. **I 45 Works within the highway**
7. **All investigations of potentially contaminated sites to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission to discharge condition 11.**
8. **The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com).**

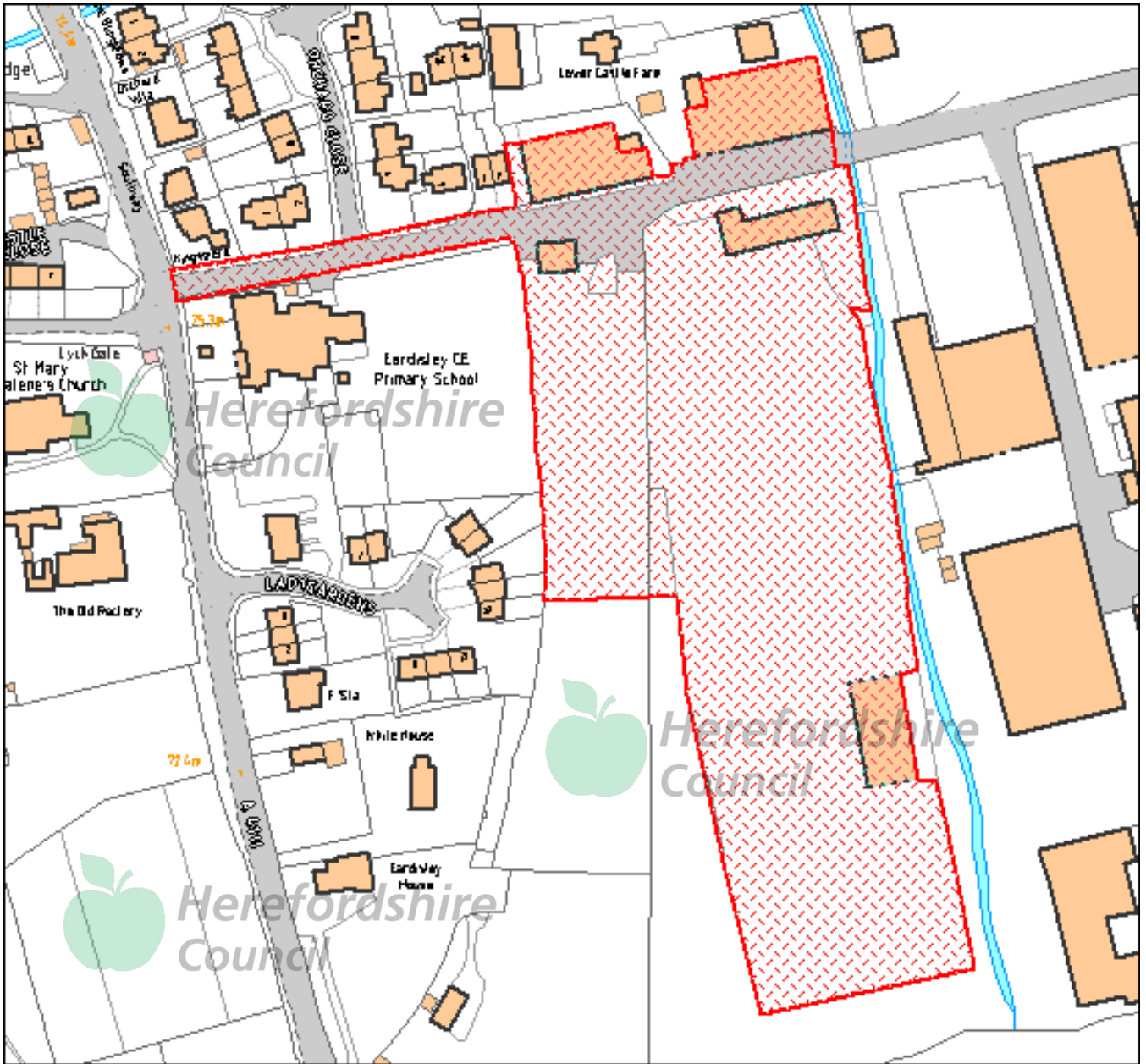
The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011.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

Decision: .....

Notes: .....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 152261

**SITE ADDRESS :** LAND AT FORMER OLD SAWMILLS, EARDISLEY, HEREFORDSHIRE, HR3 6NS

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Further information on the subject of this report is available from Mr A Banks on 01432 383085





<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>26 April 2017</b>
<b>TITLE OF REPORT:</b>	<b>153330 - PROPOSED 5 NO. DWELLINGS WITH GARAGES AND TREATMENT PLANT AT LAND ADJACENT TO VILLAGE HALL, AYMESTREY, LEOMINSTER.</b>  <b>For: Mr Probert per Mr John Needham, 22 Broad Street, Ludlow, Shropshire, SY8 1NG</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=153330&amp;search=153330">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=153330&amp;search=153330</a>
<b>Reason Application submitted to Committee – Re-direction</b>	

**Date Received: 11 November 2015**    **Ward: Mortimer**    **Grid Ref: 342573,264899**  
**Expiry Date: 30 April 2017**  
 Local Member: Councillor CA Gandy,

## 1. Site Description and Proposal

- 1.1 The application site is located on the eastern side of the A4110 immediately to the south of the village hall in Aymestrey. To the north of this on the same side of the highway is Aymestrey Court beyond which is the Grade I listed Church of St John the Baptist and St Alkmund. On the opposite side of the road at the river's crossing point is the Riverside Inn.
- 1.2 The village is characterised by its timber frame cottages with more contemporary houses utilising brick, stone and render. There is no set building line and many of the existing buildings are set alongside, at right angles or obliquely to the main road and are dispersed and fairly sporadic further outside the village centre.
- 1.3 The site is currently in agricultural use and is roughly rectangular in shape. Mature hedgerows and trees are present along the site's frontage which is approximately 85m. The land slopes from west to east towards the River Lugg. There is existing residential development opposite the site along Bacon Lane.
- 1.4 The proposal is to construct five dwellings with garages on the site, consisting of two x 3 bed and three x 4 bed traditionally styled properties. A new access is proposed off the A4110, which has been subject of much discussion and has been relocated further to the north from the location originally proposed to improve visibility. A landscaping scheme would be implemented across the site.

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

## 2. Policies

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

- SS1 - Presumption in favour of sustainable development
- SS2 - Delivering new homes
- SS3 - Releasing land for residential development
- SS4 - Movement and transportation
- SS6 - Environmental quality and local distinctiveness
- RA1 - Rural housing distribution
- RA2 - Housing in settlements outside Hereford and the market towns
- H3 - Ensuring an appropriate range and mix of housing
- MT1 - Traffic management, highway safety and promoting active travel
- LD1 - Landscape and townscape
- LD2 - Biodiversity and geodiversity
- LD4 - Historic environment and heritage assets
- SD1 - Sustainable design and energy efficiency
- SD4 - Waste water treatment and river water quality

2.2 NPPF - Achieving Sustainable Development & Chapters 4, 6, 7, 8, 11 and 12

2.3 Aymestrey Neighbourhood Development Plan was designated on 7<sup>th</sup> January 2016 but has not yet reached regulation 14 stage. Therefore whilst it is a material consideration it cannot be attributed any weight within the decision making process.

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

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

## 3. Planning History

3.1 none

## 4. Consultation Summary

### Statutory Consultations

4.1 Welsh Water

### Sewerage

As the applicant intends utilising a private treatment works we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal.

However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

### Water Supply

No problems are envisaged with the provision of water supply for this development.



## Internal Council Consultations

### 4.2 Transportation Manager

There has been numerous discussions and meetings reference the site, access and speed. Form the discussions the applicant has offered a contribution towards the installation of gateway features.

#### Internal layout

The road is not to be adopted though the layout must be to adoptable standards, the proposal is acceptable. The layout and turning will be conditioned to remain as such.

There needs to be a footpath link to the village hall, this is within Highway land and will need a Section 278/184 licence to enable the works to progress.

The internal layout will need a service strip alongside and all services need to be placed to ensure any failures will not close off the access.

A long section has been provided, this needs to be part of the application, this demonstrates that a minimum of 160m x 2.4m can be achieved to the south. This will require the hedge to be set well back from the visibility splay to enable growth and not block the splay, this will also enable the gateways to be built.

There needs to be a 2.4m fronting the access to the North, this will ensure suitable visibility to the North.

There is an issue with speeds in the village as demonstrated by the local concern and the speed survey, either a contribution to the local parish is required to support engineering features such as Gateway Improvements and build outs or there needs to be S278 improvements to reinforce the speed limit such as red Roundles, Whitelining etc, this will need to be agreed with the local highway Authority.

If you are minded to approve, please add the following conditions, (if the conditions are not added in full, I will need to reconsider the application) (see recommendation).

### 4.3 Historic Buildings Officer

I do not consider that the site is sufficiently close to Aymestrey Church to materially and adversely affect its setting or historic interest. As such, I have no objection to the proposal.

### 4.4 Ecologist

Thank you for consulting me on this application. I have read the ecological report from Protected Species consultancy and agree with low biodiversity impact on this site. If given approval I would like to see a condition added to enhance the site via a habitat enhancement scheme and so I recommend the following non-standard condition be attached: see recommendation below.

## **5. Representations**

### 5.1 Aymestrey Parish Council (2 December 2015)

1. Councillors were unable to support the proposed planning application for five dwelling houses adjacent to Aymestrey Parish (Village) Hall at the present time due to the following:

- Incomplete information provided on Herefordshire Council website with pages 17 – 21 of application form not visible;
- Lack of Design and Access Plan;
- Parish Plan available at [www.aymestrey.org](http://www.aymestrey.org) identifies affordable homes as a specific housing need.

### **Aymestrey Parish Council (6 January 2016)**

- The land proposed for development is Grade 2 Agricultural;
- The land proposed for development has a close proximity to a flood plain;
- The proposed development site poses visibility and access issues due to the close proximity to the Village Hall entrance/exit, the blind summit located in front of the Village Hall, high speed of through traffic despite the 30 mph zoning;
- Consideration of sustainable construction required; and
- Parish Plan available at [www.aymestrey.org](http://www.aymestrey.org) identifies affordable homes as a specific housing need.

### **Aymestrey Parish Council (12 October 2016)**

This application was discussed in Council and the response was

- That the council still maintained that their original comments still stood, however they acknowledged that amendments had tried to address the road safety concerns. In Council's opinion the safety issues still remained the entrance to the development was still too close a brow of a hill which was a zone of poor visibility for vehicles approaching the entrance to the development and any emerging traffic.
- If the development was to progress the Parish Council would like to suggest the following for mitigation.
- That the redundant entrance to the remainder of the field, (egress on to the village hall car park) be closed up.
- That the hedge on the frontage of the development remain.
- No trees are removed.
- A footpath is constructed from the Village Hall to Mortimer's Cross.

A further summary of the objections has recently been received, 11/4/17

1) The development would prevent or significantly reduce the effectiveness of the traffic calming scheme, in particular the element for which the parish council has been granted funding by the Police and Crime Commission for West Mercia.

This is the village gateway at the south end of the village close to the access to the proposed development. The aim of the gateways is to make the road appear narrower, encouraging drivers to slow down. This effect would be lost if the development went ahead because:

- a) the gateway would have to be set back from the edge of the road by more than 1m than would otherwise be the case  
and
- b) the access itself, the loss of trees and the relocation of the hedge further away from the carriageway would all make the road appear wider.

The parish council has been working for several years to accomplish this traffic calming scheme. Controlling the speed of traffic through the village is a high priority: traffic speeds were identified as a problem by 80% of respondents in two separate surveys for the Parish Plan

and the Neighbourhood Development Plan. Traffic surveys have shown that the average traffic speed through the village is approaching 50 mph, despite the 30 mph speed limit.

2) The development would harm the setting of the Grade I listed church. Notwithstanding the cursory comment from the council's "historic buildings officer" on a single sheet torn from a notepad, one of the principle elements of the church's setting is the view on the approach to the village from the south, where it is seen set amongst traditional orchards. This sets the scene of both the church and the historic village. The comments from the "historic buildings officer" - not actually an employee of the council or apparently qualified to make such assessments - paid no heed to the importance and rarity of this heritage asset as Grade 1 listed or to Historic England's guidance on the setting of heritage assets. We note that Historic England has not been consulted.

