

Agenda

Planning and regulatory committee

Date: **Tuesday 18 December 2018**

Time: **10.00 am**

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

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

For any further information please contact:

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Agenda for the meeting of the Planning and regulatory committee

Membership

Chairperson **Councillor PGH Cutter**
Vice-Chairperson **Councillor J Hardwick**

Councillor BA Baker
Councillor CR Butler
Councillor PJ Edwards
Councillor DW Greenow
Councillor KS Guthrie
Councillor EL Holton
Councillor TM James
Councillor MD Lloyd-Hayes
Councillor FM Norman
Councillor AJW Powers
Councillor NE Shaw
Councillor WC Skelton
Councillor SD Williams

Agenda

		Pages
1.	APOLOGIES FOR ABSENCE To receive apologies for absence.	
2.	NAMED SUBSTITUTES (IF ANY) To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.	
3.	DECLARATIONS OF INTEREST To receive declarations of interests in respect of Schedule 1, Schedule 2 or Other Interests from members of the committee in respect of items on the agenda.	
4.	MINUTES To approve and sign the minutes of the meetings held on 21 November 2018.	11 - 38
5.	CHAIRPERSON'S ANNOUNCEMENTS To receive any announcements from the Chairperson.	
6.	182239 - LAND OFF HEREFORD ROAD, BROMYARD Demolition of existing buildings, structures and hardstanding and erection of 45 dwellings (including affordable housing) and drainage attenuation, open space and associated landscaping and infrastructure works (amended layout).	39 - 80
7.	181494 - LAND ADJACENT TO SPRING COTTAGE, HEADBROOK, KINGTON, HR5 3DY Proposed land for residential development and associated work together with public open space and local green space.	81 - 108
8.	181050 - LAND AT BURTON WOOD, WEOBLEY, HEREFORDSHIRE Outline planning permission for proposed erection of up to 50 dwellings (including 35% affordable), planting and landscaping, informal open space, vehicular access point from pepper plock ley and associated ancillary works. All matters to be reserved with the exception of the main vehicular site access.	109 - 148
9.	181347 - TWYFORD BROOK BARN, TWYFORD COMMON ROAD, TWYFORD, HEREFORDSHIRE, HR2 8AD Outline application for the erection of dwelling and garage. Construction of new vehicular access and associated works.	149 - 166

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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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The Chairperson or an attendee at the meeting must take the signing in sheet so it can be checked when everyone is at the assembly point.

Guide to Planning and Regulatory Committee

The Planning and Regulatory Committee consists of 15 Councillors. The membership reflects the balance of political groups on the council.

Councillor PGH Cutter (Chairperson)	Conservative
Councillor J Hardwick (Vice-Chairperson)	Herefordshire Independents
Councillor BA Baker	Conservative
Councillor CR Butler	Conservative
Councillor PJ Edwards	Herefordshire Independents
Councillor DW Greenow	Conservative
Councillor KS Guthrie	Conservative
Councillor EL Holton	Herefordshire Independents
Councillor TM James	Liberal Democrat
Councillor MD Lloyd-Hayes	It's Our County
Councillor FM Norman	Green
Councillor AJW Powers	It's Our County
Councillor NE Shaw	Conservative
Councillor WC Skelton	Conservative
Councillor SD Williams	Conservative

The Committee determines applications for planning permission and listed building consent in those cases where:

- (a) the application has been called in for committee determination by the relevant ward member in accordance with the redirection procedure
- (b) the application is submitted by the council, by others on council land or by or on behalf of an organisation or other partnership of which the council is a member or has a material interest, and where objections on material planning considerations have been received, or where the proposal is contrary to adopted planning policy
- (c) the application is submitted by a council member or a close family member such that a council member has a material interest in the application
- (d) the application is submitted by a council officer who is employed in the planning service or works closely with it, or is a senior manager as defined in the council's pay policy statement, or by a close family member such that the council officer has a material interest in the application
- (e) the application, in the view of the assistant director environment and place, raises issues around the consistency of the proposal, if approved, with the adopted development plan
- (f) the application, in the reasonable opinion of the assistant director environment and place, raises issues of a significant and/or strategic nature that a planning committee determination of the matter would represent the most appropriate course of action, or
- (g) in any other circumstances where the assistant director environment and place believes the application is such that it requires a decision by the planning and regulatory committee.

The regulatory functions of the authority as a licensing authority are undertaken by the Committee's licensing sub-committee.

Who attends planning and regulatory committee meetings?

Coloured nameplates are used which indicate the role of those attending the committee:

Pale pink	Members of the committee, including the chairperson and vice chairperson.
Orange	Officers of the council – attend to present reports and give technical advice to the committee
White	Ward members – The Constitution provides that the ward member will have the right to start and close the member debate on an application. In attendance - Other councillors may also attend as observers but are only entitled to speak at the discretion of the chairman.

How an application is considered by the Committee

The Chairperson will announce the agenda item/application to be considered, invite public speakers to move from the public gallery and take their seats in the council chamber, and explain any particular procedural matters relevant to the application.

The case officer will then give a presentation on the report.

The public speakers will then be invited to speak in turn (Parish Council, objector, supporter). Having spoken they will be asked to return to the public gallery. (see further information on public speaking below.)

The local ward member will be invited to start the debate (see further information on the role of the local ward member below.)

The Committee will then debate the matter.

Officers are invited to comment if they wish and respond to any outstanding questions.

The local ward member is then invited to close the debate.

The Committee then votes on whatever recommendations are proposed.

Public Speaking

The public will be permitted to speak at meetings of the Committee when the following criteria are met:

- a) the application on which they wish to speak is for decision at the planning and regulatory committee
- b) the person wishing to speak has already submitted written representations within the time allowed for comment
- c) once an item is on an agenda for planning and regulatory committee all those who have submitted representations will be notified and any person wishing to speak must then register that intention with the monitoring officer at least 48 hours before the meeting of the planning and regulatory committee
- d) if consideration of the application is deferred at the meeting, only those who registered to speak at the meeting will be permitted to do so when the deferred item is considered at a subsequent or later meeting

- e) at the meeting a maximum of three minutes (at the chairman's discretion) will be allocated to each speaker from a parish council, objectors and supporters and only nine minutes will be allowed for public speaking
- f) speakers may not distribute any written or other material of any kind at the meeting
- g) speakers' comments must be restricted to the application under consideration and must relate to planning issues
- h) on completion of public speaking, councillors will proceed to determine the application
- i) the chairman will in exceptional circumstances allow additional speakers and/or time for public speaking for major applications and may hold special meetings at local venues if appropriate.

Role of the local ward member

The ward member will have an automatic right to start and close the member debate on the application concerned, subject to the provisions on the declaration of interests as reflected in the Planning Code of Conduct (Part 5 section 6).

In the case of the ward member not being a member of the Committee they would be invited to address the Committee for that item.

In the case of the ward member being a member of the Committee they move to the place allocated for the local ward member to sit, do not vote on that item, and act as the ward member as set out above.

To this extent all members have the opportunity of expressing their own views, and those of their constituents as they see fit, outside the regulatory controls of the Committee concerned.

Minutes of the meeting of Planning and regulatory committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 21 November 2018 at 10.00 am

Present: Councillor PGH Cutter (Chairperson)
Councillor J Hardwick (Vice-Chairperson)

Councillors: PA Andrews, BA Baker, CR Butler, PJ Edwards, KS Guthrie, EL Holton, JA Hyde, FM Norman, AJW Powers, D Summers, EJ Swinglehurst and SD Williams

In attendance: Councillors JG Lester and RJ Phillips

61. APOLOGIES FOR ABSENCE

Apologies were received from Councillors DW Greenow, TM James, MD Lloyd-Hayes, NE Shaw and WC Skelton.

62. NAMED SUBSTITUTES

Councillor PA Andrews substituted for Councillor TM James, Councillor JA Hyde for Councillor DW Greenow, Councillor D Summers for Councillor MD Lloyd-Hayes and Councillor EJ Swinglehurst for Councillor NE Shaw.

63. DECLARATIONS OF INTEREST

Agenda item 6 – 181975 – Land at Stone Farm, Felton

Councillor Powers and Councillor Summers declared other declarable interests as they knew one of the speakers on behalf of the Parish Council.

Councillor J Hardwick declared an other declarable interest as he knew the applicant and the family.

Mr K Bishop, Lead Development Manager, declared an other declarable interest because he knew the applicant's agent who had formerly worked for the Planning Department.

Agenda item 7 – 181978 – Land adjacent to Stone Farm, Felton

Councillor Powers and Councillor Summers declared other declarable interests as they knew one of the speakers on behalf of the Parish Council.

Councillor J Hardwick declared an other declarable interest as he knew the applicant and the family.

Mr K Bishop, Lead Development Manager, declared a non-pecuniary interest because he knew the applicant's agent who had formerly worked for the Planning Department.

Agenda item 9 – 181237 – Land at Little Fields, Bridstow

Councillors Cutter, Hardwick and Swinglehurst declared schedule 2 interests as members of the Wye Valley AONB Joint Advisory Committee.

It was noted that most members would know the applicant's agent for applications 181975 and 181978 because he was a former employee of the council and that most members would know the person speaking on application 181237 because of the position he had held in the county.

64. MINUTES

RESOLVED: That the Minutes of the meeting held on 10 October 2018 be approved as a correct record and signed by the Chairman.

65. CHAIRPERSON'S ANNOUNCEMENTS

None.

66. 181975 - LAND AT STONE FARM, FELTON, HEREFORDSHIRE, HR1 3PW

(Proposed residential development comprising 3no self-build dwellings and associated works.)

The Development Manager gave a presentation on the application.

In accordance with the criteria for public speaking, Mr G Blackmore, of Ocle Pychard Parish Council spoke in opposition to the Scheme. Mr R Edwards, a local resident, spoke in objection. Mr M Tompkins, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor JG Lester, spoke on the application. He informed the Committee that because of a personal reason he would have to leave the meeting shortly. His comments would therefore also be of relevance to application 181978 also at Stone Farm, the next application on the Committee's agenda, which, whilst a separate application, was interlinked.

He made the following principal comments:

- He considered that both schemes had merit. They were contrary to two local policies. However, he questioned whether they were contrary to the definition of sustainable development at paragraph 8 of the National Planning Policy Framework (NPPF).
- He noted the benefits arising from the mix of housing proposed, the self-build element of the first application and the affordable housing element of the second application.
- The land was not identified for development in the draft Neighbourhood Development Plan (NDP). The production of an NDP took a considerable amount of effort and the Parish Council and the person speaking in objection had highlighted the inconsistency with the NDP.
- There were objectors to and supporters of the proposals.
- He noted the proximity to the A417, referred again to issues of sustainability and the proximity to other community assets.
- The question was whether the local policies carried sufficient weight to outweigh the benefits of the schemes.

In the Committee's discussion of the application the consensus was that the scheme was contrary to policy and the benefits of the scheme were not sufficient to outweigh this conflict.

The Lead Development Manager commented that the Committee had weighed the merits of the scheme and balanced that against the weight that could be given to the NDP.

The local ward member was given the opportunity to close the debate. He indicated that he considered the Committee had weighed the material considerations.

Councillor Edwards proposed and Councillor Swinglehurst seconded a motion that the application be refused in accordance with the printed recommendation. The motion was carried with 14 votes in favour, none against and no abstentions.

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

1. **The proposed development lies beyond the defined settlement boundaries for Ullingswick and Burley Gate, contrary to Policy OPG2 of the emerging Ocle Pychard Group Neighbourhood Development Plan. The applicant has not provided any evidence to suggest that the proposal is to be considered under any exceptional circumstances, other than self build which is not identified as an exceptional circumstance in Policy RA3. It represents development in the open countryside without any exceptional justification and is thus also contrary to Herefordshire Local Plan – Core Strategy Policy RA3. The proposal is at odds with the strategic approach towards housing allocation in the rural areas and as a result, the proposal does not represent a sustainable form of development and is contrary to Policies SS1, SS6, RA2 and RA3 of the Herefordshire Local Plan and the National Planning Policy Framework**
2. **In light of the conflict with the local planning authority's approach towards strategic housing allocation in its rural areas, the landscape impacts caused are unwarranted. The development would result in a degree of domestication in a countryside setting that cannot be adequately mitigated. It is therefore considered that the proposal is contrary to Herefordshire Local Plan - Core Strategy Policy LD1, OPG1 and OPG11 of the Ocle Pychard Group Neighbourhood Development Plan, and the National Planning Policy Framework.**

Informatives:

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations 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.**

67. 181978 - LAND ADJACENT TO STONE FARM, FELTON, HEREFORDSHIRE, HR1 3PW

(Proposed residential development comprising 8no dwellings and associated works (4no affordable dwellings, 3 no self-build dwellings and 1no open market dwelling.)

The Development Manager gave a presentation on the application. He highlighted that certain elements of the application were shared with application 181975, the subject of the previous agenda item. A key difference was the provision of 4 affordable houses and consideration of the weight to be attributed to this factor.

In response to a question he confirmed that the two applications were separate applications and the Committee could properly consider whether the planning balance for the second application was different from the first.

In accordance with the criteria for public speaking, Mr G Blackmore, of Ocle Pychard Parish Council spoke in opposition to the Scheme. Mr R Edwards, a local resident, spoke in objection. Mr M Tompkins, the applicant's agent, spoke in support.

As referred to in consideration of application 181975, the previous agenda item, the local ward member, Councillor JG Lester, had had to leave the meeting. His comments on the previous application had been applicable in part to this application.

In the Committee's discussion of the application the consensus was that the site was in the open countryside and the proposed affordable housing would not be near to services and would therefore be unsustainable. The scheme was contrary to policy and the benefits of the scheme were not sufficient to outweigh this conflict.

The Lead Development Manager clarified that there were dwellings in the area and the site could not therefore be classified as isolated. It was, however, in the open countryside. He also highlighted the provisions of policy H2.

Councillor Guthrie proposed and Councillor Holton seconded a motion that the application be refused in accordance with the printed recommendation. The motion was carried with 14 votes in favour, none against and no abstentions.

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

- 1. The proposed development lies beyond the defined settlement boundaries for Ullingswick and Burley Gate, contrary to Policy OPG2 of the emerging Ocle Pychard Group Neighbourhood Development Plan. The applicant has not provided any evidence to suggest that the proposal is to be considered under any exceptional circumstances, other than self build which is not identified as an exceptional circumstance in Policies RA3 and H2. It represents development in the open countryside without any exceptional justification and is thus also contrary to Herefordshire Local Plan – Core Strategy Policy RA3. The proposal is at odds with the strategic approach towards housing allocation in the rural areas and as a result, the proposal does not represent a sustainable form of development and is contrary to Policies SS1, SS6, RA2 and RA3 and H2 of the Herefordshire Local Plan and the National Planning Policy Framework**
- 2. In light of the conflict with the local planning authority's approach towards strategic housing allocation in its rural areas, the landscape impacts caused are unwarranted. The development would result in a degree of domestication in a countryside setting that cannot be adequately mitigated. It is therefore considered that the proposal is contrary to Herefordshire Local Plan - Core Strategy Policy LD1, OPG1 and OPG11 of the Ocle Pychard Group Neighbourhood Development Plan, and the National Planning Policy Framework**

3. **The application is not accompanied by a completed Section 106 Agreement which is considered necessary to ensure the delivery of the affordable element of the scheme. It is therefore contrary to Policies H1 and ID1 of the Herefordshire Local Plan – Core Strategy and the Council's Supplementary Planning Document on Planning Obligations.**

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.**

68. 181925 - SHERRINGTON MANOR FARM, SHERRINGTON ROAD, BROXWOOD, HR6 9JR

(Proposed erection of poultry manager's dwelling, together with garage/storage building and package treatment plant.)

The Senior Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr D Thomas, the applicant spoke in support of the application.

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

He made the following principal comments:

- The farm was well established and seeking to diversify, requiring additional workers. There were no objections to the application.
- The proposal was consistent with paragraph 79 of the National Planning Policy Framework (NPPF). Poultry houses required a manager. This was a skilled job and the employment market envisaged a certain salary and the provision of a house on site.
- He referred to a communication from the Chairman of the Pembridge Neighbourhood Development Plan Group that the proposal was consistent with the draft plan. He noted that the Parish Council supported the proposal.
- He did not agree with the suggestion that an existing barn could be converted to provide a dwelling. The barn was too large and the conversion of it would be correspondingly costly compared with the proposal in the application.
- He questioned the consistency of decision making and advice from the agricultural consultant referring to two similar applications in recent years in his ward, at Shobdon and outside Kington, that, on the advice of a different consultant, had been approved by officers under delegated authority.
- The report did not refer to the Defra codes of recommendations and guidance on animal welfare.
- There was a functional need for a full time poultry manager on site. The proposal was consistent with paragraph 79 of the NPPF and policies RA3 and RA4.

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

- The Parish Council supported the proposal as did the Pembridge NDP.
- The development created no harm.
- There was a need for a manager on site. The proposal was for dwelling on site specifically to accommodate a Poultry Manager. It was in proximity to the poultry houses. The application was not for a new home in the open countryside.
- It was confirmed that if approved the dwelling would have an agricultural tie.
- The Lead Development Manager commented that in assessing applications of this nature regard had to be had to the other dwellings in the farm's ownership. A barn extension to the house, for which an application had been submitted the previous year, could have been constructed as an annexe to provide accommodation for the applicant's mother, freeing up the dwelling 500m away that she currently occupied, or for a poultry manager.
- Policy required there to be an essential need for a worker to live on site. If it was concluded there was such a need, the question then turned on whether the need could be met within existing accommodation.
- One difficulty in considering the application was that there had been a number of instances where applications had been made for agricultural ties to be lifted suggesting that the grounds for their need in the first place had not been as strong as indicated at the time. The argument for the application and, others like it, was therefore finely balanced and required careful consideration.
- The proposal was of good design and would not have an adverse impact, although it could be questioned whether it would have a positive one as required by policy RA4.
- The reduction in travel both to enable rapid response to an emergency or in the interests of reducing travel as an objective in itself were in its favour.

The Lead Development Manager commented that a partial conversion of the barn in the farm complex could have been considered. It was accepted that there was an essential need for a worker to live near or adjacent to the site. However, there was accommodation already available to meet that need. If the view was that a further dwelling was required policy RA4 4.8.33 provided that preference should be given to the use of suitable existing buildings through conversion. Permission for agricultural dwellings was granted as an exception to other policies in accordance with strict criteria.

The local ward member was given the opportunity to close the debate. He commented that the partial conversion of the barn was not a practical option. The functional need for the proposed dwelling had been demonstrated and would support the sustainability and diversification of a local family business.

Councillor Baker proposed and Councillor Edwards seconded a motion that the application be approved on the grounds that it complied with policies RA3, RA4, RA6, SS5 and E1 with an agricultural tie to the property. The motion was carried with 10 votes in favour, 3 against and 1 abstention.

RESOLVED: That planning permission be granted on the grounds that the application was supported by policies RA3, RA4, RA6, SS5 and E1 and officers named in the scheme of delegation to officers be authorised to detail the conditions, to include an agricultural tie to the property, and reasons put forward for approval.

69. 181237 - LAND AT LITTLE FIELDS, BRIDSTOW, HEREFORDSHIRE

(Proposed erection of 8no houses consisting of 4no 3 bed, and 4no 4bed houses along with associated roads, parking and soft landscaping.)

(Councillor Swinglehurst fulfilled the role of local ward member and accordingly had no vote on this application.)

The Principal Planning Officer gave a presentation on the application. He provided an update that based on January 2014 figures the Council needs survey identified that of the minimum target of 57 dwellings for Bridstow 6% (3) were 1 bedroom, 25% (14) were 2 bedroom, 58% (33) were 3 bedroom and 11% (6) 4 bed (rounding down leaving a remainder of 1.

In accordance with the criteria for public speaking, Jenny Collin of Bridstow Parish Council spoke in support of the Scheme. Mr A Priddis, a local resident, spoke in objection. Rachel Hare, the applicant's architect, spoke in support.

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

She made the following principal comments:

- The impact on the AONB and whether or not the location was in or adjacent to the main settlement were key considerations.
- She had requested a redirection because there was a degree of local concern about a number of aspects including the impact on highways, on the AONB, sustainability of the location, the design and character of the development, effect on a public right of way, amenity of neighbouring properties and encroachment into the open countryside.
- In addition the Parish Council was finding it challenging to develop a Neighbourhood Development Plan and was looking for assistance in taking the plan forward.
- The application was of a high quality. However, she considered its approval to be a marginal decision.
- She referred to an appeal against a refusal, under delegated powers, of an application for a chalet bungalow on a neighbouring site "Woodlands". The appeal had been upheld by an Inspector. That application had at least some factors in common with the application before the Committee and had a bearing on considering whether the site was within or adjacent to the settlement in which case it was compliant with policy RA2.
- It was questionable whether the proposal could be said to conserve and enhance the AONB in accordance with paragraph 172 of the National Planning Policy Framework.
- The report concluded that the proposal was not major development in the AONB. That was a matter for the decision maker. She considered that the development would have an impact on the experience of the AONB. The landscape officer considered that the mitigation was sufficient to offset this.
- Tranquility and darkness were also an important part of the quality of the AONB that needed to be considered with particular regard to controlling external lighting that would urbanise the location.
- She referred to the remarks of an Inspector for another appeal against refusal for development at Burnt House on the importance of the landscape in the AONB and the provisions in the NPPF on conserving landscape and scenic beauty in the AONB and local distinctiveness.

- Some representations said that the proposal did not preserve local distinctiveness, contrary to policies RA2 and LD1.
- There was a difference between the two parts of the plot as originally referenced in the conservation manager landscape's comments in 2017, although the view was that the landscape architect's input had been sufficient to mitigate that adverse impact. It was important to consider whether the application was in character with the wider area.
- Concern had also been expressed about the capacity of the road network, especially at the pinch point of Rock Cottage/Pool Mill. The bus service was minimal, there were no pedestrian refuges, making the road unsuitable for walking between the development and the primary school. Car use was essential to access local services. The Inspector had stated that the Burnt House site which was nearer to local services could not be made sustainable. In contrast the inspector for the appeal at Woodlands had accepted that the car would be the main practical means of travel and the limited bus service would qualify as sustainable transport.
- Connectivity and sustainable modes of travel seemed critical to considering a development to be sustainable. Developments where this was not the case would be contrary to policy SD4.
- There was concern that there would be an adverse impact on the residential amenity of neighbouring properties from overlooking. She requested that consideration be given to mitigation of these concerns.
- A public right of way bisected the site and its character would be affected.
- Comments had also been made about the desirability of smaller sized dwellings in the parish. The development did not meet this aspiration.
- Welsh Water had noted the development could not be accommodated until planned works to the sewage treatment plant had been completed by 31 March 2020. She understood some of the land under which connections to the plant would need to be made was owned by neighbours. It appeared that these people had not been approached. Any opportunity to avoid using that land should be explored.
- The parish had a number of constraints to development: flooding, trunk roads, narrow lanes, and the AONB. The proposed development was well designed and of high quality but it was also some distance from services on a road unsuitable for pedestrians and arguably not within or adjacent to the settlement. She asked the committee to consider the impact on the AONB, the character of the area, the accessibility of local services, the impact on residential amenity of neighbouring property and weigh that against the presumption in favour of sustainable development and the benefit of new homes in an area where it was challenging to find appropriate sites.

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

- The application was sound. The application sought to conserve and enhance the location.
- It was requested that the metal railings alongside the footpath crossing the site should be retained to preserve its character. There would be community benefit in improving the path and making it more accessible.
- It was important that attention was paid to lighting on the site and this was fully governed by conditions.
- A concern was expressed about access from the site to the primary school and it was asked if any improvement to the road could be secured to benefit the community.

- The core strategy targets presented a difficulty for Bridstow and appeared unrealistic given all the constraints on development, creating a pressure on the Parish Council to support the development in the absence of better options. This was regrettable noting the Core Strategy was to be reviewed in 2019 with the potential for the housing growth target to be reduced.
- The housing mix, consisting of 3 and 4 bed properties appeared unlikely to meet local need. It was questioned if there had been a local housing needs survey.
- It appeared that the Council's defence against the appeal on the Woodlands site, for a single screened dwelling, could also be advanced in this case and would be strengthened because the application was for 8 prominent dwellings.
- The site appeared screened and would not have an adverse impact on the AONB.
- There were no objections from consultees and the Parish Council supported the proposal.
- The site was sustainable and not out of keeping with the character of Bridstow.
- The design was of good quality and energy efficient.
- The developers had worked closely with the parish council and undertaken consultation.

The Lead Development Manager made the following comments:

- He confirmed that the proposed condition 11 as required by Welsh Water stated that the upgrading of their treatment works would be completed before 31 March 2020.
- There were already conditions on lighting. However, an additional condition on external lighting could be added.
- The situation in Bridstow was difficult in the absence of an NDP to direct growth. The authority had been successful in defending a number of appeals against refusal of planning permission. These had been larger sites considered to be major development in the AONB. The Inspector at the most recent appeal had referred to development being acceptable associated with existing clusters of development and it was to be hoped that the Parish Council would bring forward an NDP identifying development sites having regard to this ruling.
- The application before the committee was adjacent to a cluster of development hence the recommendation for approval. It was a form of organic growth. He considered refusal of a smaller application of this nature would be harder to defend at appeal than refusal of those larger sites to which he had previously referred had been.
- He acknowledged that development within the AONB had to be treated with sensitivity.
- In relation to the minimum housing target of 57 houses permission for 10 had been granted and 3 had been built. The Principal Planning Officer referring to the housing need information he had provided during his presentation observed that the proposal was within the assessed need for 3 and 4 bed houses. It was confirmed that this was understood to be the council's housing needs survey not a result of a survey of Bridstow residents.
- Enhancement of the footpath would form part of the landscaping condition.
- In relation to the possibility of highway improvements, that was not related directly to the site and no such need had been identified by the Transportation Manager.

The local ward member was given the opportunity to close the debate. She requested conditions relating to hours of operation and control of mud on the road and similar matters, that consideration be given to reducing the impact of overlooking and that

consideration be given to the appropriateness of the housing target given the constraints on development.

Councillor Edwards proposed and Councillor Holton seconded a motion that the application be approved in accordance with the printed recommendation with an additional condition relating to external lighting. The motion was carried with 12 votes in favour, 1 against and no abstentions.

RESOLVED: That planning permission be granted subject to the following conditions and any further conditions considered necessary by officers named in the scheme of delegation to officers:

1. **A01 Time limit for commencement (full permission)**
2. **C07 – Development in accordance with approved plans and materials**
3. **CAB – Visibility splays**
4. **CAE – Vehicular access construction**
5. **CAH – Driveway gradient**
6. **CAL – Access, turning area and parking**
7. **CAT – Wheel washing**
8. **CAX – Direction of proposed lighting**
9. **CAZ – Site operative parking**
10. **CB2 – Secure covered cycle parking provision**
11. **No buildings on the application site shall be brought into use earlier than 31st March 2020, unless the upgrading of the Waste Water Treatment Works, into which the development shall drain has been completed and written confirmation of this has been issued to the Local Planning Authority by Dwr Cymru Welsh Water.**

Reason: To prevent further hydraulic overloading of the treatment works, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment
12. **No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network**

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment
13. **The ecological protection, mitigation, compensation and working methods scheme including the detailed Biodiversity enhancement features, as recommended in the Ecological Mitigation and Enhancement Strategy by Focus Ecology dated February 2018 shall be implemented in full as stated unless otherwise approved in writing by the local planning authority. The Biodiversity enhancements shall be maintained hereafter as approved unless otherwise agreed in writing by the local 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

- 14. Prior to the commencement of the development hereby permitted the following details shall be submitted to the Local Planning Authority for written approval –**

A detailed surface water drainage strategy with the changes made as mentioned in the ‘Surface Water Drainage’ section. This should include supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;

Confirmation that the road will be built to adoptable standards. In addition to this, the management of the water from the road must be clarified;

Evidence that the Applicant has sought and agreed permissions to discharge foul water from the site with the relevant authorities;

Confirmation of the proposed authority responsible for the adoption and maintenance of the proposed drainage systems.

The development shall be carried out in accordance with the approved details and thereafter be maintained as such.

Reason: To ensure adequate drainage arrangements are in place, to mitigate the development and minimise impact upon adjoining land uses and to comply with Herefordshire Core Strategy policies SD3 and SD4.

- 15 Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, B, C, D, E and H of Part 1 and of Schedule 2, shall be carried out.**

Reason – In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property, maintain the character and appearance of the development and to comply with Policy RA2, LD1 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed in any elevation of the property and no dormer windows or rooflights other than those expressly authorised by this permission shall be constructed in any facing**

roof slope of the property.

Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 17** None of the existing trees and/or hedgerows on the site (other than those specifically shown to be removed on the approved drawings) shall be removed, destroyed or felled without the prior approval in writing of the Local Planning Authority.

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

- 18** The plans and particulars (submitted in accordance with condition ... above) shall be in accordance with BS5837: 2012 – Trees in relation to design, demolition and construction, and shall include:

a) A topographical survey. This shall include all trees present on the site that are over 75mm stem diameter, measured at 1.5 m above ground level. Trees over this size growing on land adjacent to the site, whose branches overhang the site boundary, shall also be included.

b) A tree survey. This shall include details of all trees included in the topographical survey. A schedule to the survey shall provide a reference number (to be recorded on the tree survey plan), species, height in metres, stem diameter in millimetres at 1.5 metres above ground level, branch spread in metres, height in metres of crown clearance above adjacent ground level, age class, physiological condition, structural condition, preliminary management recommendations, estimated remaining contribution in years and retention category grading.

c) A tree constraints plan. This shall include details of the below ground constraints, represented by defined Root Protection Areas and the above ground constraints that the trees pose by virtue of their size and position.

d) An Arboricultural Implications Assessment. This shall identify, evaluate and mitigate where appropriate the extent of direct and indirect impacts on existing trees that may arise as the result of any site layout proposal.

e) An Arboricultural Method Statement. This shall provide a methodology for any aspect of development that has the potential to result in loss or damage to a tree. (It will include details of a monitoring regime of ongoing development operations by a qualified arboriculturalist to ensure full compliance with the Arboricultural Method Statement and the approved Tree Protection Plan.).

f) A Tree Protection Plan. This shall include details of trees selected for retention, trees selected for removal, the location of protective barriers and any other physical protection measures, design details of the proposed protective measures and areas of

structural landscaping to be protected from construction operations, to prevent soil compaction.

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

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

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

a) Root Protection Areas for each hedgerow/tree/group of trees must be defined in accordance with BS5837:2012 – Trees in Relation to Design, Demolition and Construction. Recommendations, shown on the site layout drawing and approved by the Local Planning Authority.

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

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

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

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

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework. The commencement of development in advance of these measures may cause irreparable damage to features of acknowledged amenity value.

20

The landscaping scheme approved as shown on the approved plans and details listed under Condition 2 of this Decision Notice shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time, any trees,

shrubs or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period. The hard landscaping shall be completed prior to the first occupation of the development hereby permitted.

21 Reason: In order to maintain the visual amenities of the area and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Not later than 1st October in each of the 5 calendar years following the planting of any trees or shrubs on this site in connection with the development hereby permitted the operator shall submit to the Local Planning Authority a written statement detailing:

- a) The number, location and species of any trees, shrubs and hedge plants which have died, become diseased or seriously damaged in the preceding 12 months, and
- b) Proposals for the replanting and maintenance of any such failures with plants of similar size and species within the following 6 months.

22 Reason: In order to maintain the visual amenities of the area and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00 am-6.00 pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

23 Reason: To protect the amenity of local residents and to comply with Policy SD1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Prior to the occupation of the development hereby permitted, full details of all external lighting to be installed upon the site (including upon the external elevations of the building) 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 LD1 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

1. Pro Active Reason 1

2. I 11 – Mud on highway
3. I 09 – Private apparatus within highway
4. I 45 – Works within the highway
5. I 07 – Section 38 Agreement & Drainage details
6. I 05 – No drainage to discharge to highway
7. I 47 – Drainage other than via highway system
8. I 35 – Highways Design Guide and Specification

The meeting ended at 1.25 pm

Chairman

**Minutes of the meeting of Planning and regulatory committee
held at Council Chamber, The Shire Hall, St Peter's Square,
Hereford, HR1 2HX on Wednesday 21 November 2018 at 2.00 pm**

Present: Councillor J Hardwick (Vice-Chairperson)

Councillors: BA Baker, PJ Edwards, KS Guthrie, EL Holton, TM James,
FM Norman, RJ Phillips, AJW Powers, D Summers, EJ Swinglehurst and
SD Williams

In attendance: Councillors DG Harlow and JF Johnson

(Councillor J Hardwick (Vice-Chairperson) in the chair)

70. APOLOGIES FOR ABSENCE

Apologies were received from Councillors CR Butler, PGH Cutter, DW Greenow, MD Lloyd-Hayes, NE Shaw, and WC Skelton.

71. NAMED SUBSTITUTES

Councillor RJ Phillips substituted for Councillor DW Greenow, Councillor D Summers for Councillor MD Lloyd-Hayes and Councillor EJ Swinglehurst for Councillor NE Shaw.

72. DECLARATIONS OF INTEREST

Agenda item 5 – 172156 – Hazlefield, Broad Oak

Councillor EJ Swinglehurst declared an other declarable interest because she knew the applicant and their family and was a member of Welsh Newton and Llanrothal Group Parish Council – a consultee on the application.

Agenda item 6 – New House Farm, New House Farm Barn, Grafton Lane, Grafton

Councillor J Hardwick declared an other declarable interest as he knew the applicant.

Councillor SD Williams declared a Schedule 1 interest and left the meeting during the consideration of the application.

Agenda item 7 – The Master's House, St Katherines, High Street, Ledbury

Councillor EL Holton declared that she was the council's representative on the Malvern Hills Trust and that she was the adjoining ward member.

73. CHAIRPERSON'S ANNOUNCEMENTS

The Vice-Chairman reported that Mr Roland Close, Principal Planning Officer, was leaving the authority. On behalf of the Committee he thanked Mr Close for his work and wished him well for the future.

74. 172156 - HAZELFIELD, BROAD OAK, HEREFORD, HR2 8QZ

(Erection of dwelling for agricultural manager.)

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

In accordance with the criteria for public speaking, Mr G Breakwell, the applicant, spoke in support of the application.

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

He made the following principal comments:

- He stated that he lived about a mile from the site and his property was surrounded by the applicant's land. The property had at one time been the applicant's farmhouse. However, he had not purchased it from the applicant but from a subsequent owner. He knew the applicant but not socially.
- He could confirm from his local knowledge that the applicant cared for the farm. It was sensible in the interests of animal welfare for a farmer to live on the farm. Currently the applicant had lived on site for 12 years in a caravan. The farm had been farmed by the family for 100 years.
- There were several letters in support of the application with little opposition.
- The dwelling would not be visible from the road and would only be visible to a very few properties. It would not inconvenience anyone and the council should show flexibility.

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

- There was a wish to support a family seeking to hand down a farm through the generations and there was some sympathy for the personal situation of the applicant.
- There had been a bungalow on site with an agricultural tie. The applicants had applied to have this removed and the property had subsequently been sold four years ago. This action appeared contrary to the stated wish to enable the family to live on site and expand the business.
- It was noted that the agricultural consultant had concluded that there was no essential need for the development of a further dwelling. Some members disagreed asserting that someone needed to be on site to deal with animal welfare issues.
- The SPO referred members to the committee update which contained revised information on the size of the landholding and numbers of livestock. She confirmed that she had sought and received confirmation from the agricultural consultant that his opinion had been based on that information. There was one property on site with an agricultural tie and one property, the converted barn, with no tie that was occupied by the applicant's parents.
- The proposal was contrary to policies RA3, RA4, SD1 and LD1.
- The Parish Council opposed the proposal.
- The design was not of sufficient quality or suitable for the site. It would be visually prominent from some aspects. There had been no effort to screen the building. A proposal for a modest and functional building would have been more appropriate.

The Lead Development Manager confirmed that the caravan on site was currently unauthorised. The design of the proposal formed one of the recommended grounds for refusal. The essential need was met by the existing properties. An annex could be considered to accommodate a son.

The local ward member was given the opportunity to close the debate. He commented that the bungalow that had been sold was some 1 1/2 miles from the farm buildings and had not therefore been in a suitable location. He questioned whether an annex was a suitable form of accommodation in this case. He remained of the view that the application would not inconvenience anyone.

Councillor Edwards proposed and Councillor Guthrie seconded a motion that the application be refused in accordance with the printed recommendation. The motion was carried on the Chairperson's casting vote there having been with 5 votes in favour, 5 against and 2 abstentions.

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

- 1. In light of the information provided with the application, it has not been demonstrated that there is an essential need for an additional dwelling at Hazelfield, noting that there is Hazelfield Barn and Hazelfield House in close proximity to the site that could be utilised. The proposal is therefore contrary to policies RA3 and RA4 of the Herefordshire Local Plan – Core Strategy and paragraph 79 of the National Planning Policy Framework.**
- 2. The proposed dwelling, by virtue of its scale, prominence and overall design approach, is not one that has been influenced by the local context of the site and would result in landscape harm. The proposal is therefore contrary to policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy and paragraph 127 of the National Planning Policy Framework.**

Informative:

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

(The meeting adjourned between 3.00 pm to 3.07 pm.)

75. 182130 - NEW HOUSE FARM, NEW HOUSE FARM BARN, GRAFTON LANE, GRAFTON, HEREFORDSHIRE, HR2 8BL

(Proposed change of use of residential dwelling to office accommodation.)

(Councillor Williams having declared an interest left the meeting for the consideration of this application. Councillor Holton left the meeting during part of the debate and accordingly had no vote on this application.)

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

In accordance with the criteria for public speaking, Mr G Blackmore of Ocle Pychard Parish Council spoke in opposition to the Scheme. Ms J Hardy, a local resident, spoke in objection. Mr P Lewis, the applicant's agent, spoke in support.

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

He made the following principal comments:

- He had redirected the application because of the level of concern expressed by local residents, mostly living along Grafton lane. The road was narrow and at peak hours was a rat-run to the A49. During consideration of the Southern link road there had been discussions as to whether the road should be closed off as a through road and as part of the national cycleway.
- The proposal would increase traffic and those traffic movements would take place during peak hours.
- There was a Christmas tree business on the site but he was not aware from the highways team that this caused any major issues.
- The Parish Council had raised the point that there had not been a design and access statement making it difficult for them to consider the application.
- There was a view that it was not the right place to start a commercial enterprise.
- Whilst there had been rumours about what might happen on the site he recognised that the Committee was determining the application before it.

