

# Agenda

## Planning and regulatory committee

Date: **Wednesday 10 April 2019**

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Time: **10.00 am**

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

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

For any further information please contact:

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

# **Agenda for the meeting of the Planning 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.	<p><b>APOLOGIES FOR ABSENCE</b></p> <p>To receive apologies for absence.</p>	
2.	<p><b>NAMED SUBSTITUTES (IF ANY)</b></p> <p>To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.</p>	
3.	<p><b>DECLARATIONS OF INTEREST</b></p> <p>To receive 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.</p>	
4.	<p><b>MINUTES</b></p> <p>To approve and sign the minutes of the meeting held on 13 March 2019.</p>	11 - 22
5.	<p><b>CHAIRPERSON'S ANNOUNCEMENTS</b></p> <p>To receive any announcements from the Chairperson.</p>	
6.	<p><b>184506 - LAND WEST OF GARBROOK, LITTLE TARRINGTON, HEREFORD.</b></p> <p>Proposed development of ten dwellings including 2 affordable homes and 2 self build plots and associated access road, footpath link, sustainable drainage, hedgerow, tree and orchard planting.</p>	23 - 66
7.	<p><b>190280 - MARLBROOK PRIMARY SCHOOL, GREEN CROFT, HEREFORD, HEREFORDSHIRE, HR2 7NT</b></p> <p>Proposed extension to existing primary school with associated external works including new car park and highway improvement works.</p>	67 - 86
8.	<p><b>182617 - LAND ADJACENT TO CAWDOR GARDENS, ROSS ON WYE, HEREFORDSHIRE.</b></p> <p>Proposed residential development of 32 dwellings of which 13 will be affordable homes, ecological corridor, separate public open space and provision of access enhancements together with partial (almost total) demolition of former railway bridge.</p>	87 - 128
9.	<p><b>183951 - LAND TO THE WEST OF ST MARYS CHURCH, BROAD OAK, HEREFORDSHIRE</b></p> <p>Proposed erection of two detached dwellings and new vehicular access.</p>	129 - 144



## **The Public's Rights to Information and Attendance at Meetings**

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- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- 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.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- 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.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
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- The Shire Hall is a few minutes walking distance from both bus stations located in the town centre of Hereford.

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Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.

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 13 March 2019 at 10.00 am**

**Present:** Councillor PGH Cutter (chairperson)  
Councillor J Hardwick (vice-chairperson)

**Councillors:** PA Andrews, BA Baker, CR Butler, PJ Edwards, DW Greenow, KS Guthrie, EL Holton, FM Norman, AJW Powers, NE Shaw and SD Williams

**In attendance:** Councillor D Summers

**124. APOLOGIES FOR ABSENCE**

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

**125. NAMED SUBSTITUTES**

Councillor PA Andrews substituted for Councillor TM James.

**126. DECLARATIONS OF INTEREST**

None.

**127. MINUTES**

**RESOLVED:** That the minutes of the meeting held on 27 February 2019 be approved as a correct record and signed by the Chairman, subject to typographical corrections and publication with the minutes of the answer to the question raised at that meeting under chairperson's announcements.

**128. CHAIRPERSON'S ANNOUNCEMENTS**

None.

**129. 174681 - LAND SOUTH OF COBHALL COMMON LANE, COBHALL COMMON, HEREFORDSHIRE**

*(Proposed residential development for seven dwellings and accesses.)*

The Principal Planning Officer (PPO) 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 T Cramp, of Allensmore Parish Council spoke in opposition to the Scheme. Mr J Slough, a local resident, spoke in objection. Mrs C Rawlings, 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 stated that he had requested that the Committee consider the matter given the number of objections and strength of local feeling. The officer report was comprehensive. The application and amendments to it had been under discussion since December 2017. The principal objections had been outlined by the Parish Council and the local resident who had spoken to the meeting.

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

- The amount of garden and amenity space proposed was to be welcomed. The design was good. The development was of low density.
- Paragraph 6.46 of the report stated that the application complied with policy.
- With regard to drainage concerns a comment was made that there was no indication that the application would lead to increased flooding. The advice to the Committee was that drainage work would be accommodated on land within the applicant's ownership.

It was also commented that the responses from the drainage engineer included in the report indicated that there had clearly been concerns about drainage with the proposals at one time having been considered unacceptable. The final response from the drainage engineer recommending approval was dated 3 November 2018. Reference had been made in the meeting to a more recent visit to the site by a drainage engineer and it was asked if there was any further information on this point. The PPO stated that she was aware of that visit, had confirmed its purpose and that the drainage engineer did not intend to make any further representation.

- It was requested that condition 15 be expanded to include a requirement to collect rain water.
- The proposed passing bay would be a benefit. A Member suggested that a second passing bay was required.
- The development was close to the A465.
- The Parish Council did not object to the principle of development on the site, but did object to the scale and density.
- The PPO confirmed that Cobhall Lane should have been described in the report as an unclassified road rather than an unadopted one.
- The social objective set out at paragraph 8 of the National Planning Policy Framework referred to fostering a well-designed and safe built environment with accessible services. Clarification was sought as to what services were accessible from the settlement.

The PPO commented that Cobhall Common was identified in policy RA2 at table 4.15 as a settlement appropriate for sustainable growth. There was good access to the A465 and villages at Allensmore, and Winnal also an RA2 settlement, where there was a public house, garage and shop. There were various bus stops in the area. There were primary schools nearby at Clehonger, and at Kingstone where there was also a secondary school. There was school bus provision.

- It was questioned whether the nearest bus stop on the A465 could be considered safely accessible given the nature of Cobhall Lane and the additional traffic the development would generate.
- It was also questioned whether in the absence of a settlement boundary the development could be considered to adjoin the main settlement.