3) The proposed development is suburban in layout and appearance, thus failing to reflect the character and setting of the historic village. The houses are large and in very large plots and would not deliver the housing needs of the settlement as established in Parish Plan and Neighbourhood Development Plan surveys. Although the NDP is at a comparatively early stage, the surveys have identified the need for affordable and retirement homes. The residential area of the Aymestrey is on the opposite side of the A4110, with only two houses on this side of the road in the village, 200m north of this proposed development, the intervening land being traditional orchard. The development would fail to comply with any of the requirements of CS Policy RA2.

4) The development would result in the loss of at least 1 acre of Grade 2 agricultural land. Grade 2 land is at a premium in the parish and this is the only part of this particular field that is outside a flood risk zone. The NDP is expected to seek a much higher density for new residential development in order to ensure that new housing meets identified local need and development will be directed to brownfield sites or, if no such sites are available, to agricultural land of lesser quality.

5) The parish council objected to the removal of the old hedge and the significant number of trees at the proposed entrance, not only on ecology grounds, but due to visual impact.

6) The parish council was concerned about the limited pedestrian access from the site and requested that a footpath be provided connecting the development to Mortimer's Cross, the main employment area of the parish.

Ten letters of objection have been received from six different households making the following points;

1. Detrimental impact on setting of grade I LB Church.
2. Development is too high.
3. Speed of traffic, inadequate visibility splays.
4. No need for more dwellings.
5. Loss of grade 2 agricultural land.
6. Contrary to parish plan.
7. Need for affordable homes.

Four letters of support, 3 from outside village, make the following points

1. Village needs housing to support the community.
2. Not in flood zone
3. Obvious location adjacent to village hall.

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

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=153330&search=153330](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=153330&search=153330)

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 The position in terms of the Council's 5 year housing land supply is that it sits at 4.39 years. The Aymestrey Group Parish Neighbourhood Development Plan has not yet reached Regulation 14 stage, and can be afforded no weight at this stage.

6.3 Aymestrey is an RA2 settlement within the Leominster Housing Market Area with an indicative growth target of 14%. As at 1 April 2016 the position was of the 23 dwellings required 2 had been built a further 6 committed leaving 15 to be approved/allocated.

6.4 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:

Highway safety

Character/amenity of area

Setting of Grade 1 listed church

6.5 After much discussion and revision to plans the transportation manager is now satisfied that a safe access arrangement is available. This includes a condition ensuring space is available for the provision of traffic calming by way of 'village entry gates' The applicant has offered to contribute to such a scheme. This will be via a S278 Highway Agreement which is required to reinforce the speed limit as set out in the consultation response and linked to a planning condition as set out in the recommendation.

6.6 In terms of the character of the area the designs, a different one for each plot, are considered to be appropriate to the area. Whilst the site currently benefits from no boundary trees/hedges on the south boundary a landscape condition will require this in particular to be addressed. There are no neighbours near enough to be overlooked by this development.

6.7 The approach to the village from the south allows views of the church tower, behind the village hall. Much of the rest of the church is already obscured by the existing hedge/tree lined northern boundary of the site. The Historic Building Officer has considered the impact of the development upon the Grade 1 Listed church and concludes that the distance, at its closest over 160m, between the church and the site is such that there is no material or adverse impact upon the setting. Having regard for the S66 'special consideration' test and paragraph 132 of the NPPF, not only is there less than substantial harm, there is considered to be no harm.

6.8 It is therefore considered that on balance the proposal complies with relevant Core Strategy policies and the general tenet of the NPPF.

- 6.9 Given the current 5 year housing land position and absence of a Neighbourhood Development Plan being accorded any weight, this sustainable proposal, in the absence of material considerations demonstrating significant harm to outweigh the benefits, including loss of grade 2 agricultural land, is recommended for approval.

## **RECOMMENDATION**

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

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans (1447/1C 1447/2-8)**
- 3 C01 Samples of external materials**
- 4. Recommendations set out in the ecologist's report from Protected Species dated October 2015 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.**

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

### **Reasons:**

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

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

- 5 G10 Landscaping scheme**
- 6 G11 Landscaping scheme – implementation**
- 7 I51 Details of slab levels**
- 8 H14 Turning and parking: change of use – domestic**
- 9 H04 Visibility over frontage**
- 10 H05 Access gates**
- 11 H06 Vehicular access construction**
- 12 H09 Driveway gradient**
- 13 H13 Access, turning area and parking**
- 14 H17 Junction improvement/off site works (gateway feature)**

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

- 15        **H21 Wheel washing**
- 16        **H20 Road completion in 2 years**
- 17        **H27 Parking for site operatives**
- 18        **H29 Secure covered cycle parking provision**
- 19        **H03 2.4m x 160m to the south**
- 20.       **Drainage Conditions.**

**INFORMATIVES:**

- 1.        **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2.        **HN01 Mud on highway**
- 3.        **HN04 Private apparatus within highway**
- 4.        **HN05 Works within the highway**
- 5.        **HN07 Section 278 Agreement**
- 6.        **HN10 No drainage to discharge to highway**
- 7.        **HN28 Highways Design Guide and Specification**

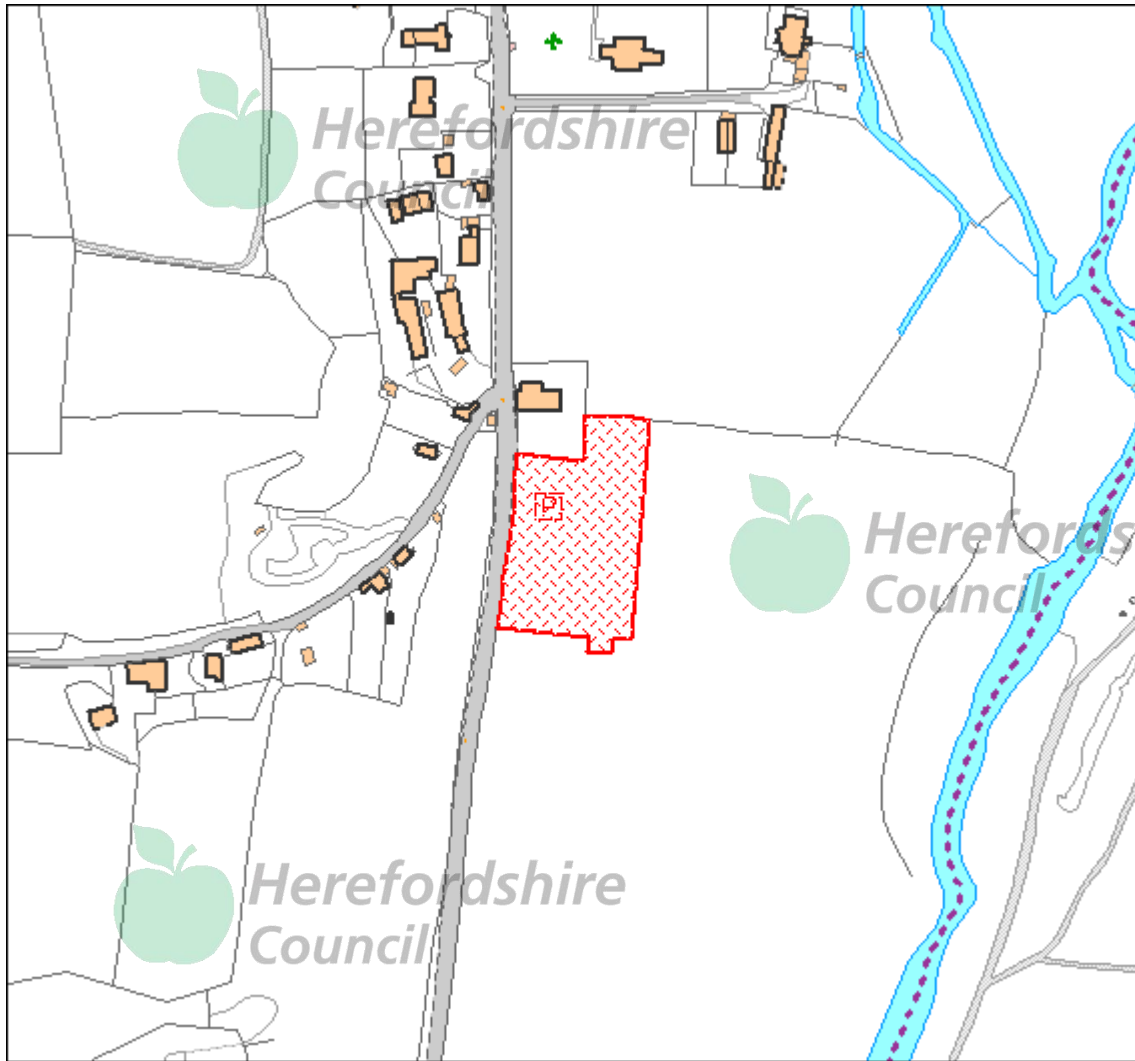
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 153330

**SITE ADDRESS :** LAND ADJACENT TO VILLAGE HALL, AYMESTREY, LEOMINSTER, HEREFORDSHIRE

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







<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>26 April 2017</b>
<b>TITLE OF REPORT:</b>	<b>163445 - PROPOSED DWELLING AT LAND AT EATON HILL, LEOMINSTER, HEREFORDSHIRE, HR6 0DG</b>  <b>For: Mrs Thomas per Mr Garry Thomas, Ring House, Fownhope, Hereford, HR1 4PJ</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163445&amp;search=163445">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163445&amp;search=163445</a>
<b>Reason Application submitted to Committee – Re-direction</b>	

**Date Received: 26 October 2016**

**Ward: Leominster East**

**Grid Ref: 350536,259544**

**Expiry Date: 21 December 2016**

Local Member: Councillor JM Bartlett

## 1. Site Description and Proposal

- 1.1 The proposal site is on the southern side of the A44(T). The access road serving the Eaton Hill, an Italianate styled Victorian dwelling is 206 metres east of Easters Mart roundabout. The surfaced access road leading to Eaton Hill also serves six other properties in the same ownership.
- 1.2 An unregistered park and garden extends southwards to a public footpath northwards to Hay Lane Farm and south-eastwards along the tree lined Eaton Hill on the southern end of Eaton Hill. The proposal will entail the applicant moving out of Eaton Hill into a purpose built 2 bedroom bungalow. The second bedroom will provide accommodation for a carer. The bungalow will have be 'L' shaped and will be constructed in yellow brick and render, arched timber casement windows under a slate roof. These are elements taken from the late Victorian house. Parking for two vehicles will be provided in the existing parking area to the north linked to the dwelling by a 48 metres long footpath, comprising a porous material and covered by a loggia
- 1.3 The footpath (KB51) that skirts the southern end of the unregistered park and garden affords northward views of Eaton Hill and the Italianate Walk to the south of it. This public footpath leads eastwards and up to Eaton Hill.

## 2. Policies

### 2.1 Herefordshire Local Plan Core Strategy:

- SS1 - Presumption in Favour of Sustainable Development
- SS2 - Delivering New Homes
- SS3 - Releasing Land for New Development

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

- SS6 - Environmental Quality and Local Distinctiveness
- L01 - Development in Leominster
- RA3 - Herefordshire's Countryside
- H2 - Rural Exception Sites
- LD1 - Landscape and Townscape
- LD2 - Biodiversity and Geodiversity
- MT1 - Traffic Management and Highway Safety
- SD1 - Sustainable Design and Energy Efficiency
- SD4 - Waste Water Treatment and River Water Quality

## 2.2 NPPF

Chapter 6: Delivering a Wide Choice of High Quality Homes  
 Chapter 7: Requiring Good Design  
 Paragraph 14 (Presumption in Favour of Sustainable Development)  
 Paragraph 49 (5 Year Housing Land Supply)  
 Paragraph 55 (New Housing in the Countryside)

## 2.3 NPPG

Design (ID26): Form, Scale, Details, Materials

## 2.4 Neighbourhood Plans

The Neighbourhood Plan area for Leominster is at Regulation 16 stage. However due to outstanding objections and conformity issues with the Core Strategy it can only be afforded limited weight in the decision making process.

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

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

## 3. Planning History

- 3.1 N12878/F – Conversion of outbuildings into two dwellings – Approved 29 December 2012  
 DCNC2004/3727/F – Conversion and extension to form ancillary accommodation (for house keeper) – Approved 17 December 2004.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Highways England has no objection
- 4.2 The Hereford & Worcester Garden Trust object

The more observant traveller as he turns off the by-pass at the Ridgemoor Service Station will appreciate that this landscape is attached to a dignified late Victorian Italianate villa – Eaton Hill.