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

- Rural businesses could have difficulty finding sites. The site was suitable for its proposed use.
- The concerns of local residents that the use of a site could change was acknowledged. However, the proposed conditions clearly restricted the use of the site to an administrative function.
- The Parish Council's objection was noted.
- Additional conditions were suggested relating to the hedgerow, traffic, working hours and bat welfare and an informative requested making clear that the permission was solely for a facility for the administration of the business due to traffic concerns.

The Lead Development Manager commented that the conditions could be included. He added that the Transportation Manager had informed him that whilst the proposal was acceptable there would be concerns if there were to be any expansion of the facility. However, that would need to be the subject of another application.

The local ward member was given the opportunity to close the debate. He commented on the importance of the proposed conditions to ensure that there were restrictions to prevent traffic going to and from the site at all hours.

Councillor Phillips proposed and Councillor Edwards seconded a motion that the application be approved in accordance with the printed recommendation with additional conditions relating to the hedgerow, traffic, working hours and bat welfare and an informative making clear that the permission was solely for a facility for the administration of the business due to traffic concerns. The motion was carried with 10 votes in favour, none against and no abstentions.

RESOLVED: That planning permission be granted subject to the following conditions and any other conditions considered necessary by officers named in the scheme of delegation to officers:

1. **A01 Time limit for commencement (full permission)**
2. **C06 Development in accordance with the approved plans**
3. **C10 Change of use only details required of any alterations**
4. **C57 Restriction on Use**
5. **C65 Removal of permitted development rights**
6. **CC2 External lighting**
7. **CAL Access, turning area and parking**
- 8 **The hours during which working may take place shall be restricted to 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays. There shall be no such working on Sundays, Bank or Public Holidays.**

Reason: To safeguard the amenities of the locality and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.
- 9 **None of the existing trees or hedgerows on the site shall be removed, destroyed or felled without the prior approval in writing of the Local Planning Authority.**

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.
- 10 **The garage and bat loft pursuant to planning permission ref: DCCE0009/1948/F shall be retained in perpetuity unless otherwise agreed in writing by the local 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.

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. **The applicant's attention is drawn to the use permitted and advised that any expansion from this site is likely to result in a highways objection.**

76. 150041 - THE MASTERS HOUSE, ST KATHERINES, HIGH STREET, LEDBURY, HEREFORDSHIRE, HR8 1EA

(Landscaping of the Master's House to enhance its setting.)

(Councillor Phillips had left the meeting and was not present during consideration of this application.)

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Fran Robinson, a local resident, spoke in objection to the proposal. Ms R Sears, the applicant's agent, spoke in support.

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

She made the following principal comments:

- In principle she supported the proposal.
- She expressed a number of reservations relating to the sale of St Katherine's Barn and the implications for the successful landscaping of the area.
- She noted that one of the aims of the landscaping scheme had been to bring the complex of buildings together as a whole. It was important that this was achieved.
- Historic England had asked for car parking space to be moved back from the buildings to create an improved setting. A revised car parking scheme had been developed but was being dealt with separately from the planning application. This meant there was no assurance this would be achieved. She was concerned that the proposal might conflict with the alternative layout.
- The removal of 3 car parking spaces to the north would enhance the view of the master's house but these spaces were amongst the few that enabled people with reduced mobility, but without disabled badges, to access and exit their vehicles easily. Without agreement to the revised car park layout there was no indication as to whether these would be recreated elsewhere in the car park.
- The existing self-binding gravel was being carried into the Master's house, damaging flooring. It would be good to avoid further damage.
- The positioning of the planters would prevent the use of the space for market stalls and limit the utility for outside events. If the area between the Master's House and the car park was to be cordoned off and used for a market area in future the current landscaping proposals would not provide the necessary power supply points.
- The planters would also have a negative impact on the use of the outside space in conjunction with the use of St Katherine's Barn as a venue. Whilst that was a private enterprise the council should seek to ensure that the space was developed to achieve the best for the whole community.
- The scheme was welcome and an important investment in the public realm. However, she was keen for it to be ensured that the scheme integrated with plans for the car parking remodelling and that the completed project achieved the vision for the site.

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

- The Friends of the Master's House and Ledbury Civic Society supported the proposal.

- Whilst some car parking was necessary it was to be hoped that the future remodelling would maximise the benefits to the setting that could be obtained.
- The proposal had many attractive aspects.
- There wasn't total local support for the proposal. In particular it was suggested that there was a need for flexibility and to avoid restricting the possible uses for the area.
- It was also important that the potential to enhance the area was maximised.
- It was essential, as the Tree Officer noted and as was provided for within the conditions, that there was an effective management and maintenance regime. It was incumbent on the council to fulfil its responsibilities in this regard.
- The proposal did represent an enhancement, within the resources available and was consistent with policy.
- The scheme was an improvement but the area did deserve better, noting in particular the impact of the surrounding car park, but clearly resources did not permit an optimum solution.

The Principal Planning Officer referred to condition 3 requiring replacement planting, adding that the Friends of the Master's House had indicated a willingness to undertake maintenance as had other local groups. Whilst the proposal related to a small space, other parts of the surrounding area could be closed off, with appropriate permissions, to accommodate some larger events. He too hoped the opportunity would be taken to integrate any remodelling of the car park with the scheme to bring further improvement to the area.

The local ward member was given the opportunity to close the debate. She commented that she shared concerns about ensuring the long term maintenance of the area.

Councillor Holton proposed and Councillor Baker seconded a motion that the application be approved in accordance with the printed recommendation. The motion was carried with 11 votes in favour, none against and no abstentions.

RESOLVED: That planning permission be granted subject to the following conditions and any other conditions considered necessary by officers named in the scheme of delegation to officers:

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

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

2. **None of the lighting hereby approved shall be switched on from 11pm on any day until 7 am the next day during the period 1st April until 1st October in any calendar year, without the prior written consent of the Local Planning Authority.**

Reason: To safeguard protected species in accordance with policy LD2 of the Herefordshire Local Plan Core Strategy 2011-2031.

3. **Any trees or plants that die, are removed or become seriously damaged or diseased within a period of five years from completion of the development must be replaced in the next planting season with identical species.**

Reason: To ensure that the approved planting scheme becomes properly established as an inherent part of the wider landscaping scheme thus

according with policy LD1 of the Herefordshire Local Plan Core Strategy 2011-2031.

4. Notwithstanding condition 3 above prior to commencement of the development hereby approved the following matter shall be submitted to the Local Planning Authority for their written approval:-

•A full written five year landscape maintenance plan including provisions to ensure that the new trees are managed to ensure that they become established, including information regarding formative pruning, regular watering schedule and additional mulch added and removal of weeds/grass.

No development shall commence until the written approval of the Local Planning Authority has been obtained. Thereafter the implemented development shall be managed in full accordance with the approved written landscape maintenance plan.

Reason: To ensure that the approved planting scheme becomes properly established as an inherent part of the wider landscaping scheme thus according with policy LD1 of the Herefordshire Local Plan Core Strategy 2011-2031.

5. The development hereby permitted shall be fully implemented in accordance with the following approved documents:-

- Design and Access Statement (April 2018) – P0652-RE-5-001 Revision D;
- Landscape Sections – Drawing number DR-5-007 Revision B;
- Typical Tree Pits Details – Drawing number DR-5-010;
- Detailed Planting Plan 1 of 2 – Drawing number DR-5-008 Revision C;
- Detailed Planting Plan 2 of 2 – Drawing number DR-5-009 Revision A;
- Landscape Master Plan – Drawing number DR-5-002 Revision F;
- Application Site Plan – Drawing number co00378128/0512509/ ; and
- E-mail from Ruth Sears (One Ltd.) dated 01 August 2018 14:15.

unless otherwise approved in writing by the Local Planning Authority.

Reason:- For the avoidance of doubt and to ensure that the development is carried out in full accordance with the approved plans and documentation securing an appropriate high level of quality thus according with policies SS6, LD1 and LD4 of the Herefordshire Local Plan Core Strategy 2011-2031.

6. E01/C47 – Site investigation – Archaeology

INFORMATIVE

- 1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, 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.

Appendix - Schedule of Updates

77. DATE OF NEXT MEETING

Noted.

Appendix - Schedule of Updates

The meeting ended at 4.25 pm

Chairman

PLANNING COMMITTEE

**Date: 21 November 2018
(Afternoon)**

Schedule of Committee Updates/Additional Representations

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

SCHEDULE OF COMMITTEE UPDATES

172156 - ERECTION OF DWELLING FOR AGRICULTURAL MANAGER AT HAZELFIELD, BROAD OAK, HEREFORD, HR2 8QZ

For: Mr Breakwell per Mrs Julie Joseph, Trecorras Farm, Llangarron, Ross-on-Wye, Herefordshire, HR9 6PG

ADDITIONAL REPRESENTATIONS

The agent for the application has clarified that the farm has a total of 530 acres (of which 225 is for arable crops) with 165 cattle (60 of which are suckler cows) and 300 ewes with 475 lambs.

OFFICER COMMENTS

The Agricultural/Rural Business Consultant has been notified of the clarification but as they made their comments in light of these numbers originally, they stand by their appraisal.

NO CHANGE TO RECOMMENDATION

182130 - PROPOSED CHANGE OF USE OF RESIDENTIAL DWELLING TO OFFICE ACCOMMODATION AT NEW HOUSE FARM, NEW HOUSE FARM BARN, GRAFTON LANE, GRAFTON, HEREFORDSHIRE, HR2 8BL

For: Gamber Logistics Ltd per Mr David Kirk, 100 Chase Road, Ross-On-Wye, Herefordshire, HR9 5JH

ADDITIONAL REPRESENTATIONS

The Callow and Haywood Parish Council wish to reiterate that there is concern over the increase in traffic usage on the lane, particularly that of HGV, and they are still concerned about the lack of site plan, screening and potential hedge treatment at the location. It is hoped that these concerns will be considered when the proposals are assessed for possible progression.

OFFICER COMMENTS

These aspects are covered within the report and presentation.

NO CHANGE TO RECOMMENDATION

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	18 DECEMBER 2018
TITLE OF REPORT:	182239 - DEMOLITION OF EXISTING BUILDINGS, STRUCTURES AND HARDSTANDING AND ERECTION OF 45 DWELLINGS (INCLUDING AFFORDABLE HOUSING) AND DRAINAGE ATTENUATION, OPEN SPACE AND ASSOCIATED LANDSCAPING AND INFRASTRUCTURE WORKS (AMENDED LAYOUT) AT LAND OFF HEREFORD ROAD, BROMYARD, For: Keepmoat Homes per Mr Rob Riding, Pegasus House, Querns Business Centre, Whitworth Road, Cirencester, GL7 1RT
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=182239&search=182239
Reason Application submitted to Committee – Council land – Development Partnership	

Date Received: 15 June 2018**Ward: Bromyard West Grid Ref: 364756,254217****Expiry Date: 23 November 2018**

Local Member: Councillor A Seldon

1. Site Description and Proposal

- 1.1 Planning permission is sought for the erection of 45 dwellings (including affordable housing), with associated open space, landscaping and means of vehicular and pedestrian access on land off Hereford Road (A465), Bromyard. The site comprises two irregularly shaped and distinct parcels of Council-owned land; the former Council-depot and land let on an agricultural tenancy. The depot element is previously developed land overlain by hardstanding with a range of brick buildings and grit storage bays. There are presently two points of vehicular access into this parcel from the A465. The agricultural land is grazing, bound to the north-east and north-west by residential properties and with a field gate in the north-eastern corner.
- 1.2 Levels slope generally across the two parcels from high-points along the north-western boundary down towards the A465 and the depot is generally somewhat elevated above the agricultural land. The site extends to 1.42ha.
- 1.3 The site as a whole i.e. both parcels, share a common boundary with residential properties on Hereford Road, within Hatton Park and Drovers Orchard, Bromyard Cricket Club, The High School and to the south, the detached dwelling Ashfield House.
- 1.4 Opposite to the south-east is the Ashfield Way estate.
- 1.5 The proposal has been amended during the application process. As originally deposited the proposal was for the erection of 58 dwellings. This was reduced to the 45 now sought on officer advice and in response to concerns in respect of overlooking from both within the scheme and

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

relative to adjoining dwellings and the number of points of vehicular access proposed direct from the A465. For the purpose of comparison the as originally proposed and as amended scheme are set out below.

Scheme as amended



Scheme as originally proposed



- 1.6 As can be seen, the amended scheme has the effect of reducing the 'congestion' around the site's northern tip, where plot 25 would have been in very close proximity to No.20 Hereford Road, with the propensity for unacceptable overlooking.
- 1.7 The revised access strategy is also apparent. Independent of the 'main' access point the original layout included four shared access points to serve shared parking areas for the plots on Hereford Road. This has been reviewed on the basis that officers considered significant highway safety issues might ensue and that there would, absent sufficient manoeuvring space, be a likelihood of drivers reversing onto the road and visitors parking on the road itself. Consequently the amended scheme now before Members has one vehicular junction with Hereford Road, with the internal estate road and shared private drives providing access to dwellings. At the southern end of the Hereford Road frontage a pedestrian/cycle route is described. This will allow access to the High School for pupils and parents living on the site, but also those residents in Ashfield Way.
- 1.8 Elsewhere and in response to concerns at the absence of bungalows and potential for overlooking of Ashfields House, plots 1-3 at the site's southern tip are now 2-bed bungalows for affordable rent. Overall the scheme now comprises 27 dwellings for sale on the open market and 18 affordable dwellings (40%). The open market dwellings comprise 26 3-bed properties

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and 1 no. 4-bed dwelling. The affordable housing consists of 8 no. 2-bed shared ownership, 4 no. 3-bed shared ownership and 1 no. 4-bed dwelling of the same tenure – 13 shared ownership in total. There are 5 no. units for affordable rent. The aforementioned 2-bed bungalows and 2 no. 3-bed dwellings.

- 1.9 A further consequence of the reduction in the number of dwellings is the enlargement of the public open space (POS). This now extends to 1,655 square metres and will include a local area of play (LAP). Whilst not located centrally, it is understood the location of the POS is a consequence of the on site surface water attenuation strategy taking the form of underground cellular storage, which needs to be located at the lowest-lying point.
- 1.10 In terms of appearance, the house-types are generally two-storey (excepting the 3 no. bungalows) and faced in brick and brick/render. The street-scene to the A465 is shown below and demonstrates a well-spaced layout, with comparatively generous gaps between buildings.



- 1.11 The site is not subject to any environmental designation and nor would development affect the setting of any designated heritage assets. The site is located wholly within Flood Zone 1.
- 1.12 The application is accompanied by a number of supporting documents. The Local Planning Authority has considered the proposal against the Environmental Impact Regulations 2017 and is of the view that the scheme is not representative of Schedule 2 development and is not 'EIA' development.

2. Policies

2.1 Herefordshire Local Plan – Core Strategy 2011-2031

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
SS7	-	Addressing climate change
BY1	-	Development in Bromyard
BY2	-	Hardwick Bank
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
OS1	-	Requirement for Open Space, Sports and Recreation Facilities
OS2	-	Meeting Open Space, Sports and Recreation Needs
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources

- SD4 - Wastewater Treatment and River Water Quality
- ID1 - Infrastructure Delivery

2.2 NPPF (2018)

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision Making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 16 – Conserving and enhancing the natural environment

2.3 Bromyard Development Plan Document

The Neighbourhood Development Plan has not progressed. The Council has commissioned consultants to assist with the formulation of a Bromyard Development Plan Document (DPD). This will include an Employment Land Review to consider options for the quantum, type and location of employment land. Core Strategy Policy BY1 – Development in Bromyard – describes a need for 5ha as being necessary over the CS plan period to 2031.

At the time of writing there is no draft DPD and decision-making must rely, insofar as policies specific to Bromyard are concerned on BY1. (BY2 is concerned expressly with the allocation of housing at Hardwick Bank, so provides context to the spatial strategy and housing delivery in Bromyard but is otherwise specific to that allocation).

- 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/info/200185/local_plan/137/adopted_core_strategy

3. Planning History

- 3.1 None relevant

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: **Original response dated 14th August 2018**

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development:-

We have reviewed the information submitted as part of this application with particular focus on the Desk Study and Ground Investigation Report along with the Flood Risk and Assessment Report. With reference to Appendix E the percolation test results are unclear and appear to suggest that an infiltration rate had been achieved, although the drainage strategy has been based on a public combined sewer connection.

Our records indicate that there is a designated surface water network that serves the nearby residential estate; this network has a positive outfall to the River Froome. This option would prove to be a more sustainable option and if the use of soakaways is ruled out upon further testing then connecting to this surface water network should be progressed.

The Drainage Strategy suggests that part of the site currently permeates through the ground via natural infiltration, therefore this would suggest that soakaway is viable on at least part of the site. The report suggests that the remainder of the development drains to a manhole of unknown status/ownership. This will need to be confirmed by a connectivity survey and investigation. It is assumed by the applicant that this is a highway drain, if so then this could prove to be an option as a means to dispose of the surface water from the proposed development and Welsh Water could adopt a new sewer up to the point of discharge to the drain with its ownership remaining with the Highway Authority.

Updated comments 19th September 2018

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

We have reviewed the amended information submitted as part of this application with particular focus on the Flood Risk Assessment and Drainage Strategy reference C-06403-C. We note that the report indicates that the intention is to drain both foul and surface water to the public combined sewer. As stated in our previous letter dated 14/08/2018 there is no agreement in place to convey surface water to the public sewer and further investigations are required to explore soakaways and other sustainable options.

Finally, we reiterate the concerns with the proposed development connecting to the immediate potable water supply network, **we have held further discussions with the applicant and discussed the alternative option to connect to the 200mm ductile main at grid reference 365163, 254503 but we are not aware that a decision has been made.**

In light of the above and the ambiguity of the existing and proposed drainage arrangement we cannot support the application in full. Therefore, if you are minded to grant planning permission we request that the following Conditions and Advisory Notes are included within any subsequent consent.

Conditions

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

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

No development shall take place until a potable water scheme to serve the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary a scheme to upgrade the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any building. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.

Reason: To ensure the site is served by a suitable potable water supply.

- 4.2 Sport England (consulted owing to the proximity of the development to Bromyard Cricket Club and following the submission of 2 no. Cricket Boundary Assessment Reports, the second of which followed a visit by the consultants to site):

Initial response 14th November 2018 – Holding objection

In respect of the issue of ball strike, it is noted that the report states that it is a desk study, Labosport have not visited the site, taken measurements or carried out a visual inspection. The ECB have been consulted on the assessment and have commented that in their opinion the developer should always be providing a full Labosport survey including a site visit and discussion with the club and not just a desk based assessment and report. They comment that in this case the club are suggesting the ground levels haven't been taken into account and a site visit by Labosport would have been able to deal with that and alter the recommendation if needed.

Whilst the club have also expressed concern about the distances, the ECB comment that it is more difficult to address as Labosport have used their tried and trusted methodology against where the boundary is in relation to the pitches. Top edges and left handed pulls that travel 44 meters at this low level of cricket would be very minimal.

As such, it is not considered that this evidence can be relied upon and that it is recommended that the applicant be requested to instruct Labosport to undertake a site visit, and to provide an addendum to the report to assess the implications of site levels.

In respect of the amendments to the layout, the site plan suggests that the route of the proposed footpath would be directed around the rear of the existing cricket nets, across the cricket ground. The lack of a plan to demonstrate how this might affect the cricket ground does not help the assessment, but I would comment that the location of the route to the rear of the cricket nets does not seem sensible as this introduces a potential risk of injury to users of the footpath when the cricket nets are in use. Whilst it might be assumed that the nets would be suitably secured and free from gaps, in practice if the nets are not maintained over time there is a potential risk of cricket balls leaving the nets onto the footpath area. There is no suggestion that the footpath route across the cricket ground would be enclosed in sport netting, but if this was proposed this would place a burden on the club to maintain it, which may not be acceptable to them. It's not clear whether there is an existing right of way that must be maintained, but if there isn't it's difficult to see why this route across the cricket ground needs to be imposed on the cricket club at all? My conclusion is that the footpath would prejudice the use of the playing field for which an objection must be maintained. I'd recommend that this is deleted from the proposals.

As it stands, the submitted amendments have not sufficiently addressed the issues raised and so Sport England wishes to maintain its objection. Subject to resolving these points, Sport England would be willing to agree in principle that the details of proposed ball catch fencing can be agreed by condition, subject to agreeing suitable condition wording to ensure once the details have been approved this is then fully implemented in strict accordance with the approved details prior to the occupation of the affected plots. I would be happy to provide suggested condition wording for this.

Please re-consult me as and when an updated ball strike assessment is provided and in respect of the proposed footpath.

Response to updated cricket boundary assessment 4th December 2018 – no objection subject to conditions

Thank you for re-consulting Sport England on the updated ball strike assessment. It is noted that a site visit by Labosport has now been carried out to take site specific measurements including ground levels changes and that as a result the height of the recommended mitigation has been increased to 3.8-4.3 metres, the variance due to changes in levels along this boundary of the site. The ECB have been consulted who confirm that they concur with the

advice provided and consider this to be an acceptable solution. Sport England notes this advice and concurs that a scheme of ball catch fencing in accordance with these findings would be acceptable. The following planning condition is recommended to secure the design and specification details and to secure its implementation:-

Condition: Prior to the first occupation of any of plots 6, 7 and 8, full details of the design and specification of the ball stop mitigation, including details of management and maintenance responsibilities, as set out in the revised Labosport Cricket Boundary Assessment dated 22nd November 2018 have been; (a) submitted to and; (b) approved in writing by the Local Planning Authority after consultation with Sport England. The approved details shall be fully installed before any of plots 6, 7 and 8 are first occupied and thereafter be managed and maintained in accordance with the approved details.

Reason: To provide protection for the occupants of the development and their property from potential ball strike from the adjacent playing field, to reduce conflict between neighbours and therefore safeguard the sporting use of the adjacent sports facilities and to accord with Development Plan policy.

I'm unsure if there has been any revision to the layout plan in respect of the footpath route, however since my last response the club have advised that they believe this to be education land and that they do not see any major issue with its alignment to the rear of the nets. In terms of the times of use they comment this is generally during evenings and weekends, rather than at school times so they feel this would present a minimal danger. Given this, Sport England are able to remove their objection to this application, subject to the imposition of the condition above.

Sport England would object if this condition were not included. If you wish to amend the wording of the condition please contact me so that this can be agreed. Sport England would like to be notified of the decision in due course.

Internal Council Consultations

4.3 Environmental Health Officer (Noise & nuisance): Qualified comment 6th November 2018

Our department is in receipt of a third road traffic noise assessment which makes mention of the guidance in ProPG but this is not actually an Acoustic Design Statement as set out in Stage 2 of the ProPG guidance.

We have reviewed the revised plans for the site, the road traffic noise assessment and other data available regarding road traffic noise in the vicinity. Whilst it appears that the road traffic at the site presents a medium noise risk initially thought by ourselves to be an overestimate, this data is comparable with other noise surveys along the A465 with the exception that there are higher speed limits at these alternative locations.

With the revised plans, 9 of the 45 houses are impacted adversely by road traffic noise. The applicant has still not been able to demonstrate how the acoustic environment has been taken into account in the design and layout of this site, not provided noise contours nor calculated noise levels at each of these 9 houses. However we understand that there are other design constraints at the site which limit layout options and the proposed dwellings themselves are too small to enable orientation of all noise sensitive rooms away from the site.

Back gardens and amenity areas with solid acoustic fencing and shielded by the houses themselves are likely to achieve satisfactory noise levels to BS8233 in at least some parts of the garden. To achieve desirable noise levels in noise sensitive rooms, however, the bedrooms facing the front of the site will be required to have their windows closed during the daytime as well as the night time. This is not really desirable. However should it be minded to grant

permission for this site bearing in mind the comments made above I recommend strongly that the mitigation proposed in the noise report in terms of the use of acoustic trickle vents to the windows facing the Hereford Road and the proposed glazing specification to give a reduction of 32dB in the bedrooms and living rooms and 31dB in the dining rooms be followed.

4.4 Built & Natural Environment Services Manager (Landscape): No objection subject to conditions

I have no objections to this application, but I would like to recommend the following conditions:

Further appropriate tree planting on the SE boundary parallel and adjacent to the Hereford Rd. Existing trees on site to be retained to show their tree protection zones on the Planting Plan. Dependent on soil conditions, rain gardens (roof rain water run-off to go into proposed garden wet areas) to be introduced.

A Landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Landscape maintenance arrangements. No development shall take place until a scheme of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

4.5 Land Drainage: No objection subject to conditions

We commented on this planning application in August 2018. We recommended that the following information was provided prior to the Council granting planning permission for this development:

- Confirmation of an agreement in principle with Herefordshire Council and Welsh Water for the construction of a new combined sewer within the public highway.
- Confirmation of an agreement in principle from Welsh Water regarding the proposed connection to the existing combined sewer with regards to the capacity and viability of the proposed connection.
- Confirmation of an agreement in principle from Welsh Water regarding the adoption of the proposed foul, surface water and combined drainage systems.
- Assessment and demonstration of the management of exceedance flows to retain water within the site boundary up to the 1 in 100 year event.

The Applicant submitted comments from Welsh Water in September 2018. Welsh Water advised that there is a designated surface water network that serves the nearby residential estate, with an outfall to the River Frome. Welsh Water stated that if infiltration is not feasible on site, connection to this existing surface water drainage should be progressed.

The previously submitted FRA suggests that part of the existing site is drained to a manhole of unknown status/ownership, and the Applicant assumed that it is a highway drain. Welsh Water commented that the connectivity to this manhole and its ownership should be investigated further. If it is found that it is a highway drain, Welsh Water stated that it should also be considered as an option for the disposal of surface water runoff from the development. Welsh Water confirmed that they could adopt a new sewer up to the point of discharge to the drain with its ownership remaining with the Highway Authority.

The above comments suggest that the currently proposed discharge of surface water runoff from the site to the public combined sewer is not considered acceptable by Welsh Water.

Welsh Water stated that in light of the above they do not fully support the application, but if the Council is minded to grant a planning permission, Welsh Water requested that the following conditions are included:-

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

Considering the comments provided by Welsh Water we recommend that the following information is submitted by the Applicant prior to planning permission being granted:-

- Surface water drainage strategy amended in accordance with Welsh Water comments;
- Assessment and demonstration of the management of exceedance flows to retain water within the site boundary up to the 1 in 100 year event.

In addition and as per our previous response, we recommended that should the Council be minded to grant planning permission, that the Applicant submits the information requested above in addition to the following information as part of suitably worded planning conditions:-

- Greenfield runoff rates and detailed drainage calculations, including storage calculations that are based on the 2013 FEH rainfall data.
- Updated calculations of existing and proposed runoff rates and attenuation volume for the proposed development using correct impermeable areas.
- Amended calculations to demonstrate that the proposed surface water drainage system has been designed to prevent the surcharging of any below ground drainage network elements in all events up to an including the 1 in 2 annual probability storm event.
- Amended calculations to demonstrate that the proposed surface water management system will prevent any flooding of the site in all events up to an including the 1 in 30 annual probability storm event.
- Detailed drawings of the proposed drainage system including details of proposed attenuation structures and flow controls.
- Confirmation of the proposal to abandon and make safe the existing cesspit and redirect flows from the neighbouring property into the proposed drainage system. Note that it is expected that consultation will be undertaken with the Environment Agency regarding the need to remove the cesspit and remediate potentially harmful contamination.
- Detailed drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system.
- Operation and maintenance manual for all proposed drainage features that are to be adopted and maintained by a third party management company.

4.6 Open Space Planning Officer: No objection subject to conditions/contributions

Open Space Requirements:

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

appropriate on an equally beneficial basis for the local community. Standards of provision are to be based on:

- Local Evidence: Herefordshire Open Space Study 2006 (data for amenity public open space has not changed significantly and it is still considered to be accurate). This recommends POS should be at a rate of 0.4ha per 1000 population.
- Local Evidence: Herefordshire Play Facilities Study and Investment Plan 2012 and National Evidence: Fields in Trust Guidance: These recommend children's play at a rate of 0.8ha per 1000 population. In recognition that quantity guidelines should be adjusted to take account of local circumstances. Of this 0.25ha should be formal equipped play.
- Local: Playing Pitch Assessment 2012 and update 2014, Outdoor Sports Investment Plan (draft) and National Evidence: Fields in Trust Guidance: These recommends outdoors sports provision of between 1.4 and 1.6ha per 1000 population and where future investment in outdoor sport should be directed to maximise the benefits to the local community.

A combination of both on and of site provision is required from this development.

On-site POS/Play provision: For 45 houses at an occupancy of 2.3 (total population 103.5) the following is required:

- The developer provides a minimum of 0.123ha (1230sq m) of on-site green infrastructure comprising;
- 0.041ha (410sqm) of Public Open Space (@ 0.4ha per 1000 population)
- 0.082ha (820sq m) of Children's Play (@ 0.8ha per 1000 population) of which 0.025ha (250sq m) should be formal play equipment. (@ 0.25ha per 1000 population)

On site POS provision as shown on the plan totals 1655sq m. This adequately meets the policy requirement. It is located next to the entrance to the site and the Hereford Road but extends the length of the north-east boundary offering opportunities to locate the formal play provision in a safe accessible area away from the roads. Although not centrally located the area will have some natural surveillance from the house located to the north of the open space and the 4 houses across the road from it. It will be bounded by existing hedgerow to the north-east side, by the new house to the north-west side and by proposed railings to the south-west and south-east boundary. It is considered to be of a usable size and as per my previous comments planning for healthier spaces is good practice and it offers the opportunity to provide a well-designed area offering a range of recreation opportunities and experiences appropriate to the site and location.

At 250sq m the applicant should provide a LEAP rather than a LAP. LAPs are not supported as they are small, aimed at infants only and offer little in play value. An area of 250sq m can accommodate play provision for both infants and juniors suitable for a development of this size and offer a good range of equipment. A space for kick-about area is also recommended.

Based on the proposed number of houses and sizes (11 x 2bed, 32 x 3bed, 2 x 4bed) and in accordance with the SPD on planning obligations development costs only a play area to the value of approximately **£33,000** should be provided on site. The play area should be aimed at infants and juniors only and provide a range of equipment intended for this age group offering good play value. Some landscaping may be required and this can be included in the costs. Detailed plans of the play area, including layout, equipment list (with suppliers and part numbers), details of safety fencing, safety surfacing information on signage, seating and litter bins, costs and a schedule of maintenance should be submitted. This play area scheme will need to be approved by the planning authority and conditioned accordingly. I suggest CA4 and CA6 on the council's standard conditions.

On-site POS/ Play Area Adoption: Herefordshire Council no longer adopt open space and suitable management and maintenance arrangements will be required to support any provision

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of open space and associated infrastructure within the open space in line with the Council's policies. This could be a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as the Hereford City Council or a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

Bromyard cricket club: The Herefordshire Cricket Board has raised a concern with me with regard to the proximity the proposed development is to the existing Bromyard Cricket Club facilities. I also understand that these issues have also been raised by the cricket club. The proposed housing site bounds the southern boundary of the cricket outfield. The cricket facility is currently constrained by its position within a residential and school area and the addition of this housing development will further exacerbate this issue as I understand. I have not been to site so am not certain as to the exact nature of the issue or how the existing wicket is aligned. In accordance with the playing pitch assessment 2012 and the outdoor sports investment plan, there is a deficiency in cricket facilities in Bromyard and suitable land is hard to find in Bromyard to develop new facilities. Should this development impact upon the current facilities to the extent that health and safety of local residents becomes a real issue for the club and the potential loss of this facility, this will further impact on the already deficit provision. Also to note Bromyard Cricket Club has now entered a premier league in the west midlands which as I understand requires a certain standard of facility. I would therefore ask that the boundary treatment between the existing cricket club and the proposed new housing is considered and a practical solution found.

Off-Site Outdoor Sports contribution: An off-site contribution will be sought towards outdoor sports provision. Based on evidence from the Playing Pitch Assessment for the Bromyard Area 2012 an Outdoor Sports Investment Plan which includes up to date information (2017) on existing facilities and clubs has been prepared by a partnership of Herefordshire Council, the relevant National Governing Bodies for Sport, (NGBs) Sport England (SE) and the County Sports Partnership (CSP). This partnership makes up the Steering Group overseeing delivery of the Investment Plan. The investment plan is considered to be robust providing details of both quantity and quality projects (football, cricket, and rugby) for Bromyard which are considered to be sustainable and deliverable and required in support of improving existing outdoors sports facilities to meet the needs of the future populations up to 2031. To meet these demands contributions from all new housing developments are requested as follows based on market housing only:

Contribution arising from this proposal:

- **£609,000:**Total Outdoor Sports Investment costs (costs calculated using Sport England's Facility Kitbag)
 - **500 new houses** (Core Strategy Bromyard housing requirements)
 - **£1,218:** Cost per market house: (Total investment costs divided by total number of houses)
- For 27 market houses this equates to **£32,886**

Overall contributions sought from new housing will only contribute approximately 65% of the total investment required to bring forward the projects identified below. Match funding will be sought via the Outdoor Sports Investment Steering Group and the relevant facilities development plans of the NGBs and through external funding sources.

Football Quantity deficiencies: to meet future deficiencies in junior football. Provision required to accommodate Bromyard Football Club juniors and future growth. The teams currently play out of town. Options include provision of additional pitches at the existing football facility at Bromyard Football Ground. This is supported as a high priority by the National Governing Body for Football and Herefordshire Football Association

- Facilities development: New Junior Natural Turf Pitches: 2 x 7 v 7 or 4 x 5 v 5 pitches (equivalent to 1 x senior pitch).
- Cost: £183,000

Cricket Quality/Quantity deficiencies: To meet future deficiencies in junior and senior cricket: This is supported as a high priority by the National Governing Body for cricket and Herefordshire Cricket Board. Improvements to existing facility to meet identified deficiencies in existing provision which will enable growth in the sport, including club progression into junior and Sunday cricket.

- Facilities development: 2 more pitches to the square and new net facility required to existing facility
- Cost: £195,000

Rugby Quantity deficiencies: to meet future deficiencies in senior rugby and training. Additional Natural Turf Pitch required to meet identified deficiencies in both quality and quantity to help reduce overplay and enable growth in membership. This is supported as a high priority by the National Governing Body for Rugby.

- Facilities development: 155 x 80 Natural Turf pitch
- Cost: £231,000

Note: all project costs include development costs, contingency and maintenance costs x 15 years and are based on Sport England's Facility Costs Kitbag as of 2Q2012 and associated maintenance costs

All of the above projects will potentially benefit the proposed development.

4.7 **Waste & Recycling:** Qualified comment

Can it be confirmed if the section of shared surface road starting near plot no. 10 will be constructed to adoptable standards?

The area is currently accessed by a 26 tonne refuse collection vehicle (RCV). Any road where it is expected for the RCV to travel would need to be constructed to adoptable specification. A risk assessment would also need to be passed. If it is not to be constructed to adoptable standard, a collection point for bins will need to be provided. The maximum distance between the collection point of the bins and where the vehicle can safely access is 25metres.

4.8 **Schools Sufficiency, Capital and Investment Manager:** Requests a s.106 contribution towards St Peters Primary School and Queen Elizabeth Secondary School.

4.9 **Highways and Transportation:** Recommends conditions

Further to previous comments, the following was outstanding:

- S106
- Speed survey
- Details on the provision of the link to the school

In support of the application a technical note and supporting drawings have been provided:

- Dwgs TP 305 P02, TP304 P02
- Technical Note Technical Note TP1001 and TP1002

The technical note for the pedestrian crossings are key; they do go into detail as to crossing times and vehicle flows, gaps. The crossing to the south has to cross single lane traffic while the crossing adjacent the main access is without pedestrian refuge meaning pedestrians need to cross the whole carriageway width.

The issue about the connectivity has been addressed though it is not clear who will deliver the school link or when.

It is not clear whether S106 is applicable due to the footpath link and who will deliver, if S106 is applicable, this will be to the councils SPD and contributing to improving crossing in the vicinity of the site with the potential to upgrade to controlled crossing on the A44 or junction improvements on the A465 / A44. There are numerous schemes in the locality.

Overall, the information provided is acceptable and conditions are recommended

4.10 **Economic Development Manager:** No objection

The application site comprises of approximately a 50/50 split between the vacated council depot and agricultural grazing land. The old depot element consists of a range of brick and steel frame buildings with accompanying features and hardstanding. The buildings themselves are of poor quality and these and the general site would only be suitable for a very limited range of employment uses, as currently configured. The agricultural grazing land is currently undeveloped and as such does not accommodate any buildings or other permanent features.

Taken together the two previous uses comprising the application site are located within an established residential area of Bromyard, the site being bordered by residential uses to the north west, north, north east, and (across the A465) to the east and south east. To the south west and west the neighbouring uses are the Queen Elizabeth High School and Bromyard Cricket Club.

I would consider the use of the site as a council depot to either be classified as a B8 (Storage and Distribution) or Sui Generis use. As a depot the site would have operated in a very different manner to a more traditional employment estate or business park. The density of development would be far less as a depot, with correspondingly less vehicular movements. A redevelopment of the site for employment purposes would very likely increase the density of development and radically alter the appearance of the site, at this stage it is unknown what impact this would have on neighbouring uses, access arrangements, or use restrictions on the site. Consequently it is not certain at this stage whether the site would be an appropriate location for future employment use.

The Council are broadly aware of market demand within the council through the market demand that exists for land at the enterprise zone in Hereford and secondly due to a market report commission to inform the phasing and land uses at the Ross Enterprise Park site. I believe that there is minimal demand for B1 (office) accommodation within the market towns and that which does exist is primarily catered for by town centre accommodation. Demand is more likely to exist for B1c (light manufacturing) or B2 (general industrial use). As a consequence, based on the anticipated end uses, the proximity to the site of existing houses is likely to limit the development quantum's that can be achieved.

The Council has commissioned a study to identify the employment land needs of in Bromyard, and this will inform development plan documents, specifically Rural Areas Site Allocation DPD and / or the Bromyard Development Plan. This study will review the current requirement for a 5 hectare employment land allocation identified within the Herefordshire Core Strategy 2011-31, and seek to identify any required employment land allocation.

The Council maintain a commercial property register which identifies vacant commercial property; the council can use this register to identify commercial land enquiries for specific locations/requirements. The council has received very few enquiries for employment land and/or units in the town within the last 2 years. This should be recognised as an important indicator of

market demand for employment uses within the town but is not considered to be a strategic study of future employment land needs.

I further understand that there is a correspondingly high level of housing need for the Bromyard area with the core strategy target being for a minimum of 500 houses.

As a consequence of the above points I would suggest that there is a very low level of latent demand for employment land within Bromyard and, as there is an unspecified need for a wider 5 hectare allocation, there is a requirement to review what employment land need exists in the town (which the council have recently commissioned).

Additionally there has been no assessment of the suitability of the site for employment uses and no reflection that, although a council depot was the previous use on a large proportion of the site, the operation of the site for modern employment uses would likely result in a very different site operation and appearance than the previous use.