The local ward member was given the opportunity to close the debate. He commented that there had been drainage issues in the area as a result of existing old drainage systems and this underlay local concerns about the prospect of further development. Cobhall Lane did flood in the winter so there was a question about accessibility of services. He had been advised that the question over ownership of the land where the drainage would cross Cobhall Common was a civil matter. The Parish Council was drafting a Neighbourhood Development Plan (NDP) but it currently had no weight. The indication was that the application site might not be allocated for development and that the Parish Council had identified other sites that it considered preferable. The housing mix was welcome. Part of the consultation on the NDP had identified a need for smaller properties. The development contained a good allocation of garden and amenity land.

The Development Manager commented that there was some subjectivity around the scale of the development, although there was not necessarily an objection to some development in principle. There was also some subjectivity as to the relationship of the site to the built up part of Cobhall Common. In relation to an expansion of condition 15 to refer specifically to rain water collection he suggested that an informative might be preferable. However, specific wording could be included if the committee so wished, although there was a potential implication in that if the condition were made specific and the applicant could demonstrate that the site could be properly drained without rain water collection this would result in a condition that could not be adhered to.

The Committee's view was that the condition should be made specific as a sustainable measure and such conditions had been used previously.

Councillor Greenow proposed and Councillor Edwards seconded a motion that the application be approved in accordance with the printed recommendation with an additional condition as set out in the update sheet and an amendment to condition 15 to refer to rain water collection. The motion was carried with 11 votes in favour, none against and 2 abstentions.

**RESOLVED: That planning permission be granted subject to the conditions below 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. **B01 - Development in accordance with the approved plans**
3. **C01 - Samples of external materials**
4. **G11 – Landscape Implementation**
5. **H06 – Vehicular Access Construction**
6. **H13 – Access, turning area and parking**
7. **H27 – Parking site operatives and Construction Environmental Management Plan**
8. **I16 – Hours of working during construction**
9. **H09- Driveway Gradient**
10. **HO3 – Visibility splays**
11. **The development hereby permitted shall not be occupied until the proposed passing place has been constructed and made available for use, in accordance with technical specification and details (including evidence of an agreement under the Section 278 of the Highways Act 1980 S278**

agreement) to be submitted to and approved in writing by the Local planning Authority.

Reason: To ensure the safe and free flow of traffic on the highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy Plan and the National Planning Policy Framework.

12. G02 – Retention of trees and hedgerows

13. Nature Conservation – Ecology Protection and Mitigation and Biodiversity Enhancements:

The ecological protection, mitigation and working methods scheme as recommended in the Ecological Report by Star Ecology dated July 2017 and biodiversity enhancements on plan LB001 dated September 2017 shall be implemented in full as stated unless otherwise approved 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. All foul water from the dwellings approved under this Decision Notice shall discharge into individual package treatment plants as outlined in the drainage strategy and drawings submitted to the Council on the 8th November 2018 by Paul Sloan from Tumu Consulting unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Habitat Regulations (2017), National Planning Policy Framework, NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2 and SD4 and the National Planning Policy Framework.

15. Surface water will be managed through an appropriate Sustainable Drainage System (SuDS) and soakaway system within the development site on land under the applicant's control. The surface water management system shall include the collection of rain water from roofs and shall be implemented and hereafter maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Habitat Regulations (2017), National Planning Policy Framework, NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2 and SD3.

16. No development shall commence until a drainage construction and management plan, including management responsibilities and maintenance schedules for both foul and surface water arrangements have been submitted and approved in writing by the local planning authority. The management plan will set out the responsibilities for the various elements of the drainage systems. The plan shall be implemented as approved.

Reason: In order to ensure effective drainage facilities are provided in accordance with the requirements of Policy SD3 and SD4 of the Herefordshire Local Plan – Core Strategy 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. 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. **HN19 Disabled needs**
3. **HN28 Highways Design Guide and Specification**
4. **HN01 Mud on highway**
5. **HN04 Private apparatus within the highway**
6. **HN05 Works within the highway**

### 130. **182822 - COURT COTTAGE, GARWAY, HEREFORDSHIRE, HR2 8RQ**

*(Erection of 2 dwellings and associated garaging and revised vehicular access for planning approval 180075/F.)*

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.

It was noted that, as reported in the update, Garway Parish Council had confirmed that they no longer objected to the proposal.

In accordance with the criteria for public speaking, Mrs J Joseph, the applicant's agent, spoke in support of the application.

The local ward member, Councillor DG Harlow, was unable to attend the meeting. The Chairperson read out a statement he had submitted.

The statement contained the following principal comments:

- The only way for rural villages such as Garway to survive was to allow some development. Garway was identified as a settlement in the Core strategy. It had a popular primary school, a public house and a garage. In many ways it was an excellent place for development.
- His principal concern related to the type of house being proposed. Garway needed affordable homes, for young families looking for their first property. Whilst the application was for two semi-detached properties they were unlikely to be "affordable". The five dwellings adjoining were larger and better described as 'executive'.
- The proposed development was outside the settlement boundary in the emerging Neighbourhood Development Plan. The site was on the very edge of what might be considered Garway village.
- In relation to landscaping he requested that conditions be applied to safeguard the stunning views particularly from the adjacent public right of way.

- If the application had been for affordable houses he would not have requested that it be considered by the Committee. He was concerned the proposal would encourage an increasingly aged population to move to the county's rural villages. That demographic was unlikely to support the local services that it was hoped to retain.

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

- It was asked whether a footpath proposed on the site could be designated as a public right of way as recommended by the Ramblers Association at the end of their representations set out at paragraph 5.2 of the report.

The Development Manager commented that a public right of way existed and was not materially affected by the development. However, whilst a condition would not be appropriate, the proposal in paragraph 5.2 could be explored with the applicant.

- It was asked whether a mature sycamore tree referenced in the Conservation Manager (Arboriculturist's) comments at paragraph 4.5 of the report could be protected with a tree preservation order. Clarification was also sought on the future management of that area.

The Development Manager commented that granting planning permission would ensure some protection for the tree. The possibility of a tree preservation order could be explored.

- The proposal adjoined a previously approved scheme for five dwellings.
- It was unfortunate that the developments did not include affordable housing as some of the representations requested.
- The report stated that limited weight could be given to the Neighbourhood Development Plan. The site was outside the settlement boundary and it was asked why the application site did not therefore fall to be considered against policy RA3 rather than RA2.
- It was also asked whether a local housing needs survey had been undertaken and what that indicated.