This house was the centre of 384 acre estate, which extended southwards along the slopes of Eaton Hill. The landscape at Eaton Hill is discussed in the *Survey of Historic Parks and Gardens in Herefordshire* (2001), p. 146 where it states that 'this is an excellent example of late Victorian landscaping, perhaps by a professional surveyor....(it) is a composition of high quality and every effort should be made to secure its character in the future'.

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

The pleasure grounds of the house extend to the south along the foot of the hill where on the large-scale OS plans of the late 19th and early 20th centuries there were lawns and flowerbeds either side of a south approach to the mansion. This appears to have turned back upon its self and provided access to the small deer-park above the house. It is on these lawns that the new house is to be sited and, however well designed it will separate Old Eaton Hill from its garden and parkland. This will undoubtedly diminish its amenities and attraction as a country house and lead to further division of the interior for multiple ownership. It is essential that the connection between the mansion and its designed landscape is maintained.

If a new house is required, it should be tucked away to the north of the existing mansion to avoid degrading the setting.

#### Internal Council Consultations

#### 4.3 Conservation Manager (Ecology)

It is noted that the proposed foul water is managed by a package treatment plant but there are no details on capacities or how the final out fall will be managed. The planning authority has a responsibility to assess this with regard to 'The Conservation of Habitats and Species Regulations:2010' as the proposed development lies within the River Lugg/River Wye SAC catchment. Any direct discharge in to a watercourse is likely to impact both the immediate local hydrology and ecology and an impact downstream through the residual phosphate and suspended solids discharges. To mitigate this impact we would request that the outflow from the PTP is managed through a soakaway system hence managing the direct impact of phosphate levels and reducing the impact over time of the suspended solid settlement. Full details of the **location of the soakaway/spreader system** should be provided in support of any full application so a final HRA screening can be completed before determination of this application.

Once the soakaway/spreader system has been confirmed and hence the HRA screening can conclude that there are NO 'likely significant effects' from this development on the River Lugg/River Wye SAC I can see no ecological objections to this application and I would advise that the following conditions are included to ensure tree protection and biodiversity enhancements are achieved.

#### **Nature Conservation – Enhancement**

- 4.4 The recommendations for biodiversity enhancements as identified in section 3.6 of the ecological report by Ecology Services dated September 2016 shall be fully implemented as stated, unless otherwise agreed in writing by the planning authority.

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. NERC Act 2006.

#### **Nature Conservation – Tree Protection**

- 4.5 Before any work commences on site the recommendations for Tree Protection (Root Protection Areas) as identified in Arboricultural Constraints Plan by J P Ross dated October 2016 shall be fully implemented as stated and be maintained and remain in place until all construction works have been completed and all machinery and excess materials have been removed from site, unless otherwise agreed in writing by the planning authority.

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. NERC Act 2006.

#### 4.6 Conservation Manager (Landscape)

The landscape character of the proposed site is that of Timbered Plateau Farmlands which is predominately woodland. To the south and west where the public right of way footpath KB51 adjoins the southern boundary of the Unregistered Park and Garden the landscape character is that of Riverside Meadows. The main characteristic of this Riverside Meadows landscape is predominately pastoral land with a wetland habitat. The extent of the Eaton Hill Unregistered Park and Garden lies within both of these Landscape Character areas. These landscape characteristics should be where appropriate be restored, enhanced and conserved.

#### 4.7 **The National Planning Policy Framework, Item 12, 132 states:** *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets or the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'*

Eaton Hill Unregistered Park and Garden is to be found on maps of this area as far back as 19<sup>th</sup> Century. The proposal will have an impact on the setting of the Old Eaton Hill house and its surrounding parkland and gardens by visually disconnecting the Old House from the parkland and garden to the south. The house is not a Listed Building. Further information on the impact of this setting can be obtained from our Conservation Officer.

#### 4.8 Other than the Unregistered Park and Garden designation the proposal site has no other landscape designations. The River Lugg to the west and to the south is a SSSI and further information on any potential impacts on the SSSI can be obtained from our ecologist. I have no comments on the architecture of the Italianate Garden Lodge proposal in this Unregistered Park and Garden landscape, but from a landscape perspective the colour proposals for the building should be sympathetic to the Timbered Plateau Farmlands landscape character.

#### 4.9 With future erratic weather predicted due to climate change the risk of flooding is expected to increase. To the west of the proposal site the Unregistered Park and Garden lies within the River Lugg flood plain. Sustainable Urban Drainage proposals for roof rain water run-off should be proposed with this application. Further SUDs information can be obtained from the Herefordshire Council Flood Risk Management Team.

#### 4.10 I have not been involved with the site selection for this proposed dwelling. I appreciate that the views from the proposed dwelling into the Unregistered Park and Garden as seen on the Proposed Block Plan Drawing No 2425 (0) 101, are the best views into the surrounding open landscape. However from a landscape perspective when seen from the Public Right of Way KB51 there will be a visual impact when seen from this footpath. With that in mind the proposed dwelling would have be better situated to the north of the Old Eaton Hall.

Where appropriate native planting associated with this landscape character type should be proposed to provide food and habitat for pollinating insects and wildlife.

Proposed green infrastructure should link into existing green infrastructure to provide appropriate restoration and enhancement to the landscape character type and parkland and garden setting.

With footpath KB51 presently having views in a northerly direction with reasonable dark sky views, the proposal should minimize night sky light pollution.

I have no objections to this application, but I would recommend appropriate landscaping conditions.

## 5. Representations

5.1 Town Council has no objection

5.2 45 letters of support have been received making the following points:

- Active member of Leominster community
- Applicant has resided at Eaton Hill since 1968
- Well designed and complimentary in landscape
- New dwelling meets needs, including accommodation for carer. More manageable than 4 bedroom dwelling
- 4 bedroom dwelling will be available as family home
- Family nearby
- Not a burden on community providing for own needs

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

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=163445&search=163445](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163445&search=163445)

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<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:

*"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."* This means that there is a presumption in favour of the development plan unless material considerations can be considered to outweigh it.

6.2 The Herefordshire Local Plan ('HLP') is the development plan. The Core Strategy (CS) is a fundamental part of the HLP and sets the overall strategic planning framework for the county, shaping future development.

6.3 Paragraph 14 of the NPPF provides a presumption in favour of sustainable development. This is reflected in the strategic Policy SS1 of the CS which sets out a presumption in favour of sustainable development stating: *"Planning applications that accord with the Core Strategy (and where relevant with policies in other development plan documents and Neighbourhood Development Plans) will be approved unless material considerations indicate otherwise"*.

6.4 One such consideration is the NPPF which advises at paragraph 47 that Local Authorities maintain a robust five year supply of housing land. Failure to demonstrate an NPPF compliant housing land supply will render the housing supply policies of the CS unreliable. At present, the Council cannot demonstrate a 5-year supply of housing land and as such the policies of the CS cannot be inherently relied upon.

- 6.5 The delivery of sustainable housing development to meet objectively assessed needs is a central CS theme, reflecting the objectives of the NPPF. Policy SS2 'Delivering new homes' directs that Hereford and the market towns shall be the main focus for new housing. Housing development is also supported in or adjacent to those settlements identified exhaustively in Figures 4.14 and 4.15.
- 6.6 In terms of rural settlements, CS Policy RA2 requires firstly that proposals accord with the relevant Neighbourhood Development Plan ('NDP') or where there is no NDP with the Council prepared Rural Areas Site Allocation Development Plan Document, both of which will prescribe a 'settlement boundary'. The application site is within the Parish of Leominster where the Neighbourhood Development Plan is currently at Regulation 16 stage, however, due to outstanding objections and conformity issues with the Core Strategy it can only be afforded limited weight. The location of the proposal site lies outside of the reasonable limits of the town beyond the River Lugg and with the parkland setting to Eaton Hill extending southwards to public footpath KB51, the proposal site cannot be reasonably be considered to adjoin the main built form of Leominster which is further to the east and beyond the Easters Mart roundabout. Consequently, the proposal is fundamentally contrary to Policy LO1 (Development in Leominster) of the Core Strategy.
- 6.7 The proposal is located outside of Leominster and is located in open countryside where Policy RA3 is relevant in respect of new housing. The proposal does not meet any of the criteria (1-7) in that Policy that would allow for such development at this rural location namely:
- Meets an agricultural or forestry need or farm diversification enterprise;
  - Is for a rural enterprise;
  - Is a replacement dwelling;
  - Proposes a sustainable reuse of redundant or disused building in association with Policy RA5 [This proposal does not involve the re-use of an existing building];
  - Is rural exception housing (Policy H2);
  - Exceptional or innovative design;
  - Site for Needs of gypsies or travellers.
- This proposal does not satisfy any of the criteria set out under RA3 and accordingly does not comply with this planning policy.
- 6.8 In addition, this proposal does not satisfy Policy H2 (rural exception sites) of the CS, which allows for affordable housing schemes where:
- This assists in meeting a proven local need;
  - Affordable housing is made available and retained in perpetuity for local people in need of affordable housing; and
  - The site respect the characteristics of its surroundings, demonstrates good design; and offers reasonable access to a range of services and facilities normally identified in a Policy RA2 settlement or Market Town as in this instance.
- 6.9 Appeal decisions at Leintwardine and Ledbury and a recent Court of Appeal judgment concluded that whilst the council does not have a 5 year supply of housing land 'out of date' policies remain relevant, it is simply that the weight is for the decision maker. The decision overall is one of planning judgment and balance, which includes the weight properly attributable to the NPPF, the housing shortfall and all other relevant policies and material considerations.
- 6.10 The NPPF at paragraph 6 states that the purpose of the planning system is to contribute to the achievement of sustainable development (with its three dimensions to sustainable development - economic, social and environmental aspects), as defined in paragraphs 18 to 219 of the NPPF.

- 6.11 This development is in an open countryside and parkland location outside of Leominster. On balance, the proposal cannot be considered to be in a sustainable location for a new private dwelling, irrespective of the scale, height, design and material finish. It does not satisfy any exception in Policy RA3, as discussed above, which would allow for such development.

### **Bio-diversity**

- 6.12 The advice received from the Conservation Manager (Ecologist) requires that further enhancement as recommended in the submitted ecological appraisal is carried out and therefore there are no grounds relating to bio-diversity that provide substantive grounds for refusal.

### **Landscape**

- 6.13 The proposal will introduce an additional element in to the landscape that whilst having the backdrop of the Italianate Walk will nevertheless with the loggia introduce a new element into this parkland setting. Ideally, as the Council's Landscape Officer and the Hereford and Worcester Garden Trust state on consultation, a dwelling could have been sited to the north of Eaton Hill thereby retaining this setting. Therefore, given the significance of the park and garden it is contended that the erection of a dwelling would not enhance and conserve the setting of the park and garden contrary to the provisions of Policy LD1 of Core Strategy.

### **Accessibility/Highway Safety**

- 6.14 The proposed access does comply with Policy MT1 of Core Strategy by virtue of the position adopted by Highways England whom over a period of time considered the implications of allowing a further dwelling accessed onto the trunk road (A49) given the narrowness of the access point. This process has prolonged the determination period for this application.

### **Conclusion**

- 6.15 As the Council has been found unable to demonstrate an NPPF compliant housing land supply at appeal, paragraph 49 of the NPPF requires that applications are considered for their ability to represent sustainable development rather than for their inherent conformity with the Local Plan. However, and for the reasons explained above, the Core Strategy is considered to accord with the aims and objectives of the NPPF in this instance. Therefore, Policies in the Core Strategy, particularly SS1, SS4 and RA3 are considered to retain significant weight.
- 6.16 The site is located in open countryside some distance from a sustainable settlement as identified in the Core Strategy. This will mean that occupancy of the dwelling will give rise to significant journeys by car to Leominster, for basic day to day shopping, other services and recreation which has overriding economic and environmental implications due to car use reliance. There is not a choice of modes of transport. As such, the location of the proposal is not considered to be sustainable and does not comply with either the NPPF or relevant policies contained in the Core Strategy. The proposal would also detract from the setting of the unregistered park and garden and given it does not conserve or enhance this important landscape feature to Leominster it would also be contrary to the provisions of Policy LD1 of Core Strategy.

**RECOMMENDATION**

That planning permission be refused for the following reasons:

- 1. The proposal is contrary to Policies SS1, SS4, RA3 and LO1 of the Herefordshire Local Plan: Core Strategy given the proposal site is outside the reasonable limits of Leominster in open countryside such that a choice of modes of transport and the requirement to achieve sustainable development in the National Planning Policy Framework (2012) cannot be achieved.
- 2. The proposal would also not conserve and enhance the setting of an unregistered park and garden and accordingly is contrary to the provisions of Policy LD1 of the Herefordshire Local Plan –Core Strategy.