I would consider it difficult to defend the protection of the site for employment purposes when neither the suitability of the site or the demand for employment uses has been established. Consequently I do not object to this application.

4.11 Built and Natural Services Manager (Ecology): No objection subject to conditions

In line with core strategy SD4 and LD2 the proposed foul water connection to main sewer network should be implemented as stated.

There are no special ecological working methods proposed in the supplied ecological report over and above those that would required of the applicant and their construction contractors through statutory wildlife protection legislation and so no additional or duplicatory planning condition is appropriate or required.

A final detailed plan of all proposed biodiversity enhancements based on the types of enhancements proposed in Appendix 2 of the ecology report (April 2018) should be submitted for approval.

Nature Conservation – Enhancement

Prior to commencement of the development, a detailed habitat enhancement scheme, based on the indicative measures proposed in the ecology report by Ecus consultancy dated April 2018 should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented and hereafter maintained as approved.

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 2017 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework 2018, NERC 2006

Informative:

No external lighting should illuminate any of the enhancements or boundary features beyond any existing illumination levels and all lighting on the development should support the Dark Skies initiative.

4.12 Private Sector Housing: Expressed concerns in relation to the size of some of the third bedrooms (amended plans have subsequently been submitted to review these internal dimensions and ensure that all bedrooms comply with the National Technical Housing Standards.

4.13 **Wye Valley NHS Trust:** Requests a financial contribution towards the provision of primary care at the County Hospital (see draft Heads of Terms appended to this report – the figure is adjusted down from the Trust's published position to reflect the omission of the affordable housing from the calculation).

4.14 **Strategic Housing:** Strategic Housing is in support of the proposed Bromyard Depot development. The land is in the ownership of the Local Authority and to be developed by Keepmoat the Development Regeneration Partner therefore significant discussions have taken place with regards to the affordable housing and open market housing mix all of which are in accordance with the LHMA and knowledge of local demand.

The location of the affordable housing has also been in collaboration with Keepmoat ensuring that they are pepper potted within the site. All dwellings to be allocated to those with a local connection to Bromyard in the first instance and then cascading parishes.

4.15 Principal Technical Officer (Contamination) – comments awaited

5. Representations

5.1 **Bromyard & Winslow Town Council** – initial response to 58 dwelling scheme – 7th August 2018

At the meeting of Bromyard and Winslow's Planning and Economic Development committee held on Monday 6th August IT WAS RESOLVED not to support the application on the following grounds:

- Members were not satisfied with the access arrangements particularly footpath access to the west of Hereford Road.
- The proposals overdevelop the site.
- Concerns with road safety especially in view of some dwellings opening directly onto the Hereford Road with the possibility that, on occasion, drivers would have to reverse onto this road.
- Herefordshire Council has yet to finalise the Bromyard Development Plan which requires the identification of 5 hectares of employment land (BY1). Development of the site would lead to the loss of significant employment land.
- Continued development of the site would worsen the towns existing sewerage issues.

Bromyard & Winslow Town Council – updated response to revised 45 dwelling scheme – 12th September 2018

At its meeting held on Tuesday 11th September 2018, Bromyard and Winslow Town Council's Planning and Economic Development Committee resolved not to support the application on the grounds:-

- Members remained dissatisfied with access arrangements particularly footpath access to the west of Hereford Road. The safety of the proposed footpath crossings were also a cause for concern.
- Continued development of the site would worsen the town's existing sewerage issues.
- Development of the Old Depot site, which was recognised as employment land, would remove potential employment land from the town. Herefordshire Council has yet to finalise the Bromyard Development Plan which requires the identification of 5 hectares of employment land.

5.2 **Bromyard Cricket Club:** Holding objection (the response below was submitted *before* the second 'Labosport' Cricket Boundary Assessment report was undertaken. Comments in respect of version 2 of the report were awaited at the time of writing).

The revised plans follow a site meeting between the Agents, Developers and Bromyard Cricket Club. This resulted in the amendment to retain a 1.5 m corridor for protective fence erection. It was agreed that a Laboport Survey be commissioned to predict likely ball nuisance which I presume is now with the relevant papers that relate to the application.

Our continued objection to the plans as submitted are based around the recommendations and shortcomings of this Laboport report. The recommendation is for a 3m mitigating fence but this being a desk based study fails to take note of the geography of the ground, which falls away appreciably and renders a 3m fence to be effectively significantly lower than would be the case on level ground. This also contradicts earlier comments within the report that "At 44 m [the closest point of the development to the cricket square] all but the fastest shots for community/amateur level cricket will be stopped by a 15 m high mitigation system" which we believe far more realistically describes the potential solution. Whatever is the final outcome we see no provision for us to have access to retrieve any balls that exceed the mitigation system, meaning that the balls will be lost to us and present a nuisance and danger to the landowner or house holder.

- 5.3 12 letters of objection have been received from local residents. The content is summarised as follows:-

Procedural issues concerning land ownership and service of the requisite notice

- The owners of Westfields House (No.20 Hereford Road) and Ashfields House allege that at three separate points along the site boundary, land within the red line is in fact within their respective ownerships. It is argued that absent the correct Certificate being served, the application is consequently rendered invalid;
- The tenant of the agricultural land asserts that insufficient notice of the application was given, meaning that the application is consequently rendered invalid.

Loss of employment land

- A number of the objections refer to the absence of sufficient employment land provision in Bromyard CS Policy BY1 identifies a need for 5ha of employment land, which is considered crucial if the economic vitality of the town is to be secured and commuting kept to a minimum; in line with carbon reduction policies.
- It is argued that the development should not proceed until this point is reconciled as the land should be considered a potential employment site in the forthcoming employment land review.

Impacts on residential amenity

- Occupiers of property at the end of the residential cul-de-sac Hatton Park (to the north-west) voice significant concerns in respect of the potential for loss of privacy arising from overlooking from rear-facing first-floor windows in the dwellings (plots 8 to 17).
- These properties are only 7.5m from the common boundary and the land differential will mean first-floor windows will look directly into ground floor windows and vice versa.
- The high density nature of the development is illustrated by plots 8 to 17 (10 dwellings) sharing a boundary with only 3 properties in Hatton Park.
- Bungalows along this boundary might have been more acceptable.
- Tree planting within the site will affect the existing, mature hedgerow and if intended for screening may be removed by future occupiers in any event.
- There is insufficient room to allow for maintenance of the east elevation of Plot 1.
- There is no provision for maintenance of the outbuilding serving Ashfields House.

- The plans earmark for removal a mature tree that straddles the common boundary, but is within the ownership of Ashfields House. Permission is not granted for its removal.

Highway safety

- The application takes little account of the vertical alignment of the A465 and the crest in the road to the north-east of the site.
- There is no formal provision for pedestrian crossing, such that students will have to cross the A465 near the junction with Ashfield Way and have to take account not only of two-way traffic on the A465 itself but also traffic emerging from Ashfield Way. The pedestrian/cycle link to the school, even with a central pedestrian refuge, is likely to present a safety hazard.
- The pavement shown adjacent the western boundary of the A465 towards the A44 cannot be delivered and representation on the plan is misleading.

Loss of agricultural land & landscape impacts

- A large proportion of the site is agricultural grazing land, which has long performed this function and has attendant ecological benefits that would be lost.
- There is hedgerow bounding the agricultural land against the A465. This would be removed and replaced with wholly inappropriate deer park style 1100mm high fencing. Loss of hedgerow should be resisted as contrary to policy and only permitted exceptionally.
- Bats have been observed over-flying the site

Other matters

- Bromyard already has sufficient housing land. The housing site off Tenbury Road is not yet occupied and the allocation at Hardwick Bank is sufficient to meet the housing needs during the plan period.
- The geo-technical report does not assess the agricultural land and nor did it identify the presence of the water supply or waste pipes associated with Ashfields House. Consequently no strategy for addressing this has been compiled.
- There is recollection of a herring-bone French drain being constructed in the 1960s in association with the High School. Development of the site will have to take account of this.
- Amenities in Bromyard are already at or over capacity. The doctors' surgery and dentist are over-subscribed. The site should have been considered as an alternative location for the doctors.
- The proposal will add to sewage and water supply issues that already exist.

5.4 There has been one letter of support for the proposal from the Chair of the Governors, Queen Elizabeth High School;

- The school has significant spare capacity, so any scheme that yields new pupils is welcomed;
- The footpath/cycle link to the school will make walking to school for pupils living south of the A44 much safer than existing. At present pupils typically have to cross and re-cross the A44 twice. Crossing the A465, which is usually quieter and slower, is far preferable.
- By modern standards the design appears spacious.

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=182239&search=182239

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>

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

6. Officer's Appraisal

Policy context and Principle of Development

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:
"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration. The Bromyard DPD is only at drafting stage and so I consider that it attracts very limited or no weight at present.
- 6.3 In taking a decision in respect of this application regard must be had to the development plan read as a whole i.e. the Core Strategy. A range of policies are relevant to this proposal as indicated in section 2 above. However, it is clear that absent a five year supply of housing land, policies relevant for the supply of housing must be considered out-of-date. In these circumstances Paragraph 11 of the NPPF 2018 (Presumption in favour of sustainable development) states:
11. *Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that:*
- a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;*
 - b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas⁵, unless:*
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area⁶; or*
 - ii. 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.*
- For decision-taking this means:*
- c) approving development proposals that accord with an up-to-date development plan without delay; or*
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:***
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. 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.***
- Case officer emphasis*
- 6.4 For the purpose of determining this application, therefore, it is 11 d) ii) that concerns us primarily. This is in the context that none of the 'protective' policies referenced in d) i) and footnote 6 are relevant. Thus it is necessary to identify the benefits of the proposal and weigh them against the adverse impacts associated with approving the scheme in the 'tilted' planning balance; with planning permission granted unless the adverse impacts significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole.

6.5 This approach is also rehearsed in CS Policy SS1. In the light of the above, the housing policies of the CS are out-of-date. Bromyard Policy BY1 identifies a need for a minimum of 500 new homes together with around 5 ha of new employment land during the plan period. 250 of these dwellings are allocated at Hardwick Bank and an application was lodged in December 2016 by Bovis Homes for up to 500 dwellings on land arcing around the north-west of Bromyard between the A44 and Tenbury Road (163932/O). However the application is as yet undetermined. In the interim there has been the outline approval of up to 80 dwellings off Ashfield Way (162261) and the ongoing development at Porthouse Farm, including 76 dwellings and employment units (140285).

6.6 Elsewhere, an outline application on land off Pencombe Lane (outline application for up to 120 dwellings) was refused and dismissed at appeal and subsequently refused twice more; 163001/O being the most recent.

The principle of development

6.7 The application site is, in the view of officers, well related to the existing settlement and representative, in part, of previously developed land. It is surrounded by existing residential development and close to the High School. Whilst acknowledging that current applications and existing commitments mean that in theory, the housing requirement for Bromyard is well capable of being met, the evidence in respect of delivery is less clear-cut. Porthouse Farm is under construction, but even if the outline application for Hardwick Bank was determined in the near future (for which there appears little evidence in support), Reserved Matters approval would need to be sought and the Annual Monitoring Report anticipates that completions will not occur before 2021/22 and in the first year would be unlikely to number more than 25 dwellings.

6.8 The NPPF 2018 introduces the Housing Delivery Test, which requires Council's to deliver a certain proportion of their annualised requirement. Paragraphs 73 to 76 of the NPPF 2018 deal with maintaining the supply and delivery [of housing] and make it clear that Council's will be expected to monitor delivery and address under-supply via action plans if delivery has fallen below 95% of the authority's housing requirement over the previous three years. It is also clear that the Council will continue to be subject to a 20% buffer as a consequence of persistent under-supply over the previous monitoring periods.

6.9 Accordingly, officers consider that substantial weight should be attributed to the delivery of housing, including 40% affordable, on this site. The report will now assess the other main issues relevant to the determination of this application.

Provision of employment land within Bromyard

6.10 The CS identifies a requirement for the provision of 5ha of new employment land over the plan period. It is my view that the lawful use of the two existing planning units comprising the site is a) *sui generis* for the depot and b) agricultural.

6.11 Absent an NDP the Council has commissioned consultants to conduct an Employment Land Review that will review the quantum, type and potential locations for employment land at Bromyard. This is not sufficiently far advanced to attract significant weight in this decision.

6.12 In the meantime, the Council's Economic Development Manager has commented at 4.10 above. The key points are summarised as follows:-

Current lawful use vs employment redevelopment

- The lawful use of the Council depot would either be classified as a B8 (Storage and Distribution) or *Sui Generis* use – in the view of the case officer the depot is *sui generis*.
- This historic use of the depot would have operated in a very different manner to a more traditional employment estate or business park.

- The density of development would be far less as a depot, with correspondingly fewer vehicular movements. A redevelopment of the site for employment purposes would very likely increase the density of development and radically alter the appearance of the site.
- At this stage it is unknown what impact this would have on neighbouring uses, access arrangements, or use restrictions on the site. Consequently it is not certain at this stage whether the site would be an appropriate location for future employment use.

Assessment of demand

- The Council is broadly aware of market demand within the county through the market demand that exists for land at the Enterprise Zone in Hereford and secondly due to a market report commission to inform the phasing and land uses at the Ross Enterprise Park site.
- It is considered there is minimal demand for B1 (office) accommodation within the market towns and that which does exist is primarily catered for by town centre accommodation.
- Demand is more likely to exist for B1c (light manufacturing) or B2 (general industrial use). As a consequence, based on the anticipated end uses, the proximity to the site of existing houses is likely to limit the development quantum's that can be achieved.
- The Council has received very few enquiries for employment land and/or units in Bromyard within the last 2 years. This should be recognised as an important indicator of market demand for employment uses within the town but is not considered to be a strategic study of future employment land needs.

- 6.13 Overall, therefore, whilst I can understand the perspective of the Town Council and some individual correspondents, it appears on the evidence currently available that there is a low level of latent demand for employment land within Bromyard and on balance the Economic Development Manager considers it difficult to defend the protection of the site for employment purposes when neither the suitability of the site or the demand for employment uses has been established.
- 6.14 The NPPF requires plan-makers to ensure sufficient land is available to meet the demand for various land-uses; including employment land. Against this, however, I am mindful that although now vacant, the lawful use of the depot is, in my opinion, *sui generis* and any redevelopment for employment purposes would require the benefit of planning permission. I am also inclined to give weight to the concerns expressed in relation to the suitability of the application site for employment purposes. I say this in the context of the very close relationship to adjoining, principally residential but also educational premises. Accordingly, whilst I don't doubt some element of B1/B8 (office, R&D, light industrial and storage) may constitute an acceptable use of the land, the site extends to 1.42ha in total, which is less than 30% of the current CS employment land requirement.
- 6.15 Thus, while the site could make a measure of contribution towards the unmet 5ha requirement, it would not satisfy the requirement entirely and is likely to be limited in terms of the breadth and scope of employment uses it would support. In these terms I am not persuaded that the application should be refused on the basis it is premature relative to the DPD or otherwise prejudicial to the ability to plan positively for economic development in Bromyard. Insofar as refusing an application on the grounds of prematurity is concerned, guidance is found at paragraph 49 of the NPPF:

However in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

- 6.16 For the reasons given at 6.13 and 6.14, I do not consider that a) is applicable to the development before Members and the requirements of b) are not met either i.e. the DPD is not at an advanced stage. It should also be noted that BY1 places no requirement on housing schemes to deliver a proportionate quantum of the requisite 5ha of employment land. Accordingly, in the face of what officers consider an acceptable use of the site, I do not consider a refusal based in effect on reserving the site for a potential employment use would be sustainable.

The impact of development upon adjoining residential property

- 6.17 CS Policy SD1 requires, *inter alia*, that proposals make efficient use of land – taking into account the local context and site characteristics. It also requires the safeguarding of residential amenity for existing and proposed residents. Concerns in respect of the original proposal resulted in the submission of the reduced scheme. The enlarged extract from the original layout plan below illustrates the issue in respect of the northern tip of the site and the impact of unit 25 (blue) in particular relative to No.20 Hereford Road (Westfields).

Original submission



6.18 *Amended layout now before Members*



Via the amended scheme it can be seen that the POS has been extended to form a buffer against No.20 and that units 20 and 21 are now marginally further away from the common boundary with the nearest property in Drovers Orchard; which presents a side elevation of the garage in this direction. I am content that the impact on neighbours in this location is now acceptable and compliant with SD1.

- 6.19 Letters of representation have been received in relation to both the original and amended scheme from the owners of 19 and 21 Hatton Park – as shown in the extract of the amended layout below.



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

- 6.20 The properties backing on to Hatton Park are all two-storey. They are a pair of 'Caddington' (dark blue), 3 pairs of 'Halstead' (light blue) and two, detached 'Warwicks' (yellow).

The rear elevation of the Caddington is below. At first floor, there is a bathroom window and a window to bedroom no.2 in each property.



Back Elevation

The rear elevation of the detached 'Warwick' (yellow on plan) is below. There is a landing window, bathroom window (obscure glazed) and a bedroom window serving bedroom no.3.



Back Elevation

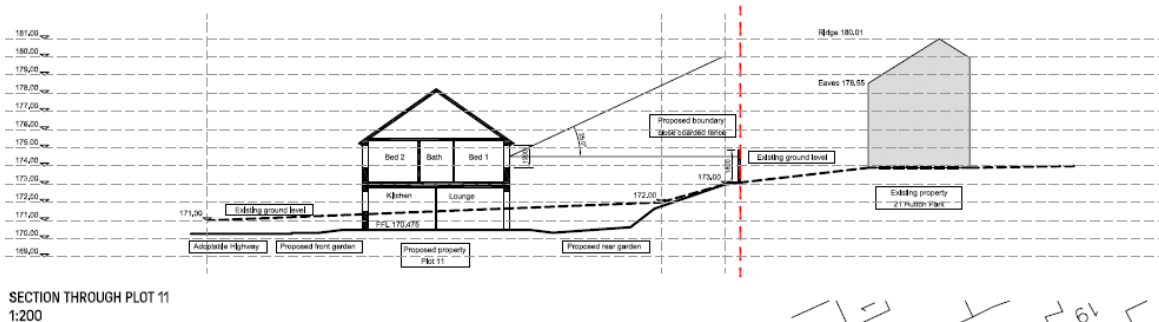
The rear elevation of 'The Halstead' is below. The windows at first floor serve bedroom No.1.



Back Elevation
1: 100

- 6.21 Relative to No.21 Hatton Park, units 10 and 11 (a pair of 'Halsteads') are 12.5 metres from the common boundary, with 20 metres between the buildings. Unit 12 is slightly further distant from No.21. Unit 13 straddles the common boundary between No.19 and No.21 Hatton Park, but is reasonably well removed from both.

- 6.22 Units 13, 14 and 15 are 8, 10 and 12 metres from the boundary with No.19 and in the region of 25m from the dwelling itself.
- 6.23 Units 8 and 9 (on rising ground), are 14m and 15m from the boundary with No.20 Hatton Park and the building-to-building distance is approximately 26m.
- 6.24 To further illustrate the relationship and the ground level differential, the applicants have prepared a cross-section drawing through Plot 11, extending to No.21 Hatton Park:



- 6.25 This illustrates that finished-floor levels are 3.5m lower at Plot 11 than No.21 Hatton Park. I am also mindful of the proposed 1800mm close-boarded fence intervening at the bottom of the garden to the development plots and thus on what is, relatively speaking, elevated land. As a consequence the boundary treatment and existing hedgerow will serve to mitigate the direct overlooking from the first floor of the properties on the development towards dwellings in Hatton Park.
- 6.26 Whilst I appreciate the objector's concerns and preference for single-storey dwellings, I am mindful of the separation distances involved, ground level differential, intervening boundary treatments and the nature of rooms served by the windows – bathrooms, landings and bedrooms. I do, however, recognise that harm might ensue if permitted development rights for roof extensions were undertaken and recommend that permitted development rights for such alterations are removed. With this additional safeguard in mind, I am of the view that the impact of the proposal on the living conditions of occupiers of properties in Hatton Park is acceptable.
- 6.27 I likewise consider the relationship between the application site and dwellings in Drovers Orchard acceptable.
- 6.28 At the site's southern tip, three bungalows are proposed adjacent Ashfields House. The shared, private drive serving these dwellings runs parallel to the common boundary. Plot 1 presents a flank elevation to the curtilage to Ashfields House. I recommend a condition removing permitted development rights for the future installation of openings in this elevation, such that openings are limited to the window serving the lounge. The front elevation has a door, kitchen window, hallway window and bedroom window.



Front Elevation Wray

1:100

- 6.29 Given the intervening shared drive I am of the view that the relationship is acceptable and although the boundary plan doesn't denote close-boarded fencing or equivalent, were something installed along the common boundary, this would further ameliorate the issue.
- 6.30 Within the scheme itself I am content that plot sizes are adequate – albeit the 'corner-turning' units generate irregular shaped gardens that perhaps limit utility to a degree. Overall standards of privacy within the scheme would, in my view, be acceptable.

Procedural issues relating to the service of notice on the agricultural tenant and adjoining residents

- 6.31 This issue can be sub-divided into two parts. Firstly, the owners of Ashfields House and Westfields House consider that the red line encroaches into land within their respective ownerships. This has been raised with the solicitors acting for the applicant and reviewed by the LPA's own solicitors. Both sets are content that the evidence of title is clear and that the red line does not incorporate land in third party ownership. In any event all parties are aware of the alleged infractions and in my view there is no prejudice arising. If further incontrovertible evidence were to be presented in due course contesting this conclusion, then that would be a civil matter. For the purposes of determining this application, however, it is officers' advice to Members that they may do so safely on the evidence that has been presented hitherto.
- 6.32 The second part refers to the notice served on the agricultural tenant and its timing relative to the depositing of the planning application. In summary, the agricultural tenant is of the view that the relevant statutory provisions require notice of the application to be served 21 days before the application is deposited. It is my view that this interpretation is incorrect. Rather, notice must be served on all those who 21 days before the date of the application had an interest in the land. Thus there is no requirement to serve notice and then wait 21 days before depositing the application.
- 6.33 It is my view that the application as deposited, is a valid planning application.

The impact on the continued use of Bromyard Cricket Club ground

- 6.34 Bromyard Cricket Club lies off to the north-west of the application site and shares a common boundary with the application site. It is understood the two nets on the cricket ground's southern boundary are on land forming part of the adjacent High School – the relationship can be seen on the aerial view below.



- 6.35 Plots 6, 7 and 8 would be in closest proximity to the cricket ground. It is clear from the NPPF (paragraph 182) and case law, that prejudice to the continued use of an existing facility is a material consideration. On the basis that the development could, if not mitigated, have an impact on the continued use of the cricket ground a cricket boundary assessment was commissioned and Sport England, the English Cricket Board and Bromyard Cricket Club consulted. As reported at 4.2 above Sport England initially submitted a holding objection. This on the basis that the first iteration of the assessment was a desk-based exercise, not taking account of ground level differentials *and* that the provision of a link to the school passing to the rear of the nets, could lead to conflict and safety issues with pedestrians going to and from school.
- 6.36 However, further to the second iteration of the assessment (based on a site visit by 'Labosport') Sport England has resolved to remove its objection subject to a condition requiring the installation of slightly higher ball-netting to be agreed in writing with their input. The Sport England response also speaks for the ECB and infers that dialogue with the Cricket Club has overcome the concerns with the pedestrian/cycle link facility; this on the basis that the school drop off and pick up times are unlikely to coincide with use of the nets. I'd stress that at the time of writing, a response on these points from the Cricket Club is still awaited. However, even if the Cricket Club continues to object, the Local Planning Authority cannot rely on support in this view from Sport England and/or the ECB, which in the view of officers would significantly weaken the club's objection were it used as a basis to refuse the application.
- 6.37 Accordingly as Sport England and the ECB has no objection subject to conditions, I am content that in this case the applicant or 'agent of change' (as per NPPF #182) can demonstrate suitable mitigation before the development has been completed.

Water supply and drainage

- 6.38 Welsh Water has no objection to the scheme subject to the imposition of conditions. The concerns relayed by the Council's Land Drainage consultant can be, in my view, subject to a suitably worded planning condition requiring the submission of the details outlined in the bullet points given in their response at 4.5. Subject to such a condition I detect no conflict with CS policies SD3 or SD4.

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

- 6.39 In respect of water supply, Welsh Water has recommended a condition. The extract in bold type at 4.1 above indicates that subject to the developer agreeing, a connection could be made at the point specified. This is a matter that can be addressed by condition.

Loss of agricultural land and matters relating to landscape character

- 6.40 The agricultural land extends to c.0.65ha. It is permanent pasture or grazing land, not in arable production. I am of the view that any disbenefit arising from the loss of this land is not capable of significantly and demonstrably outweighing the benefits arising from the scheme; most notably the supply of open market and affordable housing.
- 6.41 Moreover, I note the concern arising from the loss of hedgerow to this parcel arising from the requirement to provide visibility from the junction. The submitted boundary materials plan indicates 1100mm high deer park style metal railing across the A465 frontage. This is not unattractive per se, but I consider that where feasible – and it would appear feasible as a boundary to the POS - native species hedgerow ought to be re-planted (in substitution for the shrub planting shown on the landscaping drawing). This is a matter that can be controlled by a suitably worded condition in a manner that complies with CS Policies LD1 and SD1.

Sustainable design and construction

- 6.42 The Core Strategy Policy SD1 is relevant in assessment of the scheme's sustainability in design terms and this is supplemented by Chapter 12 of the NPPF 2018 – Achieving well-designed places.
- 6.43 SD1 requires that development proposals should incorporate the 11 criteria set down. These include the utilisation of sustainable construction methods which minimise the use of non-renewable resources and maximise the use of recycled and sustainably sourced materials as well as the utilisation of physical sustainability measures. Such measures might include the orientation of building, the provision of water conservation measures, storage for bicycles and waste, including provision for recycling and renewable energy and energy conservation infrastructure.
- 6.44 In response to SD1, the developer has asked that the following be taken into account:-
- Provision of 1,655m² of Public Open Space (POS) – above the requirement of c.1200m²;
 - Included within the POS will be a LAP for children's play;
 - Provision of 40% affordable housing;
 - Provision of housing to meet the requirements of current Building Regulations;
 - Provision of 3 bungalows suitable for adaptation to wheelchair standards;
 - Footpath links to the adjoining school to take current access off Hereford Road;
 - Through the DRP a commitment to promote local economic benefits and employment;
 - The site will be accessible by and would facilitate a genuine choice of travel options other than the private motor car – as set out in the Transport Statement and Travel Plan.
- 6.45 Absent from the list, other than via compliance with Building Regulations, is a commitment to provision for recycling and bike storage or the enablement of renewable energy generation. Moreover, whilst I note the commitment via the DRP to promote 'local economic benefits and employment' I cannot be certain what this means in practice and how it might be regulated.
- 6.46 I think, however, that it is reasonable to impose a planning condition requiring:-
- a) A scheme promoting recycling of food waste; perhaps via composting facilities;
 - b) A requirement to meet the water conservation and efficiency measures outlined in Policy SD3;

- c) A scheme for cycle storage;
- d) A scheme to examine the feasibility of making provision for electric car charging points within the development.

6.47 With such conditions in place I consider that the scheme will comply with SD1. In terms of the scheme's appearance, I consider it would be in keeping with the surrounding environment, which is comprised mostly of post-war residential development.

Highways and Transportation

- 6.48 MT1 is the relevant policy of the CS. Emphasis is placed on promotion of sustainable modes of travel in order to reduce reliance on the private motor car. The scheme has been discussed at length and latterly a technical note has been produced in support of the pedestrian crossing points and visibility at the main junction. The footpath link to the school has also been designed in order to achieve a route without steps at an appropriate gradient.
- 6.49 The Traffic Manager at 4.9 relates technical note, which in the case of the pedestrian crossings has justified the approach through gap analysis i.e. assessment of the time taken to cross the carriageway and the number of opportunities of requisite duration that are presented during peak hours. He is content that subject to detailed design (work within the publicly maintained carriageway will require a s278 agreement), both pedestrian crossing points are acceptable, as is the visibility achievable at the main junction; which has been derived from measured speed data.
- 6.50 The footpath link to the school is a particular benefit arising; as noted by the Chair of the Governors of the Queen Elizabeth High School at 5.4 above. Hitherto pupils arriving from south of the A44 will typically have to cross the A44 (absent a continuous footway on the south side of this road), twice. Although the link through the site will require pupils to negotiate the A465, this is considered preferable overall and likely to result in a greater number of pupils being able to walk to and from school. There is uncertainty insofar as who will be responsible for delivering the link from the site boundary over the school grounds, but given the support expressed by the school and the Council interest in the land, I think it reasonable to impose a *Grampian* condition requiring fulfilment of the link in accordance with a timetable to be agreed in writing. It would not, from a practical perspective, be reasonable to insist on delivery prior to first occupation of any of the dwellings as this might mean pupils walking through a construction site.
- 6.51 The NPPF confirms that schemes should only be refused where the residual cumulative impacts in respect of highway safety are severe. This is not the case here and the scheme is considered to accord with CS Policy MT1.

S106 – mechanism for delivery

- 6.52 The Council (as landowner) cannot covenant with itself (as local planning authority) to enter into a s.106 agreement. In two-tier authorities, an alternative is to enter into an agreement with the relevant 'other' tier of local authority, but that option does not exist in Herefordshire. Moreover, in the context that the Council does not intend selling the site to the house-builder, there isn't scope to impose a condition requiring the purchaser to enter into a section 106 agreement once the land is sold by the Council.
- 6.53 In this context, legal advice has been sought. In respect of the affordable housing there appears no impediment to relying on a planning condition requiring the submission of a scheme for the affordable housing. Such a condition would be enforceable by the local planning authority against those with control of the land or any party carrying out development in breach of the condition.

- 6.54 In respect of the financial contributions required (as per the attached draft Heads of Terms), payments of money cannot be secured by condition. It is therefore proposed that this is dealt with by the imposition of a condition providing that no development shall take place until evidence has been provided to the satisfaction of the local planning authority that provision will be made for local infrastructure. It is anticipated that a draft section 106 agreement will be prepared and agreed with the local planning authority, and that the evidence to be submitted pursuant to the condition will take the form of a clear and unambiguous statement made on behalf of the Council to the effect that it will adhere to the terms of this agreement.
- 6.55 The statement will also provide that any purchaser will be required to enter into the section 106 agreement in the event the Council decides to dispose of the land. Advice tends to the view that the 'clear and unambiguous' statement will be likely to be in the form of a resolution of the Council's cabinet, which would provide public, minuted evidence of the Council's intent to honour the obligations in the section 106 agreement.
- 6.56 With regards to the on site open space, the council no longer adopts these areas and the management and maintenance of these areas is usually secured through a section 106 agreement. There is no reason why a condition cannot be imposed requiring the submission of a scheme for the management and maintenance of the open space.

7. Summary and Planning Balance

- 7.1 The decision must, absent a 5-year supply of housing land with buffer, be made in the context of the presumption in favour of sustainable development. Thus NPPF paragraph 11 d) ii) is engaged and planning permission should be granted for development involving the supply of housing unless the adverse impacts of so doing significantly and demonstrably outweigh the benefits.
- 7.2 The report addresses the main issues and identifies that the contribution that the scheme would make to the delivery of housing, and in particular affordable housing, is a significant material consideration telling in favour of the scheme. The supply of housing offers both economic and social benefits and the potential, in this case, to remediate and re-use the previously developed part of the site. To this extent the scheme would fulfil certain environmental objectives too.
- 7.3 In other respects, officers are content that subject to the imposition of conditions removing permitted development rights for roof alterations at certain plots, impacts on residential amenity can be adequately mitigated such that the development would comply with CS Policy SD1.
- 7.4 Officers are conscious of the ongoing search for employment land in Bromyard, but for the reasons outlined above, do not consider that consideration of this application can reasonably be postponed pending the conclusion of the employment land review. Redevelopment of this site for housing has obvious benefits, but moreover cannot, in the view of officers, be considered fatal to the prospects of delivering the 5ha that BY1 requires. In forming this view, regard has also been had to the advice of the Economic Development Manager, who has outlined his view in respect of the apparent absence of latent demand for employment land in Bromyard. Overall, therefore, officers consider that refusal on the basis the scheme is premature would not be supported by the terms of Government policy as expressed at paragraph 49 of the NPPF.
- 7.5 Concerns have been expressed in respect of the additional pressure on local services, yet subject to the fulfilment of financial contributions, neither the CCG or Wye Valley Trust objects to the development. The Chair of Governors at the High School has written in support of any development that has the potential to increase the student role in the context of spare capacity.
- 7.6 Officers conclude, therefore, that in the context of the correct approach to decision-making in these circumstances, planning permission should be granted subject to conditions.

RECOMMENDATION

That officers named in the Scheme of Delegation to Officers are authorised to grant planning permission subject to the conditions below and any other further conditions considered necessary by officers:

1. C01 Time limit for commencement (full permission)
2. C08 Amended plans
3. C13 Samples of external materials
4. With the exception of site clearance, to include removal of the existing built development and hardstanding upon the site, no further development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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

5. With the exception of site clearance, to include removal of the existing built development and hardstanding upon the site, no further development shall take place until a potable water scheme to serve the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary a scheme to upgrade the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any of the dwellings hereby permitted. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.

Reason: To ensure the site is served by a suitable potable water supply.

6. Prior to the first occupation of any of plots 6, 7 and 8 (as identified on the approved plan drawing Site Plan D01 Rev AG), full details of the design and specification of the ball stop mitigation, including details of management and maintenance responsibilities, as set out in the revised Labosport Cricket Boundary Assessment dated 22nd November 2018 must have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The approved details shall be fully installed before any of plots 6, 7 and 8 are first occupied and thereafter be managed and maintained in accordance with the approved details.

Reason: To provide protection for the occupants of the development and their property from potential ball strike from the adjacent playing field, to reduce conflict between neighbours and therefore safeguard the sporting use of the adjacent sports facilities in accordance with paragraph 182 of the National Planning Policy Framework 2018.

7. In respect of those dwellings that face the A465 Hereford Road (plots 29-38

inclusive as identified on the approved plan drawing 'Site Plan D01 Rev AG), the mitigation proposed in the noise report by John Waring dated 2nd November 2018 shall be implemented in full.

Reason: In order to ensure that a satisfactory level of noise attenuation is provided at the dwellings affected so as to comply with Herefordshire Local Plan – Core Strategy Policy SD1.

8. C96 Landscaping scheme
9. C97 Landscaping implementation and management plan.
10. With the exception of site clearance, to include removal of the existing built development and hardstanding upon the site, no further development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details in accordance with a timetable to be agreed in writing with the Local Planning Authority.
 - Greenfield runoff rates and detailed drainage calculations, including storage calculations that are based on the 2013 FEH rainfall data.
 - Updated calculations of existing and proposed runoff rates and attenuation volume for the proposed development using correct impermeable areas.
 - Amended calculations to demonstrate that the proposed surface water drainage system has been designed to prevent the surcharging of any below ground drainage network elements in all events up to an including the 1 in 2 annual probability storm event.
 - Amended calculations to demonstrate that the proposed surface water management system will prevent any flooding of the site in all events up to an including the 1 in 30 annual probability storm event.
 - Detailed drawings of the proposed drainage system including details of proposed attenuation structures and flow controls.
 - Confirmation of the proposal to abandon and make safe the existing cesspit and redirect flows from the neighbouring property into the proposed drainage system. Note that it is expected that consultation will be undertaken with the Environment Agency regarding the need to remove the cesspit and remediate potentially harmful contamination.
 - Detailed drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system.
 - Operation and maintenance manual for all proposed drainage features that are to be adopted and maintained by a third party management company.

Reason: To ensure the site is drained in a manner that complies with Herefordshire Local Plan – Core Strategy Policies SD3 and SD4.

11. With the exception of any site clearance and groundwork (site clearance and groundwork excludes any works to retained features), no further development shall commence until details of the play area within the public open space (including equipment, surfacing, landscaping, means of enclosure and provision of seating and litter bins) has been submitted to and approved in writing by the Local Planning Authority. The play area shall be constructed in accordance with the approved details and thereafter retained prior to the first occupation of any of the dwellings hereby approved.

Reason: In order to comply with the requirements of Policies OS1 and OS2 of the

Herefordshire Local Plan – Core Strategy.

12. With the exception of site clearance, to include removal of the existing built development and hardstanding upon the site, no further development shall commence until the council has approved in writing a Management Company Plan that sets out the long term management and maintenance of the Open Space Facilities; the establishment of a Management Company; the freehold transfer of the Open Space Facilities to the Management Company and the recovery by that Management Company of service charge contributions from the owners of the Open Market Units towards the upkeep and permanent maintenance of the Open Space Facilities. The approved Management Company Plan shall be implemented prior to the first occupation of any of the dwellings hereby approved and retained thereafter.

Reason: In order to comply with the requirements of Policies OS1 and OS2 of the Herefordshire Local Plan – Core Strategy.

13. CAB Visibility at the main junction 2.4m x 111m (north) and 148m (south)
14. Visibility splays of 1.5m x 109m to the north and 1.5m x 100m to the south shall be provided on both sides of the carriageway for the pedestrian crossing point to the north-east of the vehicular access into the site, as identified on the approved site plan drawing D01 Rev AG. The crossing shall be installed prior to the first occupation of any of the dwellings hereby approved.

Reason: In order to ensure satisfactory pedestrian crossing facilities in order to promote sustainable transport modes in accordance with Herefordshire Local Plan – Core Strategy Policy MT1.

15. Visibility splays of 1.5m x 76m to the north and 1.5m x 53m to the south shall be provided on both sides of the carriageway for the pedestrian crossing point to the south-west of the vehicular access into the site, as identified on the approved site plan drawing D01 Rev AG. The crossing shall be installed prior to the first occupation of any of the dwellings hereby approved.

Reason: In order to ensure satisfactory pedestrian crossing facilities in order to promote sustainable transport modes in accordance with Herefordshire Local Plan – Core Strategy Policy MT1.

16. CAP S278 works including Road Safety Audit 2, 3 and 4
17. With the exception of site clearance, to include removal of the existing built development and hardstanding upon the site, no further development shall take place until a detailed scheme for the pedestrian/cycle link to the Queen Elizabeth High School has been submitted to and approved in writing by the Local Planning Authority. The pedestrian/cycle link shall thereafter be installed in accordance with the approved details in accordance with a timetable to be agreed with the Local Planning Authority.
18. CAL Access, turning area and parking
19. CAS Road completion (2 years)
20. CAT Wheel washing
21. CAZ Parking for site operatives

22. CB2 Secure, covered cycle parking provision

23. With the exception of site clearance, to include removal of the existing built development and hardstanding upon the site, no further development shall take place until a detailed habitat enhancement scheme, based on the indicative measures proposed in the ecology report by Ecus consultancy dated April 2018, has been submitted to and approved in writing by the local planning authority, and the scheme shall be implemented and hereafter maintained as approved.