The Development Manager commented that it was recommended that greater, significant, weight should be given to policy RA2 rather than to the NDP and the settlement boundary contained within it which attracted limited weight.

In terms of housing need, in the absence of an NDP regard had to be had to the Ross on Wye Housing Market Assessment. That had identified an overriding requirement for 3 bedroom dwellings.

Councillor Edwards proposed and Councillor Holton seconded a motion that the application be approved in accordance with the printed recommendation. The motion was carried with 11 votes in favour, 1 against and 1 abstention.

**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. **C01 Time limit for commencement (full permission)**
2. **C07 Development in accordance with approved plans and materials**
3. **C13 Samples of external materials**
4. **C96 Landscaping scheme**



5. **C97 Landscaping scheme implementation**
6. **C90 Protection of trees/hedgerows that are to be retained**
7. **CCK Slab level details**
8. **CC2 External lighting**
9. **CBO Scheme for surface water disposal**
10. **All foul water shall discharge through connection to new private foul water treatment system with final outfall to suitable soakaway drainage fields on land under the applicant's control; and all surface water shall discharge to appropriate SuDS or Soakaway features.**

**Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), NPPF (2018) and Herefordshire Council Core Strategy (2015) policies LD2, SD3 and SD4.**

11. **CE6 Efficient use of water**
12. **C65 Removal of permitted development rights**
13. **CAB Visibility splays**
14. **CAH Driveway gradient**
15. **CAP Junction improvement/off site works**
16. **CAJ Parking - estate development (more than one house)**
17. **CAK Parking and turning**
18. **CAS Road completion in 2 years**
19. **CAT Wheel washing**
20. **CAZ Parking for site operatives**
21. **The ecological protection, mitigation, compensation and working methods scheme including the Habitat Enhancement Strategy and Management Plan, as recommended in the reports by Janet Lomas dated November 2017 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 LPA.**

**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. I11 Mud on highway**
- 3. I09 Private apparatus within highway**
- 4. I45 Works within the highway**
- 5. I05 No drainage to discharge to highway**
- 6. I43 Protection of visibility splays on private land**
- 7. I47 Drainage other than highway system**
- 8. I35 Highways design guide and specification**
- 9. I18 Rights of way**

### **131. DATE OF NEXT MEETING**

The Committee noted the date of the next meeting.

### **Appendix - Schedule of Updates**

The meeting ended at 11.35 am

**Chairperson**

# **PLANNING COMMITTEE**

**Date: 13 March 2019**

## **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

**174681 - PROPOSED RESIDENTIAL DEVELOPMENT FOR SEVEN DWELLINGS AND ACCESSES. AT LAND SOUTH OF COBHALL COMMON LANE, COBHALL COMMON, HEREFORDSHIRE,**

**For: Mr Lawrence per Mrs Claire Rawlings, 10 The Maltings, Dormington, Hereford, Herefordshire HR1 4FA**

### ADDITIONAL REPRESENTATIONS

A further letter of representation has been received from the Owner of *Armstrong House* which is located opposite the application site and adjoins the agricultural land on the opposite site of Cobhall Lane where the drainage will be directed to.

The representation concerns that of land ownership.

No plan or map has been submitted with the representation to identify the land referred to, only a copy of a hand written letter dated the 12-9-1950 from an *A.W.Laurence*.

The applicant claims that the land known as the 'Cattle track/road' was sold to the man who built his house by the applicant's father (*A.W.Laurence*) in 1950. It is stated that the proposed route of the drainage system runs under Cobhall Lane and crosses his property in order to reach the field, for which his permission has not been sought.

The representation states that on the basis that the drainage system can't be delivered within the applicants land, it is flawed as the occupiers of the proposed dwellings 'will not be capable of rectifying the problems which will result in their effluent ending up in the road and in neighbour's gardens.'

### OFFICER COMMENTS

The plan below shows the drainage scheme overlaid on top of a plan which identifies the extent of the highway (coloured blue). The application site is outlined in red, with the applicants land edged blue. It appears from all the evidence which we have in front of us that the drainage scheme, as designed and set out on the submitted drawing, is within land owned by the applicant.