**INFORMATIVES:**

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

Decision: .....

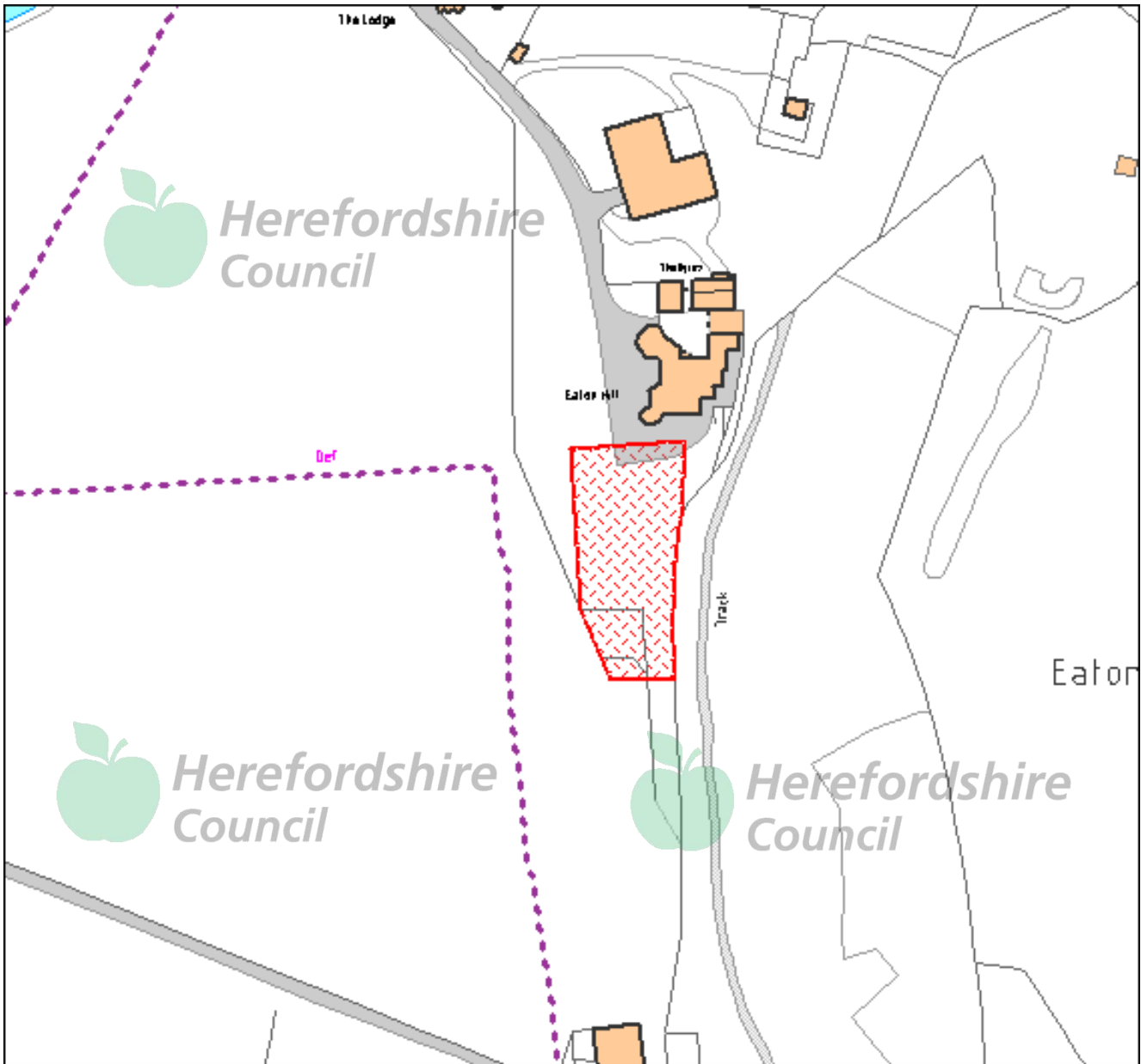
Notes: .....

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**Background Papers**

Internal departmental consultation replies.





This copy has been produced specifically for Planning purposes. No further copies may be made.

**APPLICATION NO:** 163445

**SITE ADDRESS :** LAND AT EATON HILL, LEOMINSTER, HEREFORDSHIRE, HR6 0DG

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





<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>26 April 2017</b>
<b>TITLE OF REPORT:</b>	<b>163364 - SITE FOR 3 DETACHED DWELLINGS WITH GARAGES AND ACCESS AT LAND SOUTH OF LADYWELL LANE, KINGSTHORNE, HEREFORD</b>  <b>For: Mrs Croke per Mr Russell Pryce, Unit 5, Westwood Industrial Estate, Ewyas Harold, Hereford, Herefordshire HR2 0EL</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163364&amp;search=163364">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163364&amp;search=163364</a>
<b>Reason Application submitted to Committee – Redirection</b>	

Date Received: 20 October 2016

Ward: Birch

Grid Ref: 350044,231861

Expiry Date: 15 December 2016

Local Member: Councillor DG Harlow

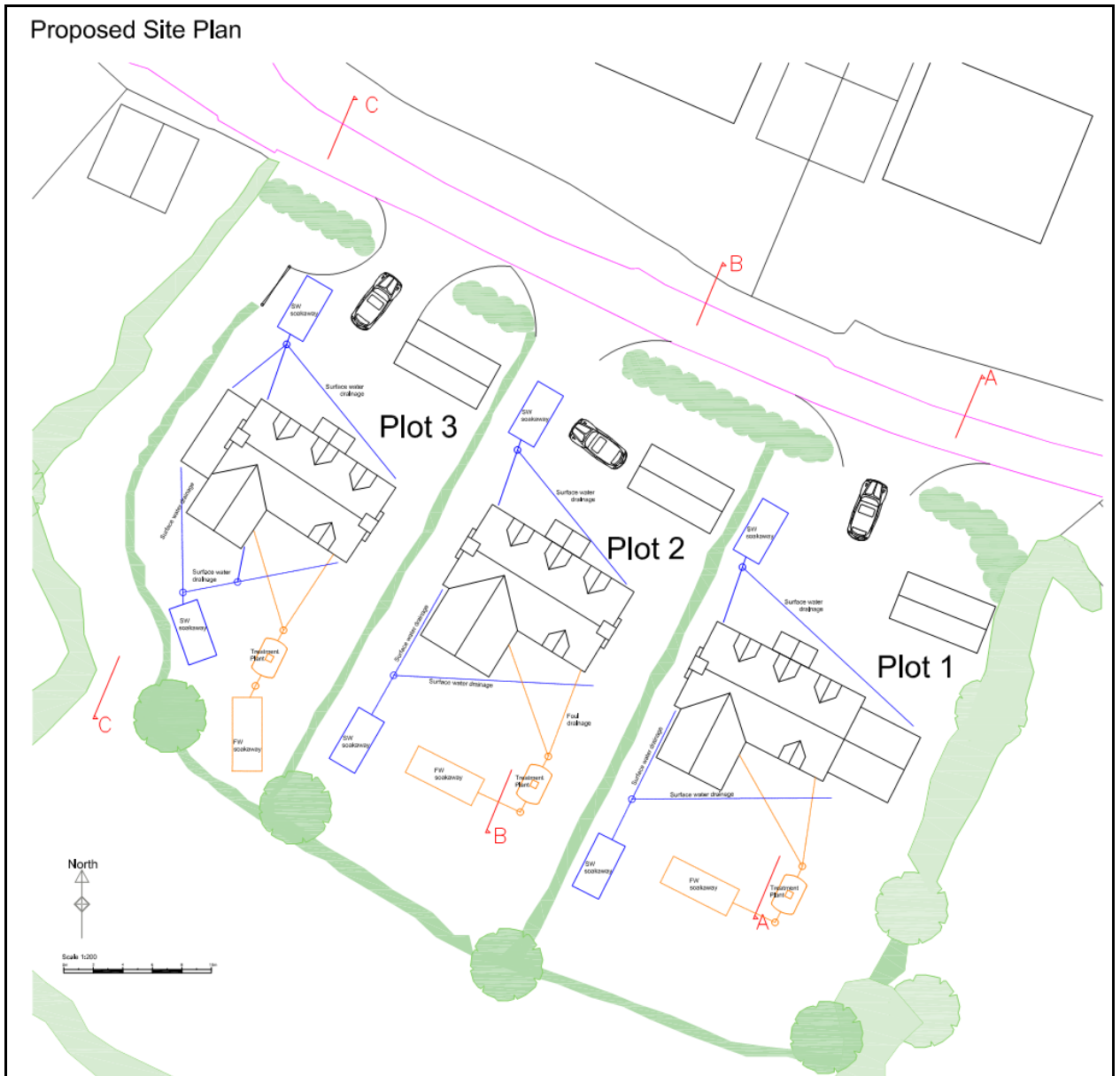
### 1. Site Description and Proposal

- 1.1 The application site is an open agricultural field at the southern extent of the village of Kingsthorne, c.400 metres to the east of the A49 and some 6.5km to the south of Hereford. The site is bounded by Ladywell Cottage to the west, Cuckoo Cottage to the east and Ladywell Lane to the north. Dwellings set in a wayside settlement pattern about the northern flank of Ladywell Lane. The wider site setting is characterised by an undulating topography traversed by narrow, warren like lanes off which well spaced dwellings are accessed. Buildings are of a varying age, size and design giving rise to a disparate local vernacular.
- 1.2 The site rises exponentially away from Ladywell Lane in a southerly direction away from the road and towards the open countryside beyond. The site benefits from a native species hedgerow to the roadside boundary punctured at either end for two field accesses. On all other sides, the site benefits from dense vegetative boundaries. There is a permissive right of way to the western edge of the site.
- 1.3 The application seeks outline planning permission for the three dwellings. The detailed matter of access is also proposed for determination at this stage with the remaining matters of appearance, landscaping, layout and scale reserved for future consideration. An indicative layout, street-scene and sections through the site accompany the application submission and are shown overleaf. The scheme shows three well spaced dwellings of a dormer cottage design set back from the road on an engineered plateau c. 1.5 metres above the road level.

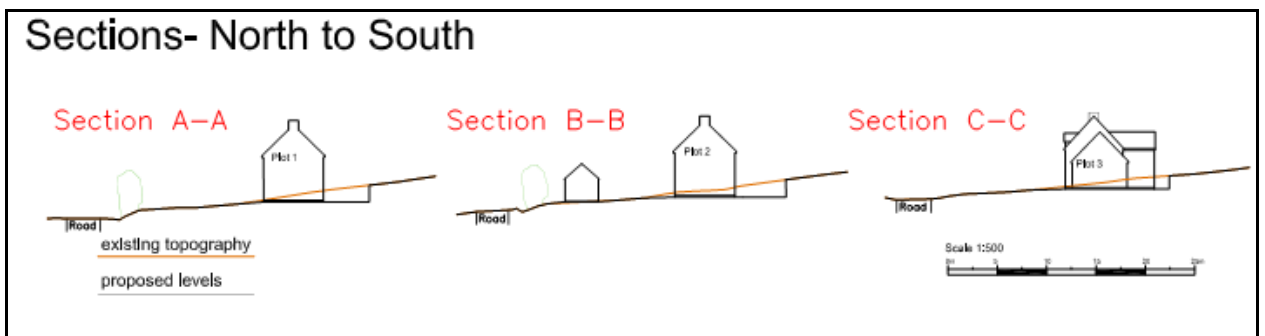
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Further information on the subject of this report is available from Mr Matt Tompkins on 01432 261795

*Indicative layout*

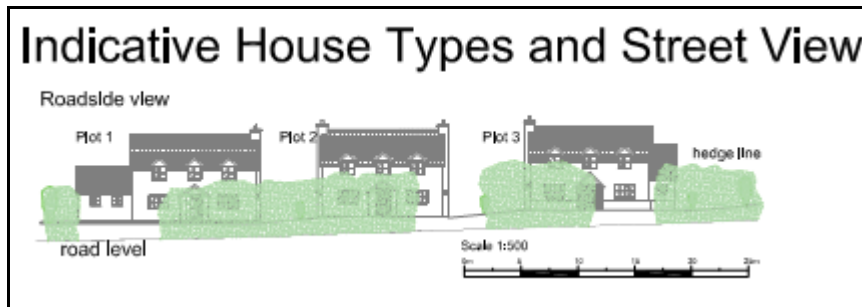


*Indicative sections*



Further information on the subject of this report is available from Mr Matt Tompkins on 01432 261795

## Indicative street scene



## 2. Policy context

2.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states:

*“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.”*

This requirement is repeated through the National Planning Policy Framework ('NPPF').