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 2017 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework 2018, NERC Act 2006.

24. With the exception of site clearance, to include removal of the existing built development and hardstanding upon the site, no further development shall take place until a scheme comprising the following has been submitted to and approved in writing by the Local Planning Authority:-

- a) A scheme promoting the recycling of food and garden waste;**
- b) A requirement to meet the water conservation and efficiency measures outlined in Policy SD3;**
- c) A scheme to examine the feasibility of making provision for electric car charging points within the development.**

The schemes approved shall be implemented in full and in the case of a) and c) in accordance with a timetable to be agreed in writing with the Local Planning Authority.

25. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the National Planning Policy Framework July 2018 or any document that replaces it. The scheme shall include:

- (i) The numbers, type and tenure on the site of the affordable housing provision to be made which shall consist of not less than 40% of housing units**
- (ii) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of market housing**
- (iii) The arrangements for the transfer of the affordable housing to an affordable housing provider (or for the management of the affordable housing if no registered provider is involved)**
- (iv) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing, or for the subsidy to be recycled for an alternative affordable housing provision; and**
- (v) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced**

Reason: To ensure the provision of affordable housing in accordance with Herefordshire Local Plan – Core Strategy Policy H1.

26. No development shall take place until evidence has been submitted to and approved by the local planning authority demonstrating to its satisfaction that suitable arrangements have been made for the provision of;

- enhanced educational infrastructure at St Peters Primary School;
- sustainable transport infrastructure to serve the development, comprising
 - a) traffic Regulation Order to extend the 40mph speed limit beyond Panniers Lane;
 - b) the provision of dropped crossings and pedestrian refuge to facilitate access to the school on the A465;
 - c) the extension of the footway towards Panniers Lane with dropped crossings and pedestrian refuge to facilitate access to local facilities including the Hope Family Centre; and
 - d) the provision of new bus infrastructure
- waste and recycling bins
- sports facilities
- primary and community healthcare services in Bromyard
- the provision of healthcare services at Hereford County Hospital

Reason: To ensure that suitable mitigation is provided in respect of the effects of the development on local infrastructure.

27. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed in the south-east facing flank elevation of plot 1 – as identified on the approved site plan drawing D01 Rev AG.

Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy.

28. Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Class B of Part 1 to Schedule 2 (*additions etc to the roof of a dwellinghouse*), shall be carried out at any of the plots numbered 8 to 17 inclusive on the approved site plan drawing D01 Rev AG.

Reason: For new houses - In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy [and the National Planning Policy Framework].

29. CBK Hours of work

30. CCK Details of slab levels

INFORMATIVES:

1. IP1

2. S106

4. I07

5. I08

6. I09

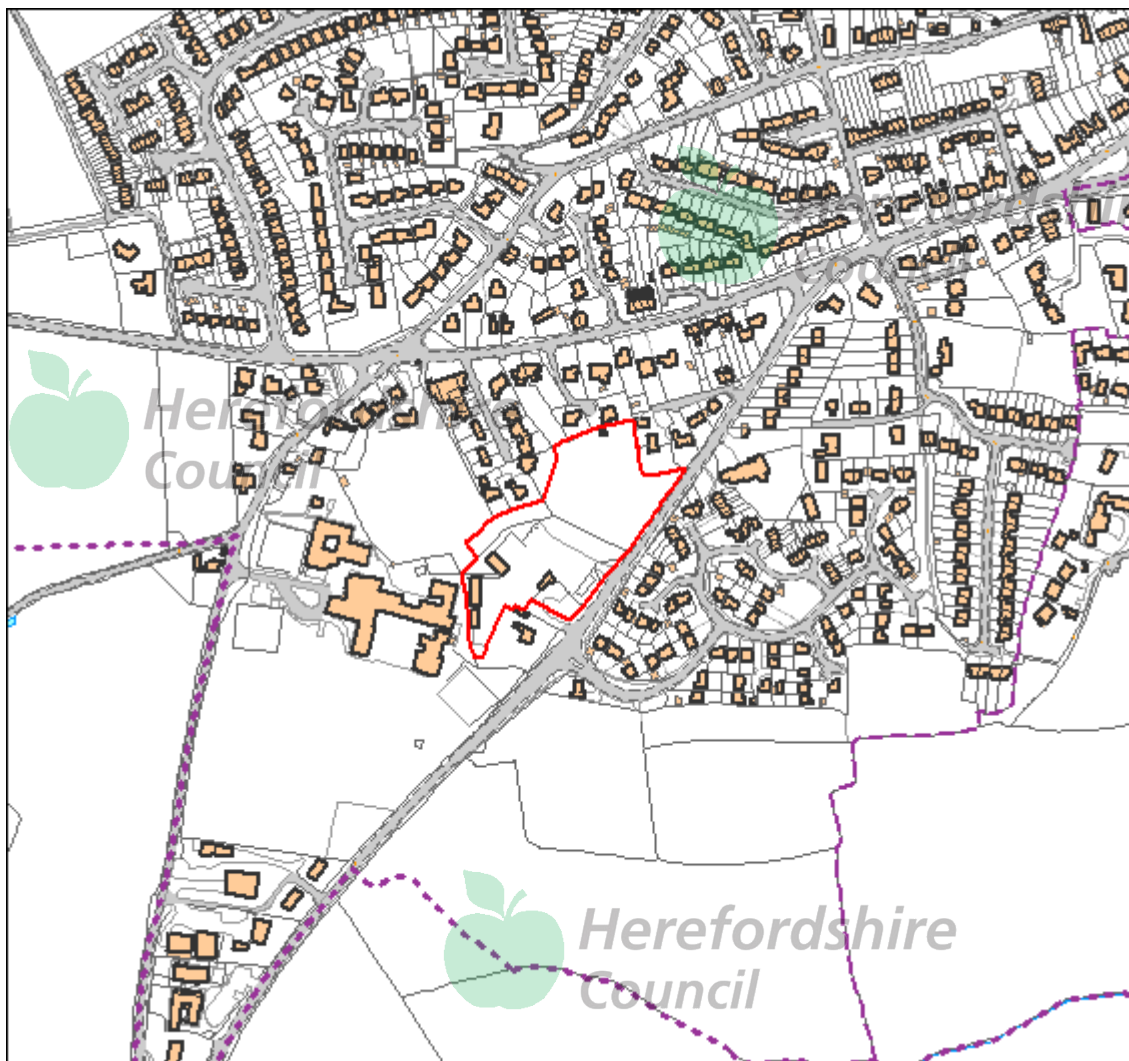
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 182239

SITE ADDRESS : LAND OFF HEREFORD ROAD, BROMYARD, HEREFORDSHIRE

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DRAFT HEADS OF TERMS

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

Planning Application – P182239/CD4

Site address:

Land off Hereford Road, Bromyard

Planning application for:

Demolition of existing buildings, structures and hardstanding and erection of 45 dwellings (including affordable) and drainage attenuation, open space and associated landscaping and infrastructure works.

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1st April 2008, and Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended).

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£65,373.00 (index linked)** to provide enhanced educational infrastructure at St Peters Primary School. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£80,606.00 (index linked)** to provide sustainable transport infrastructure to serve the development. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

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

- a) Traffic Regulation Order to extend the 40mph speed limit beyond Panniers Lane
- b) Provision of dropped crossings and pedestrian refuge to facilitate access to the school on the A465
- c) Extension of footway towards Panniers Lane with dropped crossings and pedestrian refuge to facilitate access to local facilities including the Hope Family Centre
- d) Provision of new bus infrastructure

NOTE: A Sec278 agreement may also be required depending on the advice of the local Highways Authority

3. The developer covenants with Herefordshire Council to provide 1 x waste and 1 x recycling bin for each property. The bins shall be provided prior to the occupation of the development.
4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£32,886.00 (index linked)**. The contributions will be used for football, cricket and rugby sports facilities and would be identified as per the priorities identified in the Playing Pitch Assessment for the Bromyard Area 2012 and the Outdoor Sports Investment Plan 2016 in the Sports Partnership Investment Plan at the time of receiving the contribution and in consultation with the local parish council. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.
5. The developer covenants with Herefordshire Council to pay Herefordshire Council the total sum of **£21,494.00 (index linked)**. The contributions will be used for the development of the infrastructure for the provision of primary and community healthcare services in Bromyard in consultation with the NHS Herefordshire CCG and Nunwell Doctors Surgery. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.
6. The developer covenants with Herefordshire Council to pay Herefordshire Council the total sum of **£14,310.00 (index linked)**. The contributions will be used for the development of the infrastructure for the provision of healthcare services at Hereford County Hospital. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.
7. The developer covenants with Herefordshire Council to provide a minimum green infrastructure to include;
 - Public Open Space: 0.042ha (420sq m) and
 - Children's Play: 0.083ha (830sq m) to include a kick-about area and a minimum of 0.025ha (250sqm) should formal play space catering for children of all ages: infants, juniors and teenagers.

NOTE: The formal children's play area should be to the value of £33,000.00.

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

and implemented and that the areas remain available for public use.

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

9. The developer covenants with Herefordshire Council that 40% of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H1 of the Herefordshire Local Plan Core Strategy 2011 – 2031 or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.
10. All the affordable housing units shall be completed and made available for occupation in accordance with a phasing programme to be agreed in writing with Herefordshire Council.
11. The Affordable Housing Units must at all times be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or any successor agency) from time to time with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-
 - 11.1 registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
 - 11.2 satisfy the requirements of paragraphs 12 & 13 of this schedule
- 12 The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of whom has:-
 - 12.1 a local connection with the parish of Bromyard & Winslow
 - 12.2 in the event of there being no person with a local connection to Bromyard & Winslow any other person ordinarily resident within the administrative area of the Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 9.1 above.
- 13 For the purposes of sub-paragraph 12.1 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:

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

13.2 is employed there; or

13.3 has a family association there; or

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

13.5 because of special circumstances;

14 In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 3, 4, 5 and 6 above, for the purposes specified in the agreement within 10 years of the date of payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.

15 The sums referred to in paragraphs 1, 2, 3, 4, 5 and 6 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.

16 If the developer wishes to negotiate staged and/or phased trigger points upon which one or more of the covenants referred to above shall be payable/delivered, then the developer shall pay a contribution towards Herefordshire Council's cost of monitoring and enforcing the Section 106 Agreement. Depending on the complexity of the deferred payment/delivery schedule the contribution will be no more than 2% of the total sum detailed in this Heads of Terms. The contribution shall be paid on or before the commencement of the development.

17 The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

Yvonne Coleman

Planning Obligations Manager

5 November 2018

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	18 DECEMBER 2018
TITLE OF REPORT:	181494 - PROPOSED LAND FOR RESIDENTIAL DEVELOPMENT AND ASSOCIATED WORK TOGETHER WITH PUBLIC OPEN SPACE AND LOCAL GREEN SPACE AT LAND ADJACENT TO SPRING COTTAGE, HEADBROOK, KINGTON, HR5 3DY For: Mr & Mrs Turner per Mr Peter Draper, Yew Tree Cottage, Byford, Hereford, Herefordshire HR4 7LB
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=181494&search=181494
Reason Application submitted to Committee – Redirection	

Date Received: 23 April 2018

Ward: Kington

Grid Ref: 330174,256478

Expiry Date: 30 July 2018

Local Member: Councillor TM James

1. Site Description and Proposal

- 1.1 The site is situated on the north side of Headbrook, east of Kington's town centre and west of the A44 by-pass. It is currently in agricultural use but is adjacent to existing residential areas along Headbrook, Old Eardisley Road and Bridge Street.
- 1.2 The site amounts to 3.83 hectares (9.46 acres) of land. It is an irregularly shaped, flat area, bounded to the north by the River Arrow and to the south by dwellings that front onto Headbrook. There are good views into and across the site from its edges and there are defined visual boundaries created by the existing development and the mature trees and hedgerows within and along the boundaries, especially to the north and east.
- 1.3 Properties arranged in a linear fashion along Headbrook are all set in narrow plots with little in the way of residential curtilage to the rear. The aerial photograph below shows the site and its immediate environs:



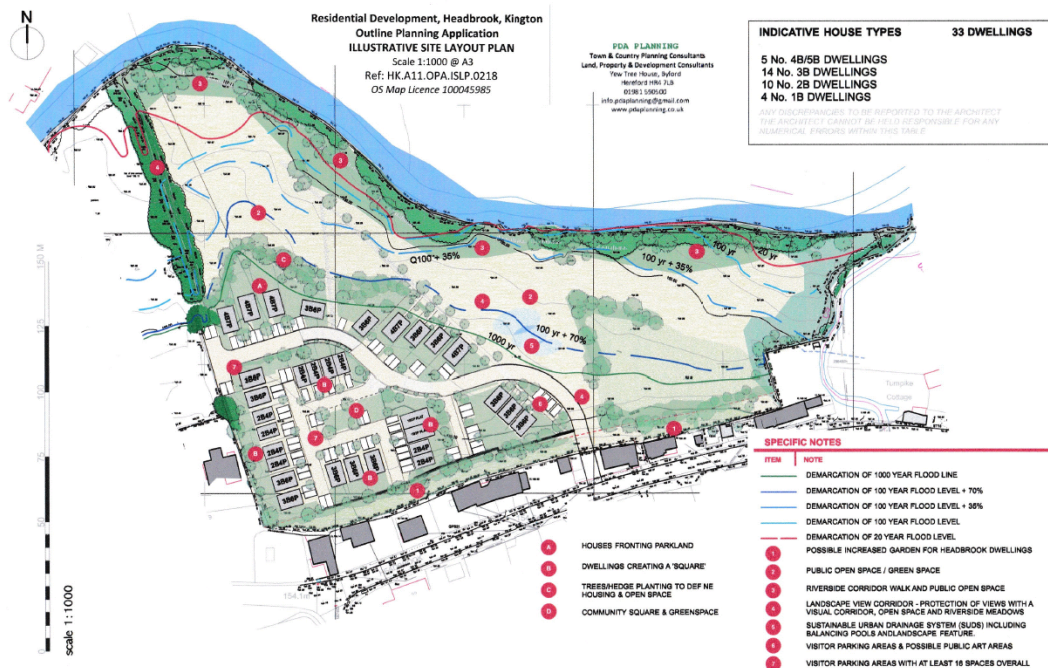
- 1.4 The Council's Landscape Character Assessment describes the site as part of a Riverside Meadow landscape character designation. The description of such areas reads as follows:

These are linear, riverine landscapes associated with a flat, generally well defined, alluvial floodplain, in places framed by steeply rising ground. They are secluded pastoral landscapes, characterised by meandering tree lined rivers, flanked by riverside meadows which are defined by hedge and ditch boundaries. Settlement is typically absent. Throughout these landscapes, the presence of extensive areas of seasonally grazed waterside meadows has in the past provided a strong sense of visual and ecological unity. These are landscapes that accommodate a degree of annual flooding, a factor which has been reflected in the traditional patterns of land use, the lack of settlement and development.

- 1.5 There is an existing field access to the site; a narrow field gate between 45 and 47 Headbrook. This is considered to be inadequate to serve the proposed housing development and consequently the application site includes land immediately to the west of 45 Headbrook.
- 1.6 There are no definitive Public Rights of Way into or across the site, but north of the site and river and within 300 to 400 metres are several local public footpaths and stretches of Offa's Dyke Path and the Herefordshire Trail, both National and Local Long Distance Paths. The application submission highlights opportunity for new footpath and cycle routes to be created and linked into existing routes, and includes the possibility of a new footbridge across the River Arrow in the north-west corner of the land.
- 1.7 At its closest the site is approximately within 300 metres of the town centre, which includes a post office, the bulk of shops, services and public transport facilities. The site is all within easy walking and cycling distance of the town centre and its full range of services.
- 1.8 The application is made in outline and is for residential development, associated works and the provision of public open space and green space, with all matters reserved for future consideration. The submission is accompanied by illustrative plans as shown below, and a suite of documents which include the following:
- Design & Access Statement
 - Planning Statement
 - Housing Assessment
 - Design & Development Brief
 - Flood Risk Assessment (including a detailed Drainage Strategy)
 - Heritage Impact Assessment
 - Landscape and Visual Impact Assessment

- Ecological Assessment
- Transport Assessment
- Heads of Terms

Indicative site layout



2. Policies

2.1 Herefordshire Local Plan – Core Strategy

The following policies are considered to be of relevance to this application:

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivery New Homes
SS3	-	Ensuring Sufficient Housing Land Delivery
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
KG1	-	Development in Kington
RA1	-	Rural Housing Distribution
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
OS1	-	Requirement for Open Space, Sport and Recreation Facilities
OS2	-	Meeting Open Space, Sport and Recreation Needs
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Waste Water Treatment and River Quality
ID1	-	Infrastructure Delivery

Kington Area Neighbourhood Development Plan

- 2.2 The Kington Area Neighbourhood Development Plan is post Regulation 16; its public consultation period having expired on 14th November. Details of examination are currently to be confirmed. At this stage the plan has moderate weight as there are ten unresolved objections following the regulation 16 consultation. The policies that are of relevance to the determination of this application are considered to be as follows:

ENV1 – A Valued Natural Environment – Amongst other matters, this policy makes specific provision to:

- protecting and enhance the River Arrow and the Back Brook from the impacts of development;
- respect, protect and enhance important open spaces, views and the area's landscape quality as identified in the Characterisation Assessment and the list of 'Cherished' Places
- conserve, protect and enhance local habitats and areas of biodiversity value;

ENV3 – A Valued Built Environment – The stated aim of this policy is to ensure that development proposals will be required to conserve, protect and where possible enhance the heritage assets and the wider historic environment within the neighbourhood area

ENV 4 – Flood Risk & Drainage – Requires that new development takes appropriate account of flood risk and provides appropriate drainage arrangements.

SB1 – Settlement Boundaries – Identifies a settlement boundary for Kington. The policy states that the town will seek to accommodate around 200 new dwellings and development proposals will be directed to sites that fall within this boundary.

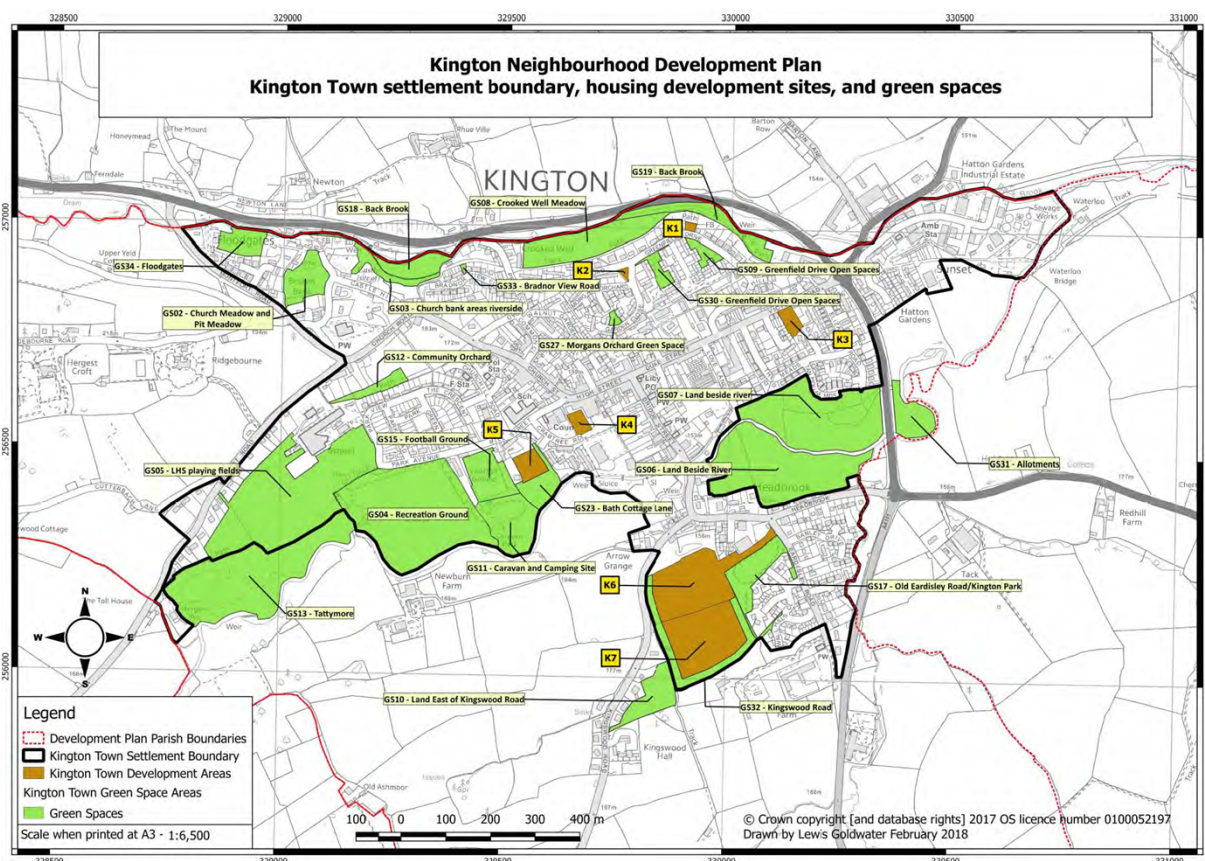
H1 – Housing Delivery Kington Town – Reinforces the need to deliver around 200 new homes and that these will be delivered on allocated sites, and within the settlement boundary.

LGS1 – Local Green Spaces – Recognises the special recreational, wildlife, historic and setting value of certain areas, and their importance to the community. The policy requires that these are to be protected from development and the list includes the application site.

GI1 – Green Infrastructure – Advises that development proposals will be assessed for the contribution they make to the enhancement of biodiversity.

https://www.herefordshire.gov.uk/download/downloads/id/16079/neighbourhood_development_plan_september_2018.pdf

- 2.3 A copy of the plan identifying particular designations, including the settlement boundary for Kington, allocated housing sites and green open spaces is shown below:



National Planning Policy Framework

2.4 The following sections of the NPPF are considered to be of relevance to this proposal:

- | | | |
|------------|---|--|
| Section 2 | - | Achieving sustainable development |
| Section 4 | - | Decision-making |
| Section 5 | - | Delivering a sufficient supply of homes |
| Section 9 | - | Promoting sustainable transport |
| Section 11 | - | Making effective use of land |
| Section 12 | - | Achieving well-designed places |
| Section 14 | - | Meeting the challenge of climate change, flooding and coastal change |
| Section 15 | - | Conserving and enhancing the natural environment |
| Section 16 | - | Conserving and enhancing the historic environment |

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/info/200185/local_plan/137/adopted_core_strategy

3. Planning History

3.1 There is no planning history that relates specifically to this site.

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water – **Recommend Conditions** and comment as follows:

We have reviewed the information submitted as part of this application with particular focus on the Flood Risk Assessment Statement (HKB4) Ref PJD/pjda.HR.1020908.18 which indicates that foul water will drain to the public combined sewer and surface water will discharge to the nearby watercourse.

We are aware of flooding concerns on the main road but our investigations have concluded that the root cause is not due to hydraulic overload on the sewer network.

Therefore, if you are minded to grant planning permission we request that the following Condition is included within any subsequent consent:

Condition

Foul water from the development site shall be allowed to discharge to the public sewerage system and this discharge shall be made between manhole reference number SO60560422 and SO30560529 as indicated on the extract of the Sewerage Network Plan attached to this decision notice. Thereafter, no surface water, land or highway water shall drain directly or indirectly to the public sewerage system.

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

4.2 Natural England – **No objection.** Comments as follows:

European site - River Wye SAC - No objection

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

River Lugg SSSI – No objection

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

4.3 Historic England – **Objects** to the application on heritage grounds. Their comments are as follows:

Summary

The outline application affects land within the setting of Kington Conservation Area that makes a positive contribution to the conservation area's significance in terms of its historic,

aesthetic and communal value. Historic England objects to the application on the grounds that the supporting information does not comply with paragraph 128 of the NPPF and the design, amount, location and density of the development will result in harm to the conservation area that is unjustified in terms of paragraphs 131, 132, 134 and 137.

Historic England Advice

Kington Conservation Area encompasses the historic town of Kington established as a borough in the twelfth century. The heart of the conservation area is characterised by a typically tight urban form deriving from the layout of medieval burgrave plots along the High Street. This area has dense two and three storey buildings set at the back of pavement providing a high degree of enclosure to the street and funnelled views with a rich visual texture of historic building materials. A similar plot pattern characterises Bridge Street but the density of development is significantly lower and gaps between buildings and views through carriage arches allow garden greenery and trees to come through into the streetscape experience.

The form of the landscape around the town is such that setting contributes much to the significance of the conservation area. Kington is located between and contained by the course of two rivers, the Arrow and Back Brook which flow from the Radnorshire Hills to the west to form a confluence just east of the town. The rivers cut through higher ground to the north, Bradnor Hill, and west, Hergest Ridge and these hills form a prominent rural setting for the conservation area. At the end of Bridge Street the flood meadows of the River Arrow that form the town's natural southern boundary make themselves apparent particularly to the southeast where views from a public footpath have a distinctly rural feel and layers of trees, open space and topography limit the impact of linear development on the north side of Headbrook and the more substantial new development on rising ground to its south side. The application site forms part of the rural, water meadow setting and the wider landscape setting which contribute to the significance of the conservation area in terms of its aesthetic quality, its historic interest as a settlement developed within the natural constraints of the river confluence and its communal value.

While the detailed impact of the proposed development cannot be assessed due to the outline nature of the application, it is clear to Historic England that the scale and amount of development represents a change in setting that will impact on the significance of the conservation area. The application should therefore be assessed against the policy contained in Section 12 of the NPPF which places great weight on the conservation of heritage assets and most particularly against paragraphs 128, 131, 132, 134 and 137. The Historic England publication 'The setting of Heritage Assets, Historic Environment Good Practice Advice in Planning Note 3' provides relevant advice on the identification of setting and assessment of the impact of change within it on significance.

Historic England is concerned that, for a number of reasons, the Design and Access Statement submitted in support of the application does not meet the requirements of paragraph 128. It relies on a compartmentalised landscape assessment and views analysis that does not draw out the contribution of setting to the historic, aesthetic and communal value of the conservation area and does not follow the staged approach to assessment set out in our guidance referred to above. We are also concerned that, in its outline form, the application does not demonstrate the design quality required by paragraphs 131 and 137. On the basis of the information submitted Historic England considers that, while the proposals have sought to reduce impact by locating housing in the southwest corner of the site, the amount, density and location of the development and loss of green space will result in an urbanisation of the water meadows that will change their character considerably. Taken with the existing development on the south side of Headbrook, the aggregative amount of development in the setting of the conservation area will increase considerably.

We consider that this will harm the significance of the conservation area by obscuring the links between its historic pattern of development and the Arrow's water meadows and diminishing the aesthetic value of its undeveloped, rural, green setting and the communal value of the conservation area that lies in this setting.

We note that the Kington NDP identifies land between Headbrook and the River Arrow as important green space forming part of the river corridor that contributes to the character and setting of Kington Town and that housing would lead to loss of its rural character. Historic England concurs with this conclusion. The NDP indicates that potential for alternative sites to meet the town's housing needs exists and in this context we would suggest that the harm caused by the proposal to the significance of the conservation area is unjustified in terms of paragraphs 132 and 134.

Recommendation

Historic England objects to the application on heritage grounds.

We do not consider that the application meets the requirements of the NPPF, in particular paragraph numbers 128, 131, 132, 134 and 137. In determining this application you should bear in mind the statutory duty of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Internal Council Consultations

4.4 Transportation Manager

Site Location and Access

The application site is located on Land adjacent to Spring Cottage Headbrook Kington. The proposal sets out the creation of a new access through land between 43 and 45 Headbrook which is within the ownership of the developer. The proposed development site lies in an area designated in the emerging Kington Neighbourhood Development Plan as a Local Green Space. Headbrook road is subject to 30mpg speed limit however the 85th percentile speed in the transport assessment for the development shows speeds at 33mph.

The new access would adjoin the existing public access. A transport assessment sets out the proposed access and associated works. It must be ensured that the access does not deviate in location from this point as access from another location, between 45 and 47 Headbrook for instance, would not be appropriate.

There is a bus service near the site, including hourly services which connect Hereford with Llandrindod Wells via Kington.

Traffic Generation

The information provided by the transport assessment is for 60 dwellings. Using this as a baseline, 33 two-way trips were associated with the proposal. As the current proposal is indicative of approximately half the number of dwellings, then it is logical to assume that half the number of two-way trips will be associated with this site. The highway network should not be adversely affected by this increase in movement.

Visibility

The visibility splays set out in the transport assessment (51m) in line with the 85th percentile speeds are appropriate and achievable at the proposed location of the access.

Drainage

The developer should ensure that run off does not flow to the public highway.

Waste Collection

A waste collection strategy should be provided by the applicant.

Policy

Section 106 contributions are mentioned in the planning statement and the developer is happy to contribute an average of £9,284 per dwelling.

As a new public road and footway is proposed, the developer should adhere to section 38 highways adoption agreement and section 278 of the Highways Act 278.

Conclusion

The transportation department has **no objections to this application, subject to conditions**

4.5 Conservation Manager (Landscapes) – **Objects** to the application on the following grounds:

The proposed development site lies in an area designated in the emerging Kington Neighbourhood Development Plan as a Local Green Space. Even though the NDP is not in an advanced stage, this green space should be protected as a valued community and environmental resource for the future.

The proposed development would deplete the size of the existing Riverside Meadows adjacent to the River Arrow flood plain. This existing green space is an historic, aesthetic and communally valued open space. This depletion of existing environmental, historical and locally valued aesthetic would therefore not contribute or enhance the natural, historical and locally valued landscape.

This proposal is adjacent to the River Arrow flood plain. With climate change there is the potential to exacerbate the present flood issues and water quality issues in this area with this proposed development.

4.6 Conservation Manager (Historic Buildings) – **Objects** to the application and comments as follows:

The River Arrow makes a strong visual and historic contribution to the significance of the Conservation Area. Historically this is a primary reason for the Town being in this location, the crossing point allowed for traders to meet and also the means for a Mill, tanneries and other industries to develop. In terms of the character of the Conservation Area there are key views from the Bridge to the South of the town, looking East and from the East towards the Town. It is the view from the Conservation Area which would be most affected by the proposals, in particular the proposed housing towards the north of the site. The transition from Headbrook to the River Arrow Corridor is an important aspect of views from the Conservation Area. Those views from the south extremity of the town looking directly south should not be entirely discounted, although it is noted that this is an area of more modern housing and not within the Conservation Area.

The corridor of the River Arrow makes a strong contribution to the setting of the Conservation Area and the housing proposed to the North of the site would cause less than substantial harm to this setting. Policy 196 of the NPPF would apply.

4.7 Conservation Manager (Archaeology) – **No objection**

4.8 Conservation Manager (Ecology) – **No objection** subject to conditions

I note my colleague has completed the HRA assessment process for this satisfactorily. With regard to the ecological assessment, I welcome the updated survey which finds much remains unchanged. However, the presence of two riparian species (otter and white clawed crayfish) have been raised and confirmed as present along this stretch of the R. Arrow. I believe the plans to be ultimately adequate in habitat creation along the stream corridor here and so good water quality and lack of disturbance will be of utmost importance to maintain before and after construction. The bulk of the development will fall outside the flood plain and will lie some distance from the course of the river but a Construction Environmental Management Plan (CEMP) should be produced to ensure no construction materials/fuels etc. will be placed near the buffer zone. Except for planting there should be no need to enter this buffer zone during construction. Certainly no heavy machinery should be allowed the CEMP should clearly designate this zone as fenced off from the rest of the site. I do not believe it is possible, enforceable or even reasonable to adopt an exclusion zone around the river post-construction but site development should in no way impede the use of the river by these two species including barrier installations, lighting or bank access points. If the footbridge across the proposed in the Design and Access Statement is intended as part of this application, then details of construction must be submitted as part of the approval and accommodated in the species' mitigation..

In addition, the recommendations of the ecological report should be encompassed within a ecology mitigation and enhancement plan. This should include a programme of Reasonable Avoidance Measures for two species above. I would also advise that information boards should be installed as part of the interpretation and advisory element of enhancement highlighting the features living adjacent to such a spectacular biodiversity resource. The signs should also indicate controls on disturbance which people should exercise (such as by dogs, vegetation damage and any water-sports intended).

4.9 Housing Officer – **No objection** and comments as follows:

I have reviewed the above outline planning application and would advise that the applicant is meeting the requirement to provide 35% affordable housing. Local connection in relation to the affordable units would need to be included within the S106 and the units would need to be tenure neutral and will integrated within the open market units.

The proposed layout for the open market and affordable units are only indicative and I would advise that the exact mix and tenure for both, needs to be agreed prior to the submission of any reserved matters application. Therefore, I would look for a condition to be applied to the outline planning permission to ensure that this happens.

4.10 Parks & Countryside Officer

The illustrative site plan shows on-site POS /SUDS areas as detailed in both the accompanying Planning Statement and Design and Access Statement.

The POS comprises smaller ancillary areas of play and public open space within the housing areas and a larger green space area which is in the flood plain and bounds the river corridor. The total amount is shown as 1.8ha (4.5 acres) and covers over half of the application site. That said, it is understood from the Planning Statement that should this application go forward the applicant is considering a future phase subject to EA consultation which would potentially mean 0.5ha (1.3acres) of this land would be used for housing.

Taking this into account the applicant has exceeded the policy requirements for POS as outlined above. The illustrative site plan shows 33 houses. For a development of up to 33 houses and an occupancy rate of 2.3 (population 75.9) the developer would be required to provide as a minimum of 0.09ha (900sq m) of on-site green infrastructure comprising:

- 0.03 ha (300sq m) of Public Open Space @ 0.4ha per 1000 population
- 0.06ha (600sq m) of Children's play @ 0.8ha per 1000 population: of this 0.018ha (180sq m) should be formal play @ 0.25ha per 1000 population

However the land does not make provision for outdoor sports and this is supported. An off-site contribution towards Outdoor Sports will be sought based on the Playing Pitch Assessment for Kington and the Outdoor Sports Investment Plan as described below.

It is noted that this is an outline application and the illustrative proposal may change if the application progresses to reserved matters and the areas shown as POS may not necessarily appear as shown in a subsequent detailed proposal. Whilst it is recognised that the provision far exceeds policy requirement the site does provide an opportunity to create an impressive area of open space. Planning for healthier spaces is good practice and as the plan develops any on site provision should be well designed and of a usable size to offer a range of recreation opportunities and experiences appropriate to the site and location. Open space needs to be well connected and safe and accessible networks of green spaces should incorporate both walking and cycling opportunities where possible. The applicant's approach to provide POS for both recreation and biodiversity/wildlife, formal and informal children's play space including a dedicated play area and recreational activity, together with a managed environmental/ wildlife zone based around the River Arrow's tributary brook is supported.

Open space needs to be well connected incorporating both pedestrian and cycling opportunities. The applicant has indicated that the site will be fully integrated into the neighbourhood via existing and new public routes for walking and cycling and possibly a new footbridge across the river towards the north-west of the land, which could connect into existing town walkways and this too is supported.

Any POS and children's play areas should be overlooked and housing should be orientated to provide natural surveillance. Given the size of development proposed the policy requirement for formal play provision is small at 180sq m. In this instance, it may be more appropriate to provide more natural play opportunities in keeping with the nature of the proposed POS.

It is noted that the SuDS will be designed to incorporate balancing ponds into the future open-space and landscaping schemes as appropriate. SuDS areas if designed accordingly to take account of health and safety and standing water issues can provide good opportunities for both informal recreation and biodiversity.

Adoption and Maintenance: Suitable management and maintenance arrangements will be required to support any provision of open space and associated infrastructure within the open space in line with the Council's policies. This could be a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use

The Council's SuDS Handbook provides advice and guidance including national guidance on the inclusion of SuDS on new development. The applicant should seek further advice from the Council at the earliest opportunity.

Off site requirements for outdoor sports: It is noted that the applicant will negotiate with Herefordshire Council the s.106 requirements arising from this development as part of the overall planning application discussions.

An off-site contribution will be sought in accordance with the NPPF and evidence bases: Kington Area Playing Pitch Assessment 2012 and the Outdoor Sports Investment Plan 2018.

The Outdoor Sports Investment Plan, has been prepared by a partnership of Sport England, Herefordshire Council, the National Governing Bodies (NGB) for cricket, football, hockey and rugby and the County Sports Partnership. It is annually reviewed and provides up to date information on clubs and facilities in accordance with Sport England's requirements to review the Playing Pitch Assessment. A list of projects for cricket, football, rugby and hockey are included which are considered to be sustainable and deliverable in helping to meet the needs of both the existing and future populations (future proofed to 2031). All projects have the support of the relevant NGB in both their regional and local facilities development plans.

Summary of Projects for Kington:

Football: Kington Town Football Club: used by Kington Town Football club both senior and junior teams.

- Quality Deficiency: Improvements to the existing changing facilities required. Its quality rating has deteriorated to below a quality required by Sport England since 2011.
- Support: The FA has rated this as a priority project to enable the club to develop and to move up the football pyramid.

Cricket: Kington Recreation Ground: Used by Kington Cricket Club both senior and junior teams.

- Quality Deficiency: improvements to the facility including the 3 lane nets required. Its quality rating has deteriorated to below a quality required by Sport England since 2011.
- Support: The HCB supports this project.

The methodology used to assess requirements arising from new development is considered to be CIL compliant and contributions are calculated using the following methodology:

- **Total Investment costs**: £285,000:
- **Total housing planned for Kington (Core Strategy)**: 200 new houses
- **Cost per market house**) £1,425
- **Total off-site contribution arising from this development of 21 market houses: £29,925**

4.11 Land Drainage Engineer – **No objection subject to conditions.** Comments as follows:

We have no objections to this outline planning application but recommend that the Applicant submits the following information within any subsequent reserved matters application:

- Amended calculations of the greenfield runoff rates and proposed discharges rates and attenuation volumes using FEH methods and 2013 rainfall data for the site area included within the planning application;
- Results of infiltration testing at the location(s) and proposed depth(s) of any proposed infiltration structure(s), undertaken in accordance with BRE Digest 365 methodology;
- Confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels;
- Detailed drawings of proposed features such as attenuation features and outfall structures;
- Confirmation that the attenuation pond will not situated above ground; if it is proposed to be situated above ground level the Applicant must provide an assessment of breach.