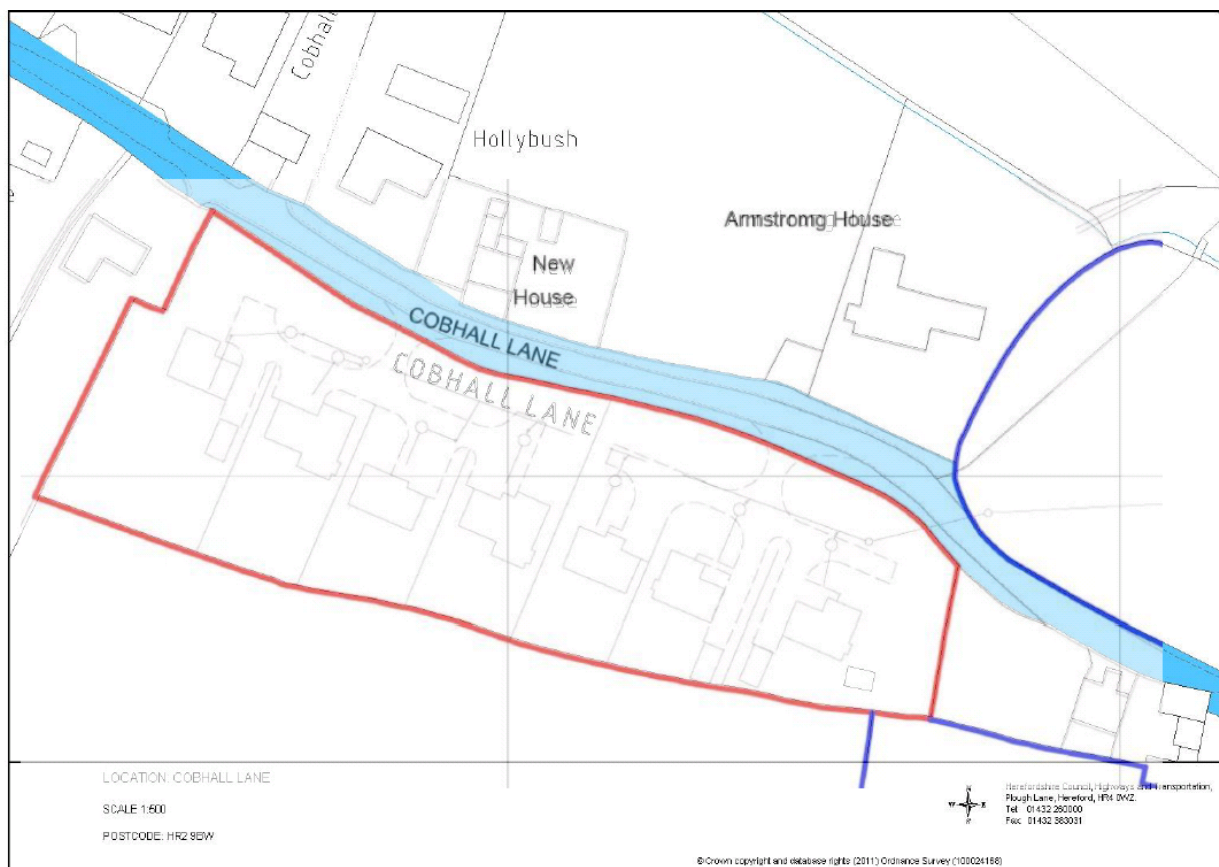
If further incontrovertible evidence were to be presented in due course contesting this conclusion, then this would be a civil matter. For the purpose of determining this application, however, it is the officer advice to Members that they may do so safely on the evidence that has been presented hitherto. All parties are aware of the application and therefore no prejudice arising.

The Council's Land Drainage Consultant, although initially seeking further clarification and raising initial concerns, is now satisfied that sufficient information has been submitted to demonstrate that the drainage scheme can be delivered as laid out on the submitted plans and has raised no further objection.

In a recent appeal decision at Land East of Newcastle Farm in Orcop Hill (Ref: APP/W1850/W/18/3207671) the Inspector identifies that Paragraph 183 of the Framework states that 'the focus of planning policies and decisions should be on whether proposed

development is an acceptable use of land, rather than the control of processes or emissions’.

In the case of this application the proposal is to install individual package treatment plants which are the preferred option of the treatment of foul drainage when a connection to the mains isn’t possible. It is an offence under the 1936 Public Health Act to allow a package treatment plant to cause pollution to the environment and it would be in the occupiers own interest to maintain the system. From all the evidence which has been submitted, Officers are of the opinion that providing the system is installed and maintained correctly then it would not result in a failure or subsequent impact on the surrounding area.



To ensure on-going maintenance and as a precautionary measure, an additional condition is recommended below which relates to a drainage management plan which will not only protect the living conditions of the occupiers of nearby properties but ensure effective drainage facilities are provided.

## CHANGE TO RECOMMENDATION

The following additional condition is recommended:

16. No development shall commence until a drainage construction and management plan, including management responsibilities and maintenance schedules for both foul and surface water arrangements have been submitted and approved in writing by the local planning authority. The management plan will set out the responsibilities for the various elements of the drainage systems. The plan shall be implemented as approved.

Reason: In order to ensure effective drainage facilities are provided in accordance with the requirements of Policy SD3 and SD4 of the Herefordshire Local Plan – Core Strategy Plan and the National Planning Policy Framework.

**182822 - ERECTION OF 2 DWELLINGS AND ASSOCIATED GARAGING AND REVISED VEHICULAR ACCESS FOR PLANNING APPROVAL 180075/F AT COURT COTTAGE, GARWAY, HEREFORDSHIRE, HR2 8RQ**

**For: Mr Frances per Ms Julie Joseph, Trecorras Farm, Llangarron, Ross On Wye, HR9 6PG**

**ADDITIONAL REPRESENTATIONS**

Garway Parish Council confirmed by email dated 12 March 2019 that they no longer objected to the proposal.

The Council's Neighbourhood Planning Manager provides the additional comments on the proposal:

- a) The Garway Neighbourhood Plan (NDP) has reached draft plan stage under Regulation 14. The consultation was undertaken on 23 January to 6 March 2019
- b) At this stage Herefordshire Council has not had sight of the representations received during the draft plan consultation undertaken by the parish council. Therefore the decision makers are unable to evaluate the extent of any unresolved objections
- c) The Strategic Planning team, as part of the Regulation 14 consultation have confirmed that the plan as currently drafted is in general conformity with the adopted Herefordshire Core Strategy and the National Planning Policy Framework.

At this stage, with regards to paragraph 48 of the NPPF, only limited weight can be attributed to the Garway Neighbourhood Plan.

**OFFICER COMMENTS**

The NDP was afforded limited weight through the assessment contained within the officer report and therefore there is no change the recommendation.

**NO CHANGE TO RECOMMENDATION**

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>10 APRIL 2019</b>
<b>TITLE OF REPORT:</b>	<p><b>184506 - PROPOSED DEVELOPMENT OF TEN DWELLINGS INCLUDING 2 AFFORDABLE HOMES AND 2 SELF BUILD PLOTS AND ASSOCIATED ACCESS ROAD, FOOTPATH LINK, SUSTAINABLE DRAINAGE, HEDGEROW, TREE AND ORCHARD PLANTING AT LAND WEST OF GARBROOK, LITTLE TARRINGTON, HEREFORD.</b></p> <p><b>For: Mr &amp; Mrs Stock per Mr Russell Pryce, Unit 5, Westwood Industrial Estate, Ewyas Harold, Hereford, Herefordshire HR2 0EL</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=184506&amp;search=184506">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=184506&amp;search=184506</a>
<b>Reason Application submitted to Committee – Redirection</b>	