2.2 The Herefordshire Local Plan ('HLP') is the adopted development plan and comprises the Core Strategy and supplementary documents, including Neighbourhood Development Plans ('NDPs'). The NPPF is the most pertinent other material policy consideration.

2.3 A range of Core Strategy policies are relevant to this proposal as identified below.:

2.4 The Herefordshire Local Plan 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>

### Development Plan policies relevant to the principle of development

2.5 Strategic Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the NPPF. SS1 also confirms that proposals that accord with the policies of the Core Strategy (and, where relevant, other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise. SS1 also imports an equivalent test to that laid out at NPPF paragraph 14 for scenarios where relevant policies are out-of-date. It states 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 in national policy taken as a whole or specific elements of national policy indicate that development should be restricted.

2.6 As per the NPPF, the delivery of sustainable housing development to meet objectively assessed need is a central theme of the Core Strategy. 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.”

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Further information on the subject of this report is available from Mr Matt Tompkins on 01432 261795

- 2.7 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. For the avoidance of doubt, the Council cannot presently demonstrate a five-year supply of deliverable housing sites as discussed at paragraph 2.21 of this report.
- 2.8 Policy RA1 explains the role of the 221 rural settlements within the spatial strategy hierarchy across which 5,300 homes should be provided over the plan period. It divides the County into seven Housing Market Areas (HMAs) which are considered to have differing residential needs; Hereford, Golden Valley, Bromyard, Ross-on-Wye, Leominster, Kington and Ledbury. The table attached to Core Strategy Policy RA1 confirms the percentile indicative growth target (compared to a 2011 baseline) for rural settlements within each of the seven rural HMAs.
- 2.9 The application site is within the Ross-on-Wye HMA. The table attached to CS Policy RA1 confirms the indicative growth target for rural settlements within the Ross-on-Wye HMA as 14% (compared to a 2011 baseline). At a local level, the site is within Much Birch Parish which is also a Neighbourhood Area as defined under the Neighbourhood Planning (General) Regulations 2012. Importing the 14% HMA indicative minimum growth rate to the Neighbourhood Area gives a minimum 'target' of 57 dwellings between 2011-2031. To date, there have been 6 completions and 30 commitments during the plan period leaving a residual minimum target of 21 dwellings within the Neighbourhood Area of Much Birch. In referring to figures 4.14 and 4.15 (Core Strategy p. 109) there are three identified settlements within Much Birch Neighbourhood area to which the majority of those 21 dwellings will be directed; Kingsthorpe, Much Birch and Wormelow. All three settlements are identified at figure 4.14 as main rural settlements.
- 2.10 Policy RA2 starts to flesh out what the application of the spatial strategy means in relation to individual application proposals and would reasonably be construed as the test for the 'principle of residential development' here. A thread running throughout RA2 is the requirement for development proposals to be within or adjacent to the main built up part of a settlement. Otherwise its main direction is that, when made, relevant NDPs will determine the precise location of housing within each settlement. RA2 goes on to list detailed criteria for development proposals in rural settlements. It requires that proposals reflect the size, role and function of each settlement; are of a high quality which positively impact on the site setting; include a range of housing which caters for local need i.e size and types; and makes full use of brownfield land where possible.
- 2.11 Picking up on an NDPs importance to the application of Policy RA2, whilst Much Birch Neighbourhood Area has been designated (perhaps indicating a desire to produce an NDP) to date no such plan is available, even in draft form. Thus there is no defined settlement boundary to Kingsthorpe at present. In the absence of a made or suitably advanced NDP Core Strategy paragraph 4.8.23 advises as follows:

*"In the period leading up to the definition of appropriate settlement boundaries the Council will assess any applications for residential developments in Figure 4.14 and 4.15 against their relationship to the main built up form of the settlement. Outside of these settlements new housing will be restricted to avoid unsustainable patterns of development."*

### Development Plan policies relevant to other matters

- 2.12 Policy SS4 is the strategic policy concerning movement and transportation, with developments designed and located to minimise the impacts on the transport network; ensuring that journey times and safe operation of the network are not detrimentally impacted. Where practicable, development should be accessible by and facilitate a genuine choice of modes of travel.
- 2.13 Expanding on the above, Policy MT1 sets out the chief requirements of movement and transportation. The first of these is 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. In terms of detailed design the final criterion of MT1 says that regard should be had to both the Council's Highways Design Guide and cycle and vehicle parking standards as prescribed in the Local Transport Plan.
- 2.14 Policy SS6 is the strategic policy which sets out the Core Strategy's approach to development in terms of environmental quality and local distinctiveness. The policy requires development proposals to be shaped through an integrated approach to planning the identified environmental components from the outset. Of particular pertinence to this proposal are landscape, settlement pattern and local distinctiveness; biodiversity; and local amenity.
- 2.15 Expanding on the landscape and local distinctiveness dimension of the above, Policy LD1 requires that developments should demonstrate that character of the townscape has positively influenced the design, scale, nature of the proposal and site selection to ensure the protection and enhancement of the setting of settlements and designated areas.
- 2.16 Policy SD1 is also relevant in this regard requiring, inter alia, that development proposals make efficient use of land - taking into account the local context and site characteristics and maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development while making a positive contribution to the architectural diversity and character of the area. SD1 also requires that the amenity of existing and proposed residents is safeguarded.
- 2.17 In terms of biodiversity, Policy LD2 requires the retention and protection of nature conservation sites and habitats and species in accordance with their status, with opportunities for enhancement and restoration taken where practicable.
- 2.18 Strategic Policy SS7 outlines the measures that development proposals will be expected to take in helping address climate change, including minimising the risk of flooding and making use of sustainable drainage methods and demonstrating water efficiency measures to reduce demand on water resources.
- 2.19 Policy SD3 is relevant to surface water drainage and flooding, specifically requiring measures for sustainable water management to be an integral element of development proposals. Where flooding is identified as an issue, new developments are expected to reduce flood risk. Developments shall also include appropriate sustainable drainage systems (SuDS) to manage surface water appropriate to the hydrological setting of the site as not to result in an increase in runoff, aiming to achieve a reduction in existing rates where possible.

2.20 Policy SD4 requires an application submission to demonstrate how foul water will be managed. Foul water drainage must be separated from the surface water drainage. The Policy prefers the use of mains sewers, though if none are within the vicinity of the site the following methods are preferred in order:

1. Package sewage treatment works (discharging to watercourse or soakaway);
2. Septic tank (discharging to soakaway);
3. Cesspools.

#### Other policy considerations

2.21 The NPPF has a material bearing on the principle of development here given it's requirement, at paragraph 47, that Councils maintain a 5 year supply of housing land, which in Herefordshire Council's case must be supplemented by a 20% buffer for persistent under supply. The Council cannot currently demonstrate a five year supply of housing land (4.39 years at present) and accordingly local policies relevant to the supply of housing should not be considered up to date as prescribed by paragraph 49 of the NPPF.

### **3. Planning History**

3.1 DCH872441/O for proposed erection of dwelling with garage: Refused for being contrary to the then incumbent development plan.

### **4. Consultation Summary**

#### Statutory Consultations

4.1 Welsh Water does not object but recommends the appending of advisory notes to any permission given.

#### Internal Council Consultations

4.2 The Transportation Manager does not object to the principle of development:

#### *Initial comment received*

4.2.1 The site is located on Ladywell Lane which is a single lane carriageway. The highways network adjacent to Ladywell Lane also equates to narrow lanes with few official passing place. To get to the wider highways network there are two options, the first is via Wrigglebrook Lane, Upper Wrigglebrook Lane and The Thorn. The route has narrow lanes and large junction with the C1263. The second option is via Ladywell Lane and Forge Lane. This route has narrow sections, steep gradient and a substandard junction with the C1263. The junction's visibility splay makes the junction substandard as it is restricted by a hedge to the south and a wall to the north. Both the hedge and wall are close to the edge of the C1263 and Forge Lane. There is no way to improve the junction due to the hedge and the wall not being in the applicant's ownership.

4.2.2 The submitted documentation included speed and volume surveys undertaken on Ladywell Lane and Forge Lane which show that a daily average of 27 vehicles use Ladywell lane over a 7 day period and a daily average of 21 vehicles use. The three bedroomed houses equate to 3 parking spaces per dwelling, therefore there is potential for a minimum of 18 trips on narrow lanes and a junction with substandard visibility splays.



4.2.3 There has been one recorded accident recorded during this current 5 year period which is to the south of the junction of Forge Lane and C1263. An additional 2 accidents have been recorded around the junction from historic records. Two historic accidents have been recorded at the junction of The Thorn and C1263.

4.2.4 To support the application, a speed survey on the C1263 was also considered necessary to assess the implications of increasing the number of vehicles using the junction of the C1263 and Forge Lane. An assessment of route options was also requested.

*Further comment received upon submission of a speed survey on the C1263 adjacent to the junction with the U71609 and the provision of a route analysis –*

4.2.5 After undertaking an additional site visit and reviewing the recently submitted documentation here are my following comments.

4.2.6 The restrictions to the access and highway areas are as follows:

1. Very restricted visibility from the C1263 and U71609 junction-
2. Narrow sections of carriageway with no official passing places.

4.2.7 Whilst the development will look to increase the number of vehicles on Ladywell Lane, there are a number of routes which can be undertaken therefore the cumulative impact onto the highways network would not be classed as severe. The junctions in question are only located a short distance away from the site and would not significantly increase the travel time for vehicles using the alternative junctions.

4.2.8 The visibility at the junction of C1263 and U71609 is severely limited. The junction is restricted by a wall and hedge which closely borders the junction and provides a very limited visibility splay. If this was the only junction which served the site then the development would intensify the junction and the implications would be classed a severe. As mentioned there are alternative routes which allow vehicles an option not to use this route.

4.2.9 The routes to the site have narrow lanes with no official passing bays, vehicles pass using private driveways.

4.2.10 The access and highway adjacent to the site does have restrictions however these would not be classed as severe and therefore would not justify a refusal.

4.2.11 If mind to approve the development a construction management plan should be conditioned with the review of size of vehicles used to access the site.

4.3 The Conservation Manager (Ecology) does not object to the principle of development:

4.3.1 The site falls within the River Wye SAC Habitat Regulations Assessment area – as identified the only 'likely significant effect' is from foul water management and surface water from the site – surface water and final outfall from a package treatment plant is being managed via a spreader/soakaway system and so any potential impacts from residual phosphates, nitrogen and suspended solids are managed and mitigated on site. With this in place as part of any approved plans I am happy to assess the development as having NO 'likely significant effects' on the River Wye SAC/SSSI.

- 4.3.2 The ecological risk avoidance and working measures recommended in the Ecological report should be part of a Condition. The biodiversity enhancements proposed are very limited and only cover bat species. I would request that to fulfil NPPF guidance a wider range of enhancement options could easily be incorporated at very little cost – such as addition of a bird box and insect home on each dwelling and a hedgehog home within the wider boundary features. I have added these to a suggested condition.
- 4.3.3 I note that there are trees and hedgerows being retained on site and it is important that these are properly protected during the construction process and so I would request a BS5837:2012 tree protection plan with associated working methods.

4.4 The Drainage Manager does not object to the principle of development:

4.4.1 Overview of the Proposal

The Applicant proposes the construction of 3 dwellings and appropriate parking. The site covers an area of approx. 0.24ha and is currently used as a Greenfield site. The Wriggle Brook is located approx. 50m to the north of the proposed development site. The topography of the site is sloping down from approx. 175m AOD in the south of the proposed development site to approx. 170m AOD in the north.

4.4.2 Fluvial Flood Risk

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the low risk Flood Zone 1: Flood Zone 1 comprises land assessed as having less than a 1 in 1,000 annual probability of river flooding.

4.4.3 As the proposed development is less than 1ha and is located within Flood Zone 1, in accordance with Environment Agency standing advice, the planning application has not been supported by a Flood Risk Assessment (FRA). This is summarised in Table 1 [not shown here].

4.4.4 The Planning Practice Guidance to NPPF identifies five classifications of flood risk vulnerability and provides recommendations on the compatibility of each vulnerability classification within each of the Flood Zones, as shown in Table 2 [not shown here].