- Consideration of the risk of water backing up the drainage system from any proposed outfall and how this risk will be managed without increasing flood risk to the site or to people, property and infrastructure elsewhere, noting that this also includes failure of flap valves;
- Description and drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system;
- A detailed foul water drainage strategy showing how foul water from the development will be disposed of and illustrating the location of key drainage features;
- Confirmation where the proposed connection into the foul sewer network will be and if access to third party land will be required.
- If discharge to the public sewerage system is proposed, confirmation that this has been agreed with the relevant authority;
- If access or works to third party land is required, details of these works and agreement in principal with necessary landowners/consenting authorities to cross third party land and/or make a connection to the proposed watercourse/sewer;

If the results of infiltration testing indicate that infiltration will provide a feasible means of managing surface water runoff, an alternative drainage strategy must be submitted to the Council for review and approval. Best practice SUDS techniques should be considered and we promote the use of combined attenuation and infiltration features that maximise infiltration during smaller rainfall events.

4.12 Environmental Health Officer (noise) –**Qualified comment**

The proposal has not yet taken into account the acoustic environment in which the houses are proposed to be built and I note that there are alternative site layout plans which could have different noise exposure risks. I am of the opinion that these risks are a relevant factor when determining site layout.

The applicant is requested to undertake a noise risk assessment using Stage 1 of the ProPG guidance. This would capture the noise levels across the site and will be useful in assisting in the determination of the proposed site layout. Should the noise risks be more than negligible, which is likely at the eastern boundary of the site, the application is also requested to follow Stage 2 of the ProPG guidance and supply an Acoustic Design Statement.

5. **Representations**

5.1 Kington Town Council

Kington Town Council considered this application at its meeting on June 4th and resolved to object to the application for the reasons detailed below.

1. The Council's views on the application are informed by its role in preparing the Kington Area Neighbourhood Plan (KANP) and the central role it has played in identifying housing development sites. This role is a formal requirement of the Herefordshire Core Strategy which delegates the task to the Town Council. (Core Strategy. Policy KGI. Development in Kington)
2. The KANP completed the Regulation 14 stage in 2017 which included consultations which fully "demonstrated engagement and consultation with the community" (KGI). In light of the consultations the Plan has been revised and in the form of the Draft Regulation 16 Plan is ready to be submitted to Herefordshire Council for the final stages of the Neighbourhood Plan process.

3. In preparing the draft KANP, the Town Council carried out detailed assessment of the sites throughout the town in relation to the criteria in KGI. In this task it received wide ranging professional and technical support through grant provision provided by locality as agents for the National Government's Neighbourhood Planning policies. Our objection to the application is based on the extensive assessment we undertook to fulfil the delegation of site selection to Kington Council (KGI).
4. Local Green Space - The Kington Area Neighbourhood Plan has designated all the land south of the River Arrow at Headbrook as Local Green Space. The designation has had the strong support of the community . Together with the land on the opposite side of the river it has been described as a 'green lung' linking the eastern area of the town to the western end with its green riversides. As an open green space it is perceived to contribute to the spatial character and form of the town, providing a green entry to the town and a wildlife habitat for birds including owls, bats and riverside trees and plants.
5. Green Infrastructure - Herefordshire Council's Green Infrastructure Study (2010) shows this land north of Headbrook as part of a Local Strategic Corridor embracing the south side of the town. A Local Strategic Corridor is defined in the Study as "aconnected linear component of green infrastructure around the town",thus echoing in more technical terms the views of local people. The Study contains a description of the land as being "wet grassland and wet woodland that should be preserved and enhanced" .

Core Strategy Policy LD3 Green Infrastructure states that "Development proposals should protect, manage and plan for the preservation of existing and delivery of new green infrastructure...". By its nature a housing development on this land will be unable to comply with this policy since it will building on the green infrastructure, thereby removing it and impacting on the adjacent remaining land.

6. Biodiversity - Core Strategy Policy LD2 Biodiversity and geodiversity states "Development proposals should conserve, restore and enhance the biodiversity ...".

Para 5.3.12 "Wildlife is not confined to designated sites and many features serve as wildlife corridors, links and stepping stones. Ecological networks are vital to the survival and dispersal of species. Herefordshire 's biodiversity makes a major contribution to the economy, supporting the tourism sector and providing a healthy and attractive environment for its residents."

The land of this application is not an AONB or SSSI but it is an important feature of the Kington Town landscape and losing this area of biodiversity will diminish the local pool of ecological habitats by urbanising the riverside biodiversity. The application does not comply with LD2.

A development of 33 or so dwellings will inevitably lead to 60 or more vehicles coming and going on this land. This is low-lying area where it is likely that air currents,winds etc are not going to ensure rapid dispersal of emissions such as nitrous oxides.The cumulative impact of NO2 is well documented as being harmful to butterflies, bees and other insects as well as a range of plant life. The likelihood is a deterioration in any remaining green space adjacent to the development rather than enhancement .

7. Landscape and Townscape - The application does not comply with Core Strategy Policy LDI which requires that "development proposals should demonstrate that the character of the landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements...".

The application site borders the Conservation Area and buildings therein of an historically important small Market Town. The site area is part of the setting of the Town. No evidence is presented as to how the development proposed will meet the objective of LDI.

It does not comply with NPPF paras 132 and 134 which are concerned with the settings of designated heritage assets; settings are important components of the value of historic buildings. The site where development is proposed is a part of the setting of the heritage assets of the Town. Any alteration to the setting such as new build development will inevitably harm the setting and thereby the assets themselves. It would lead to a loss of space and a diminution of the rural setting of the Town.

8. Requirement to Meet the Core Strategy Housing Target for Kington - Any public benefits that might accrue from developing housing on this area can be obtained from other sites that are identified in the draft Neighbourhood Plan which fully meets the target set for housing provision (200 dwellings) and which more adequately meet the requirements of KGI.
9. Relationship of the Application to the draft Settlement Boundary as defined in the draft plan - The implication of development on various sites in the town was assessed at the Regulation 14 stage. This led to a revision of the current UDP Settlement Boundary to exclude the application site and its counterpart to the north of the Arrow from within the settlement. This more clearly identifies their long term value as a green setting for the town as open country on the town's border.
10. Previous Site Planning History - The identification of the application site as Local Green Space in the KANP is in line with previous planning guidance for Kington.

The Leominster District Local Plan (1999) which included Kington, strongly emphasised the importance of the site for the setting of the town. "There should be no development on the river meadows of the Arrow and Back Brook which form essential elements in the setting for Kington as defined on the map. Landscape proposals will be encouraged which would enhance the river meadows, enable recent developments to fit more sensitively into the town's setting, encourage a diversity of wildlife and promote a riverside walk.

These river meadows contribute significantly to the character and setting of the town and should be protected from intrusive development in particular in accordance with Policy A.25. Much of the area is subject to serious flooding or is described as flood prone and so is not suitable for development in accordance with Policy A15. The River Arrow is designated a SWS by the Herefordshire Nature Trust "

The Herefordshire Unitary Development Plan (2007) sustained this policy by designating the whole site as "Protection of Open Areas and Green Space" (Inset Map Kingl)

A portion of the site was included in Herefordshire's 2012 Strategic Housing Land Availability Assessment (SHLAA) but identified as "Land that had Significant Constraints". As a result, the site was re-assessed at the first stage of the Neighbourhood Plan process. The Town Council did consider whether a small development of 15 houses might be appropriate but unanimously resolved (December 2015) that the importance of the site as part of the green setting for the town militated against any development and that the whole site should be designated as Local Green Space. This decision has been fully supported in all subsequent public consultations on the Plan and confirmed by Kington Town Council when it signed off the Draft Regulation 16 Plan in December 2017.

11. Ambiguities in the Application - The extensive documentation provided by the applicant provides confusing information about the level of development proposed which vary from 33 to 70 dwellings in the text and attached site plans.
12. Requirement for More Detailed Site Assessment - Though this is an outline application, we would strongly suggest, given the potential impact of the proposed development on the setting and environment of the town, that much more detailed information is required at this stage on:

Landscape assessment including issues of sensitivity and capacity site biodiversity given frequent reports of bats and owls on the site, site archaeology, in view of other investigations in the Arrow Valley impact on the Conservation Area, (See Historic England's objection for detail on this) impact on the river systems (the Arrow, the Lugg SSSI and the Wye Special Area of Conservation) of waste water,

Impact on the sewerage system. The following guidance provided to us by Welsh Water in response to our Regulation 14 Consultation should be noted:

Wastewater treatment works (WwTW) - Kington's WwTW is currently overloaded and there are no improvements planned within Welsh Water's current Capital Investment Programme (AMP6 - 1st April 2015-31st March 2020). An improvement scheme will form part of their submission to the Industry Regulators for the next Capital Investment Programme (AMP7 - 1st April 2020-31st March 2025). As such, should a developer wish to progress this site in advance of their future Regulatory Investment they will need to fund the improvements themselves, firstly by commissioning Welsh Water to undertake a feasibility study of the WwTW, before entering into a Section 106 Agreement (of the Town & Country Planning Act 1990) to pay for the improvements required.

A more detailed flood risk assessment by the Environment Agency.

The following additional comments have also been submitted:

As was specified in the Council's objection to this application, the Kington and Area Neighbourhood Development plan is now nearing the Regulation 16 Stage. The Plan has been fully revised in relation to the Regulation 14 Consultation and the voluminous consultation appendices have had a final edit. The completed Plan will be submitted to Herefordshire Council's NDP Team on Wednesday Sept 19th. As previously identified the Plan proposes that the whole of application site should be designated Local Green Space and identifies a range of other sites which will fully meet the housing allocation for Kington specified in Herefordshire's Core Strategy. These policies have been strongly supported in the various consultations during the development of the NDP and we trust they will be given full consideration by the Planning Committee when this application is considered.

- 5.2 Lyonshall Parish Council – Observe that consideration should be taken regarding the extra traffic using the Headbrook road, as this is the main entrance to Kington for locals living East of the town.
- 5.3 Wye Valley NHS Trust – Request a financial contribution through the completion of a Section 106 Agreement and comments as follows:

In the circumstances, it is evident from the above that the Trust's request for a contribution is not only necessary to make the development acceptable in planning terms it is directly related to the development; and fairly and reasonably related in scale and kind to the development. The contribution will ensure that Health services are maintained for current and future generations and that way make the development sustainable.

- 5.4 CPRE – **Object** to the application. In summary the points raised are as follows:

- The proposed development would harm the setting of Kington Conservation Area which lies immediately adjacent to the site.
- The site has been identified as a green space in the emerging Kington NDP
- Should this application be allowed then it would set a precedent for further development in green space with the potential to hugely damage the setting of this important historic town

- It is recognized that Herefordshire Council has not identified a 5 year housing land supply and that the Local Plan may be considered out of date thus invoking paragraph 14 of the NPPF, the presumption in favour of sustainable development.
- However, for the reasons outlined above this development proposal is not sustainable, conflicts with several specific NPPF policies and in line with the final clause of paragraph 14 should be refused: *“For decision-taking this means 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 policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted”.*

5.5 Twenty two letters of objection have been received in response to the statutory consultation period. In summary the comments made are as follows:

Flood Risk

- Parts of the field are prone to flooding
- If the area is surfaced, where will excess water go?
- Development could well result in existing properties in the locality flooding, as well as those proposed.

Ecology / Biodiversity

- The area is a haven for wildlife, including red kites, herons and bats
- The land is outstandingly beautiful and an important wildlife habitat; a ‘green lung’ for the town
- There is a duty to preserve and conserve the natural environment. This is an ancient meadow and once lost, it can never be replaced

Highway Safety

- Concerns around the safety of the proposed access off Headbrook.
- Access is too narrow and vision will be obscured by parked vehicles
- Not a suitable road system to support any more housing

Compliance with Kington area NDP

- The application does not accord with the Kington Area Neighbourhood Development Plan
- The NDP clearly defines the whole of Headbrook meadow as green space
- Proposals were put forward in the NDP to allow for 15 dwellings on the site. The town council voted unanimously to exclude it as a potential housing site
- The NDP has established sufficient potential housing sites to meet its targets for growth

Other Issues

- There are no employment opportunities in the area
- Doctors surgery and local schools are all at capacity
- Earlier plans have all concluded that the site should not be built on. What has changed now?
- Barn conversion scheme adjacent to the site was dismissed on appeal with an Inspector saying it was ‘inappropriate’ to build on the site
- Construction of affordable housing for elderly people would free up existing housing for families
- The sewerage system in Kington is not able to cope with the increased amount of housing proposed

5.6 Four letters of support have also been received. In summary the points raised are as follows:

- Kington is under pressure to provide new homes and this is the best proposal put forward
- The town would benefit from the opening up of a riverside walk
- Development would be 'in' town and not looming over it from some higher point
- The NDP is still some way from being adopted
- There has been extensive research as part of the application submission with respect to flooding
- The 2011 Herefordshire Strategic Land Availability Assessment deemed that the site was suitable, in part, for housing, unlike other land put forward by the NDP
- Home owners will be able to walk to local shops, schools and other services
- The proposal provides new public open space

5.7 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=181494&search=181494

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

Policy context and Principle of Development

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

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

6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). It is also noted that the site falls within the Kington Neighbourhood Area, which published a draft Neighbourhood Development Plan (NDP) for Regulation 16 consultation on 3 October 2018. The consultation period expired on 14 November and confirmation is awaited as to when the plan will go to Examination. There are outstanding representations and so for the purposes of the determination of this application the plan is considered to have moderate weight.

6.3 The National Planning Policy Framework (NPPF) is also a significant material consideration.

6.4 In accordance with the National Planning Policy Framework (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."

6.5 Policy SS2 of the Core Strategy makes an overall provision for the delivery of a minimum 16,500 homes in Herefordshire between 2011 and 2031 to meet market and affordable housing need. Of these, just over two thirds are directed to Hereford and the market towns. With specific regard to Kington, Policy KG1 says that the town will accommodate around 200 new homes over the plan period.

6.6 It has been well rehearsed in many previous reports to Planning Committee that a failure to maintain a supply of housing land will render the housing supply policies of the Core Strategy as

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

being non-compliant with the NPPF and therefore out-of-date. Policy SS3 'Ensuring sufficient housing land delivery' thus imposes requirements on the Council in the event that completion rates fall below the trajectory set out in Appendix 4 of the Core Strategy.

- 6.7 Despite the adoption of the Core Strategy, a housing land supply deficit persists. The Council's most recently published position advises of a supply of 4.55 years (April 2018).
- 6.8 The Core Strategy sets out a number of policies in chapters 3, 4 and 5 for the supply of housing which are relevant to the present application. As a consequence of the housing land supply position, the policies in the Core Strategy relating to the supply of housing are out of date by reason of paragraph 74 of the NPPF. Although these policies are out of date, the weight that they should receive is a matter of planning judgment for the decision-maker. This is a matter that has been reinforced in the recent Richborough Estates Supreme Court ruling.
- 6.9 Policy KG1 is most relevant in this regard. While it identifies a minimum proportionate growth target of around 200 dwellings and is clearly a housing supply policy, it also sets out a number of criteria against which new development proposals will be assessed. These are material to the determination of the application and, in your officer's view, can be attributed weight in the planning balance.
- 6.10 Policies SB1 and H1 of the Kington Area NDP are also policies for the delivery of housing, reiterating the requirement to deliver 200 new homes across the neighbourhood area. Representations have been made through the Regulation 16 consultation process to the housing delivery policies and they are to be given moderate weight.
- 6.11 The site is located to the south of the substantive residential part of Kington, and to the north of the linear pattern of residential development along Headbrook. More recent development has taken place further north around Eardisley Road and this has served to create a secondary residential area that is separate from the rest of the town. It is approximately a 500 metre walk from the town centre and the location of the site is considered to be sustainable. However, the proposal must be assessed under the three indivisible dimensions of sustainable development – economic, social and environmental, if it is to be considered as sustainable. Paragraph 8 of the NPPF is clear that these roles are mutually dependent upon one another and that to achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The following sections of this report consider aspects of the scheme and the characteristics of the area that will be material to the determination as to whether the scheme represents sustainable development.

Impact on designated heritage assets

- 6.12 The proposed development site is just 60 metres separate of the Kington Conservation Area within which are a number of listed buildings; those closest being on Bridge Street.
- 6.13 Under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority is required, when considering development which affects a listed building or its setting:

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

- 6.14 With particular regard to Conservation Areas, Section 72 of the Act goes on to say:

"special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area"

- 6.15 Appeal decisions have subsequently informed the precise meaning of “preserving” in that it means doing no harm.
- 6.16 It follows that the duties in section 66 do not allow a local planning authority to treat the desirability of preserving the setting of listed buildings merely as material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building, it must give that harm “considerable importance and weight”.
- 6.17 Importantly, this does not mean that an authority’s assessment of likely harm of proposed development to the setting of a listed building or to a conservation area is other than a matter for its own planning judgement. Nor does it mean that an the authority should give equal weight to harm that it considers would be limited or “less than substantial” and to harm that it considers would be “substantial”.
- 6.18 The NPPF offers further guidance about heritage assets, recognising that they are irreplaceable resources that should be conserved; ‘...in a manner appropriate to their significance.’ Paragraphs 189 to 196 offer particular clarity about the assessment to be made of the significance of heritage assets. Paragraph 192 outlines three criteria to be taken account of in the determination of planning applications. These are as follows:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.19 Paragraph 193 reiterates the presumption of great weight being afforded to the preservation of heritage assets and is clear that; ‘The more important the asset, the greater the weight should be.’
- 6.20 It is also clear that significance can be harmed or lost through alteration or destruction of a heritage asset, and that proposals that require this should be fully justified and wholly exceptional.
- 6.21 Paragraph 195 is clear that;
- ‘Where a proposed development will lead to substantial harm to or loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss...’*
- 6.22 Paragraph 196 has been confirmed through case law to be a restrictive policy and deals with development that would lead to less than substantial harm. It has two limbs, stating that harm should be weighed against the public benefits of the proposal. The same case law confirms that the second limb; the public benefits, should go first, and that the test is effectively different to paragraph 195 – the identification of harm does not immediately direct one to refuse planning permission.
- 6.23 Policy LD1 also makes reference to a need to conserve historic features, amongst which it includes conservation areas, while Policy LD4 of the Core Strategy does require heritage assets to be protected, conserved and enhanced, and requires the scope of the work to ensure this to be proportionate to their significance, it does not include a mechanism for assessing how harm should be factored into the planning balance. As a result, and in order to properly consider the

effects of development on heritage assets, recourse should be had to the NPPF in the first instance.

Paragraphs 4-10 of Historic England's Good Practice Advice Note 2 (Managing Significance in Decision-Taking in the Historic Environment) explains that applications have a greater likelihood of success and better decisions will be made when applicants and local planning authorities assess and understand the particular nature of the significance of an asset and, in this case, the contribution the setting makes to significance.

6.24 The National Planning Policy Framework provides a very similar message in paragraphs 189 and 190 expecting both applicant and local planning authority to take responsibility for understanding the significance of a heritage asset and the impact of a development proposal, seeking to avoid unacceptable conflict between the asset's conservation and any aspect of the proposal.

6.25 The detailed consultation response from Historic England is clear that the landscape that surrounds the town contributes to its significance as a conservation area:

"The form of the landscape around the town is such that setting contributes much to the significance of the conservation area."

"The application site forms part of the rural, water meadow setting and the wider landscape setting which contribute to the significance of the conservation area in terms of its aesthetic quality, its historic interest as a settlement developed within the natural constraints of the river confluence and its communal value."

6.26 The advice from Historic England and the Council's Historic Buildings Officer is clear that they are concerned about the impact of the proposed development on the significance of the conservation area. Your officers are of the view that the impact on the setting of the conservation area is less than substantial but that it will be towards the upper end of that spectrum. In particular, Historic England's consultation response acknowledges that the site has some significance in terms of forming the setting for the conservation area. The landscape character of the area and its visual relationship to the conservation area is integral to this. In the words of Historic England the proposal will result;

"... in an urbanisation of the water meadows that will change their character considerably. Taken with the existing development on the south side of Headbrook, the aggregative amount of development in the setting of the conservation area will increase considerably. We consider that this will harm the significance of the conservation area by obscuring the links between its historic pattern of development and the Arrow's water meadows and diminishing the aesthetic value of its undeveloped, rural, green setting..."

6.27 Whilst the harm to the significance of the conservation area as a heritage asset is less than substantial it is clear from the advice of Historic England as a statutory consultee and in the minds of your officers that significant weight should be attributed to these impacts. The proposal will cause harm that renders the proposal contrary to Policy LD4 of the Core Strategy, but this will need to be balanced against the public benefits of permitting the scheme.

Landscape impact and effects on the setting of Kingston

6.28 The site is very typical of a riverside meadow landscape type as defined by the council's Landscape Character Assessment (the LCA). It is a flat, well defined, alluvial floodplain with the river lined by trees on either side. A similar flat area of meadow land flanks the river on its northern bank. The LCA suggests that such landscapes are often framed by steeply rising ground and that settlement is typically absent and this is the case as far as the site is concerned. The site forms an attractive setting for this part of Kingston.

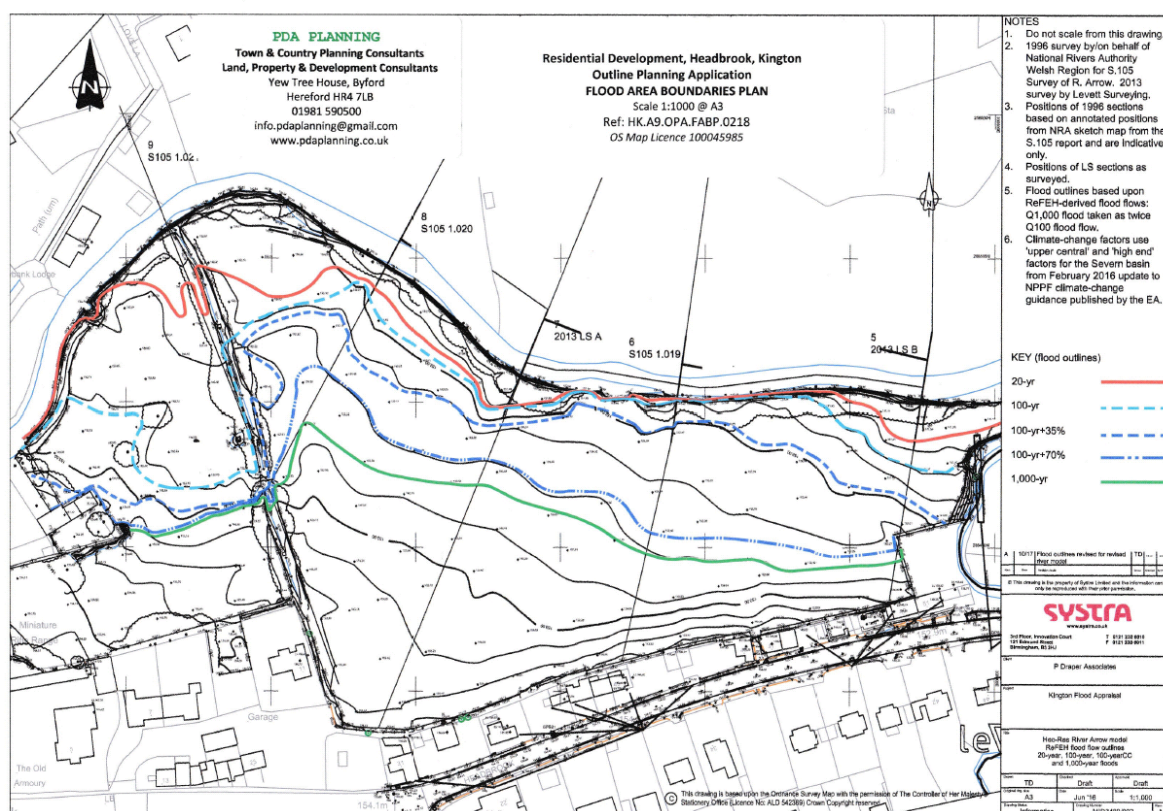
- 6.29 Policy LD1 of the Core Strategy covers matters relating to landscape and townscape. It advises that development proposals should demonstrate that the character of the landscape and townscape has been a positive influence on its design, scale, nature and site selection. It also suggests that proposals should incorporate new landscape schemes in order to integrate development, and that existing tree cover should be maintained and extended where it is important to amenity.
- 6.30 The proposal shows that the areas immediately adjacent to the river are to be kept free from development. This enables the tree-lined bank to remain undisturbed. The hedge line that runs south in the western quadrant of the site is to be retained and enhanced, and; whilst the application is made in outline and landscaping is a matter to be reserved for future consideration, the submission indicates that substantial areas of new planting would be proposed.
- 6.31 However, the inherent character of the landscape is of an open meadow that is free from development. It is the view of your officers that the land forms an important setting to Kington and its conservation area when approaching the town from an easterly direction, and this will be changed to the detriment of the area through the introduction of development. This is reinforced by the fact that the site has been designated as a local green space by Policy LGS1 of the Kington Area NDP.
- 6.32 The setting of settlements is an important material planning consideration and one that has been found to have significant weight on appeal. In recent cases in Bridstow, Bosbury and Lea separate Inspectors all found that the setting of the respective villages would be harmed and that this was not outweighed by the council's lack of a five year housing land supply (Appeal references APP/W1850/W/15/3003671, 3010446, and 3053084).
- 6.33 Members attention is also drawn to the fact that, in relation to an appeal in 2007 for a barn conversion adjacent the site (Headbrook Barn Appeal Reference APP/W1850/A/07/2038659), the Inspector commented on the significance of the area of land to which your enquiry relates, stating that:
- "...I consider that it (the site) makes an important contribution to the attractive appearance and open rural setting of this part of Kington."*
- 6.34 In dismissing the appeal on grounds, amongst others, relating to the detrimental impact of the development on the open character of the area, the Inspector considered the benefits of bringing the building back into use and providing an additional dwelling and said that:
- "...I consider that these benefits do not outweigh the harm that would be caused to an important open area of green space which contributes to the character and setting of Kington."*
- 6.35 Although the proposal is entirely different from that to which the appeal relates, it does serve to demonstrate the importance of the site in terms of its contribution to the setting of Kington. This has not changed in the intervening period and the other recent appeal decisions show that the setting of settlements carries significant weight in the planning balance. This is simply reinforced by the fact that a significant proportion of the town is designated as a conservation area. It is your officer's view that the proposal does not respect the landscape character of the area and consequently fails to accord with Policy LD1 as it does not protect or enhance the landscape setting of Kington.

Drainage and Flood Risk

- 6.36 The majority of the letters of objection received express concerns about the potential for the development to increase the risk of flooding in areas immediately surrounding the application

site. They note the proximity of development to the River Arrow and the fact that the land is a water meadow.

- 6.37 Review of the EA's Flood Map for Planning indicates that the site is located outside of, but close to Flood Zones 2 and 3. This is confirmed by the Flood Risk Assessment (FRA) submitted with the application and in the response from the Council's Land Drainage Engineer.
- 6.38 In accordance with Environment Agency standing advice, the FRA clarifies the extent and depth of fluvial flood risk within the site boundary and considers the potential effects of climate change. It also identifies how flood risk to the proposed development has been minimised, how the development has been made safe, and how the impacts of the development on people and property elsewhere have been avoided.
- 6.39 The FRA considers the risk of flooding on site from all sources, including surface water, groundwater, sewers, reservoirs and any other manmade sources. The FRA also assesses the potential effects of climate change on the probability and extent of the flood risk, this being shown on the plan below:



- 6.40 The detailed consultation response from the Land Drainage Engineer confirms that the FRA includes an update of the Environment Agency's hydraulic model of the River Arrow. The Flood Appraisal drawing (above) shows the flood extents derived from the updated model for the 1 in 100yr +35%CC, 1 in 100yr +70%CC and the 1 in 1000yr return periods. The illustrative site plan drawing indicates the residential dwellings will be located outside of the modelled 1 in 1000 year flood extent. On this basis the proposed development does not displace flood water from the floodplain to other parts of the town during periods of heavy rainfall and is not considered to increase flood risk elsewhere.
- 6.41 The submission also provides a draft strategy for surface water attenuation which confirms that runoff rates will not exceed existing Greenfield runoff rates. The Land Drainage Engineer is

content with the assumptions made and confirms that there is no objection to the proposal subject to the imposition of conditions to require the submission of a detailed drainage strategy.

- 6.42 In light of the fact that the site lies outside of flood zone 2 and 3, the application of the Sequential Test as outlined in the NPPF, which requires 'more vulnerable' development to be steered away from areas at flood risk, is not required. Notwithstanding, it is clear that the Kington Area NDP does allocate areas for housing land that are at a significantly lower risk of flooding.
- 6.43 On the basis of the consultation responses received, your officers are satisfied that the proposal takes full account of the risk of flooding and that any potential impacts can be mitigated through the imposition of conditions. The scheme is therefore considered to comply with Policy SD3 of the Core Strategy.

Ecology

- 6.44 The Council's Ecologist has considered the application, both in terms of its impacts on water quality in accordance with Policy SD4 of the Core Strategy and also in respect of its potential impacts on biodiversity and protected species.
- 6.45 With regard to the first point, and in accordance with its duties as a 'responsible authority' a Habitat Regulations Assessment has been completed by the Council's Ecologist, and this finds 'no likely significant effects' on water quality in either the River Wye Special Area of Conservation (SAC) or the River Lugg Site of Special Scientific Interest (SSSI). Natural England have confirmed that they have no objection to the HRA findings.
- 6.46 In terms of impacts on biodiversity and protected species, the presence of two particular riparian species; otter and white clawed crayfish, have been raised and confirmed as present along this stretch of the River Arrow.
- 6.47 The application is supported by an Ecological Assessment, the detail of which has been considered by the Council's Ecologist. He concludes that the plans are adequate in habitat creation along the stream corridor, but emphasises the importance of good water quality and lack of disturbance along the river corridor. He notes that the bulk of the development will fall outside the flood plain and will lie some distance from the course of the river but that a Construction Environmental Management Plan (CEMP) should be produced to ensure no construction materials/fuels etc. will be placed near the buffer zone. This is a matter that could be addressed through the imposition of an appropriately worded condition.
- 6.48 On the basis of the above, officers find that the potential impacts of development on ecology and biodiversity can be mitigated. Responses for the Council's Ecologist and Natural England confirm 'no likely significant effects' on the River Wye SAC and therefore Policy SD4 of the Core Strategy is complied with. Policy LD2 places a requirement on development to conserve, restore and enhance biodiversity assets and, whilst this is not entirely evident from this outline submission, officers are sufficiently content that further details as part of a Reserved Matters submission by way of a detailed Biodiversity Enhancement Plan could address this.

Highway Impacts

- 6.49 Core Strategy Policy MT1 relates to the highways impacts of new development, and requires that proposals 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. It also requires under (4) that developments are designed and laid out to achieve safe entrance and exit and have appropriate operational and manoeuvring space, having regard to the standards of the Council's Highways Development

Design Guide. This approach accords with the principles outlined in section 9 of the NPPF, in particular Paragraphs 108-9 which advises that it should ensure that safe and suitable access can be achieved for all users and that development should only be refused on highways grounds if there would be an unacceptable impact on highways safety.

- 6.50 Whilst the application reserves all matters for future consideration, the opportunities for the provision of access are limited to a single point onto Headbrook. Concerns have been raised by some local residents about the impacts of a new access and increased vehicle movements on highway safety, particularly given that there are limited off-street parking opportunities for existing properties on Headbrook and that on-street parking will obscure visibility from the proposed new access.
- 6.51 The application is supported by a Transport Statement that has been written on the basis of an initial proposal for a development of up to 60 dwellings. The Council's Traffic Manager has commented in detail on this aspect of the submission and has also been mindful of the objections received.
- 6.52 As referred to previously, the information provided by the transport statement is for 60 dwellings. It assumes 33 two-way trips at peak hourly periods. As the current proposal is for just over half the number of dwellings it is reasonable to assume that it would generate 15 to 20 two-way trips. The view of the Traffic Manager is that there is sufficient capacity and that the highway network should not be adversely affected by this increase in movement.
- 6.53 The transport statement includes a speed survey along Headbrook which shows 85th percentile speeds to be 33 and 34mph in each direction respectively. The visibility splays set out in the transport statement are set at 51 metres in each direction and reflect the known speeds along the road. The Traffic Manager is content that the splays are achievable at the proposed location of the access and therefore officers are content that the application is compliant with Policy MT1 of the Core Strategy.

Planning Balance and Conclusions

- 6.54 Both Core Strategy policy SS1 and paragraph 11 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that developments should be approved where they accord with the development plan. The NPPF encompasses the government's view of what is meant by sustainable development in practice. The three themes, economic, environmental and social should be pursued jointly and simultaneously.
- 6.55 The application in this case is for housing and in the light of the housing land supply deficit must be considered in accordance with the tests set out by paragraph 11 and SS1. Permission should be granted, therefore, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole, or if specific policies in the NPPF indicate development should be restricted.
- 6.56 Kington is identified by the Core Strategy as a sustainable settlement where there is a presumption in favour of proportionate housing growth. The Kington Area NDP is post Regulation 16. Some representations have been made in respect of its housing delivery policies and therefore it attracts moderate weight in the determination of this application.
- 6.57 Officers are content that the site is immediately adjacent to Kington and, in simple terms of its location, it is sustainable. The town has a range of local services and the site is readily accessible to all of these. This will have some benefit in economic terms, as will the engagement of local trades during the construction period of the development. Some moderate benefits will be delivered through biodiversity enhancements and this weighs in favour of the development in environmental terms. There are also some social benefits as the site will provide affordable housing. The application also outlines the delivery of a riverside walk. Given

that the area in question is not currently accessible to the public this is also considered to be a social benefit.

- 6.58 However, the harm caused to the significance of Kington Conservation Area carries considerable weight in determining whether the proposal represents sustainable development, as does the impact on the riverside meadow as a valuable landscape resource. Officers have not been able to reconcile these negative impacts in environmental terms against the benefits of permitting development. For these reasons the proposal is not considered to represent a sustainable form of development and the application is consequently recommended for refusal.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. The application site forms part of the rural, water meadow setting and the wider landscape setting which contribute to the significance of the Kington Conservation Area in terms of its aesthetic quality and its historic interest as a settlement. The proposal will harm the significance of the Conservation Area by obscuring the links between its historic pattern of development and the River Arrow's water meadows and diminishing the aesthetic value of its undeveloped, rural, green setting and the communal value of the conservation area that lies in this setting. Whilst these impacts are considered to be less than substantial in terms of the significance of the conservation area as a heritage asset, they are towards the upper end of the less than substantial spectrum. The local planning authority does not consider that there are other public benefits that outweigh the harm caused by permitting the development. The proposal is therefore contrary to Policies LD2 and LD4 of the Herefordshire Local Plan – Core Strategy and paragraph 196 of the National Planning Policy Framework.**
- 2. The application site is described as a Riverside Meadow in the Council's Landscape Character Assessment. These are landscapes that are typically absent of built development. The introduction of a residential development in this location is contrary to the landscape character which also makes an important contribution to the attractive appearance and open rural setting of this part of Kington. The proposals fail to demonstrate that they have been positively influenced by the landscape and townscape character of their surroundings. Accordingly the proposal is contrary to Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**
- 3. Therefore, in light of the environmental harm caused by permitting the development and in considering the three overarching objectives of sustainable development the local planning authority does not consider that the proposal represents a sustainable form of development. The proposal is therefore contrary to Policy SS1 of the Herefordshire Local Plan – Core Strategy and paragraph 11 of the National Planning Policy Framework.**
- 4. The application is not accompanied by a completed Section 106 Agreement which is considered necessary to mitigate the impacts of the development and to ensure the delivery of affordable housing. In the absence of such an agreement the proposal is contrary to Policy ID1 of the Herefordshire Local Plan – Core Strategy and the Council's Supplementary Planning Document – Planning Obligations.**

Informative:

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

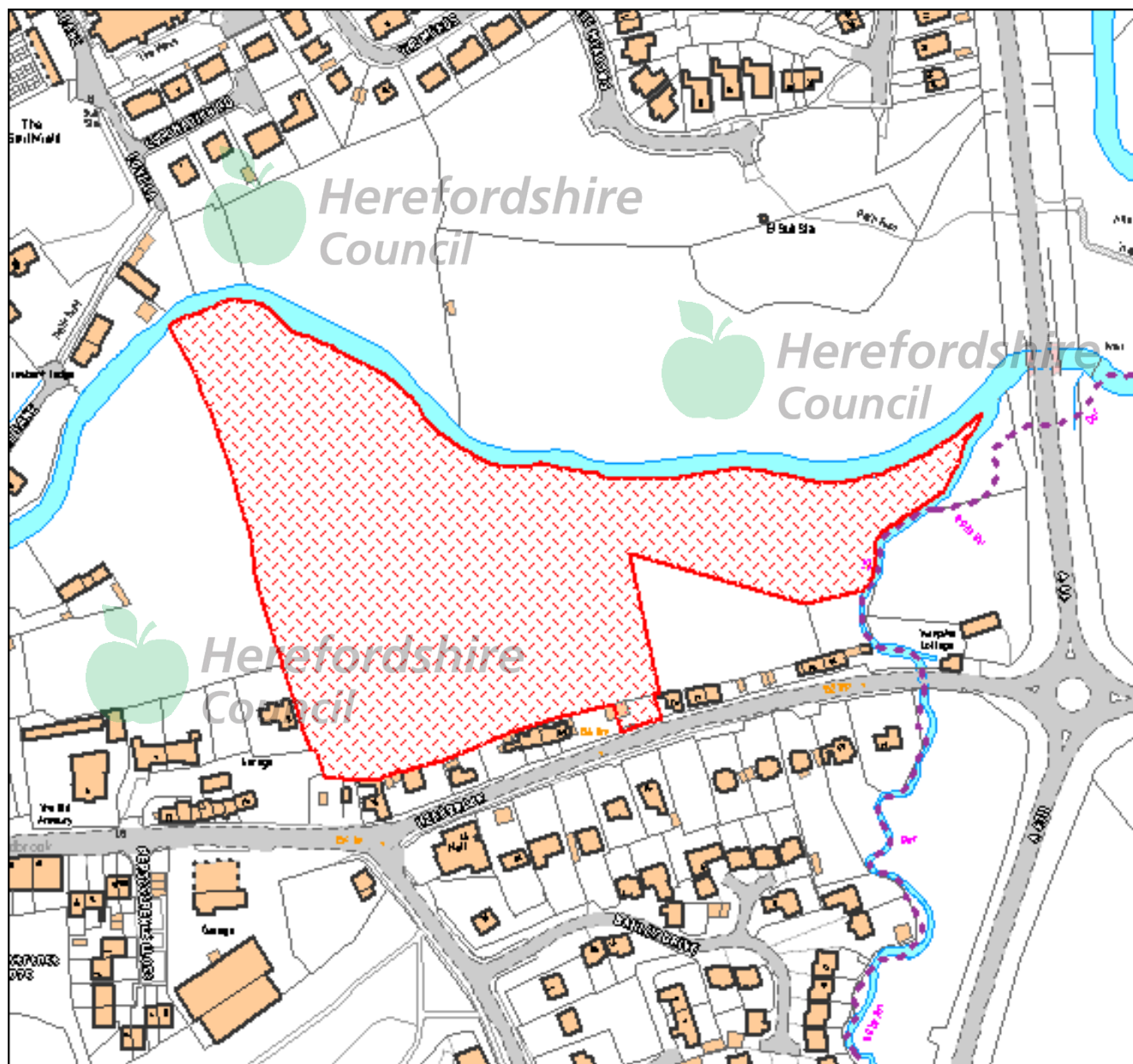
Decision:

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: 181494

SITE ADDRESS : LAND ADJACENT TO SPRING COTTAGE, HEADBROOK, KINGTON, HR5 3DY

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

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	18 DECEMBER 2018
TITLE OF REPORT:	<p>181050 - OUTLINE PLANNING PERMISSION FOR PROPOSED ERECTION OF UP TO 50 DWELLINGS (INCLUDING 35% AFFORDABLE), PLANTING AND LANDSCAPING, INFORMAL OPEN SPACE, VEHICULAR ACCESS POINT FROM PEPPER PLOCK LEY AND ASSOCIATED ANCILLARY WORKS. ALL MATTERS TO BE RESERVED WITH THE EXCEPTION OF THE MAIN VEHICULAR SITE ACCESS AT LAND AT BURTON WOOD, WEOBLEY, HEREFORDSHIRE.</p> <p>For: Mr Kodiak Land, Unit 2, John Bradshaw Court, Congleton, CW12 1LB</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=181050&search=181050
Reason Application submitted to Committee – Re-direction	

Date Received: 20 March 2018**Ward: Weobley****Grid Ref: 340784,251407****Expiry Date: 21 June 2018**

Local Member: Councillor MJK Cooper

1. Site Description and Proposal

- 1.1 The application site covers an area of 3.13 ha to the east of Weobley, Herefordshire. The village of Weobley is situated approximately seven miles south west of Leominster. The site adjoins areas of existing residential development at Burton Wood and Burton Crescent along its western boundary and a row of recently built residential properties at Pepper Plock Ley along its southern boundary.
- 1.2 The Council's Landscape Character Assessment describes the site as part of a Principal Settled Farmland landscape character designation. The description of such areas reads as follows:
- This is a landscape with a notably domestic character, defined chiefly by the scale of its field pattern, the nature and density of its settlement and its traditional land uses. Hop fields, orchards, grazed pastures and arable fields, together make up the rich patchwork which is typical of Principal Settled Farmlands.*
- 1.3 The agricultural fields to the north, south and east of the site are small to medium scale and irregularly shaped. A recently planted orchard is located within the field to the north of the site with established orchards located to the north west at Fox Orchard. The wider landscape is punctuated by small irregularly shaped blocks of deciduous woodland. More extensive areas of

woodland are located on Burton Hill to the south. Garnstone Park is located to the west of Hereford Road.