**Date Received: 10 December 2018      Ward: Backbury      Grid Ref: 362470,240868**

**Expiry Date: 17 April 2019**

Local Member: Councillor J Hardwick

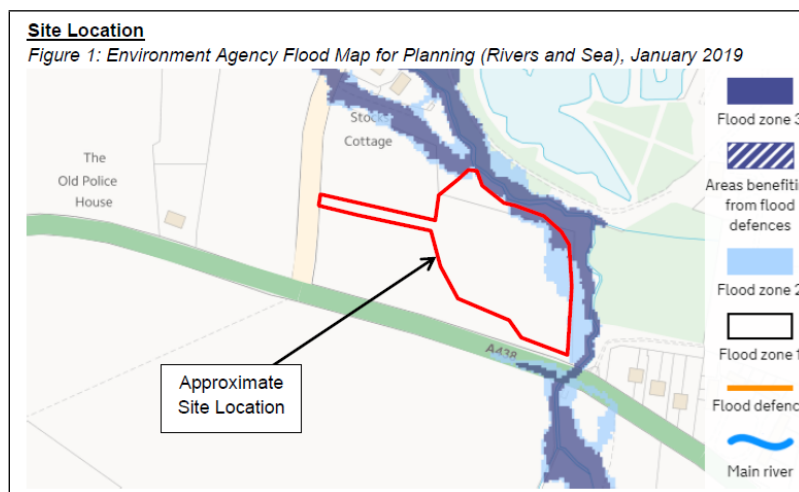
## **1. Site Description and Proposal**

- 1.1 The 1.17 hectare site lies immediately north of the A438 and to the east of Little Tarrington Common Road (unclassified road) and beyond and adjacent to a site granted planning permission for 15 dwellings and 2 live/work units (reference 171777/F, decision dated 3.7.2018). Together the approved site for residential development and the application site consist of a single parcel of improved pasture. The roadside boundaries to the A438 and Little Tarrington Common Road are defined by low hedgerows, whereas mature woodland and tree cover along the Gar Brook course is a strong visual feature of the northern and eastern boundaries.
- 1.2 To the east of the site, beyond the Gar Brook lies 'Garbrook Estate', which consists of two storey semi-detached, hipped roofed properties facing towards the 'A' road nearest to the application site and further to the east comprising terraced single and two storey dwellings set back from the road and aligned around service road and modest green area. There are two bungalows to the north-west of the site (Millbrook and Stocks Cottage). The mainline railway between Ledbury and Hereford passes within 200m of the site's northern boundary. Little Tarrington is essentially linear in form and made up of a series of mostly detached dwellings beyond the railway line. The Millpond Caravan Park, with its caravan and camping pitches and associated fishing facilities and seasonal shop, lies immediately north and north-east of the site on the opposite side of the brook.

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Further information on the subject of this report is available from Mrs Charlotte Atkins on 01432 260536

- 1.3 Tarrington village, where the church, village hall and public house are situated, lies approximately 300 metres to the west of the site. There is a footway running immediately adjacent to the northern edge of the A438 carriageway between the application site and Tarrington.
- 1.4 The site comprises the eastern part of the field and as outlined in red includes the approved access to serve the extant permission for development of the western portion of the site. The site area is irregular in shape, but is broadly rectangular. Levels fall from the roadside, within the site towards the northern boundaries by approximately 1 metre (AOD 70.50 – 69.50 and remain relatively level from east to west. The site is not subject to any national or local landscape or ecological designations. It is primarily located in the low risk Flood Zone 1, but with part of the north and northeastern section falling within Flood Zones 2 and marginally in Flood Zone 3, associated with the brook. There are no designated or non-designated heritage assets on or adjoining the site.



- 1.5 Outline planning permission is sought for ten dwellings, which would include two affordable units and two self-build plots, along with associated access, footpath links, sustainable drainage and planting. Initially submitted with access and layout to be considered at this outline stage, this has subsequently been amended to include access only. The amended layout plan is for illustrative purposes only. The proposal is described as 'phase 2' and as per the applicants' submission would be developed in conjunction with the extant permission – phase 1 (reference: 171777/F). The amended plans also include the highway improvements approved for the extant permission (detailed in paragraph 1.7 of this report). Matters of layout, scale, appearance and landscaping are therefore reserved for future consideration.
- 1.6 The extant permission comprises 15 dwellings and 2 live/work units in the western portion of the field, but as originally submitted the application site encompassed the entire field and 25 units were proposed (21 dwellings and 4 live/work units). The respective site layout plans were included in the Committee Report for that application (171777/F) and are provided below for clarity, along with the amended 'illustrative' layout for this proposal for 10 dwellings.





171777/F – originally proposed (superseded) layout  
(25 units – 21 dwellings & 4 live/work units)

171777/F – approved amended layout  
(17 units – 15 dwellings & 2 live/work units)



184506/0 - Amended 'illustrative' layout proposed (10 dwellings)

- 1.7 As per the approved scheme a new vehicular access is proposed off the unclassified Little Tarrington Common Road, some 65 metres from its junction with the 'A road, which would be widened up to the new access into the site to accommodate two clear lanes and a new footpath link on the eastern side. The proposed estate road would be aligned west-east and would pass through 'phase 1' to serve the proposed development. The new access would therefore serve a total of 27 dwellings (of which 2 are live/work units). A new footpath is also proposed broadly parallel with the A438, to the north of the roadside hedgerow and footway, to provide an off-road route through to the bus-stops that lie adjacent the Garbrook Estate. The illustrative layout plan also includes a pedestrian link from the service road at the south eastern corner of the site to connect to the footway.