4.4.5 The Planning Practice Guidance to NPPF states that residential development is to be considered as 'more vulnerable' development. With reference to Table 2, 'more vulnerable' development would be considered appropriate in Flood Zones 1 and 2.

4.4.6 This guidance is in accordance with requirements of the NPPF and Policy SD3 of the Core Strategy. Guidance on the required scope of the FRA is available on the GOV-UK website at <https://www.gov.uk/planning-applications-assessing-flood-risk>.

4.4.7 Surface Water Drainage

The Applicant has submitted a surface water drainage strategy showing that surface water will be managed using soakaways. The Applicant has provided infiltration testing results undertaken in accordance with BRE365. Review of these results confirms that soakaways prove viable for managing surface water run-off. The Applicant has provided calculations proving that the soakaways are sufficiently sized to ensure that the drainage system is able to cope with up to the 1 in 30 year event + Climate Change. The groundwater has not been encountered at a depth of 3.5m, thus the groundwater level will be more than 1m below the base of the proposed soakaways. The Applicant must clarify the proposals for the drive way.

#### 4.4.8 Foul Water Drainage

The Applicant is proposing to use package treatment plants to manage foul sewage. The layout plan shows the pumping station located near the corner of the house. This may be subjected to blockages from materials within the waste water. Following convention it is normal to align the drains to discharge into the package treatment plant then pump the treated effluent uphill. Please submit trade literature that supports the proposal to install the pumping station at the corner of the building.

4.4.9 We note that the package treatment plant for Plot 3 is located within 7m of the habitable building. This does not comply with BS6297. The Applicant must relocate the package treatment plant to be a minimum of 7m away from any habitable buildings.

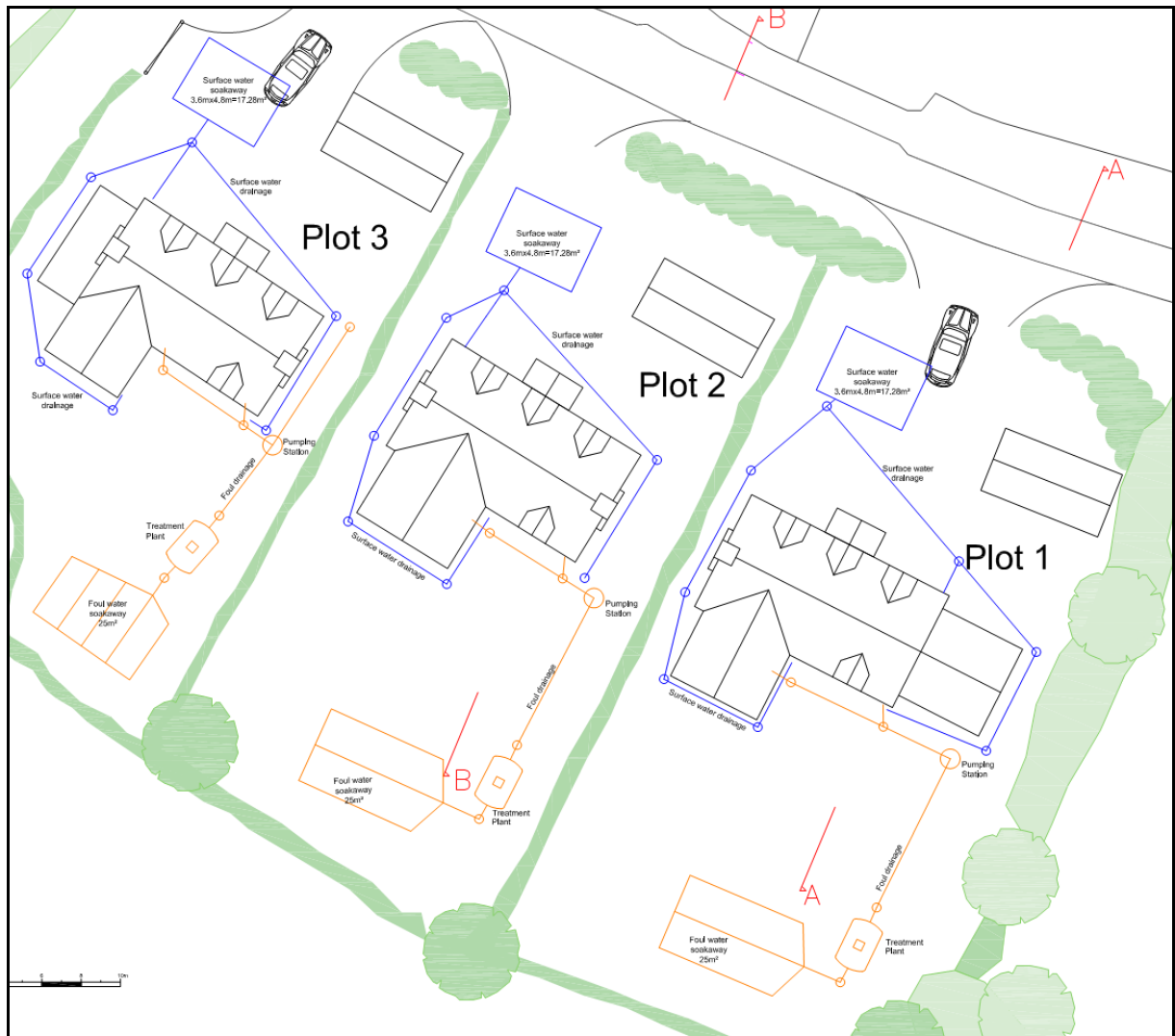
4.4.10 The Applicant should consult with the EA regarding the use of a package treatment plant or other on-site method of wastewater treatment and disposal.

#### 4.4.11 Overall Comment

We hold no objections to these proposals in regards to surface water management. The following information should be submitted prior the Council granting planning permission:

- The Applicant must clarify the proposals for the construction of the driveway;
- The foul water drainage strategy presented does not allow for the potential of blockage of pumping station. The Applicant must re-submit the foul water drainage strategy.
- The Applicant must relocate the package treatment plant for Plot 3 to be a minimum of 7m from the habitable building.

4.5 As a result of the above, the developer submitted further information including detail of the foul drainage solution which shows that foul waste will be pumped to the a private treatment plant for each dwelling to the rear of each respective plot. The proposed pumping station has a 24 hour capacity for storage and an alarm system in case of failure, including texting the occupant. The below indicative drawing shows approximate locations of the treatment plant and soakaways.



The Drainage Engineer commented on that further submission as follows:

- 4.5.1 The alarm system itself would need to be loud enough to wake the house occupants. At this time the homeowner would need to make plans to contact via an out of hours phone number. An alarm system fitted on an external package treatment plant would be noticeable when the occupant went outside. Also the pump would be noisy and would be adjacent to the property.
- 4.5.2 In the event of an electrical power failure overnight, the occupier would only be made aware of the failed pumps in the morning. The electrical control normally needs a manual re-set. The maintenance strategy would need to demonstrate how the pumps would be repaired with the remaining time within the 24 hour period (typically 16 hours)
- 4.5.3 The maintenance strategy would need to demonstrate that there are several companies offering a service to repair the pump 24/7. If the maintenance strategy relies on one or two companies then if such a company were to go out of business then the homeowner would be subjected to foul flooding. I would tend to agree that this product would be well suited to use in cities like London where there are many basements with a steady demand for such services.
- 4.5.4 The applicant would need to demonstrate how the risk of surface water ingress into the foul sump will be prevented. The foul pumps that have been specified are for dry areas. To prevent the ingress of water the cover would need to be raised up. This may create a

trip hazard. The use of 'watertight' covers is not considered sufficient because the seal on these would perish in due course.

- 4.5.5 The maintenance strategy needs to demonstrate how flows will be pumped or tankered away in the event of major failure of the pumps. The water companies develop a strategy for such a scenario, this issue needs consideration for a private household as well.

## **5. Representations**

### **5.1 Much Birch Parish Council Objects:**

- 5.1.1 The Much Birch Parish Council has considered the application, and heard representation from parishioners, and are minded to OBJECT to the planning application for the following reasons:
- 5.1.2 The application shows revised plans for attempting to deal with foul water disposal in the absence of access to a public sewerage system. The Parish Council are concerned that there will be inadequate soak away for the water generated by the properties in an area that is already vulnerable to field water run off and drainage issues. The ground is inherently boggy in nature and there is a question regarding that percolation tests should be carried out.
- 5.1.3 The lane is considered too narrow to accommodate the required construction traffic and subsequent householder traffic. Considerable inconvenience to existing residents is likely to be experienced.
- 5.1.4 There is a concern as to the over-bearing nature and overlooking from the new houses leading to a loss of privacy.
- 5.1.5 There is concern that natural light may be blocked out for the properties below the new builds.
- 5.1.6 There are also concerns over the access which does not appear to be properly represented on the drawings and will be creating a third access point onto what is a very narrow lane.

### **5.2 16 representations have been received and can be summarised as follows:**

- There is no public sewer in the village for the disposal of foul sewerage and surface water run-off. Drainage and flooding is a persistent problem for the village which will be exacerbated by any development on this field, especially along Upper Wrigglebrook Lane which is constantly awash with surface water. Despite all properties using septic tanks and soakaways drainage remains a huge problem for the village with the Wriggle Brook being regularly over-burdened and causing an offensive odour during warmer months;
- The Wriggle brook has flooded within the last 10 years, rendering one of the bungalows opposite the proposed site uninhabitable for 12 months due to water damage. The proposed development would exacerbate the issue;
- One week after heavy rainfall, the site turns to quagmire and Ladywell Lane is flooded;

- Whilst attenuation systems release water at a slower rate, there are existing problems associated with the drainage of the site and therefore the modern drainage systems will not assist the pre-existing drainage issue. Also drainage systems will need to be significantly dug in due to the sloping land, potentially harming the landscape;
- Soakaway tests were undertaken at a time when rainfall had not been significant;
- The ground had been severely disturbed in the months prior to the testing and this area is covered with a good depth of freshly dug soil transferred from the grounds next door. Freshly disturbed soil may assist the drainage at this test hole dramatically and would therefore give an inaccurate result.
- None of the test holes were sited in-line or anywhere near to the site of plot 3 and its proposed entrance, which is where the worst of the free flowing surface water sits and drains off during wet weather. The new drainage plans contained within the Drainage Strategy & Calculations Document shows a proposed surface water soak away in the exact area where the field suffers its worst drainage problems. This troubled area shouldn't have been excluded from the test.
- An infiltration system is proposed which can include a high clogging potential due to incorrect siting and misjudgement of surrounding soil types. They are also susceptible to a build-up of contamination which would be disastrous in a rural, ecologically diverse area such as this. Maintenance of the system is a concern.
- I am in full support of local development and new housing for growth but I feel that the approach to this application has been at times, lackadaisical, especially toward the strong and real concerns of those residents that surround the proposed site. It is impossible, through desk study, to truly understand the concerns raised in the objections, unless you are a resident of the area. A residential development on this site is totally inappropriate when there are geographically safer areas nearby that would be much more suited to it, especially in regard to drainage and road safety.
- There is a lack of infrastructure within the village to support the development. There is no shop or post office within walking distance. The bus service cannot be relied upon;
- The lane is a narrow single track and the development will lead to an increase in movement both associated with residents themselves and delivery vehicles. Often pedestrians have to step up onto the verge to avoid traffic. There are no footpaths or street lighting. The development will increase the likelihood of an accident;
- If these plans were approved there would be 8 driveways in close proximity opening on to a very narrow road and three way junction. As it is there are often cars parked on the verge in this area as there is so little parking for workmen and visitors to some of these houses. This could well lead to an accident.
- Access to the development sites have visibility for a 20mph speed of an approaching vehicle. Vehicle speeds are likely greater than this;
- The submitted speed surveys were undertaken at a time when six properties were not occupied;
- Contrary to the second transportation assessment, vehicles do not consciously choose to use alternative routes to avoid the junction of Forge Lane with the C1263, rather it is the most frequently used route to exit the Ladywell area. Alternative routes come with their own issues such as limited width and overhanging trees;
- Visibility at the junction of Forge Lane and C1263 is extremely limited and one has to creep forward over the stop line whilst performing a hill start. Given the speeds of vehicles using the C1263, this is a very dangerous manoeuvre;
- The junction of Wrigglebrook Lane, Ladywell Lane and Forge Lane is restricted in both visibility and width. The roadside verge is often used to facilitate the turning of vehicles;