- 1.4 The site is located within the Weobley Conservation Area, which covers the entire village and surrounding farmland. The central core of the village is comprised of many listed buildings; predominantly timber framed structures. Areas immediately surrounding this central core Weobley Castle Scheduled Ancient Monument is located at the western edge of the village approximately 325m to the west of the site beyond existing built development.
- 1.5 The village centre lies to the north west of the site and contains a range of services which include local shops, public houses, restaurants, doctors surgery and a local bus service. Weobley Primary School and Weobley High School are located to the southwest of the site and are both well within walking distance of the site. The aerial photograph below shows the general environs of the site (marked by the red star) and its relationship with surrounding land uses:



- 1.6 The site itself consists of a regularly shaped area of agricultural land, within which are contained remnants of hedgerows and a number of trees; some of which indicate that the land may have been a former orchard. The northern and eastern boundaries of the site are defined by hedgerows and mature trees. The southern boundary of the site adjoins the access road to the rear of recently constructed residential properties at Pepper Plock Ley (not shown on the aerial photograph). The western boundary is defined by the rear boundary treatments of existing residential properties at Burtonwood and a native hedgerow.
- 1.7 Two Public Rights of Way (PROWs) extend across the site: PROW WX21 cuts diagonally across the northeastern section of the site and extends south-east across Burtonwood into the wider landscape beyond; PROW WX20 is a shorter section of footpath which extends along the western boundary of the site.
- 1.8 The application is made in outline and seeks planning permission for up to 50 dwellings (including 35% affordable), planting and landscaping, informal open space, vehicular access associated ancillary works. All matters are to be reserved for future consideration with the exception of the main vehicular access to the site. This is to be taken from Pepper Plock Ley which bounds the site to the south. The submission is accompanied by illustrative plans as shown below, and a suite of documents which include the following:
- Design & Access Statement
 - Planning, Affordable Housing & Sustainability Statement
 - Flood Risk Assessment (including a detailed Drainage Strategy)
 - Archaeology & Built Heritage Assessment
 - Landscape & Visual Assessment
 - Ecological Appraisal

- Transport Assessment
- Framework Travel Plan
- Arboricultural Assessment
- Tree Retention Plan
- Noise Assessment
- Air Quality Screening Report

1.9 A separate Draft Heads of Terms Agreement has been prepared by officers and is appended to this report.

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
RA2	-	Housing in Settlements Outside Hereford and the Market Towns
RA3	-	Herefordshire's countryside
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
OS1	-	Requirement for Open Space, Sport and Recreation Facilities
OS2	-	Meeting Open Space, Sport and Recreation Needs
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and townscape
LD2	-	Biodiversity and geodiversity
LD3	-	Green infrastructure
LD4	-	Historic environment and heritage assets
SD1	-	Sustainable design and energy efficiency
SD3	-	Sustainable water management and water resources
SD4	-	Waste water treatment and river water quality
ID1	-	Infrastructure Delivery

2.2 National Planning Policy Framework

The following sections of the NPPF are considered to be of relevance to this proposal:

Section 2	-	Achieving sustainable development
Section 4	-	Decision-making
Section 5	-	Delivering a sufficient supply of homes
Section 9	-	Promoting sustainable transport
Section 11	-	Making effective use of land
Section 12	-	Achieving well-designed places
Section 14	-	Meeting the challenge of climate change, flooding and coastal change
Section 15	-	Conserving and enhancing the natural environment
Section 16	-	Conserving and enhancing the historic environment

2.3 The Weobley NDP is currently post Reg14. In line with para 48 of the NPPF, the Weobley NDP would have limited weight at this stage

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/info/200185/local_plan/137/adopted_core_strategy

3. Planning History

- 3.1 There is no history specifically relevant to the application site.

4. Consultation Summary

Statutory Consultations

4.1 Historic England – **Objection**

The significance of Weobley Conservation Area may be summarised as deriving from its character an appearance as a planned medieval borough laid out in burgage plots between the castle to the south and the church to the north. The growth and then failure of the borough are evident in the surviving built fabric characterised by closely developed street frontages and surprisingly sparsely developed backland areas. The extent and quality of timber framed buildings in the conservation area is outstanding. Despite enclosure, the fields around the town preserve evidence of the medieval field system providing a visual connection with the historical functional links between the medieval town and its rural hinterland.

The application site occupies open fields to the east of the village core in an area identified as New Estates in the draft conservation area appraisal. This is an area where the medieval field system may still be traced in post enclosure field boundaries. The proposal for 50 dwellings will significantly change the appearance and character of this currently undeveloped part of the conservation area.

The application should therefore be considered in terms of the policy set out in Section 12 of the NPPF. This is clear that new development should make a positive contribution to local character and distinctiveness (paragraph 131) and should enhance and better reveal the significance of the conservation area (paragraph 136). Paragraphs 132 and 134 state that great weight should be given to the conservation of a heritage asset's significance and that any harm should be weighed against the public benefit of a proposal.

Historic England is concerned that the outline nature of the application means that it is not possible to properly assess the development's impact on the significance identified in the supporting heritage statement. While the core of the village and the principal reasons for its designation are unlikely to be affected, the proposal will negatively impact on the currently open character of the fields, involve the loss of field boundaries which contribute to the evidential value of the conservation area and thus result in harm. In the absence of a detailed application it is not possible to assess whether the design of the proposal delivers the requirements of paragraphs 131 and 136 or whether the harm identified is justified in terms of paragraphs 132 and 134. We would therefore recommend that the application is refused or that it is withdrawn and a full application submitted for consideration.

4.2 Welsh Water – **Qualified comments**

We have reviewed the information submitted as part of this application with particular focus on Section 6.0 of the Flood Risk Assessment reference SHF.1426.005.HY.R.001.A dated January 2018. We confirm that the principle of a surface water communication to the public sewerage system at a rate not exceeding 5l/s has been agreed, however the finer details of how this will be achieved has not been discussed or agreed.

We note that the intention is to gravitate flows to an attenuation pond and then use a pumping station to convey flows to the existing public sewerage network. This arrangement does not conform to current legislation or adoptable standards and therefore we cannot support the drainage proposal as submitted. We recommend that the applicant and their consultant contact

us in order to continue effective dialogue to overcome our concerns and progress with the drainage strategy.

It is our preference for these matters to be addressed at the earliest possible opportunity and advise that subsequent discussions may require revisions to the layout and therefore should be agreed prior to determination.

Internal Council Consultations

4.3 Traffic Manager – **Qualified comments**

The Site:-

The site covers an area of approximately 3.13 hectares and is located on the south-eastern edge of Weobley village, within a predominantly residential area (with the exception of Weobley Primary School and Weobley High School). The application site is bound by existing open field to the north and east, Burtonwood and existing properties fronting onto Pepper Plock Ley to the south, and existing properties fronting onto Burtonwood and Burton Crescent to the west.

Access to the site is proposed to be provided via an extension of the existing Pepper Plock Ley carriageway. Pepper Plock Ley is a relatively newly-constructed road which currently serves eight residential dwellings (planning reference: N123065/F). The road is maintained by the Local Highway Authority.

Two existing Public Rights of Way (PROW) footpaths cross the site. 'Weobley Footpath 20' (ref: WX20) crosses the site north-south along the western boundary. 'Weobley Footpath 21' (ref: WX21) crosses the site diagonally at the northern corner of the site. Access onto the PROW footpaths is provided by pedestrian kissing gates, accessed via Pepper Plock Ley.

The Applicant:-

The applicant is seeking outline consent for the erection of up to 50 dwellings, of which 35% will be affordable, with all matters reserved for subsequent approval with the exception of main vehicular site access from Pepper Plock Ley.

General Observations:-

A Transport Assessment (TA) has been produced by Cora IHT, to support the proposed application, which provides an assessment of local junctions on the highway network up to a future year 2023 'with development' scenario. A Travel Plan has also been provided in conjunction with the TA report.

The application form indicates that pre-application scoping discussions have occurred between the applicant, planning consultants and Herefordshire County Council. It is understood that senior staff of neighbouring schools and the Local Highway Authority have also been consulted on the proposals.

Accessibility:-

The TA demonstrates that the majority of Weobley village is accessible within one-kilometre walking distance of the site, including Weobley High Street, local shops and local schools. Access to existing facilities and amenities fall within the acceptable walking and cycling distances outlined by the 'Institute of Highways and Transportation – Suggested Acceptable Walking Distances' guidance. The existing PROW footpaths crossing the application site are also proposed to be retained and improved.

As Pepper Plock Ley is a relatively newly-constructed road, existing footways are of sufficient width and dropped kerbs and tactile paving is present at available crossing points, providing connections onto Burtonwood. Burtonwood currently provides access to the two existing schools in Weobley and is often congested at peak drop-off and pick-up times. The existing footway along the northern side of the carriageway of Burtonwood is less than two metres wide and is not considered sufficient to cater for future school walking trips from the application site. It is also noted that there are no existing crossing points provided along Burtonwood to cater for walking trips to school.

An improvement scheme is sought to improve the existing turning head / drop-off area on Burtonwood and improve pedestrian connections to help alleviate congestion, improve connectivity and mitigate any intensification of traffic and pedestrian flows associated with the development in the vicinity of the schools.

The Local Highway Authority have requested that the existing footway along the northern side of the carriageway of Burtonwood be extended to two metres wide. Two formalised crossing points with dropped kerbs and tactile paving are also to be provided, along with provision of on-street parking, a review of existing TRO's in the area and extension of the existing 30mph speed limit to the east of the application site. Following the proposed improvements, the footway and turning-head area for school drop-offs would be adopted and maintained by the Local Highway Authority. Preliminary off-site improvements are shown on Cora IHT's drawing no. 16-1061-004. These need to be explored further with the Local Highway Authority to agree the extent of the works. If minded for approval, these improvements should be conditioned to be completed prior to the occupation of the first dwelling. This will require a Section 278 Agreement.

It is noted that whilst the local primary school is under capacity, the existing Weobley High School is over-subscribed and any future residents / pupils would need to travel out of the village for secondary-level education. This is likely to be by public transport, council-funded bus travel or by car.

Employment opportunities in Weobley for any future residents are also likely to be limited and it is anticipated that the majority of residents would commute to Hereford by car. The location of the nearest bus stop has been measured as approximately 300 metres from the centre of the site. The TA recognises that there are existing bus services available between Weobley and Hereford.

Given the rural location of the site and taking into consideration paragraph 29 of the NPPF, the application site is considered to be located in a reasonably sustainable location. However, Section 106 financial contributions towards active travel and public transport infrastructure will be sought.

Traffic Surveys:-

The impact assessment within the TA has been based on MCC turning count surveys undertaken on Tuesday 14th November 2017 at the Burtonwood / Weobley Primary School turnaround area and the Burtonwood / Hereford Road priority T-junction. The surveys were undertaken from 07:00 to 10:00 and 15:00 to 19:00 and covered school drop-off and pick-up periods, as well as standard network peak periods. Survey results were converted into Passenger Car Units (PCUs) and the peak periods were calculated as 08:00 to 09:00 and 16:30 to 17:30. The approach taken is considered acceptable.

Traffic Forecasting:-

Baseline 2017 traffic flows have been growthed to a 2018 application year and a 2023 future year using TEMPRO NTW growth factors, to take account of any committed development flows in the area. The approach taken is considered acceptable.

Development Proposals:-

The application is for an outline planning permission for up to 50 dwellings (of which 35% would be affordable). All matters are to be reserved with the exception of main vehicular site access from Pepper Plock Ley. The proposals include the improvement of existing PROW footpaths which cross the site.

Off-site improvements identified in the TA include provision of a new gateway feature to the east of Pepper Plock Ley, on entering Weobley village. The proposed location of the gateway feature, as shown on Cora IHT's drawing no.16-1061-004, is not acceptable. The gateway should be relocated further east, in order to lower vehicle speeds prior to entering any proposed built-up areas. If minded for approval, a condition would be sought for revised plans to be provided with a relocated proposed gateway feature.

In addition to the proposed pedestrian improvements described above, proposed Traffic Regulation Orders (TROs) are also proposed along the northern side of the carriageway on Burtonwood to restrict on-street parking and improve safety at the existing school drop-off area. The proposed parking restrictions are shown on Cora IHT's drawing no.16-1061-004. This will require a Section 278 Agreement.

Access Arrangements:-

Access to the site is proposed to be provided via the extension of the existing Pepper Plock Ley carriageway. Details of the proposed site access are illustrated on Cora IHT's drawing no. 16-1061-004. The site access road will comprise a 5.5 metre wide carriageway with 2m wide footways provided along either side of the carriageway. A dropped kerb is also proposed to be provided along the eastern side of the site access road to provide access to existing parking bays on Pepper Plock Ley.

The proposed site access arrangements would require works on existing adopted highway and a Section 278 agreement would be required.

A PICADY junction assessment has been undertaken to demonstrate suitability of the access in terms of operational capacity. The results show a maximum RFC of 0.06 in a '2023 with development' scenario. The proposed access arrangements are considered acceptable.

The proposals also include improvements to existing PROWs including provision of a three-metre wide footpath link through the site, connecting Burtonwood to Gadbridge Road. Pedestrian connections onto the footpath will also be provided from Burton Crescent and Burtonwood to the west of the site. The footpath improvements are in keeping with the Development Framework Plan and would provide an alternative link to the village centre and ensure permeability of the site. If minded for approval, these proposed footpath improvements should be conditioned.

Parking Provision:-

It is acknowledged that the application is currently at an outline stage and therefore details on internal arrangements and parking have not been provided. If minded for approval, a condition

should be attached to ensure any reserved matter applications provide car and cycle parking in line with the existing Herefordshire Highway Design Guide for New Development (2006) parking standards. If garages are proposed to be provided as parking numbers, the internal dimensions need to be a minimum 6m x 3m.

Subsequent reserved matters applications should also provide a parking strategy to demonstrate that any visitor / service vehicle / delivery parking requirements associated with the development can be accommodated within the site to reduce on-street parking issues on Burtonwood.

Traffic Generation:-

Multi-modal trip rates have been calculated using the TRICS database for the proposed 50 residential units. The residential trip generation predicts that there will be 27 and 25 two-way vehicular trips in the AM and PM peak hours, respectively. The TRICS trip generation exercise is considered robust, particularly as 35% of units will be affordable dwellings.

Traffic has been distributed onto the highway network based on existing turning proportions onto Burtonwood. All proposed development traffic in the AM and PM peak period have been assumed to travel into / out of Hereford at the Burtonwood / Hereford Road T-junction. The approach considers the worst-case and is considered acceptable.

Capacity Assessments:-

Operational assessments of the existing Pepper Plock Ley / Burtonwood priority T-junction (site access) and the existing Burtonwood / Hereford Road priority T-junction have been provided in the TA report. The junction capacity assessments demonstrate that both junctions would operate well within capacity up to a 2023 with development scenario, with minimal queueing.

Whilst the TA demonstrates that existing junctions within the vicinity of the site will operate within capacity, consideration is also required of any increased congestion along Burtonwood (particularly school children, parent drop-off, coaches etc.) as a result of development traffic.

Section 106 Obligations

Section 106 financial contributions towards active travel and public transport infrastructure will be required and a Heads of Terms needs to be submitted. Based on a proposed development of up to 50 dwellings, a S106 contribution of approximately £77,000 (less 35% affordable housing) would be sought for improvements to Active Travel measures in Weobley such as footpath, public transport, cycle infrastructure and traffic calming/gateway features..

Section 278 Obligations

If minded for approval, any proposed works on the existing highway including footway improvements, crossing improvements, TROs and site access works will require a Section 278 Agreement. Any works on the public highway should be conditioned to be completed prior to the occupation of the first dwelling.

Further comments following the receipt of a detailed scheme of highway improvements have been received and read as follows:

The submitted Cover Letter (dated 9th August 2018) states that the following key features are proposed and shown on the relevant additional drawings submitted:

- i) Widening of the existing footway along the northern side of the carriageway of Burtonwood;

- ii) Two formalised crossing points on Burtonwood;
- iii) Provision of on-street parking;
- iv) A review of existing and proposed TROs including proposed double yellow lines and School Keep Clear signs;
- v) Extension of the existing 30mph speed limit;
- vi) Relocation of the proposed gateway feature further east; and
- vii) Improvements to the existing coach/bus pick-up and drop-off area associated with the adjacent school.

The list above covers the points raised in our previous response to the application, however the LHA does not consider that they are well-reflected in the submitted drawings. Whilst the application is currently at an outline stage, it is noted that the additional drawings will be subject to a formal re-consultation. Having reviewed the Site Access and Highway Improvement Plan (16-1061-004-A) and the Illustrative Access Masterplan (8149-L-10), it is requested that the drawings be amended to adequately address the issues above. The drawings should show the full extent of Burtonwood, from the site to the Hereford Road junction. A full review of existing and proposed TROs along the length of the road is also required. Further details on each point and requested changes are listed below:

i) Widening of the existing footway along the northern side of the carriageway of Burtonwood

The submitted drawings provide detail on the proposed widening of the existing footway along the northern side of the carriageway of Burtonwood to two metres, which the LHA finds acceptable. However, it is noted that the proposed widening would effectively reduce the width of the carriageway and this needs to be addressed when considering proposed improvements to the existing drop-off area to the south. Further information is provided at vii) below.

ii) Two formalised crossing points on Burtonwood

Whilst the Cover Letter makes reference to two proposed crossing points, only one is shown on the submitted drawings which illustrates a formalised uncontrolled crossing point with dropped kerbs and tactile paving. The LHA would request that the proposed crossing point comprises build-outs. This would effectively create a pinch-point on Burtonwood and provide a safe waiting area for pedestrians to discourage crossing between parked vehicles. The provision of build-outs would also provide on-street parking provision which would be associated with TROs. This needs to be made clear on any drawings. Achievable pedestrian visibility splays should also be demonstrated.

A second crossing point has previously been requested by the LHA, to be located approximately 200 metres west of the existing drop-off area. The submitted drawings provide no details on what is proposed in this respect and this needs to be provided.

iii) Provision of on-street parking

The submitted drawings provide no details on provision of on-street parking and how the applicant intends to address this issue in the interests of highway safety. The applicant will need to assess and review existing on-street parking and provide possible solutions, taking into consideration existing vehicular flows, bus/coach drop-off, residential parking and pedestrian flows along the Burtonwood at peak school pick-up and drop-off times.

The LHA has consulted with senior staff at the school and an existing hedgerow to the west of the drop-off area could potentially be removed to provide on-street parking provision.

iv) A review of existing and proposed TROs

The Illustrative Access Masterplan (8149-L-10) shows proposed double yellow lines and 'School Keep Clear' TROs within the vicinity of the existing drop-off area. The existing double yellow lines are shown to extend to the site access. A full review of existing and proposed TROs is required along Burtonwood. This should provide details on improvements to provision of on-street parking within the vicinity of the two schools, drop-off area and the application site.

Details on TRO amendments such as extension of the 30mph speed limit should also be included on any drawings.

v/vi) Extension of 30mph Speed Limit / Proposed Gateway Feature

Neither of the drawings provide details on the proposed extension of the 30mph speed limit and this needs to be shown. The existing 30mph speed limit on Burtonwood needs to be extended to the east, to the proposed gateway feature which is shown to be relocated further east. The relocation of the proposed gateway feature is broadly acceptable. The exact location will need to be agreed at a detailed design stage. The proposed extension of the 30mph speed limit will be associated with a TRO and this should also be made clear on any drawings.

vii) Improvements to the existing coach/bus pick-up and drop-off area

The drawings highlight a proposed 'amendment to the existing island' and that land currently owned by the school will become adopted by the LHA, to allow the improvements to be made. It is requested that further details should be provided on the drawing to make clear that the existing island will be narrowed, realigned and moved south. This should allow the existing turning area to continue to accommodate coach/bus pick-up and drop-off whilst maintaining the existing width of the carriageway on Burtonwood to accommodate two-way movements (following widening of the existing footway along the northern side of the carriageway).

It is noted that existing vehicles accessing the drop-off area currently park along the southern side of the carriageway. Swept path assessments should be submitted to demonstrate that school buses are able to access the drop-off area alongside parked vehicles, following proposed improvements.

General Comments

The proposed site access road from Pepper Plock Lay should be designed to provide some deflection, to reduce the risk of speeding in the proposed 20mph zone.

4.4 Conservation Manager (Landscape) – **Qualified comments**

The proposed development site falls within the Conservation Area of the village. As such enhancement opportunities to better reveal its significance should be sought. Landscape proposals should preserve those elements of the setting and make positive contributions to better reveal the significance of the Conservation Area by providing a sense of place and linking important orientation views to the surrounding landscape and village context.

There are several mature native trees on the site boundary. These should be protected. Further information on these trees in the Conservation Area can be obtained from our Tree Officer. To conserve and enhance the Conservation Area status of the proposed development site, local materials and design relating to the rural village edge context should be promoted.

Two public rights of way footpaths cross the proposed development site. These footpaths need to be protected, enhanced and should marry well into the Conservation Area status of the site. Important views from the footpaths need to be protected and a strong sense of local place needs to be designed into the proposals.

The proposed development site requires the conservation, restoration and enhancement of existing biodiversity on site. Proposed wildflower corridors adjacent to existing hedgerows to be retained will providing food and habitat for pollinating insects and for the movement of bees, hoverflies and other pollinators. Connecting existing boundary hedges with the proposed native hedges will provide improved access for wildlife across the site and into the wider rural landscape. The proposed attenuation basin associated with the SUD proposals should have native marginal planting to promote local biodiversity enhancement of the site

The existing green infrastructure network of trees and hedgerows boundaries should be retained and enhanced to maintain the character of the sites setting in the wider landscape and increase the potential wildlife habitats within the site.

The applicant is to provide the following information:

A Landscape plan, identifying existing and proposed green infrastructure for enhancement, conservation and restoration. The proposed green infrastructure plan should provide resilience to climate change while providing appropriate biodiversity and visual amenity value relating to local character and regional identity. The plan should also clearly identify existing tree root protection zones. With reference to the Development Framework Plan this should identify further orchard tree planting on the Western boundary and proposed green infrastructure including appropriate trees within the proposed housing development.

A Landscape plan identifying proposed hard landscape surface areas showing pedestrian and cycle connectivity and other proposed landscape features. With reference to the Development Framework Plan this should show the following. A circular footpath around the whole proposed development area. Footpath connectivity from the proposed housing on the Northern boundary to the existing footpath in the North and detailed enhancement proposals for connectivity outside the applicants red line on the SW boundary. This SW area should include a safe, visually attractive pedestrian, cycle and motor vehicle entrance to the site, forming a distinctive gateway to the proposed site with local character relevant to this Conservation area.

A Conceptual Sustainable Urban Drainage Plan to show that they will fully integrate into the final development layout. Indicative design proposals should also be shown for the proposed pumping house and its visual impact mitigation proposals (such as underground proposals or other positive proposals). The proposed attenuation pond should provide, biodiversity value, visual amenity value and passive recreational value such as outdoor seating.

Following the receipt of additional information including a Development Framework Plan, Tree Retention Plan, Drawing the Landscape Officer has confirmed that he has **no objection subject to the imposition of conditions**.

4.5 Conservation Manager (Ecology) – **Recommends conditions**

I note that there is some moderate biodiversity interest present on the site which should be conserved eg. the hedgerows which should be integrated into the final landscape scheme. Existing trees (including fruit trees) should be preserved in situ. Creation of a communal orchard area is welcomed as recommended by the ecological report and landscape officer. I have read the ecological survey accompanying the application and I concur with its findings

The site lies does not lie within an SSSI Impact Zone requiring any Habitats Regulations Assessment and impacts upon statutory and non-statutory sites should be negligible.

Following the receipt of additional information including a Development Framework Plan, Tree Retention Plan, Drawing the Council's Ecologist has made the following additional comments:

I note the comments from the Woodland Trust and fpcr's response. If tree T27 cannot be incorporated into design I would support a translocation although I would estimate such success and the trees survival as somewhat reduced. Given the potential for Noble Chafer in these trees, it can only be hoped that, following translocation, any individuals of this species (and any saproxylic fungi) would at least have an opportunity to migrate to other trees nearby

4.6 Conservation Manager (Trees) – **Qualified comments**

The accompanying tree report - Arboricultural Assessment, December 2017 - FPCR Environment and Design Ltd indicates that the site could facilitate the 50 units without detrimentally impacting the trees of high amenity value which are generally located on the fringes of the site.

I do however have some concerns that some trees could come under threat once the units are occupied due to the close proximity to the trees. To reduce this risk I would like to see that the orientation of units is such that gardens rather than buildings are adjacent to trees.

This would apply to the trees in the report referenced: T4, T12, T16, T17 & T25.

The hedges located in the centre of the site are remnants of the old field system and have significant historical value as well as ecological, landscape and arboreal importance. I would like to see efforts made for their retention and try to incorporate them into design. I notice that an access road is proposed to be near the location of G4 so perhaps this hedge could be retained as a boundary feature to the road and avoid complete removal as proposed.

The Woodland trust comments dated – 19-6-18 correctly point out that trees T13 & T27 are identified on the Woodland Trust ancient tree inventory as veteran trees and therefore should be afforded protection from development rather than the proposed felling. Paragraph 118 of the NPPF “planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss”

Similarly, though not identified on the inventory as veteran/ancient trees T19,T20,T21 are fruit species that do have veteran features and should also retained rather than felled. They are located on the northern edge of the site where it will merge with the ‘community orchard’ and therefore would merge appropriately with new planting of similar species.

Following the receipt of additional information including a Development Framework Plan and a Tree Retention Plan, the Council’s Tree Officer has made the following additional comments:

The amendments now provide increased Root Protection Areas for veteran trees which is appreciated but only further protects trees which were already reasonably well protected.

I do not think the proposal to transplant T27 is feasible and puts a high risk on the demise of a veteran tree. The simple solution would be to include the tree in the layout.

In my previous comments I mentioned that the central hedge should be retained because it holds historical, ecological and landscape value and also in my opinion contains at least one veteran tree, T24 a lapsed ash pollard.

The comments regarding the tree in the reports:

- *Bark wounds*
- *Heartwood exposed Limited future potential*
- *Significant stem damage where half of tree has peeled away*
- *Major exposure of heartwood and active associated decay*
- *Stem has been pollarded at 2m and there are 2 main new lead uprights*

These features are indicators of veteran trees and risk of failure can be mitigated by a regular pollarding regime.

I’m still of the opinion that this hedge should be retained and incorporated into the design.

Changes to the NPPF, July 2018 provide greater protection to sites which contain ancient and veteran trees:

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists;

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.

On account of the changes to the NPPF and the fact that numerous veteran trees are already present efforts should be made to incorporate them into the design rather than constrain or remove them. Their retention, as well as non veteran trees but ones of reasonable condition should be retained to comply with policies LD1, LD2 and LD3 of the Herefordshire Core Strategy.

4.7 Conservation Manager (Archaeology) – **Qualified comments**

In general this is a compliant application, and I would agree with its general conclusions that the archaeological impact is likely to be limited. Accordingly, I have no objections in principle to what is proposed in this outline application.

However, I am of the view that the particular issue of *historically important hedgerows* within the site has not been fully addressed by the documentation. I would contend that notwithstanding the inferences drawn in e.g. the submitted ‘archaeology and built heritage assessment’, *some* of these hedgerows **do** in fact qualify as important under the regs. (specifically, Schedule 1 Part ii Criterion 5 (a) of The Hedgerows Regulations 1997).

Although in the circumstances this would not lead me to object to this outline application, there may be significant layout issues to be resolved in relation to any subsequent ‘reserved matters’ process or application. The developer should not assume that acceptance of any broad principle here would necessarily equate to or lead to additional acceptance of any detailed design.

4.8 Conservation Manager (Historic Buildings) – **Objection**

The site is situated within the Weobley Conservation Area, to the East in an area of modern housing. Section 72 of the Planning (LB&CA) Act 1990 states that when considering any planning application that affects a conservation area a local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The interpretation of this is that the “*statutorily desirable object of preserving the character and appearance of an area is achieved either by a positive contribution to preservation or by development which leaves character or appearance unharmed, that is to say preserved.*”

Unfortunately due to the outline nature of the application it is not possible to determine the impact of the proposals on the character and appearance of the Conservation Area. As such it is not possible to understand if there is a level of harm or whether the statutorily desirable object of preserving or enhancing the character or appearance of the CA is met.

4.9 Parks & Countryside Officer – **Qualified comments**

Given the size and location of this proposal, both on and off-site provision is required as set out in my pre-application comments.

Core Strategy Policies OS1 and OS2 apply. Open space requirements from all new development are to be considered on a site by site basis and in accordance with all applicable set standards which are set out below. Where on-site provision is not appropriate off-site contributions may be sought where appropriate on an equally beneficial basis for the local community.

- Herefordshire Open Space Study 2006 which recommends POS should be at a rate of 0.4ha per 1000 population (to note data for amenity public open space has not changed significantly and it is still considered to be accurate),
- Local Evidence: Herefordshire Play Facilities Study and Investment Plan 2012 and National Evidence: Fields in Trust Guidance: These recommend children's play at a rate of 0.8ha per 1000 population. Of this 0.25ha should be formal equipped play.
- Herefordshire Playing Pitch Assessment 2012 and Outdoor Sports Investment Plan (2016) and National Evidence: Fields in Trust Guidance: These recommends outdoors sports provision of between 1.4 and 1.6ha per 1000 population and where future investment in outdoor sport should be directed to maximise the benefits to the local community.

On site Provision: For a development of up to 50 houses and an occupancy rate of 2.3 (population 115) the developer would be required to provide as a minimum of **0.138ha (1380sq m)** of on-site green infrastructure comprising:

- **0.046 ha (460sq m)** of Public Open Space @ 0.4ha per 1000 population
- **0.092ha (920sq m)** of Children's play @ 0.8ha per 1000 population: of this **0.028ha (280sq m)** should be formal play and kick-about @ 0.25ha per 1000 population

An off-site contribution towards Outdoor Sports will also be sought based on the equivalent on-site provision of:

- **0.16ha (1600sq m)** of Outdoor sports @ 1.4ha per 1000 population:

The applicant proposes that the site will deliver open space which accords with the provision standard as set out by Herefordshire Council. The main provision of POS will be to the north of the site and includes the equipped play area and SuDs attenuation pond. The eastern boundary will provided a landscape buffer and soft edge to the development and a new pedestrian link and footpath and in doing so provide some informal recreation.

In total the site proposes 1.46ha of new public open space and although this is in excess of the policy requirements set out above, this does include the SuDS attenuation pond. SuDs can only be included as part of the POS if designed accordingly to take account of standing water and health and safety.

The proposed POS looks to be of a usable size appropriate to the proposal and size of development although there is no detail of the size of the play area and the applicant will need to demonstrate that the minimum requirement can be accommodated. It looks to offer a range of well-connected recreation opportunities and experiences. Accordingly the POS areas as shown on the Development Framework Plan include existing PROWs, new informal footpaths, formal play provision for children and amenity and meadow grassland areas for informal recreation and enhanced biodiversity. There will also be a community orchard adjacent to the sites western boundary.

The applicant proposes that the public open areas are to be designed to ensure that they are safe, easily accessible and attractive to use. The applicant has acknowledged the importance of good surveillance by residential properties and proposes that new dwellings will face out onto public spaces. Although centrally located POS/children's play is preferred this approach will be

supported. It is especially important that the children's play area is overlooked. This approach should not change as the application reaches the Reserved Matters stage. The play area will need to be easily accessed and as shown the applicant has located it at the junction of two existing public rights of way which provide further links and connectivity into the village including the village hall and existing play area and recreation ground. This is supported.

As the application progresses to Reserved Matters more detail will be required for the play area. This will be based on the number and size of housing at which point I can provide a guide as to what the expected cost value for the play area will be arising from this development.

Off site requirements for outdoor sports: An off-site contribution will be sort in accordance with the NPPF and evidence bases: Leominster Area Playing Pitch Assessment 2012 and the Outdoor Sports Investment Plan 2017.

The Outdoor Sports Investment Plan, has been prepared by a partnership of Sport England, Herefordshire Council the National Governing Bodies (NGB) for cricket, football, hockey and rugby and the County Sports Partnership. It is annually reviewed and provides up to date information on clubs and facilities in accordance with Sport England's requirements to review the Playing Pitch Assessment. A list of projects for cricket, football, rugby and hockey are included which are considered to be sustainable and deliverable in helping to meet the needs of both the existing and future populations (future proofed to 2031). All projects have the support of the relevant NGB in both their regional and local facilities development plans

The methodology used to assess requirements arising from new development is considered to be CIL compliant and contributions are calculated using the following methodology:

Costs are calculated using the following methodology for rural parishes:

- A square meter rate of £27.28 is used in rural areas. This is based on the figure used to inform both the SPD planning obligations and the Infrastructure Delivery Plan for the Core Strategy.
- A 35% reduction is made as off- site contributions are based on market housing only: this could vary depending on the affordable housing rate.
- For this application in accordance with the policy requirements, provision should be equivalent to **0.16ha (1600sq m)** based on 1.4ha per 1000 population.
- Using the rate of £27.28 and based on market housing only this equates to **£28,371**

The contribution would be used towards the following projects to improve the cricket facilities at Weobley High School/cricket ground.

Project: Cricket: Weobley High School/Cricket Ground:

The school site provides 1 x pitch and school changing facilities which are used by both the school and Weobley Cricket club, which has 2 x senior teams.

Deficiencies: Additional training facility are needed to meet both existing and future demand. Requirements include:

- Improvements to the pitch which is average,
- Provision of an all-weather non-turf pitch
- An urgent need for a 2 lane net facility

4.10 Public Rights of Way Manager – No objection

Public footpaths WX20 and WX21 have been shown on plans, and would not appear to be affected by the development.

4.11 Environmental Health Officer (noise) – Qualified comment

The applicant has undertaken a Stage 1 noise risk assessment for road traffic noise in accordance with the ProPG guidance as requested. The noise report supplied by Wardwell Armstrong advises that they have not been involved with the design of the proposed site. This is unfortunate as a key part of the ProPG guidance is to encourage acoustic design to be considered by the developers/applicants at the earliest part of the process.

The assessment has found low noise levels during the day and at night which indicate that the site is likely to be acceptable from a noise perspective provided that a good acoustic design process is followed.

The noise assessment includes a partial Acoustic Design Statement in accordance with Stage 2 of the guidance

External amenity noise: The statement considers that as the Stage 1 noise assessment finds average daytime noise levels of 55dB at the monitoring location closest to Burtonwood no noise mitigation is needed. This is disputed by ourselves as the 55dB standard quoted in from BS8233 as the 'upper guideline value' is for noisier environments - not applicable in this location - (para 7.7.3.2 of BS8233) and the guidance states that 'it is desirable that the external noise level does not exceed 50dB LAEQ

We therefore request that mitigation measures and good acoustic design are outlined for the proposed dwellings closest to Burtonwood with the objective of demonstrating how the desirable amenity standard of 50dB in outdoor amenity areas will be achieved.

Internal noise in noise sensitive rooms: The statement identifies that with windows open noise levels at the properties closest to Burtonwood inside bedrooms and living rooms will not be fully mitigated by the external envelope of the houses themselves and the levels of attenuation to be achieved are 23dB during the daytime in bedrooms and living rooms and 36dB at nighttime in the bedrooms. This means that these properties will require mitigation and good acoustic design. The report advises 'Development Framework Plan has not been issued. The Development Framework Plan should include mitigation measures specified for proposed developable areas of the site, to ensure that recommended internal noise levels are achieved in proposed residential dwellings.' Paras 5.6.11-5.6.13 of the noise assessment go on to consider mitigation options.

Mitigation option 5.6.11 which effectively requires windows to be kept closed in noise sensitive rooms closest to Burtonwood to achieve the internal noise standards during the day and at night (and alternative ventilation supplied) is not considered acceptable for this greenfield site.