1.8 The housing mix proposed would comprise:

Market housing = 2 x 3 bed units and 4 x 4+ bed units

Affordable Home ownership = 2 x 2 bed units

Self builds = 2 x 3 bed units

Total = 2 x 2 bed units, 4 x 3 bed units and 4 x 4= bed units

1.9 The Planning, Design and Access Statement explains that the concept of the layout and distribution of the housing is modelled on housing typically found on common land. This is expounded with reference to a proposed informal track with dwellings sited, orientated and designed to reflect a piecemeal and ad hoc pattern of development. Whilst only indicative, the submitted elevations are stated to demonstrate an adoption of rural vernacular principles and it is advised that a palette of materials would complement those approved for 'phase 1'. It continues that the scheme would be set in a strong landscape framework evolved from the approved site to the west. Although landscaping and layout are both reserved matters the application states that extensive new native tree planting alongside the stream, heritage orchards, hedgerow planting and informal grassed common land are to be provided.

1.10 It is explained in the Planning, Design and Access Statement that the site was promoted for development through the draft Tarrington Neighbourhood Development Plan 'call for sites' consultation (January 2018 – after the Planning and Regulatory Committee resolution to grant permission subject to the applicant entering into a s106 and imposition of conditions for 171777/F in November 2017). Specific reference is made to policies in the draft Tarrington Neighbourhood Development Plan (dTNDP), which it states is viewable on the Parish Council's website, including one titled 'land at Stocks Field' for 'around ten dwellings' (an allocation) and inclusion of the site in the Little Tarrington settlement boundary. The Planning, Design and Access Statement acknowledges that the draft TNDP would be subject to two further stages of consultation, but states that it is a well considered document that would provide for sustainable growth.

1.11 In terms of drainage, foul water would connect to the mains, whilst surface water would discharge to an enlarged attenuation basin to the northwest of the site, shared with Phase 1, with a regulated discharge to the Gar Brook.

1.12 The application was supported by an Ecological Assessment Report (amended), Planning, Design and Access Statement, Flood Risk Assessment and Drainage Strategy (amended), draft Heads of Terms, Landscape and Visual Appraisal and supplementary information in respect of the residential/dwelling units.

## 2. Policies

2.1 The Herefordshire Local Plan Core Strategy (CS) 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](https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy)

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Ensuring Sufficient Housing Land Delivery
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
SS7	-	Addressing Climate Change
RA1	-	Rural Housing Distribution
RA2	-	Housing in Settlements Outside Hereford and the Market Towns
RA3	-	Herefordshire's Countryside
H1	-	Affordable Housing – Thresholds and Targets

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Further information on the subject of this report is available from Mrs Charlotte Atkins on 01432 260536

H3	-	Ensuring an Appropriate Range and Mix of Housing
OS1	-	Requirement for Open Space, Sports and Recreation Facilities
OS2	-	Meeting Open Space, Sports and Recreation Needs
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Wastewater Treatment and River Water Quality
ID1	-	Infrastructure Delivery

## 2.2 National Planning Policy Framework (NPPF) 2019

Section 1 - Introduction

Section 2 - Achieving Sustainable Development

Section 4 – Decision-Making

Section 5 - Delivering a sufficient supply of homes

Section 8 - Promoting healthy and safe communities

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

## 2.3 National Planning Policy Guidance

## 2.4 Tarrington Neighbourhood Development Plan

A Neighbourhood Development Plan Area was designated on 7th January 2014. The designation follows the Parish boundary. A draft Plan has not yet been received for Regulation 14 consultation.

## 3. Planning History

3.1 171777/F - Proposed mixed use development comprising 15 dwellings including 5 affordable, 2 live work units and associated roads and footpaths, junction improvements, sustainable drainage, informal public open space, hedgerow and tree planting – approved (with conditions and subject to a s106 agreement) 3.7.2018.

Land north of School Lane, Tarrington

3.2 Reference is made to this site in the context that work commissioned as evidence base for the draft TNDP (with the objective of identifying potential housing sites), identified this land as suitable for development.

171165/O – Site for the erection of up to 15 dwellings with all matters bar access reserved - Refused 30th June 2017

181943 – Outline planning application for up to 9 dwellings. All matters reserved apart from access – underdetermined.

## 4. Consultation Summary

The scheme has been amended and the representations received in relation to both are reported below.

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Further information on the subject of this report is available from Mrs Charlotte Atkins on 01432 260536

## Statutory Consultations

### 4.1 Environment Agency

We have no objection to the proposed development, as submitted, and would recommend the following comments and conditions be applied to any permission granted. For information we previously provided comment on the first phase of the development, to the west of the site (your ref: P171777/F).

**Flood Risk:** As stated on the previous application, the majority of this site is shown to lie within Flood Zone 1 (low probability of fluvial flooding with less than 1 in 1000 annual probability of flooding) on our Flood Map for Planning as defined in National Planning Policy. However, some areas of the site adjacent to the Gar Brook, designated as an ordinary watercourse, fall within Flood Zones 2 and 3 (Medium and High Probability respectively).

**Flood Risk Assessment (FRA):** Hydraulic modelling has been undertaken by Hydro-Logic in support of the proposed development. On the previous application we had outlined our concerns regarding blockage scenarios along with local concerns in relation to historic flooding event in 2007 which indicated flooding was more in line with our Flood Map for Planning.

As requested by the Environment Agency at that time (appendix I – June 2017) Hydro-Logic services have undertaken additional modelling of the Gar Brook and the FRA now includes additional blockage scenarios of 50% and 80% on the downstream culvert in both the 100yr plus 35% and 70% events which accounts for climate change in line with current Environment Agency guidance.

The blockage scenarios do show an increase in flooding to an area downstream of this site including locations identified in historic photographs. However, modelling confirms that flooding is not expected to occur on site in these situations which is acceptable. We are satisfied that the modelling shows the development falls outside the 1 in 1000 year outline i.e. Flood zone 1 and that the site is developable.

Section 4.2.2 of the updated FRA also confirms that finished floor levels will be set no lower than 70.19mAOD which meets the criteria for being a minimum of 600mm above the adjacent 100 year plus climate change (35%) modelled level. Again, given we support the updated modelling, we would have no objections to these levels.

In addition to the above, the FRA also offers further detail (section 3.6.1 on Historic Flooding) in response to the issues raised by concerned residents as part of the Neighbourhood Development Plan/this planning application which we also feel is beneficial.