- The associated increase in noise and light pollution from the development as well as increased traffic will further harm the enjoyment of the neighbouring properties as well as the amenity of the village;
- If approved, access to the site should be limited to 8am-5pm Monday to Friday to avoid disruption to residents;
- Building on agricultural land will destroy the amenity and character of the village of Kingsthorne and will set a precedent for further development on other small plots of agricultural land throughout the villages of Kingsthorne and Little Birch. It will also open the way for linear development further along the neighbouring fields on Wrigglebrook Lane;
- The development proposal would increase the urbanisation of the village and go against Herefordshire Council Supplementary Planning Guidance, ref Landscape Character Assessment;
- The existing bungalows opposite the proposed site are single story and low level. The large houses proposed would be directly overlooking these existing properties, dramatically compromising their privacy. The bungalows would also suffer overshadowing, especially in the winter season when the sun is at its lowest as it progresses west behind the proposed site during the day.
- The development is not sustainable as the dwellings are not attainable to young people. The type of properties infiltrating the village are 'luxury';
- The application does not meet local housing needs as it does not provide affordable housing to encourage young people to stay in the village and therefore does not meet any social or economic needs as set out in the National Planning Policy Framework;
- Kingsthorne is easily affected by noise. The smallest sound travels an incredible distance. The groundworks and construction on this site would most certainly cause distress to all in the near vicinity, especially some of the more elderly and vulnerable residents who are potentially housebound and unable to escape the disruption.
- The application site has been available as recreation land for many years;
- There have been no sheep within the field until very recently contrary to the applicant's assertion of sheep worrying by users of the permissive right of way through the field;
- The Ecological Assessment provided by the agent is inadequate and incorrect. The stated lack of biodiversity of this site will most certainly have been impacted by the huge amounts of fresh soil that has been distributed across the field recently, due to extensive landscaping/ groundworks at Cuckoo Cottage. Heavy machinery has been used in this field during this time, thus potentially destroying any evidence of existing flora and fauna. As this site was under a Defra order scheme for 10 years, with local signage (recently removed), identifying resident wildlife species the site was likely rich in biodiversity;
- The development of the field would destroy a natural habitat which is rich in wildlife, including polecat, and would mean a harmful reduction in biodiversity to the area;
- Disturbance of this field is not regarded as a positive contribution towards sustainable development and would cause further loss to ecological habitat.

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

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=163364&search=163364](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163364&search=163364)

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

## 6. Officer's Appraisal

### Principle of development

- 6.1 The application site is within Much Birch Neighbourhood Area which, when importing the Ross-on-Wye HMA indicative growth target, requires the provision of a further 21 dwellings before the end of 2031 to be mainly shared between the settlements of Kingsthorpe, Much Birch and Wormelow all of which are identified as main rural settlements at figure 4.14 of the Core Strategy. The site is located within Kingsthorpe being contiguous with other dwellings on three sides. The application proposal is therefore considered to be within the main built up part of an identified settlement as required by the outstanding criterion of Policy RA2 and the wider residential spatial strategy outlined at Policies SS2 and SS3.
- 6.2 The Council's inability to demonstrate an NPPF compliant supply of housing land is also a material consideration. Development plan policies relevant to the supply of housing must be considered out of date on this basis. However, that is not to say that those policies do not continue to attract weight.
- 6.3 The basic premise of the Core Strategy's housing policies is to support residential development in sustainable locations, chiming with the requirements of the NPPF. In this instance and as per the above assessment, it is officer's opinion that the application site is sustainably located whereby the principle of development complies with the Council's rural housing strategy. It would be counterintuitive therefore to suggest that for the purposes of this application, those policies no longer attract significant weight; there being no conflict with the positively worded premise of policy RA2
- 6.4 Further, the purpose of requiring Councils to perpetually maintain a five year supply of land for housing is to ensure that sufficient housing for projected population growth is planned for. The Council's housing land supply position is improving, rising from 3.63 years (as agreed at appeal in May 2015) to the current position of 4.39 years. This demonstrates that the undersupply is being actively addressed.
- 6.5 Therefore and in this instance it is your officer's opinion that the Core Strategy policies relevant to the supply of housing, most notably SS2, RA1 and RA2, continue to attract very significant weight although the inflated social and economic benefits associated with the provision of three dwellings should also be acknowledged when undertaking the 'planning balance' in recognition of the fact that the Council does not have a 5 year supply.
- 6.6 On the above basis, the contribution that the development scheme would make towards the supply of housing, particularly in the context of the County's under supply of housing land, is a significant material consideration telling in favour of the proposal.

### Key issues

- 6.7 Having established that the principle of development at this location would be acceptable it falls to consider the proposal against the other relevant policies outlined at chapter 2 of this report to establish whether there are any adverse impacts which would weigh against the schemes established benefits and ultimately, whether or not the application proposal is representative of sustainable development.



6.8 Having regard to the Core Strategy policies and other material considerations the main issues in the determination of this application are as follows:-

- Impact on the villagescape, landscape and local distinctiveness;
- Highway safety;
- Drainage;
- Residential amenity; and
- Biodiversity.

*Impact on the villagescape, landscape and local distinctiveness*

6.9 Whilst matters of appearance, layout, landscaping and scale are reserved for later consideration, it must be considered whether or not the site has potential to accommodate three dwellings without compromising policy objectives in terms of villagescape, landscape and local distinctiveness. To this end, the applicant has submitted an indicative layout and street scene which shows three well spaced dwellings of a dormer bungalow design on an approximate, but un-regimented building line.

6.10 Kingsthorpe is a settlement defined by its steeply undulating land form and spacious wayside settlement pattern along warren-like lanes, albeit in a slightly denser and more nucleated manner than the immediately neighbouring sprawling settlement of Little Birch. Dwellings tend to be of individual and ad-hoc design, and thus the prevalent vernacular is a mixed one. However, most notably, the site's immediate easterly context, which would have made up the historic core of the village, comprises a number of attractive stone buildings of a traditional cottage profile and design.

6.11 The application site rises exponentially from front to rear though as the dwellings are indicated as being towards the fore of the site, they would be located on the flatter part of the site minimising the degree of cut and fill required. By virtue of the tall and dense roadside hedgerows, intervening buildings and the undulating land form, the development proposal would be visually contained from long range views. Where occasional long range views are available, the dwellings would be read as a part of the established residential milieu.

6.12 It is your officer's opinion that there is sufficient space within the site to accommodate three dwellings whilst upholding settlement pattern of the area (described above) as demonstrated by the indicative layout and street scene. Further, the indicative street scene shows three well spaced dwellings of a dormer cottage design with a low height and modest span which would sit comfortably amongst the varied but fundamentally traditional buildings at this part of the village. Whilst hedgerow would be punctured to provide access to individual plots, in this residential context, a robust landscaping scheme would be sufficient to overcome the very modest harm associated therewith. Therefore, from local vantage points, particularly Ladywell Lane itself, there is potential for a reserved matters submission to uphold the character and distinctiveness of the area so as to have a positive impact on its setting as required by Core Strategy Policies SS6, SD1, LD1 and the environmental dimensions of RA2.

*Highway safety and movement*

6.13 Access is a matter for determination. The application proposes three accesses, one to each dwelling. Two existing field accesses would be utilised minimising the degree of hedgerow removal required, though from a highway safety perspective the accesses appear to be so infrequently used at present that the intensification of their use would be tantamount to the provision of new accesses.

- 6.14 The main concern in this context is for the intensification of use of the junction of Forge Lane and the C1263 which is the most direct route of travel between the application site and the A49 and the rest of Herefordshire. The visibility exiting the junction is very poor with no real opportunity for improvement with land being without the applicant's ownership.
- 6.15 Three speed surveys are provided in support of the application; one adjacent to the application site, one on Forge Lane at the junction with the C1263 and one on the C1263 at the junction with Forge Lane. The applicant also submits that the limited number of vehicles (0.8 per dwelling per day) shown to pass through the traps provided at the top of Forge Lane indicates that most vehicles use other routes into and out of this part of Kingsthorne.
- 6.16 The Transportation Manager acknowledges that the junction of Forge Lane with C1263 has significantly substandard visibility. The visibility at the junction of C1263 and U71609 is severely limited. The junction is restricted by a wall and hedge which closely borders the junction and provides a very limited visibility splay. If this was the only junction which served the site, it is the Transportation Manager's view that the intensification of use of the access would severely impact on highway safety. However, there are a number of alternative routes which one could utilise.
- If heading north towards Hereford, the route by Wrigglebrook Lane and The Thorn is just 40 metres longer than via Forge Lane.
  - If heading south towards Ross, the route by Wrigglebrook Lane is 20 metres shorter than the route by Forge Lane although the road geometry and width is restrictive to speed.
- 6.17 Therefore the Transportation Manager advises that there are viable alternative routes to those which require use of the junction of Forge Lane with C1263 which would not significantly increase travel time. Therefore, there are routes which are of comparable convenience in terms of journey time and which deliver the road user to the main highway network for onward journeys without using the unsafe junction.
- 6.18 A further concern is that the local highway network is comprised of narrow lanes with no formal passing bays or scope to provide passing bays. However, the Transportation Manager does not consider this to pose a severe highway impact given the comparatively modest increase in vehicle movements.
- 6.19 Otherwise, the Transportation Manager does not raise concern for access onto the highway network from the application site or for the ability of the site to accommodate safe parking and turning.
- 6.20 In conclusion on this matter and having regard to the Transportation Manager's comments, there is a degree of harm associated with the potential use of the junction of Forge Lane with C1263 and the lack of formal passing places on the local highway network. However, by virtue of the modest intensification of vehicular use of the local highway network and the availability of viable alternative routes which circumnavigate the junction of concern, the degree of harm is considered to be very modest. Whilst this harm must be entered into the planning balance, it is not of a severe disposition which would require planning permission to be refused in the context of paragraph 32 of the NPPF. Further, the development proposal is considered to be compliant with Policies SS4 and MT1 of the Core Strategy.

### *Flood risk and drainage*

- 6.21 The application site is located in flood zone 1 where the risk of fluvial flooding is at its lowest and where the principle of residential development complies with Core Strategy Policy SD3 and the NPPF.
- 6.22 In terms of drainage, members are reminded that the application is made in outline only and that the scale and design of the development is yet to be determined. Accordingly, the minutiae of a drainage strategy can not be determined at this juncture. Rather the applicant must demonstrate at this stage that there is sufficient land capacity to deal with foul sewage and surface water within the site. This means dealing with sewage in compliance with the hierarchy laid out at Policy SD4 and detailed at paragraph 2.20 of this report and that site run off rates are no more than existing run off rates as required by Policy SD3 (paragraph 2.19 of this report).
- 6.23 As there are no mains sewers proximal to the site, Policy SD4 advises that connection to a package sewage treatment works which discharges to a watercourse or soakaway is the preferred means of treating sewage. The application scheme proposes the use of a package sewage treatment works discharging to a soakaway in compliance with the overriding requirements of Policy SD4.
- 6.24 Members' attention is drawn to the Drainage Engineer's updated comments at paragraph 4.5 of this report. The drainage system requires use of a pump to move the raw sewage to the treatment works which would be upslope of the proposed dwellings. The Drainage Engineer requires the submission of further information to ensure that the drainage strategy does not impact on the health of occupiers of the proposed dwellings. However, these details can be required by condition given that they relate to the detailed workings of the drainage system rather than being a fundamental consideration. Indeed, it is not plausible for this information to be provided at this stage given the outline nature of the planning application and that issues of detail are not yet known. On this basis, it is your officer's firm opinion that the application complies with Policy SD4 on matters of foul sewage treatment.
- 6.25 The outfall from the package sewage treatment works and surface run off from areas of hardstanding will contribute to the site's hydrological profile. The increase in water created on site (outfall from the treatment works) and the decrease in the site's porous surface area (areas of hardstanding) must be managed to ensure that levels of water run off from the site do not exceed existing levels. The application proposes soakaways to manage the release of surface water and is supported by infiltration tests to requisite BRE 365 standards which confirm that the soil type is suitable for infiltration techniques. Calculations are also provided demonstrating that the soakaways are sufficiently sized to ensure that the drainage system is able to cope with up to the 1 in 30 year event + Climate Change. On that basis, the Drainage Engineer considers the surface water drainage strategy to be appropriate and in compliance with Policy SD3.
- 6.26 Members will note the Drainage Engineer's two outstanding requirements at paragraph 4.4.11 of this report; firstly that the applicant clarifies the construction of the new driveway and secondly that the package treatment plant for Plot 3 is relocated to be a minimum of 7m from the habitable building. This information will be required as part of a reserved matters submission or planning condition which would provide a definitive scheme layout, details of the proposed driveway and a fully detailed drainage strategy.