Mitigation options 5.6.12 - a 35m stand off from the road and 5.6.13 - orientation of the noise sensitive rooms away from the road to achieve internal noise standards are considered acceptable.

Our department is reasonably confident that satisfactory internal and external noise standards can be met provided that the applicant fully considers good acoustic design principles in the detail of the site layout and does not rely on mitigation to be achieved internally by having windows closed as discussed in the noise report and considers shielding the amenity areas closest to the road to reduce external amenity levels to the desirable level as specified in BS8233. My concern is that however with the proposed density of the development this may not be possible if outline permission is obtained for 50 houses.

Therefore greater detail of the proposed layout and design of the dwellings closest to Burtonwood is requested in order that the applicant can fully demonstrate that Stage 2 Element 1 and Figure 3 of the ProPG guidance has been followed.

4.12 Housing Officer – **Qualified comment**

I refer to the above planning application and whilst I note that this is an outline application with all matters reserved except access, I would like to advise that should the outline application be approved then the exact tenure and house types will need to be agreed prior to the submission of any reserved matters application.

Any reserved matters application should provide a range of house types and sizes which meets the needs of all households and include a mix of 1, 2, 3 and 4 bed units for both open market and affordable dwellings together with houses and bungalows, all secured within a S106 with local connection to Weobley in the first instance.

4.13 Land Drainage Engineer – **Qualified comment**

Recommend that the following information is provided by the applicant prior to the Council granting planning permission:

- Demonstration of the 3m easement that is to be provided either side of the onsite sewers. We recommend that this is provided prior to granting planning permission as it could affect the layout of the masterplan.
- Demonstration that separate pumping stations can be provided for the foul water and surface water drainage systems.
- Demonstration that appropriate on-site storage can be provided following failure of the surface water and foul water pumping stations without increasing flood risk to people, property or infrastructure elsewhere.
- Clarification of the proposed adoption of the surface water and foul water drainage systems, including confirmation of an approval in principle from Welsh Water.
- Clarification that there are no appropriate highway drains that could receive surface water inflows from new highway drains on the site.

4.14 Neighbourhood Planning Manager – **Qualified comment**

The Weobley NDP is currently post Reg14 and we are anticipating the Reg16 will be submitted shortly.

In line with para 48 of the NPPF, the Weobley NDP would have limited weight at this stage

- a) A consultation has been undertaken on the Weobley NDP by the parish council and this concluded on the 6 August 2018
- b) This was a parish council consultation and Herefordshire Council have not had sight of the representations received therefore are unable to make a judgement regarding the unsolved objections at this stage
- c) Strategic Planning team have confirmed the draft policies are currently written are in general conformity with the Core Strategy policies

5. **Representations**

5.1 Weobley Parish Council – **Objection**

Following consideration of the application and recent feedback from public consultations & surveys, the Parish Council agreed to recommend refusal to the application on the following grounds:

- The application was premature to the adoption of the emerging Weobley Neighbourhood Development Plan;

- The additional development would take Weobley well over its allocated target growth of 83 houses, of which 80 had already been met;
- There was no demonstrable need for an additional 50 houses in Weobley;
- The lack of local employment would inevitably mean an increase in commuter journeys adding extra strain on an already stretched local highway network;
- The proposal was outside the current and proposed Settlement Boundary;
- The proposal is within the Weobley Conservation Area and would have a detrimental effect on the area;
- The current access proposed was insufficient to meet the demands of the 50 dwellings and constituted a potential highway hazard exiting onto the main road servicing the two local schools;
- The proposal would add to the already significant highway issues experienced in this area of the village;
- The proposal would be detrimental to the historic core of the village through increased traffic, additional noise and pollution, vibration, risks to pedestrians and extra on-street parking pressures;
- The proposal would add pressure on the existing medical and dental facilities;
- The proposed method of dealing with sewerage and storm water drainage was inadequate and not fit for purpose;
- The proposed development will have an adverse impact on an important heritage site in North Herefordshire. Weobley is famous for its extensive range of timber framed buildings and is an important visitor attraction. Undermining the village with unwanted and unneeded new development will result in long term damage to the setting of the village;
- The proposal will have a knock on effect on the inadequate infrastructure in the surrounding area. A need for additional capacity has already been identified in settlements such as Leominster and plans currently being developed to improve that infrastructure has taken no account of additional speculative development proposals such as this.

Further comments have also been received from the parish council as follows:

The Weobley NDP (Regulation 14) states that the protection and enhancement of the historic environment, village character, biodiversity and landscape should be given the highest priority. The proposal for 50 dwellings will undermine this aim and is against Policy WE01 of the emerging Weobley NDP which requires new housing to be in scale with its surrounding area and meet the needs of the local community.

Development should be accommodated sensitively to ensure that the character and appearance of the Weobley Conservation Area is preserved and enhanced. The proposal is against Policy WE01 of the emerging Weobley NDP which requires developments to be capable of being accommodated safely and within the capacity of the local highway network.

Key to ensure that the aim to protect, preserve and enhance the character and appearance of the Conservation Area is that any further development are in scale and settlements that are small scale are preferred. The proposal is for up to 50 dwellings, which is 57% of the target of development for Weobley up to 2031. The development requirement in Weobley has already been met.

Tourism is a significant contributor to the local economy and this continued source of income and jobs will depend on the scale and character of Herefordshire's small scale settlement pattern. The proposal is against Policy WE08 of the emerging Weobley NDP which requires development in Weobley to respect and continue Weobley's historic evolution and the Conservation Area settings and views into and from the village should be preserved.

5.2 Woodland Trust – **Objection**

The Trust would like to take this opportunity to register our concerns regarding a number of valuable trees on the development site of the above application.

The arboricultural report dated 5th December 2017 details recommendations for all trees on and adjacent to the proposed development. None of the trees are considered within that report to be veteran, but several of them are notable and potential veterans recognised to be of importance. The report specifies the BS5837 RPA radii being capped at 15m for many of these potential veteran specimens already of a considerable size, including T7, T8, T15, T16, and T17. It is clear from the stem diameter of these trees that the RPA should extend beyond the capped 15m.

This view is supported by wording contained within Natural England's Standing Advice on Ancient Woodland and Veteran Trees (January 2018), which states:

Mitigation measures will depend on the development but could include:

- putting up screening barriers to protect woodland or veteran trees from dust and pollution
- noise reduction measures
- leaving a buffer zone at least 15 times larger than the diameter of a veteran tree or 5m from the edge of its canopy, if that's greater
- protecting veteran trees by designing open space around them
- identifying and protecting trees that could become veteran trees in the future

As such, we recommend that this Standing Advice is taken into consideration in relation to the trees listed above (T7, T8, T15, T16, T17). This population of trees are of a mature and over-mature nature and as such merit the inclusion of suitable buffer zones around them. The capped 15m RPAs would not be adequate in protecting any of these trees and does not comply with the Standing Advice.

In summary, the Trust will maintain a holding objection until the trees in question have been afforded the appropriate buffer zones in line with Natural England's Standing Advice. We consider that any development resulting in damage to such trees is inappropriate and must ensure their full protection.

5.3 Following the receipt of additional information including a Development Framework Plan and a Tree Retention Plan, the Woodland Trust has made the following additional comments:

As I'm sure you may appreciate, our response to this application has been somewhat complicated by the recent NPPF amendments. Effectively our previous comments have been superseded on account of those NPPF changes.

When we previously provided comments on this application, we were working to national planning policy that afforded less protection to veteran trees. The amended wording in Paragraph 175c now states: "When determining planning applications, local planning authorities should apply the following principles: development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists."

In response to this, the Trust is currently working through the hundreds of live cases of threats to ancient woods/trees to which we have responded in England, and are submitting updated comments in light of the greater protection afforded to ancient woodland and ancient/veteran trees.

We do appreciate the time and effort that has gone into further survey work, amending development plans and exploring alternative options, namely translocation of veteran trees. However, considering that the Trust has always called for the retention of veteran trees on this site and that NPPF amendments have given greater protection to such trees, we will be maintaining our objection to the development as it would not fall under the 'wholly exceptional' criteria.

It is the council's decision as to whether translocating veteran tree T27 can be done without resulting in damage or loss to the tree. To clarify, the Trust considers that translocation of ancient/veteran trees should only be considered as a last resort as it is a risky procedure that could very likely result in the translocated tree not surviving. As such the council needs to take this into account and even if it decides that translocation can be done without loss of the tree, they should nonetheless apply conditions for alternative significant compensation for the eventuality of failure.

- 5.4 Wye Valley NHS Trust – Request a financial contribution through the completion of a Section 106 Agreement and comments as follows:

In the circumstances, it is evident from the above that the Trust's request for a contribution is not only necessary to make the development acceptable in planning terms it is directly related to the development; and fairly and reasonably related in scale and kind to the development. The contribution will ensure that Health services are maintained for current and future generations and that way make the development sustainable.

- 5.5 One hundred and twenty four letters of objection have been received from local residents. In summary the points raised are as follows:

Highway Issues

- A development of 50 new houses will increase the volume of traffic on local roads to unacceptable levels
- Additional traffic congestion and conflict, particularly at peak periods at school drop off and collection times
- The road is narrow to the east of the site and is not designed for the amount of traffic that would result from the development
- Increased traffic on the road resulting from the development would present a danger to children attending local schools
- Local roads are used by large agricultural vehicles. Further traffic congestion will exacerbate pre-existing problems
- The proposed means of access to the site is inadequate
- On occasion, vehicles have been seen to mount the pavement to negotiate congestion around the schools at peak periods

Impact on Heritage Assets

- The proposals will cause damage to Grade I and II listed buildings
- The site is in the conservation area and it will be ruined by further development
- The historic core of the village already suffers pressures from traffic flows, congestion, lack of available parking facilities and pedestrian safety
- Weobley is a 'heritage asset' and in accordance with the NPPF "any harm should be weighed against the public benefits of the proposal"

Policy Conflicts

- The number of dwellings proposed exceeds growth targets for Weobley. In combination with other approved schemes the proposed development would mean well over 100 new homes in the village
- The village's growth target of 83 new homes has already been met by existing permissions
- What is the point of the NDP and growth targets for villages if they are to be ignored?

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

- The proposed development is outside of the current settlement boundary
- The application is premature and should not be considered until the Weobley Neighbourhood Development Plan is enacted

Drainage and Water

- Concerns about the extent of surface water draining to the Newbridge Brook
- Covering the area with hard landscaping will lead to greater volumes of water running off more quickly
- The proposed method of dealing with sewerage and storm water is inadequate

Impacts on Local Infrastructure

- Is the existing water supply able to cope with the demands of more households?
- The village only has a limited bus service
- Local services will not be able to cope with an increased number of residents, particularly the doctors, dental surgery and local schools
- There are few employment opportunities in the village or immediate local area

Ecology and Biodiversity

- The site is a valuable area for wildlife
- The proposal will result in the removal of an ancient hedge

Availability of Other Sites Around Weobley

- Why build on a greenfield site when brownfield sites exist locally, such as the old Abattoir site at Whitehill
- The site is the wrong side of the village. If there is to be development it should be infill to the Kington Road area which has a better highway network

Other Issues

- The social make-up of the village will be changed as a result of a large influx of people
- Weobley is a popular tourist attraction. Will tourists continue to come if the village centre becomes grid-locked?
- There are other villages around Herefordshire that need more housing. Weobley has had its fair share.
- A need for additional housing stock should be directed to Leominster which has appropriate infrastructure to deal with such developments
- Too many houses will be unsustainable
- There is no further demand for additional housing stock
- Further development will increase light and air pollution
- If an application is to be considered it should be detailed rather than outline

5.6 Further correspondence has been received from the applicant in respect of some of the consultation responses received. In summary the comments are as follows:

- Weobley Conservation Area principally derives its significance from the historic buildings within it, including Listed Buildings, which are mainly focused within its historic core. Modern development to the east of the historic core, west and south of the study area, does not contribute to the significance of the Conservation Area. The Draft Conservation Area Appraisal prepared in 2006, notes that much of the development postdates the designation of the Conservation Area. If the Conservation Area boundary were to be redefined on the basis of current practice it seems very likely that the area to the east of the historic core would be excluded.
- The detail that has been requested would be provided at a reserved matters application stage. This second stage of application would provide the LPA with the

required control over the design of the scheme. As such, we believe it is not considered that the outline nature of the current application is a reason for withholding outline planning permission for the residential development of the site.

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=181050&search=181050

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

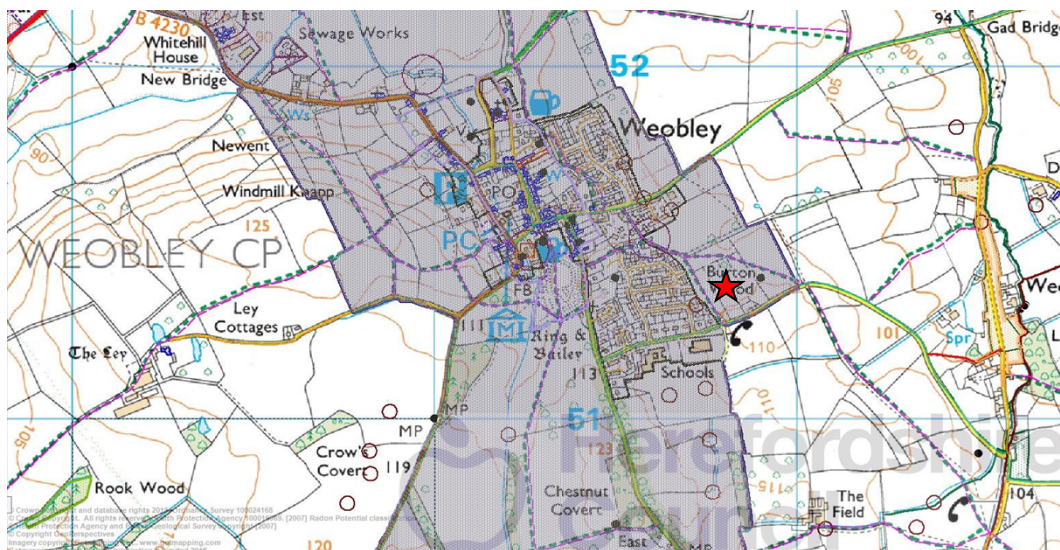
Policy Context and Principle of Development

- 6.1 S38 (6) of the Planning and Compulsory Purchase Act 2004 states that *"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."* The NPPF repeats this requirement at Paragraph 2, 11 and 14.
- 6.2 In this instance the Development Plan for the area is the Herefordshire Local Plan - Core Strategy. The NPPF is the most pertinent other material consideration.
- 6.3 The strategic Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the NPPF. SS1 confirms that proposals that accord with the policies of the Core Strategy (and, where relevant other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.
- 6.4 The NPPF is a significant material consideration. Where the Council are unable to demonstrate a five year housing land supply, paragraph 74 of the Framework makes it clear that relevant policies for the supply of housing should not be considered up-to-date. Although these policies are out of date, the weight that they should receive is a matter of planning judgment for the decision-maker. This is a matter that has been reinforced in the recent Richborough Estates Supreme Court ruling.
- 6.5 The Core Strategy sets out a number of policies in chapters 3, 4 and 5 for the supply of housing which are relevant. CS policy SS2, Delivering new homes, makes an overall provision for the delivery of a minimum 16,500 homes in Herefordshire between 2011 and 2031 to meet market and affordable housing need. Of these, just over two thirds are directed to Hereford and the market towns, with a distribution of a minimum 5,300 homes (32%) to rural settlements. Here, new housing development will be acceptable where it helps to meet housing needs and requirements, support the rural economy, local services and facilities, and is responsive to community needs.
- 6.6 Policy SS3, Ensuring sufficient housing land delivery, sets out a range of measures to be undertaken should a material shortfall in the rate of housing delivery be identified through the annual monitoring process.
- 6.7 Policy RA1, Rural housing distribution, explains that the minimum 5,300 new dwellings will be distributed across seven Housing Market Areas (HMAs). This recognises that different parts of the County have differing housing needs and requirements. Weobley lies within the rural part of the Leominster HMA, which is tasked with an indicative housing growth target of 14% (730 dwellings).

- 6.8 The policy explains that the indicative target is to be used as a basis for the production of Neighbourhood Development Plans (NDPs). The growth target figure is set for the HMA as a whole, rather than for constituent Neighbourhood Areas, where local evidence and environmental factors will determine the appropriate scale of development. The Inspector's Report on the Core Strategy Examination makes clear that a flexible and responsive approach is necessary to deliver the level of development sought, whilst recognising and respecting the rural landscape.
- 6.9 Policy RA2, Housing in settlements outside Hereford and the market towns, identifies 119 rural settlements which are to be the main focus of proportionate housing development in the rural areas. In these locations, housing growth will enable development that has the ability to bolster existing service provision, improve facilities and infrastructure and meet the needs of the communities concerned. These settlements are listed in Figure 4:14 of the CS. Weobley is one such settlement and is the best served in terms of service provision by some margin.
- 6.10 In simple locational terms, the site is considered to be sustainable. It is immediately adjacent to the built environs of the village and forms a logical extension to it. The following sections of the officer's appraisal consider the three overarching objectives towards sustainable development – economic, environmental and social and concludes whether; when considered interdependently, the proposal represents a sustainable form of development or not.

Impact on designated heritage assets

- 6.11 The proposed development site is within the boundary of Weobley Conservation Area. As the plan below shows, this is widely drawn and not only encompasses the historic core of the village, but also significant areas of C20th development and agricultural land that surrounds. The application site is marked by the red star:



- 6.12 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority is required, when considering development which affects a conservation area or its setting to ensure that:

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

- 6.13 With particular regard to listed buildings, Section 66(1) of the Act says that they should:

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

- 6.14 Appeal decisions have subsequently informed the precise meaning of “preserving” in that it means doing no harm.
- 6.15 It follows that the duties in section 66 and 72 do not allow a local planning authority to treat the desirability of preserving the setting of listed buildings and conservation areas merely as material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting, it must give that harm “considerable importance and weight”.
- 6.16 Importantly, this does not mean that an authority’s assessment of likely harm of proposed development to the setting of a listed building or to a conservation area is other than a matter for its own planning judgement. Nor does it mean that an the authority should give equal weight to harm that it considers would be limited or “less than substantial” and to harm that it considers would be “substantial”.
- 6.17 The NPPF offers further guidance about heritage assets, recognising that they are irreplaceable resources that should be conserved; ‘...in a manner appropriate to their significance.’ Paragraphs 189 to 196 offer particular clarity about the assessment to be made of the significance of heritage assets. Paragraph 192 outlines three criteria to be taken account of in the determination of planning applications. These are as follows:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.18 Paragraph 193 reiterates the presumption of great weight being afforded to the preservation of heritage assets and is clear that; ‘The more important the asset, the greater the weight should be.’
- 6.19 It is also clear that significance can be harmed or lost through alteration or destruction of a heritage asset, and that proposals that require this should be fully justified and wholly exceptional.
- 6.20 Paragraph 195 is clear that;
- ‘Where a proposed development will lead to substantial harm to or loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss...’*
- 6.21 Paragraph 196 has been confirmed through case law to be a restrictive policy and deals with development that would lead to less than substantial harm. It has two limbs, stating that harm should be weighed against the public benefits of the proposal. The same case law confirms that the second limb; the public benefits, should go first, and that the test is effectively different to paragraph 195 – the identification of harm does not immediately direct one to refuse planning permission.
- 6.22 Policy LD1 also makes reference to a need to conserve historic features, amongst which it includes conservation areas, while Policy LD4 of the Core Strategy does require heritage assets to be protected, conserved and enhanced, and requires the scope of the work to ensure this to be proportionate to their significance, it does not include a mechanism for assessing how harm should be factored into the planning balance. As a result, and in order to properly consider the

effects of development on heritage assets, recourse should be had to the NPPF in the first instance.

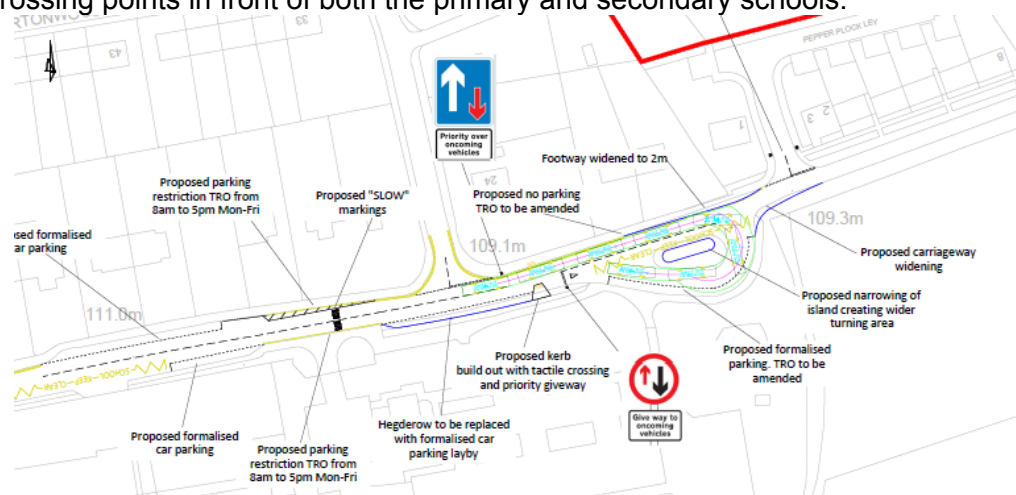
- 6.23 Paragraphs 4-10 of Historic England's Good Practice Advice Note 2 (Managing Significance in Decision-Taking in the Historic Environment) explains that applications have a greater likelihood of success and better decisions will be made when applicants and local planning authorities assess and understand the particular nature of the significance of an asset and, in this case, the contribution the setting makes to significance.
- 6.24 The National Planning Policy Framework provides a very similar message in paragraphs 189 and 190 expecting both applicant and local planning authority to take responsibility for understanding the significance of a heritage asset and the impact of a development proposal, seeking to avoid unacceptable conflict between the asset's conservation and any aspect of the proposal.
- 6.25 In this instance officers are of the view that the heritage asset potentially affected by this proposal is solely the conservation area. The closest listed buildings to the site are located approximately 300 metres to the north west and are separated by the Burton Wood housing estate; a modern C20th development. There is no inter-visibility between the site and the closest listed buildings and there is no obvious historic relationship between them; if there were then this has been diminished by the presence of the intervening housing estate. It may be contended that increases in vehicle movements through the village may have an impact of the significance of listed buildings. However, as will be discussed later, this would appear to be a pre-existing issue and officers do not consider that any further traffic generated by this proposal would demonstrably impact on the significance of any listed buildings. It is therefore concluded that the proposed development will have no impact on the significance of any listed buildings.
- 6.26 Weobley Castle Scheduled Ancient Monument (SAM) lies a similar distance to the west and officers are of the view that the same issues are at stake here as with the listed buildings. The visual and historic relationships are the same and the same conclusion is drawn in terms of additional traffic generation and its impact on the significance of the setting of the SAM. Again it is concluded that the proposed development will have no demonstrable impact on the significance of the setting of the SAM.
- 6.27 The key issue to be determined is the potential impact on the significance of the setting of the conservation area. In this regard it will be noted that both the Council's Historic Buildings Officer and Historic England consider that a detailed application should be submitted as the site is within the boundary of the conservation area. However, officers are mindful of the fact that another application for residential development on Gadbridge Road was considered in outline without any commentary from either the HBO or Historic England. In that particular case the site in question was significantly closer to the historic core of the village, although similarly separated by a modern C20th residential estate.
- 6.28 In the case instant the site lies adjacent to a modern residential estate, the photographs below showing typical street scenes. Whilst it is acknowledged that the conservation area boundary is widely drawn around the village, officers are of the view that a pragmatic approach should be taken in terms of the level of detail to be required. Given the context, the level of detail that has been provided to date and the fact that another application within the conservation area boundary for a development of a similar scale has been considered in outline, it is not considered unreasonable to do so again here.



6.29 I am of the view that the impact upon the significance of the setting of the conservation area is less than substantial and; given the context and the adjacent development, at the lower end of the spectrum. The application therefore falls to be considered under the terms of paragraph 195 where the public benefits of granting planning permission should be balanced against any harm to the heritage asset.

Highway Impacts

- 6.30 The majority of the objections received have referred to concerns about highway safety and the inability of the road network to accommodate further development, particularly focussed on local congestion at peak periods as parents and school buses arrive to deliver and collect children to and from both the primary and secondary schools.
- 6.31 Core Strategy Policy MT1 relates to the highways impacts of new development, and requires that proposals 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. It also requires under (4) that developments are designed and laid out to achieve safe entrance and exit and have appropriate operational and manoeuvring space, having regard to the standards of the Council's Highways Development Design Guide. This approach accords with the principles outlined in section 9 of the NPPF, in particular Paragraphs 108-9 which advises that it should ensure that safe and suitable access can be achieved for all users and that development should only be refused on highways grounds if there would be an unacceptable impact on highways safety.
- 6.32 With specific regard to highway safety around the schools the applicants chose to engage at an early stage with council officers and the respective head teachers to identify matters of particular concern. As a result the proposals include a series of highway improvement works to be completed as a necessary part of the application, should committee be minded to approve. These are shown by the plans below and include a re-configuration of the turning area outside of the primary school, the widening of the footpath on the northern side of the road to 2 metres and new crossing points in front of both the primary and secondary schools.



Tree Retention Plan – 10 August



Tree Retention Plan -17 October



6.38 Further consultation responses to the most recently submitted retention plan from the Woodland Trust and Tree Officer are yet to be received. I have read the consultation responses and I am of the view that the latest version does address the points raised and, should planning permission be forthcoming, a condition requiring the development to be carried out in accordance with the Tree Retention Plan is recommended. On this basis I am satisfied that the proposal would be compliant with Policy LD1 of the Core Strategy.

Ecology

6.39 The Council's Ecologist has considered the application in terms of its impacts on biodiversity and protected species in accordance with Policy LD2 of the Core Strategy.

- 6.40 The application is supported by an Ecological Assessment, the detail of which has been considered by the Council's Ecologist. He concludes that the plans are acceptable but that existing trees and hedgerows should be retained in situ. This is addressed as described above and officers are content that the requirements of Policy LD2 to conserve, restore and enhance biodiversity assets are met, subject to the imposition of appropriately worded conditions.

Other Policy Issues – Weobley NDP

- 6.41 A number of representations received have referred to the fact that the site falls beyond the settlement boundary for Weobley. This has been defined by the draft Neighbourhood Development Plan. The comments received from the Council's Neighbourhood Planning Manager with respect to the weight to be afforded to the plan at this time. It is not sufficiently progressed to be afforded any more than limited weight at this time. The wording of Policy RA2 of the Core Strategy is particularly germane in that it provides that; "...*sustainable housing growth will be supported in or adjacent to (my underlining) those settlements identified in Figures 4.14 and 4.15.*"
- 6.42 It must be accepted that the proposal fulfils the requirements of Policy RA2 in that it is adjacent to the settlement and, given the limited weight to be attributed to the NDP, the fact that it is outside of the settlement boundary can only be given limited weight in the determination of this application.
- 6.43 It is acknowledged that Weobley has seen considerable housing growth in recent years; particularly the housing scheme on Gadbridge Road which is currently under construction. Commitments and completions since 2011 amount to 80 dwellings and the minimum proportionate growth target for the plan period is 83. The proposed development would significantly exceed this, but as Members are aware, the proportionate growth targets are not intended to be a ceiling for development. If planning permission were to be refused on grounds relating to numbers then it must be demonstrated that some harm is caused. Given that Weobley is the largest and best served village in terms of local services, I do not consider that there would be justification to refuse this application on such grounds.

Drainage Issues

- 6.44 A detailed consultation response has been received from the Council's Land Drainage Engineer which requests the submission of additional information prior to the determination of the application. This has been received and a further consultation response issued. At the time of writing a further response is to be received. However, the information requested relates to matters of detail which would most appropriately be addressed through a reserved matters submission and the level of technical detail required at this stage could reasonably be addressed through the imposition of an appropriately worded condition.
- 6.45 The approach towards sustainable water management as outlined in the submission is generally compliant with the requirements of Policy SD3 of the Core Strategy and I am satisfied that the matter can be addressed through the imposition of an appropriately worded condition requiring a detailed drainage scheme to be submitted as part of a Reserved Matters application.

Existing Services

- 6.46 Objections have been raised by some local residents and the parish council that there is insufficient capacity within the existing sewerage system. The response from Welsh Water raises no objection to the proposal in this regard and it must therefore be concluded that there is sufficient capacity within the existing system and that it does not need to be upgraded to accommodate the development proposed.

- 6.47 Some concerns have also been raised about the impact of the development upon the doctor's surgery and dental practice in the village, and that additional dwellings will put additional pressure on finite resources. It is noted however, that neither the doctor's surgery nor the dental practice have objected to the application.
- 6.48 The existence of such facilities within Weobley are a significant contributory factor to its sustainability credentials. In the absence of any objection from either, there is no substantive evidence to conclude that the proposal will have a negative effect on either of them and therefore this is not considered to provide justification for the refusal of the application.

Affordable Housing Provision

- 6.49 As referred to earlier in this report, Weobley is a sustainable village and is appropriate for further development, and in order to continue to comply with policy requirements this will include the provision of affordable housing. Not only will this be to meet the needs of the village itself, but also the needs of its wider rural hinterland.
- 6.50 Housing provision is at its most sustainable when it provides a range of accommodation to meet the needs of the community as a whole. A more flexible approach towards affordable housing is advocated by the NPPF and a detailed description is provided in Annex 2. The precise tenure is to be agreed and a mix would help to bridge the gap between affordable housing and fully open market properties.
- 6.51 The provision of a mix of housing tenures in this manner ensures that a broad range of properties are available and is key to ensuring that settlements continue to be sustainable, helping to promote the growth of diverse communities as advocated the NPPF. The affordable element of the scheme proposed is therefore considered appropriate.

Planning Balance and Conclusions

- 6.52 Both Core Strategy policy SS1 and paragraph 11 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that development should be approved where they accord with the development plan. The NPPF encompasses the government's view of what is meant by sustainable development in practice. The three themes, economic, environmental and social should be pursued jointly and simultaneously.
- 6.53 The application in this case is for housing and in the light of the housing land supply deficit must be considered in accordance with the tests set out by paragraph 11 and SS1. Permission should be granted, therefore, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole, or if specific policies in the NPPF indicate development should be restricted.
- 6.54 For the purposes of determining this application, the development plan is comprised of the Core Strategy and the Weobley Neighbourhood Development Plan. The NDP is post Regulation 14 and is afforded limited weight. Weobley is identified by the Core Strategy as a sustainable settlement where there is a presumption in favour of proportionate housing growth. The site is adjacent to the settlement and is well located in terms of access to local services, including schools, doctors surgery and dental practice. These are all social benefits that weigh in favour of the development.
- 6.55 Existing issues relating to traffic congestion around the school are acknowledged. These are pre-existing and officers are of the view that the opportunities for highway improvements in and around the locality of both schools will not only mitigate the impacts of the development proposed, but also improve the current situation. This is also considered to be a significant social benefit in favour of the development.

- 6.56 Economic benefits will be derived from additional activity in the local construction market, together with additional trade for local shops and services. Financial contributions as set out in the Heads of Terms also represent economic benefits in favour of the development, whilst also ensuring the delivery of affordable housing and improvements to education infrastructure – these are further social benefits in favour of the scheme.
- 6.57 Environmental benefits are more marginal, although revisions to the Tree Protection Plan ensure the retention of existing biodiversity assets. The implementation of a Biodiversity Enhancement Plan will serve to secure additional benefits.
- 6.58 Given the context of the immediate surroundings the proposed development is considered to have a less than substantial harm on the significance of the conservation area as a heritage asset, and any harm that might arise is at the lower end of the spectrum. In light of the public benefits highlighted above, and given the continued absence of a five year housing land supply, officers are of the view that the application is acceptable and, subject to the completion of a Section 106 Agreement in accordance with the Heads of Terms appended to this report, the application is recommended for approval.

RECOMMENDATION

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

- 1. A02 - Time limit for submission of reserved matters (outline permission) – all matters apart from access**
- 2. A03 - Time limit for commencement (outline permission)**
- 3. A04 - Approval of reserved matters**
- 4. B01 - Development in accordance with approved plans**
- 5. 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

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

and of highway safety in accordance with Policies SD1 and MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

6. The recommendations for species mitigation and habitat enhancements set out in Section 5 of the ecologist's report from fpcr dated July 2018 should be followed unless otherwise agreed in writing by the local planning authority. A detailed habitat enhancement plan integrated with the landscape scheme should be submitted to the local planning authority in writing. The plan 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.

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

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

8. Prior to the commencement of development the developer shall agree in writing with the local planning authority a scheme for the delivery of the open market housing hereby approved. This scheme shall comprise a schedule outlining the number of 2, 3 and 4 (+) bed dwellings proposed at the Reserved Matters stage; the overall mix being in general accord with the Council's Local Housing Market Assessment (or any successor document, adopted for these purposes by the local planning authority).

Reason: To define the terms of the permission and to comply with Policy H3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

9. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable

means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

10. G04 Protection of trees/hedgerows that are to be retained
11. G10 Landscaping scheme
12. G11 Landscaping scheme – implementation
13. G14 Landscape management plan
14. H06 Vehicular access construction
15. H11 Parking - estate development (more than one house)
16. H17 Junction improvement/off site works
17. H18 On site roads - submission of details
18. H29 Secure covered cycle parking provision
19. H31 Outline Travel Plan

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. 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
3. 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

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation. If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com. Please quote our reference number in all communications and correspondence.

4. **HN02 Public rights of way affected**
5. **HN08 Section 38 Agreement & Drainage details**
6. **HN07 Section 278 Agreement**
7. **HN28 Highways Design Guide and Specification**
8. **HN26 Travel Plans**

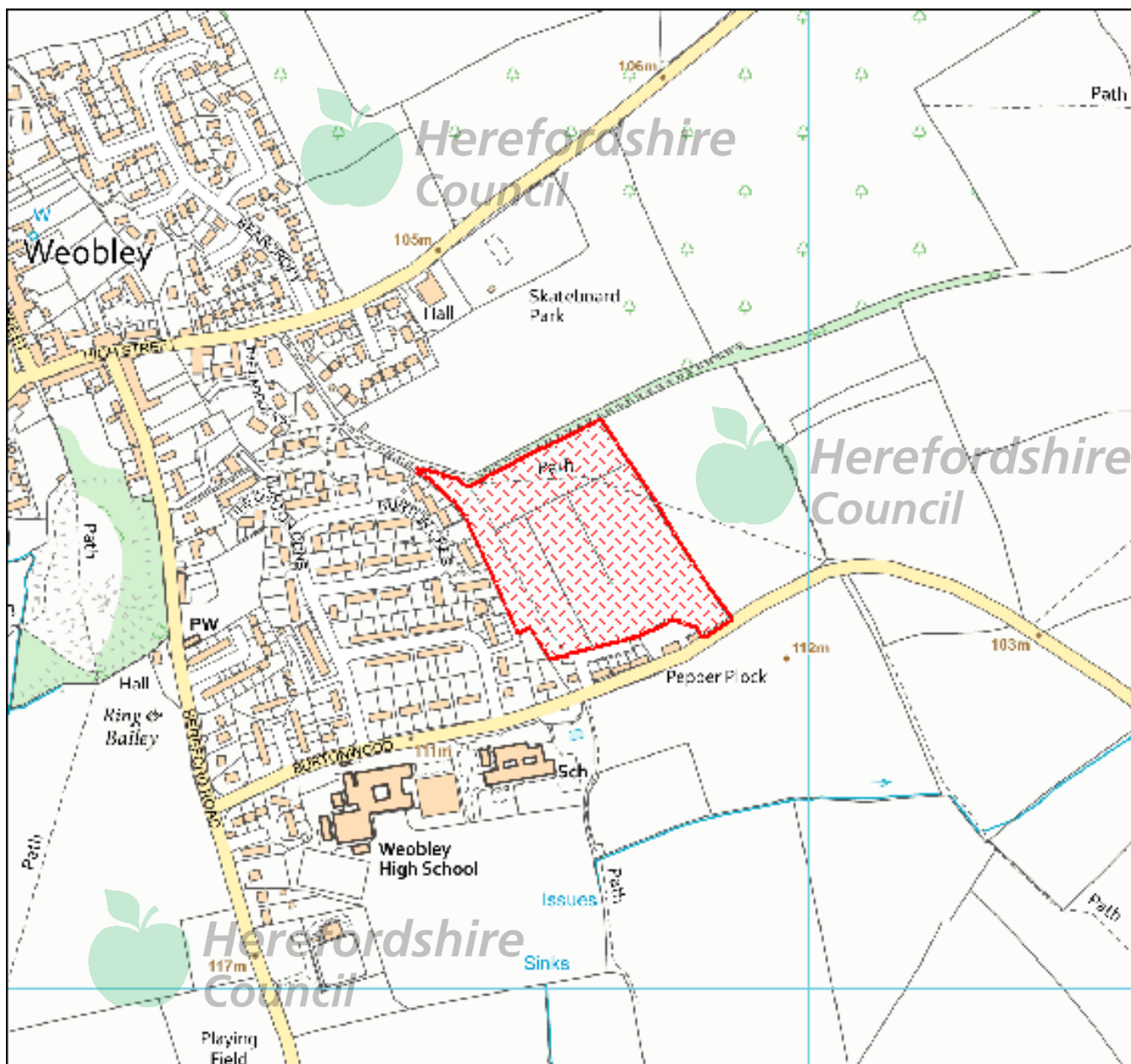
Decision:

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: 181050

SITE ADDRESS : LAND AT BURTON WOOD, WEOBLEY, HEREFORDSHIRE

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

DRAFT HEADS OF TERMS

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

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1st April 2008.

Planning application: P181050/O

Proposal: Outline planning permission for proposed erection of up to 50 dwellings (including 35% affordable), planting and landscaping, informal open space, vehicular access point from Pepper Plock Ley and associated ancillary works. All matters to be reserved with the exception of the main vehicular site access

Site: Land at Burton Wood, Weobley, Herefordshire

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

£1,329.00	(index linked) for a 2 bedroom apartment open market unit
£2,418.00	(index linked) for a 2/3 bedroom open market unit
£4,696.00	(index linked) for a 4+ bedroom open market unit

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

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

£2,092.00	(index linked) for an apartment open market unit
£2,457.00	(index linked) for a 2 bedroom open market unit
£3,686.00	(index linked) for a 3 bedroom open market unit
£4,915.00	(index linked) for a 4+ bedroom open market unit

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

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

appropriate.