Whilst there have been improvements to the culvert upstream of the site on the A438, as highlighted in section 3.6.1 and confirmed by Herefordshire Council, we would still expect the flood alleviation channel outlined in section 4.2 of the FRA to form part of the developments proposals.

**Condition:** Finished floor levels shall be set no lower than 70.19mAOD (600mm above the 100 year plus 35% climate change flood level) as highlighted in Section 4.2.2 of Hydro-logic Services' FRA (dated Dec 2018 Ref:K0790 rep 2 rev 4) unless otherwise agreed in writing by the LPA.

**Reason:** To protect the proposed dwellings from flood risk for the lifetime of the development.

Condition: Prior to the first occupation of the development, the flood alleviation channel outlined in section 4.2 of Hydro-Logic Services' FRA (dated Dec 2018 Ref:K0790 rep 2 rev 4) must be in place and operational unless otherwise agreed in writing by the LPA.

Reason: To reduce flood risk to the development

Note: Figure 2-5 of the submitted FRA indicates that the 'left bank' of the Gar Brook, on the development side, is supported by a gabion basket structure. There may be benefit in replacing this with a more sustainable and natural revetment solution such as rock armour. However it is noted that the Gar Brook is designated as Ordinary Watercourse and, as such, falls under the remit of Herefordshire Council as the Lead Local Flood Authority (LLFA). We would therefore recommend you seek the views of your internal drainage colleagues on this element of the development along with other matters within their remit i.e. management of surface water.

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

Pollution Prevention: Developers should incorporate pollution prevention measures to protect ground and surface water. We have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice which include Pollution Prevention Guidance Notes (PPG's) targeted at specific activities. Pollution prevention guidance can be viewed at: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>

#### 4.1.2 **Environment Agency– additional comment**

Condition to be amended to read:

Condition: Finished floor levels for the buildings hereby approved shall be either 600mm above the 1:100 year plus 35% climate change flood level at the nearest model node elevation or 300mm above existing ground levels, whichever is the higher.

Reason: To protect the development from flooding including the impacts of climate change so as to comply with the requirements of Policy SD3 of the Herefordshire Local Plan – Core Strategy.

#### 4.2 **Welsh Water**

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 and note the intention is to drain foul water to the mains sewer and utilise SUDS to dispose for surface water. We have no objections to the drainage principles, 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 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.

## Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

### 4.3 Natural England

#### SUMMARY OF NATURAL ENGLAND'S ADVICE

##### NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites or landscapes. Natural England's advice on other natural environment issues is set out below.

##### Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the [data.gov.uk](http://data.gov.uk) website.

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

##### Internal Council Consultations

### 4.4 Transportation Manager

Having reviewed the information provided the local highway authority has no objection to the proposals.

Whilst it is recognised that it is outside of the red line it would be beneficial for a footway spur to be included at the location shown by the red dotted line below.



The internal layout should be designed in accordance with Herefordshire Council's Highway Design Guide for New Developments. Given the number of dwellings it would be desirable for the highway to be adopted.

Informatives: I35

#### 4.4.1 Transportation Manager – amended plans

The local highway authority (LHA) consider the access proposals acceptable for the proposed additional development, therefore the LHA has no objection to the proposed scheme.

#### 4.5 Waste Management

Approve with conditions

Each property will be provided, as standard, with 1 x 180 litre black general rubbish bin and 1 x 240 litre green recycling bin. The area is accessed currently by an 18 tonne refuse collection vehicle (RCV). In order for the RCV to travel the road in the development it would need to be constructed to adoptable standard.

The maximum distance between the collection point of the bins and where the vehicle can safely access is 25 metres. Collection points (an area of hardstanding where bins can be placed on collection day) need to be provided for any properties located over 25metres from where the vehicle can access e.g. plots located along shared private drives. All collection points must be within 25 metres of where the RCV can access, in accordance with 'Guidance Notes for storage and collection of domestic refuse and recycling'

[http://www.herefordshire.gov.uk/downloads/file/2883/guidance\\_notes\\_for\\_storage\\_and\\_collection\\_of\\_domestic\\_refuse\\_and\\_recycling](http://www.herefordshire.gov.uk/downloads/file/2883/guidance_notes_for_storage_and_collection_of_domestic_refuse_and_recycling)

Collection points needed (e.g. an area of hard standing where the residents can place bins on collection day) for all plots located over a 25 metre distance from where the RCV can safely access.

#### 4.6 Service Manager Built and Natural Environment (Landscape)

Further information required

Designations/Constraints

- Bridge Coppice (Ancient and semi-natural woodland), adjacent east boundary.
- Priority Habitat Inventory (Deciduous woodland), adjacent north-east boundary.
- PROW TR6 at corner of A438 and U66205

Relevant Policy

NPPF

- Chapter 12 127 and 130
- Chapter 15 170a and b

Core Strategy

- LD1, LD2, LD3 and SS6

Landscape

Setting:

Read with figure 1:

- The site is located on the margin between a woodland and open field.
- Hedgerows surrounding the site to the south and west.
- The topography of the site and surrounding area is relatively flat.

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Further information on the subject of this report is available from Mrs Charlotte Atkins on 01432 260536

#### Landscape Character Type:

- Herefordshire Landscape Character Assessment (updated 2009) identifies this landscape as Principal Settled Farmland, with key characteristics:
  - Agricultural landscape with dispersed scattered farms and hamlets, relic commons and a network of small winding lanes and a matrix of hedged fields.
  - Tree cover is largely hedgerow trees, groups of trees around dwellings and trees along stream sides.
  - Domestic character in terms of the scale of the field pattern and nature and density of settlements.



Figure 1: Recent aerial photograph of the site and context

#### Historic References:

- Observing historic map data, circa 1843-1893 (Figure 2), with a recent aerial photograph (Figure 1), shows:
  - Field patterns structure is reasonably consistent, however the open field of the site was original divided into two smaller fields (presumably hedgerows).
  - Occurrence of a number dwellings and settlements has been the most significant change.
  - The planting of pines in the middle of the field appear at odds to the original open field layout.