### *Residential amenity*

- 6.27 The proposed dwellings are between 30 and 32 metres from the existing dwellings on the opposite side of Ladywell Lane whilst the associated single storey garages would be c. 21 metres from existing dwellings. These are sufficient distance to preclude overlooking and overshadowing even when factoring in the comparatively higher land level of the application site. Otherwise, there are important relationships between the dwellings and Ladywell Cottage to the east and Cuckoo Cottage to the South-west.
- 6.28 Cuckoo Cottage would be c.15 metres from the rear part of the closest dwelling (plot 3) on the indicative layout. The higher AOD level of Cuckoo Cottage is also relevant. In my view, the proposed dwellings would not unduly impact on the privacy and amenity of Cuckoo Cottage given the comparatively lower ground level of the application site and the offset orientation of 'plot 3' and Cuckoo Cottage. Further appropriate elevational design and landscaping would ensure that there are no privacy issues for occupants of Plot 3.
- 6.29 Ladywell Cottage is parallel to the indicative siting of Plot 1. However, it is offset from Ladywell Cottage by a single storey element. Therefore the elements of potential tension (the two storey parts of the buildings) would be c. 23 metres apart, a sufficient distance to limit amenity harm to a level less than significant.
- 6.30 For the above reasons, it is my view that there is sufficient opportunity for a reserved matters submission to respond to and design out potential overlooking and overshadowing issues such that existing and proposed residential amenity would be safeguarded in accordance with the requirements of CS Policy SD1 and the core planning principle set out at paragraph 17 of the NPPF.

### *Bio-diversity*

- 6.31 Core Strategy Policy LD2 requires that developments protect the biodiversity value of a site, particularly priority species and their habitats. As the proposal involves the development of a greenfield site and hedgerow removal an ecological survey accompanies the application to assess the potential impacts of the development on habitats and protected species that may be present on and around the chosen site. The Council's Ecologist confirms that the ecological survey and recommended mitigation therein is appropriate and subject to appropriate planning conditions the development proposal would comply with Policy LD2 and the NPPF.

## **7. Conclusion**

- 7.1 Paragraph 14 of the NPPF, which is also enshrined at Policy SS1 of the Core Strategy sets out the determination mechanism for planning applications. It states as follows:

*At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.*

*For decision-taking this means:*

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission 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.*

- 7.2 As the Council cannot demonstrate an NPPF compliant supply of housing land, relevant policies to the determination of this application are out of date i.e. policies relevant to the supply of housing. There are no specific policies within the Framework which indicate that development should be restricted. Thus the test laid out in limb 1 of bullet no.2 set out above is the appropriate mechanism for determining the application; that is that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 7.3 In providing three dwellings for which there is a demonstrable need, the development proposal would give rise to social benefits, necessarily augmented for its boosting of the Council's Supply of Housing Land. Further it would give rise to economic benefits both in the short term through employment of the construction trade and in the long term through the spending of residents' disposable income within the local area. As the development proposal complies with the Council's spatial strategy and specifically the requirements of rural residential development laid out at Policy RA2, there are no locational dis-benefits associated with the scheme. Further, given the lack of overriding biodiversity or drainage harm and that there is sufficient potential for a reserved matters submission to uphold the character and distinctiveness of the locality, the application does not give rise to environmental harm.
- 7.4 The only harm identified is associated with the potential use of the unsafe junction of Forge Lane with the C1236. However, given that there are alternative routes of travel which are comparably convenient to road users for onward journeys and that use of the unsafe junction is not *required*, the degree of harm is considered very modest.
- 7.5 On the above basis, and in undertaking the planning balance, the very modest harm in a Transportation and Movement sphere is not considered to demonstrably and significantly outweigh the social and economic benefits of the development proposal. Accordingly, the application is representative of sustainable development and Policy SS1 of the Core Strategy and paragraph 14 of the NPPF advise that planning permission should be granted.

## RECOMMENDATION

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

1. **A01 - Time limit for commencement - Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.**

**Reason:** Required to be imposed by Section 92 of the Town and Country Planning Act 1990

2. **The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last reserved matters to be approved, whichever is the later.**

**Reason:** Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

3. **Approval of the details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.**

**Reason: To enable the local planning authority to exercise proper control over these aspects of the development and to secure compliance with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

4. **Plans and particulars of the reserved matters referred to above relating to the layout, scale, appearance, access and landscaping shall be submitted in writing to the local planning authority and shall be carried out as approved.**

**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**

5. **The development shall be carried out strictly in accordance with the approved plans (drawing nos. OPKT01 & OPKT02), except where otherwise stipulated by conditions attached to this permission.**

**Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

6. **Prior to the commencement of the development details of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first occupation of any of the buildings hereby permitted.**

**Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

7. **Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the each residential planning unit and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) to the distances specified on drawing no. OPKT02 in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.**

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

8. **Any new access gates/doors shall be set back 5 metres from the adjoining carriageway edge and shall be made to open inwards only.**

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

9. The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.

**Reason:** In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

10. All roadworks shall be completed within a period of 2 years, or other period agreed in writing with the local planning authority, from the commencement of work on the site. This will entail the making good of surfacing, grassing and landscaping in accordance with a specification submitted to and approved in writing by the local planning authority. (Nothing in this condition shall conflict with any phasing scheme, in which respect it will be interpreted as applying to the particular phase being implemented).

**Reason:** In the interests of highway safety and convenience and a well co-ordinated development and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

11. Development shall not commence until a construction management plan has been submitted to and approved in writing by the local planning authority. The construction management plan shall detail:

- The type of construction vehicles accessing the site;
- The number of construction vehicles accessing the site on a daily and weekly basis;
- The frequency of construction vehicle movements; and
- An explanation of periodic variances to the above.

Works shall be implemented as approved.

**Reason:** To protect the safety and condition of the highway as required by Policies SS4 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

12. Development shall not begin until wheel cleaning apparatus has been provided in accordance with details to be submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved.

**Reason:** To ensure, with immediate effect, that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

13. **Development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the local planning authority and such provision shall be retained and kept available during construction of the development.**

**Reason: To prevent indiscriminate parking, with immediate effect, in the interests of highway safety and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

14. **The development hereby permitted shall not be brought into use until areas for the manoeuvring, parking, loading and unloading of vehicles have been laid out, consolidated, surfaced and drained in accordance with a scheme to be submitted to and approved in writing by the local planning authority and such areas shall thereafter be retained and kept available for those uses at all times.**

**Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

15. **The recommended working methods as stated in the preliminary bat survey report by Pure Ecology dated September 2016 shall be implemented as stated unless otherwise approved in writing by the local planning authority. The recommended bat roosting enhancements with the additional inclusion of one (Schwegler or similar) bird box and insect habitat box per dwelling and at least one hedgehog home in the wider landscaping shall be included in the completed development unless otherwise agreed in writing by the planning authority.**

**Reason: To ensure that all species are protected and habitats enhanced 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, NERC 2006**

16. **Before any work begins, or equipment or materials moved on to site, a survey of trees and hedgerows on the site to BS5837:2012 must be undertaken and the resulting report with arboricultural risk assessment, arboricultural working methods and recommended tree and hedgerow protection measures shall be supplied to the planning authority for written approval. All approved works and protection measures for trees and hedgerows must remain in place until all work is complete on site and all equipment and spare materials have been finally removed.**

**Reason: To ensure that all species are protected and habitats enhanced 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, NERC 2006.**



17. Prior to the commencement/first use of the development hereby permitted, full details of all external lighting to be installed upon the site (including upon the external elevations of the buildings) shall be submitted to and be approved in writing by the local planning authority. 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.

**Reason:** To safeguard the character and amenities of the area and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

#### **INFORMATIVES:**

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. 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. It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
3. This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel: 01432 261800), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority. A minimum of 4 weeks notification will be required (or 3 months if a road closure is involved).

Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.

4. This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800), shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works.

Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.

5. Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
6. It is the responsibility of the developer to arrange for a suitable outfall or discharge point. It cannot be assumed that the highway drainage system can be used for such purposes.
7. The applicant's attention is drawn to the requirement for design to conform to Herefordshire Council's 'Highways Design Guide for New Developments' and 'Highways Specification for New Developments'.

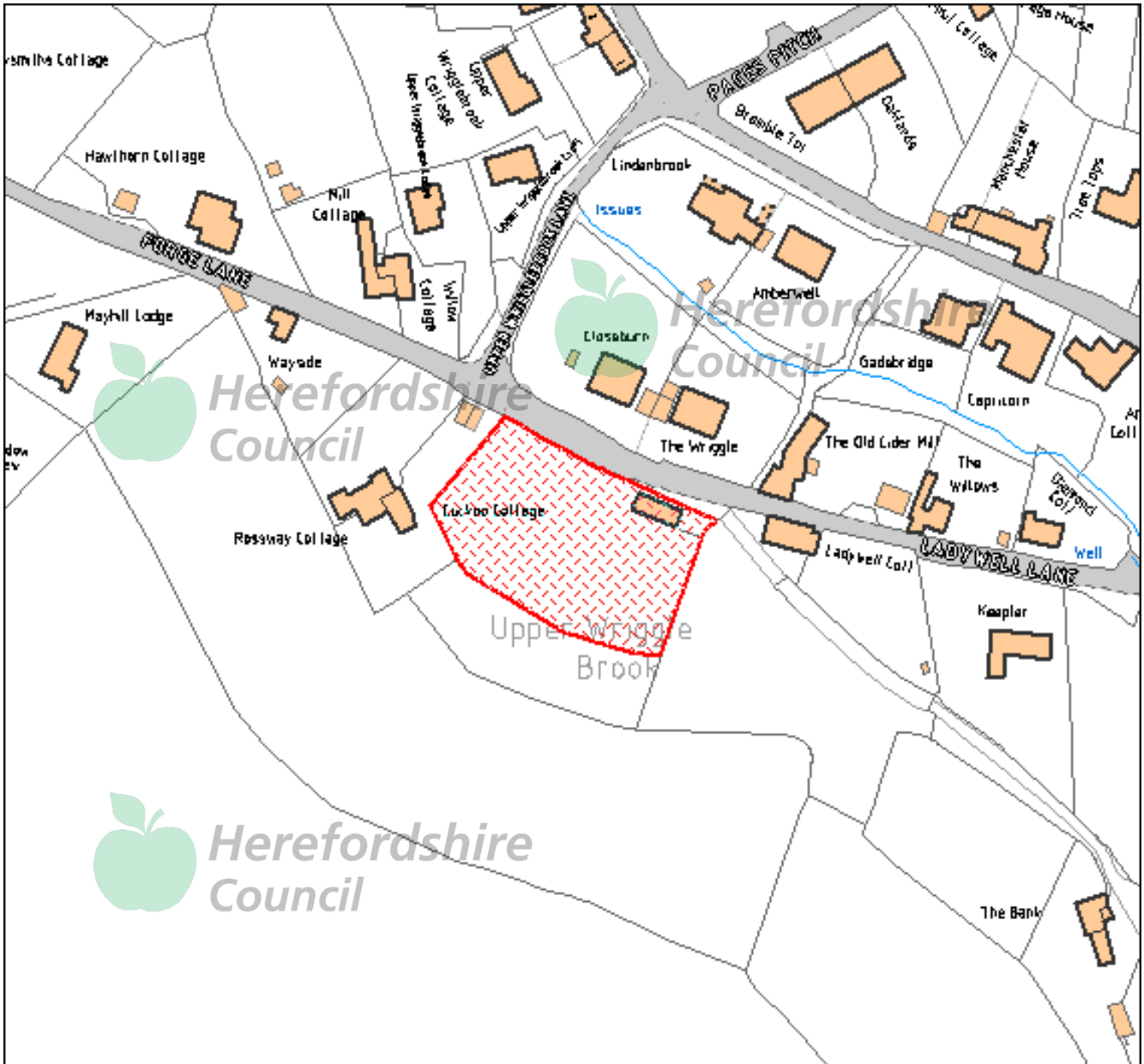
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

**APPLICATION NO:** 163364

**SITE ADDRESS :** LAND SOUTH OF LADYWELL LANE, KINGSTHORNE, HEREFORD

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Further information on the subject of this report is available from Mr Matt Tompkins on 01432 261795