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

- a) Traffic calming and traffic management measures which may include gateway features
- b) Creation of new and enhancement in the usability of existing footpaths connecting the site to local facilities
- c) Creation of new and enhancement in the usability of existing cycleways connecting the site to local facilities
- d) Public transport improvements

NOTE: A section 278 agreement will be required to deliver;

- *Widening of the existing footway along the northern side of the carriageway of Burtonwood;*
- *Two formalised crossing points on Burtonwood;*
- *Provision of on-street parking;*
- *A review of existing and proposed TROs including proposed double yellow lines and School Keep Clear signs;*
- *Extension of the existing 30mph speed limit;*
- *Relocation of the proposed gateway feature further east; and*
- *Improvements to the existing coach/bus pick-up and drop-off area associated with the adjacent school.*

3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£80.00 (index linked)** per dwelling. The contribution will provide for 1 x waste and 1 x recycling bin. The sum shall be paid on or before occupation of the 1st open market dwelling, and may be pooled with other contributions if appropriate.
4. The developer covenants with Herefordshire Council to provide a minimum **0.138ha (1380sqm)** of green on site infrastructure comprising;
 - Public Open Space @ 0.4ha per 1000 population = 0.046ha (460sqm)
 - Children's Play @ 0.8ha per 1000 population = 0.092ha (920sqm) of this 0.28ha (280sqm) should be formal play

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

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

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

6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£28,371.00 (index linked)** for outdoor sports facilities as identified in the Councils Playing Pitch Assessment 2012 and Outdoor Sports Investment Plan 2016. The sum shall be used for Weobley High School Cricket Ground. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.
7. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£26,424.42 (index linked)** for the provision of hospital services in Herefordshire. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.
8. The developer covenants with Herefordshire Council that 35% of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H1 of the Herefordshire Local Plan Core Strategy or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.
9. All the affordable housing units shall be completed and made available for occupation prior to the occupation of no more than 50% of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.
10. The Affordable Housing Units must at all times be let and managed or co-owned in accordance with the guidance issued by the Homes England (or any successor agency) from time to time with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-:
 - 10.1. registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
 - 10.2. satisfy the requirements of paragraphs 11 & 12 of this schedule

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

16. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	18 DECEMBER 2018
TITLE OF REPORT:	181347 - OUTLINE APPLICATION FOR THE ERECTION OF DWELLING AND GARAGE. CONSTRUCTION OF NEW VEHICULAR ACCESS AND ASSOCIATED WORKS AT TWYFORD BROOK BARN, TWYFORD COMMON ROAD, TWYFORD, HEREFORDSHIRE, HR2 8AD For: Mr & Mrs Reed per Mr Paul Smith, 1a Mill Street, Hereford, Herefordshire, HR1 2NX
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=181347&search=181347
Reason Application submitted to Committee - Redirection	

Date Received: 11 April 2018 **Ward: Wormside** **Grid Ref: 350966,235287**
Expiry Date: 16 July 2018 (extension of time agreed to 18 December 2018)
 Local Member: Councillor JF Johnson

1. Site Description and Proposal

- 1.1 The application site comprises a rectangular 0.19 hectare plot forming part of the large garden curtilage of Twyford Brook Barn, a converted barn located adjacent to Brook Farm, a Grade II listed property which lies to the south. To the west of the site and on elevated land is a reservoir and pumping station. The plot is well screened from the roadside and the existing property to the north (Uplands) by established hedgerows and trees.
- 1.2 Twyford Common is identified as a settlement/location for appropriate housing development in both the Herefordshire Local Plan Core Strategy and the Callow and Haywood Neighbourhood Development Plan
- 1.3 There are a number of other properties in this residential cluster, including Ivy Cottage and Cartref which lie on the opposite side of the Twyford Common Road (U71616) which links the C1261 to the north and the A49T to the south.
- 1.4 Outline planning permission is sought for the erection of a dwelling and garage with approval for the access and layout requiring formal consideration under the terms of this application. Appearance, landscaping and scale would accordingly be separate reserved matters.
- 1.5 The application is accompanied by an Ecological Assessment and latterly a Heritage Statement which was submitted following the recommendation of the Principal Conservation Officer and the submission of the most recent amended site layout plan

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

2. Policies

2.1 The Herefordshire Local Plan Core Strategy (CS) was adopted in October 2015 and the following policies are considered relevant:-

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 Strategy
RA2	-	Housing in Settlements Outside Hereford and the Market Towns
RA3	-	Herefordshire's Countryside
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
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Wastewater Treatment and River Water Quality

2.2 The Callow and Haywood Neighbourhood Development Plan (CHNDP) was made on 1 December 2016 and accordingly it forms part of the Development Plan and can be afforded full weight. The following policies are considered relevant:-

CH1	-	Protecting and enhancing the rural landscape
CH2	-	Building and transport design principles
CH9	-	Housing

2.3 National Planning Policy Framework (NPPF 2018)

1. Introduction
2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
9. Promoting sustainable transport
12. Achieving well design places
14. Meeting the challenge of climate change, flooding and coastal change
16. Conserving and enhancing the historic environment

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

https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

https://www.herefordshire.gov.uk/download/downloads/id/8712/neighbourhood_development_plan_september_2016.pdf

3. Planning History

3.1 SH990307PF Proposed conversion of a redundant barn to form a single dwelling. Approved 29.9.99

4. Consultation Summary

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

Statutory Consultations

4.1 None

Internal Council Consultations

4.2 Conservation Manager (Built Heritage)

Response to original consultation

We would not object to the principle of development on the site on heritage grounds. A full application would enable a clear understanding of the wider impact of the detail of the proposals on the surroundings and would be preferred. For any application for reserved matters we would recommend that consideration is given to the agrarian context of the site and the character of vernacular buildings in the area. This should consider not just those characteristics such as roof pitch, massing, materials, solid to void and span/depth ratios etc. but also the positioning and orientation upon the site. We would recommend reference to the Historic England/Kent AONB Design Guide and the Cork County Council Rural Design Guide; which provide guidance on the principles of designing new buildings in the context of traditional farmsteads and in rural areas respectively.

We would recommend that the site layout considered placing the building to the N of the site, with screening or a buffer to the E. A full planning application would be preferred but is not essential.

Background to Recommendations:

Brook Farmhouse is situated approx. 60m to the South of the proposed site and is listed at grade 2 (ref 1166841). To the immediate South of the site lies a converted barn.

The query has been raised as to whether the converted barn is curtilage listed. Ordinarily in this situation the detachment of the barn from the farmhouse and the difference in planning use at the time of listing (a barn being an agricultural use and a farmhouse domestic use) would mean that the barn would not be considered curtilage listed. However in this instance, at the time of listing (1952) there is a degree of vagueness over the use of the farmhouse, the list description (which is used to identify the property only, it is not a full description of the property or its importance) states that part of the property was a granary. For this reason, for the avoidance of doubt and the purposes of this consultation, we would consider that the barn is considered curtilage listed.

Comments:

When considering the setting of heritage assets we would follow the methodology in Historic England GPA3 on the setting of heritage assets. This looks at the significance of the asset, how it is experienced (its setting) and what aspects of the setting contribute to the significance.

In this instance the heritage asset is a C17/C18 stone and timber framed farm house/granary with detached barn to the N, all arranged in a scattered linear arrangement. The ground rises to the W. The significance of the building is that it provides evidence of the agricultural use of the site in the past and is set within a settlement of scattered buildings. Placing the property to the N and W of the site would allow for a soakaway (if required) and also a buffer between the property and the road, avoiding an overly domestic character to the boundary.

Response to consultation on revised plans

We would have no objections to the proposals on the basis of policies to do with historic buildings. It is felt that the proposal for a dwelling in this location would not adversely affect the setting of the listed buildings nearby.

Any application for reserved matters would need to consider landscaping, boundary treatments as well as the design of the property in order to satisfy policy.

Background to Recommendations:

To the south of the site lies Brook Farm, a grade 2 listed part timber framed, C17/18 farmhouse with attached former granary.

The barn to the north of the site would not normally be considered curtilage listed due to its different planning use (agricultural vs domestic) and separation, however as part of the listed building is a granary, it is considered curtilage listed for the avoidance of doubt.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states: “ In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.” This indicates great weight given in planning considerations to the desirability of conservation of the setting of listed buildings.

The setting of listed buildings is defined in the NPPF Glossary as: “The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”

Section 189 of the NPPF requires applicants to describe the significance of heritage assets and the impact of proposals upon this.

Section 193 of the NPPF states that great weight should be given to an assets conservation.

The method used for assessing ‘setting’ is that outlined in the Historic England GPA3: The Setting of Heritage Assets. This is a multi-stage approach which is as follows:

1. Identify which heritage assets and their settings are affected.
2. Assess whether, how and to what degree these settings make a contribution to the significance of the heritage asset(s).
3. Assess the effects of the proposed development, whether beneficial or harmful, on that significance.
4. Explore the way to maximise enhancement and avoid or minimise harm.
5. Make and document the decision and monitor outcomes.

Following the Historic England & NPPF glossary approach, the setting of the listed building, for planning decisions, is those aspects of the way in which the listed building is experienced which contribute to its significance.

The significance of a building is the sum of those attributes which make it worthy of listing, these attributes are broken down into evidential, historic, aesthetic and symbolic value.

Comments:

The farmhouse is currently experienced as the edge of the scattered, dispersed settlement of Twyford Common, with farmland sloping down to the E to a small stream and rising to the W.

The positioning of a building to the N of the farmhouse and curtilage listed building would alter the way in which the building is experienced, however it is not felt that this would sufficiently change those aspects of the setting which contribute to its significance. The farmhouse would still remain on the outskirts of a scattered settlement with clear agricultural context.

By positioning the building to the North West of the site, sight lines of the barn and farmhouse are maintained, allowing the visual experience to remain broadly similar.

There is an argument that the development could eventually lead to coalescence of the settlement from being scattered and dispersed into one which is denser in its development pattern. This would affect the character of the wider area, however in this instance it is not felt that the development sufficiently alters the rural setting of the listed building and curtilage listed building to harm their significance.

Response in relation to the submission of the Heritage Assessment

Further details are provided in previous comments, however we would have no objections to the proposals on the basis of policies to do with historic buildings. It is felt that the proposal for a dwelling in this location would not adversely affect the setting of the listed buildings nearby.

Any application for reserved matters would need to consider landscaping, boundary treatments as well as the design of the property in order to satisfy policy. Given the rural context of the site we would be seeking to understand how any proposed building relates to this context in its design as part of any reserved matters application.

The Heritage Statement supplied would meet the requirements of NPPF section 189 which requires an applicant to describe the significance of Heritage Assets affected by the proposals. It also follows the staged approach to setting put forward by Historic England.

4.3 Neighbourhood Planning Manager (original comments)

The Callow and Haywood NDP was made/adopted on 1 December 2016.

The plan does not contain any settlement boundaries but describes the locations of the settlements included within the Core Strategy as the focus for proportionate growth.

Twyford Common is described within the plan (4.5.1) as the 'area of land inside the circular unadopted road around the old common'

Policy CH9 indicates housing proposals within Twyford common area will only be considered where is clearly adjacent or close to existing built form and has suitable access..

This site is on the edge of the neighbourhood area. It does not fall within the description of land inside the unadopted roads around the common but it could be considered to be adjacent or closely linked to the existing built form especially given the dispersed nature of the settlement.

The proportional growth within the parish is 14 and as at April 2017, 10 had been built and 6 committed. Therefore the proportional growth targets have been reached

However, as the NDP does not contain any site allocations and the LPA can not demonstrate a five year land supply, therefore the ministerial statement does not apply in this case.

Given the above and the dispersed nature of Tywford Common is it considered that the location would be in accordance with Policy CH9

Neighbourhood Planning Manager (Updated Comments post NPPF 2018)

With regards to NPPF para 14;

14a - The Callow and Haywood NDP was adopted on the 1 December 2016 and in line with the NPPF transitional arrangements the implementation of the 2 year timescale includes plans made for more than two years prior to 11 December 2018

14b – the NDP does not contain any site allocations but does contain policies which can ensure the housing requirement is achievable. In April 2018, there were 14 built and 4 commitments which indicated that the proportional growth requirements for the parish have been met.

14 c – we have a 4.55yr supply

14d – Information supplied by Strategic Planning Team Leader

The NDP should still be seen as having significant weight after the 11 December 2018 unless material considerations indicate otherwise.

Transportation Manager

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

The provision of one dwelling would not pose a severe impact on the highway therefore there are no highway objections. Conditions recommended

4.4 Conservation Manager (Ecology)

Response to original consultation

As identified at Pre-application, the site lies within the River R Wye SSSI/SAC Impact Risk Zone “any discharges of water or liquid including to mains sewer”. I note the applicant has indicated the use of Package Treatment Plant but under Habitat Regulations and in line with NPPF, NERC Act and Core Strategy SD4/LD2 this authority has a duty of care to ensure all relevant ‘Likely Significant Effects’ are fully mitigated. The identified LSE is the phosphate loading (not removed through standard PTP installations) in the final outfall, to mitigate this **confirmation from the applicant that the PTP will discharge to a soakaway drainage field is requested.** Direct discharge in to any local watercourse, stream or culvert would not be acceptable.

Subject to this soakaway discharge being confirmed and subject to implementation as part of the approved plans then I can not see any unmitigated LSE on the River Wye SSSI/SAC from this proposed development.

I note the supplied ecological report and recommendations and specifications for biodiversity enhancements it includes. These recommendations should be subject to a relevant implementation condition.

Nature Conservation – Ecology Protection, Mitigation and Enhancement

The ecological protection, mitigation, compensation and working methods scheme including the detailed Biodiversity enhancement features, as recommended in the reports by Wilder Ecology dated March 2018 shall be implemented in full as stated unless otherwise approved in writing by the local planning authority. The Biodiversity enhancements shall be maintained hereafter as approved unless otherwise agreed in writing by the Local 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

Response to consultation on revised plans

The amended plan indicating foul water final outfall to a soakaway drainage field is noted and should form part of any plans granted planning consent.

Previous ecology comment and suggested Condition still relevant.

Conservation Manager (Trees)

No objection

Land Drainage

Surface Water Drainage

No information has been provided in regards to the disposal of surface water runoff management.

The Applicant should provide a surface water drainage strategy showing how surface water from the proposed development will be managed. The strategy must demonstrate that there is no increased risk of flooding to the site or downstream of the site as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change. Note that in February 2016 the EA updated their advice on the potential effects of climate change a that a range of allowances should be considered to understand the implications: <https://wndww.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>.

All new drainage systems for new and redeveloped sites must, as far as practicable, meet the Non-Statutory Technical Standards for Sustainable Drainage Systems and will require approval from the Lead Local Flood Authority (Herefordshire Council).

In accordance with the NPPF, Non-Statutory Technical Standards for Sustainable Drainage Systems and Policy SD3 of the Core Strategy, the drainage strategy should incorporate the use of Sustainable Drainage (SUDS) where possible. The approach promotes the use of infiltration features 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). The rate and volume of discharge should be restricted to the pre-development Greenfield values as far as practicable. Reference should be made to The SUDS Manual (CIRIA C753, 2015) for guidance on calculating runoff rates and volumes.

On-site testing undertaken in accordance with BRE365 should be undertaken to determine whether the use of infiltration techniques are a viable option. Where site conditions and groundwater levels permit, the use of combined attenuation and infiltration features are promoted to provide treatment and reduce runoff during smaller rainfall events.

It should be noted that soakaways should be designed for a minimum 1 in 30 year design standard, be located a minimum of 5m from building foundations, that the base of soakaways and unlined storage/conveyance features should be a minimum of 1m above groundwater levels, and must have a half drain time of no greater than 24 hours.

The drainage system should be designed to ensure no flooding from the drainage system (which can include on-the-ground conveyance features) in all events up to the 1 in 30 year event. Surface water should either be managed within the site boundary or directed to an area of low vulnerability. Guidance for managing extreme events can be found within CIRIA C635:

Designing for exceedance in urban drainage: Good practice.

The Applicant must confirm the proposed adoption and maintenance arrangements for the surface water drainage system. The Drainage Layout plan should reflect the ownership of the respective drainage components.

Foul Water Drainage

The drainage plan demonstrates that a drainage field is to be located to the rear of the property. This is uphill of the proposed dwelling. This should be re-designed to ensure that the foul water drainage is gravity fed.

The land on which the package treatment plant and drainage field are located should be owned by the homeowner.

The Applicant has not provided percolation testing results.

The Applicant should demonstrate that alternative proposals are compliant with the general Binding Rules and are in accordance with the Building Regulations Part H Drainage and Waste Disposal.

The Applicant should undertake percolation tests in accordance with BS6297 to determine whether infiltration techniques are a viable option for managing treated effluent (see Section 1.32 of Building Regulations Part H Drainage and Waste Disposal).

If infiltration testing results prove soakage is viable, the following must be adhered to for Package Treatment Plants:

The drainage field should be located a minimum of 10m from any watercourse, 15m from any building, 50m from an abstraction point of any groundwater supply and not in any Zone 1 groundwater protection zone. The drainage field should be sufficiently far from any other drainage field, to ensure that overall soakage capacity of the ground is not exceeded.

Drainage fields should be constructed using perforated pipe, laid in trenches of uniform gradient which should not be steeper than 1:200. The distribution pipes should have a minimum 2m separation.

Drainage fields should be set out in a continuous loop, i.e. the spreaders should be connected. If this feature is missed, it will gradually clog with debris and the field will become increasingly ineffective.

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

Overall Comment

In principle we do not object to the proposals, however we recommend that the following information provided within suitably worded planning conditions:

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

A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;

Evidence that the Applicant is providing sufficient on-site attenuation storage to ensure that site-generated surface water runoff is controlled and limited to agreed discharge rates for all storm events up to and including the 1 in 100 year rainfall event, with an appropriate increase in rainfall intensity to allow for the effects of future climate change;

Results of infiltration testing undertaken in accordance with BRE365 and confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice;

A detailed foul water drainage strategy showing how foul water from the development will be disposed of.

5. Representations

5.1 Callow and Haywood Group Parish Council objects to the application:

Response to original consultation

The Callow & Haywood Group Parish Council is minded to object to the above application for the following reasons:

1. The site is not within the Twyford Common area and is therefore not suitable for development under any Core Strategy policies.
2. Equally it is not supported, for the same reason, by "Policy CH9 - Housing" in the Callow and Haywood Neighbourhood Plan 2011-2031 i.e. it is not in the Twyford Common area.
3. If the Planning Authority is minded to approve the application, then as the site is in the setting of a listed building, an outline application would not normally be considered suitable and a Full Application should be required.

The Parish Council recommends that the application should be refused.

Response to consultation on revised plans/Heritage Assessment

Callow and Haywood Parish Council has looked at the amended proposals within this application and wish to reiterate the objection made previously. There have been no changes

made to the proposal to alter the opinion of the PC and the objection to this project still stands on the points made when first considered, as below.

"The Callow & Haywood Group Parish Council is minded to object to the above application for the following reasons: 1. The site is not within the Twyford Common area and is therefore not suitable for development under any Core Strategy policies. 2. Equally it is not supported, for the same reason, by "Policy CH9 - Housing" in the Callow and Haywood Neighbourhood Plan 2011-2031 i.e. it is not in the Twyford Common area. 3. If the Planning Authority is minded to approve the application, then as the site is in the setting of a listed building, an outline application would not normally be considered suitable and a Full Application should be required.

The Parish Council recommends that the application should be refused"

5.2 Lower Bullingham Parish Council objects to the application:

Object to the application for the following reasons The application does not comply with the following core strategy policies : SS1- Sustainable development - The proposed dwelling is in open countryside RA2,RA3 &RA6 - which related to Housing settlements outside Hereford and the market towns. MT1 Traffic management highway safety and promoting active travel. Finally the application is not compliant with Lower Bullingham NDP policy LB2c

5.3 The application has been the subject of two consultations and for the purposes of clarity one objector has appointed independent planning consultancy, Counsel and heritage advice, which are embodied with the summary. The comments received can be summarised as follows:

Responses to original consultation

A total of 21 objections were received:

- Site in open countryside and outside the Twyford Common settlement boundary
- The development of the site will have a detrimental impact on the character of the landscape and the setting of Twyford Brook Farm
- Site is prone to repeated flooding
- Concern that a precedent for unwarranted development of small plots will result in gradual urbanisation of the open countryside
- The location is not sustainable with no services or facilities available and with entire reliance on the private car
- Adverse impact on visual amenity of the valley
- The size of the proposed dwelling is unaffordable
- Inconceivable that no protected species identified on the site
- Access is via a single lane track that cannot safely accommodate additional cars, oil/LPG/waste water tanker deliveries and will result in further damage to the highway
- Proposed point of access is on a dangerous bend
- Concern regarding impact of surface water run off from proposed new access and driveway
- Heritage Assessment required to assess potential impact
- Loss of hedgerow to create access contrary to landscape character
- Lack of detailed accompanying the application is a concern
- Harmful impacts of the proposed development outweigh the benefits

1 letter of support was received:

- Proposal comprises modest infill on a large plot adjacent to the settlement boundary
- Conditions could be attached to control scale and appearance of the development
- More residents would make the community more sustainable

Responses to consultation on revised plans/Heritage Assessment

A total of 16 objections were received. In the majority of cases, these reiterate previous objections but a number of additional concerns were raised:

- In light of large scale expansion proposals to the south of Hereford there is no need for further growth of hamlets in the open countryside
- Repositioning of the dwelling will impact upon the overflow drainage ditch behind the proposed property
- Insufficient information to assess drainage system
- Assessment of “no harm” contained in the Heritage Assessment is not accepted
- Landscape impact of engineered access and creation of level site is understated

- 5.4 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=181347&search=181347

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

Policy context and Principle of Development

- 6.1 The interpretation of policy and the weight that it should be afforded is fundamental to the assessment of this application and this will be apparent in the following section. However the legal framework is established by Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states as follows:

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

- 6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS) and the Callow and Haywood Neighbourhood Development Plan (CHNDP) which was made on 1 December 2016. The National Planning Policy Framework (NPPF) is also a significant material consideration.
- 6.3 CS Policy RA2 defines Twyford Common as an *other settlement*, recognising its importance in terms of delivering the Council’s required housing growth but that it will not be a main focus for this. The policy acknowledges that growth within or adjacent to such settlements will be supported and there is a need to have particular regard to the form, layout, character and setting of development in these smaller settlements. Specifically Policy RA2 identifies that Neighbourhood Development Plans will allocate housing or otherwise demonstrate that housing delivery within the respective Neighbourhood Area meets the proportionate target identified.
- 6.4 Turning to the CHNDP, it is clear in the text that its authors were unhappy with the allocation of Twyford Common in the CS and Policy CH9 promotes the encouragement of growth at Grafton. Nevertheless, Twyford Common is recognised in the CHNDP and the supporting text explains that this will be regarded as *that area of land inside the circular un-adopted road around the old common land at Twyford*. The formal wording of Policy CH9 goes on to state that *new housing sites within the Twyford Common area will only be considered acceptable where it is*

clearly demonstrated that proposals are adjacent to or closely linked to existing built form and suitable access is provided.

- 6.5 The application site lies outside but immediately on the opposite side of the un-adopted road but is considered to be very closely linked to existing built form, which in this case comprises Uplands (a dwelling dating from the late 1990s) and older properties, namely Twyford Brook Barn and Twyford Brook Farm on the western side of the road and Ivy Cottage and Cartef on the eastern side.
- 6.6 In these particular circumstances, the proposed dwelling can reasonably be described as an infill plot between existing dwellings, so whilst it lies outside the road which defines the Twyford Common area described in the CHNDP, it will not be isolated; it is closely linked to the existing built form and it will not extend development beyond the existing form.
- 6.7 Turning to the approach to decision-making prescribed in the NPPF, the starting point is set out at paragraph 11, and it is an established position that in light of the Council's continued lack of a 5 year housing land supply (most recently published to be a 4.55 year supply, April 2018) and since there is no formal position in relation to the new Housing Delivery Test, those CS and NDP policies that relate to housing delivery are to be considered out-of-date. The decision-maker is then directed by paragraph 11d to approve development that accords with policy unless the application falls within one of the protected areas or assets that provides a clear reason for refusal (further consideration will be given to this below) or where the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 6.8 To add further nuance to the status of local policies, where the tilted balance set out paragraph 11d is invoked, the NPPF paragraph 14 deals very specifically with situations where there is perceived conflict with NDP policy. It states that determining an application which is in conflict with an NDP will be regarded as an adverse impact that is likely to outweigh any benefits. This provision will apply where all 4 identified criteria are met. In this case, the NDP will not meet criteria 14a) since it was 2 years old on the prescribed 11 December 2018 date. As such, whilst the NDP can continue to be attributed significant weight, any conflict in relation to its policies relating to housing delivery cannot in its own right be treated as an adverse impact that would specifically direct refusal of planning permission.

Heritage Impacts

- 6.9 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the Council's statutory duty to pay special attention to the desirability of preserving a building or its setting or any features of special architectural or historic interest which it possesses. This is underpinned by CS policy LD4 and CHNDP policy CH1 which encourage new development proposals to protect, conserve and where possible enhance heritage assets and their settings in a manner appropriate to their significance.
- 6.10 Additionally Chapter 16 of the NPPF sets out the approach to assessing heritage impacts.
- 6.11 Reference to the level of objection, and the commissioning of independent heritage advice by a local resident provides a clear indication of the strength of local views in respect of this issue.
- 6.12 Through the course of the application process, the proposed layout has been amended following the specific advice of the Conservation Manager and as recommended the applicant has latterly submitted a Heritage Statement in line with NPPF guidance and methodology.
- 6.13 Having regard to the advice provided by the Conservation Manager, whilst the heritage status of Twyford Brook Barn was initially questioned, and is still a matter for interpretation, during the course of determining the application it has been accepted that the converted barn does form part of the curtilage of the Grade II listed Twyford Brook Farm. This assessment derives

from the historic association with the farmhouse and the significance arises from its former agricultural use and its position within, and contribution to, the loose scattering of development alongside the road.

- 6.14 The heritage assessment commissioned by an objector considers that there will be considerable harm to the setting of the curtilage listed Twyford Brook Barn and by extension the Grade II listed farmhouse. It is suggested that this results from the intrusion into the open space within which the barn is located and the creation of the new access which erodes the uninterrupted rural nature of the lane. This assessment does not actually use NPPF terminology so it is unclear whether the magnitude of this impact is significant or less than significant.
- 6.15 Conversely, the Conservation Manager considers that the position of the site to the north of the barn is such that the impact of its development would not adversely affect its setting or the farmhouse as they would both continue to be experienced as being at the edge of a sporadic linear settlement and within a distinctly agrarian context. Furthermore the positioning of the proposed dwelling further back into the site is such that the existing views of the barn and farmhouse from the north would remain uninterrupted.
- 6.16 In the context of this advice, it is considered that the proposed development of the site, subject to an appropriately designed and scaled dwelling being presented with any future Reserved Matters submission, would not result in harm or any loss of significance of the setting of the Grade II listed farmhouse or the applicants converted barn. Accordingly there is no requirement to consider the heritage impact test prescribed in paragraphs 195-197 of the NPPF. The preservation of the setting would satisfy the Council's statutory duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and accords with CS policy LD4 and the relevant criteria of CHNDP policies CH1 and CH2.

Visual and Landscape Impact

- 6.17 CS Policies LD1 and SD1 combined with CHNDP policies CH1 and CH2 seek to ensure that development proposals respect and are informed by the landscape considerations, with particular reference in the CHNDP to maintaining the sense of tranquility and key features that contribute to the character of the locality. The site lies partly within Landscape Character Areas Principal Settled Farmland and Forest Smallholdings and Dwelling as characterised in the Council's Landscape Character Assessment. These areas are primarily (but not exclusively) defined by the presence of established hedgerows and tree cover; the field patterns and wayside development. In the context of the site being closely related to a cluster of existing dwellings, it is considered that the introduction of a further appropriately designed dwelling will not be out of keeping with these characteristics.
- 6.18 In this case, the most obvious visual impact will be the removal of a section of the roadside boundary hedge (approximately 9 metres) to form the proposed new access into the site. The loss and associated formation of the access, driveway and parking area will undoubtedly have a localised impact but this will only be experienced in the immediate vicinity of the site which is in part characterised by the driveways serving existing properties and in this context it is not considered that the additional access at this location would be out of keeping or result in any visual harm that would warrant the refusal of planning permission.
- 6.19 The proposed dwelling itself would occupy a set back position in the plot, such that with the substantial retention of the roadside boundary hedge and the well established hedgerow defining the northern boundary of the application site, the presence of the new dwelling will be largely obscured from wider view, with the only impact being appreciated from immediately in front of the site. There is also the potential for replacement hedging.
- 6.20 Whilst recognising that there will be some change to the established character of this rural lane, it is not considered that this would result in an uncharacteristic form of development or harm

that could reasonably justify the refusal of permission. Clearly the design approach adopted in any future reserved matters application (which would have to consider scale, appearance and landscaping) would be critical to the successful development of the site, but in terms of the proposed means of access and the layout, it is considered that the proposal complies with the requirements of CS policies LD1 and SD1 and the relevant criteria set out in CHNDP policy CH1.

Biodiversity and Drainage

- 6.21 CS policy LD2 and CHNDP policies CH1 and CH2 promote development that conserves, restores and enhances the biodiversity and secures the appropriate protection and safeguarding of designated assets. CS policies SD3 and SD4 deal more specifically with drainage requirements and the impact of discharges and are linked in relation to the need to assess the impacts of new development upon the River Wye Special Area of Conservation (SAC). In relation to the Ecological Assessment that accompanies the application, the Conservation Manager confirms that this provides a satisfactory basis for the recommended condition securing mitigation, compensation and enhancement in accordance with CS policy LD2.
- 6.22 The drainage strategy envisages a private package treatment system discharging to a secondary drainage field within the application site. It is anticipated that this approach provides sufficient comfort that there will be no likely significant effects upon the River Wye SAC and the Conservation Manager has carried out a screening assessment under the Habitat Regulations to this effect. At the time of writing this assessment has been submitted to Natural England for confirmation that this is acceptable. An update will be provided in the Schedule of Updates or verbally and the recommendation set out below reflects the requirement to await the consultation response from Natural England.
- 6.23 The more precise details of the foul and surface water drainage solution would be the subject of a condition, as recommended by the Land Drainage Consultant.
- 6.24 Subject to the advice of Natural England and appropriate conditions, it is considered that the site can be developed in conformity with CS policies LD2, SD3 and SD4 and CHNDP policies CH1 and CH2.

Access and Highway Safety

- 6.25 A number of objections refer to the capacity of the local road network to accommodate any additional traffic and the unsafe nature of the access. The concerns are acknowledged given the settled nature of Twyford Common. However, whilst recognising that there would be a modest uplift in traffic movements, there is no tangible evidence to indicate any severe implications in relation to the capacity of the highway network.
- 6.26 The access itself has been designed to meet the requirements of the Transportation Manager and subject to conditions securing visibility, secure cycle storage and parking provision during the construction phase, there is considered to be no conflict with CS policy MT1.

Conclusion and Planning Balance

- 6.27 At present the Council cannot demonstrate a five year housing land supply (published figure of 4.55 years April 2018), and as such the policies which are most important for determining the application are to be considered as being out of date (paragraph 11d) footnote 7 of the NPPF).
- 6.28 In such circumstances paragraph 11 continues that in decision-taking this means 'granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. 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.’ ‘Assets’ includes designated heritage assets and the policies are as referred to in the NPPF and not the Development Plan (footnote 6).

- 6.29 With regards paragraph 11d) i there are no policies in the NPPF that protect areas or assets of particular importance or an NDP that is less than 2 years old and thus there is no clear reason for refusing the development proposed. As a result it is necessary to turn to the familiar tilted planning balance test from the NPPF.
- 6.30 Whilst the NPPF supports growth, it is fundamental that this is ‘sustainable’. Sustainability is assessed under three headings, economic, social and environmental objectives.
- 6.31 It is acknowledged that the construction of a dwelling would contribute to the housing supply and the local economy through the employment of trades and purchase of materials. In social terms an additional dwelling would increase the residents in the area, which may help to sustain the services locally and in other settlements in surrounding parishes. Nevertheless, for a single dwelling it must be acknowledged that these would only be moderate.
- 6.32 In environmental terms, due to the site’s location, it is physically and visually related to the built form of Twyford Common and the provision of a well designed dwelling in the set back position proposed would retain the loose knit development along the lane and would not harm the setting of the heritage assets identified. It is worth noting that in respect of paragraphs 77 to 79 of the NPPF which provide the Government’s position on rural housing objectives, policies and decisions should be responsive to local circumstances and reflect local needs. The application proposes a 4+ bed dwelling, which in regard to this application is not considered in itself to justify a reason to refuse permission, even though there is a greater demand for 2 and 3 bed dwellings in the area.
- 6.33 Overall it is considered that the locational sustainability of the site weighs heavily in favour of the application. The conflict with the NDP in terms of the precise location is acknowledged but in these circumstances where the site is so well related to existing residential development and does not result in harm of sufficient gravity to significantly and demonstrably outweigh the benefits, it is considered that the proposal is acceptable and it is recommended that outline permission is granted, subject to no objection from Natural England.

RECOMMENDATION

That subject to receipt of confirmation that Natural England do not object to the Habitat Regulations Appropriate Assessment undertaken by Herefordshire Council, officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

- 1. **A03 Time limit for commencement (outline permission)**
- 2. **A04 Approval of reserved matters**
- 3. **A05 Plans and particulars of reserved matters**
- 4. **G11 Landscaping scheme – implementation**

5. H03 Visibility splays (2.4 X 70M south and 2.4 x 90m north)
6. H09 Driveway gradient
7. H27 Parking for site operatives
8. H29 Secure covered cycle parking provision
9. I16 Restriction of hours during construction
10. CE6 Efficient use of water
11. Prior to the commencement of the development hereby approved, a detailed drainage strategy in accordance with the following requirements shall be submitted to and approved in writing by the local planning authority:

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

A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;

Evidence that the Applicant is providing sufficient on-site attenuation storage to ensure that site-generated surface water runoff is controlled and limited to agreed discharge rates for all storm events up to and including the 1 in 100 year rainfall event, with an appropriate increase in rainfall intensity to allow for the effects of future climate change;

Results of infiltration testing undertaken in accordance with BRE365 and confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice;

A detailed foul water drainage strategy showing how foul water from the development will be disposed of.

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.

12. The ecological protection, mitigation, compensation and working methods scheme including the detailed Biodiversity enhancement features, as recommended in the reports by Wilder Ecology dated March 2018 shall be implemented in full as stated unless otherwise approved in writing by the local planning authority. The biodiversity enhancements shall be maintained thereafter as approved unless

otherwise agreed in writing by the Local 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.

INFORMATIVES:

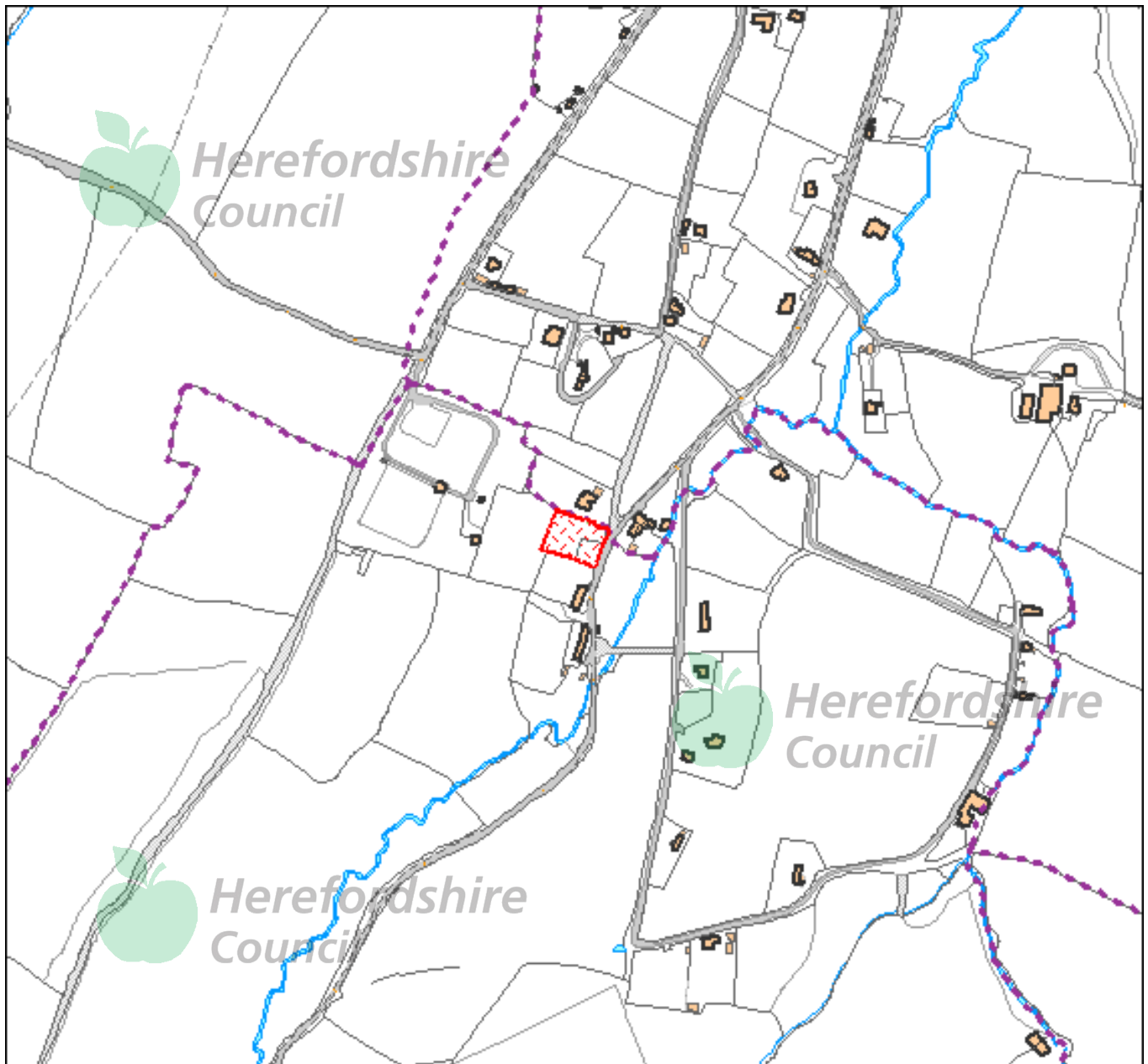
1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. HN01 Mud on highway
3. HN04 Private apparatus within highway
4. HN05 Works within the highway
5. HN10 No drainage to discharge to highway
6. HN24 Drainage other than via highway system
7. N11C General

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 181347

SITE ADDRESS : TWYFORD BROOK BARN, TWYFORD COMMON ROAD, TWYFORD, HEREFORDSHIRE, HR2 8AD

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