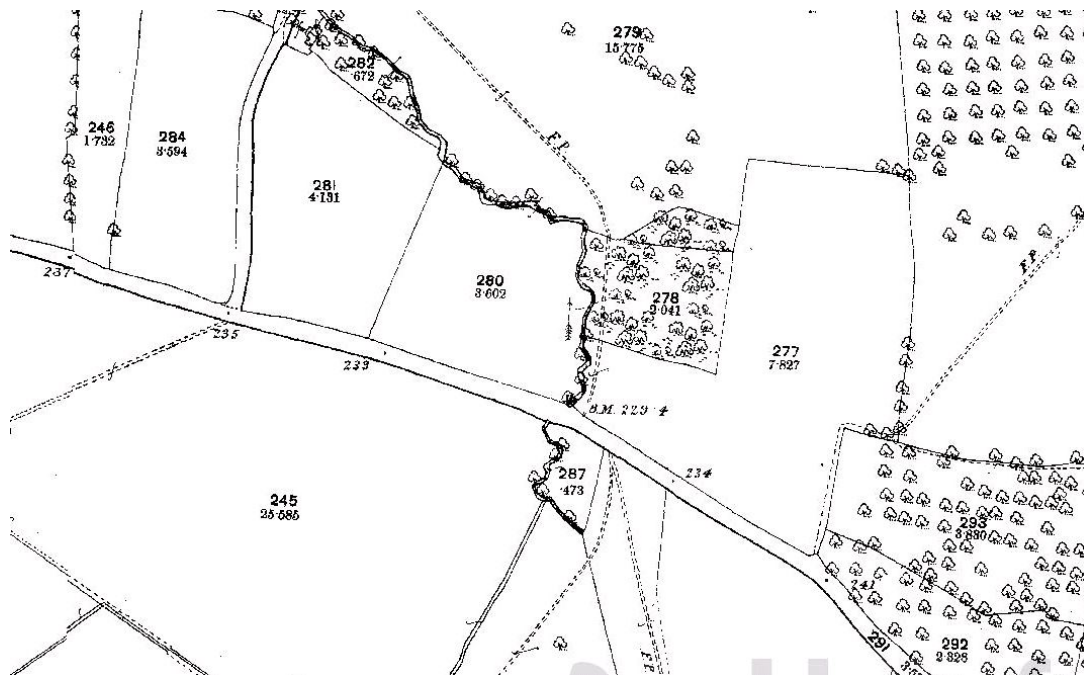


Figure 2: Historic map, circa 1843-1893

Impacts:

- Dwellings clearly visible from corner of A438 and U66205 (link to PROW TR6).
- Change to landscape character.
- Potential impact on tree roots along woodland edge
- Light pollution.

## Summary & Recommendations:

### Access

Increased vehicle load and its potential impacts will require input from the transport consultant. In term of landscape and its relationship with the road, the site is relatively flat, so there would be only minor earthworks and there is no impact on existing trees.

### Layout

Refer to figure 3 with mark-ups:

- Isolated dwelling seems at odds to the rest of the development. Relocate to form a consistent settlement pattern.
- Affordable dwellings are in close proximity to A438. Draw these dwellings further into site to assist in mitigating noise and pollution pressure from the busy A438 road.
- Make enhancement to the existing woodland character, instead of the proposed orchard plantation.
- Reinforce hedgerow landscape character (typically straight and geometric) in stronger manner than proposed (i.e. wiggly wavy approach).

### Overall:

- Layout/ orientation of dwellings should be considered in reference to the ordered orientation (farmstead group of building character) of the previously approved scheme (171777). Such as variety of building heights and maintain similar façade treatments.



Figure 3: Recommendations

#### 4.6.1 Service Manager Built and Natural Environment (Landscape) – amended details

I have seen the amended drawing: Amended Proposed Site Plan, dated 4.3.19, ref: LT-PA-2697P2-03a

The layout of the dwellings sits well with the 'common' approach (allowing all dwellings to have an interaction with a central landscape).

From a landscape perspective, this scheme offers the opportunity to create a unique setting. The 'common' if fringed with specimen trees (i.e. oaks); mixed with informal treed clusters and amenity (such as seating and informal play), would provide a leisure and recreation amenity not only for the development, but also for the wider community.

The proposal aims to grow native species that is a positive direction for future detailed applications.

For the river margin and damp areas, consider specifying Black Poplar (*Populus nigra*), that according to the Forestry Commission is the most endangered native timber tree in Britain. This would add a positive contribution to the Herefordshire landscape. (Note, use local provenance specimens and contact the Herefordshire Wildlife Trust or local tree warden for guidance).

#### 4.7 Service Manager Built and Natural Environment (Ecology)

It is noted that both the Original May 2017 ecology report submitted against adjacent application 171777 and the 'revised' ecology report dated December 2018 are basically identical and both use the same wording for the majority of the report including Para 5.2 relating to the summary of proposed ecological enhancement proposals – somewhat of a conflict?

This application is an erosion of the Habitats that were utilised as Biodiversity Nett Gain/Mitigation in the previous adjacent application 171777 as quoted in the ecology report paragraph 5.2 – 5.2.2 (May 2017)– so to ensure this current application offers appropriate Biodiversity mitigation, compensation and nett gain for both developments all remaining greenspace as proposed on plans now submitted should be legally recorded as protected semi-natural and natural open space with an appropriate restoration, creation and ongoing management plan developed such as to secure this site from any further development of any kind. This plan should include 'full details of the proposed 'fixed' habitat enhancements such as bird boxes, bat roosting features, bee boxes and hedgehog homes as proposed in the Ecology Report – as this ecology report has already been 'used' in application 171777 the count of these features starts again from ZERO as relates to this new application and the same proportion and number of enhancements are still expected in this development.

To ensure no further erosion of habitats and local biodiversity value through development of this whole site this legally binding allocation of land should be proposed and approved at this outline stage and legally secured as part of any planning consent given such as to comply with NPPF, NERC Act, Core Strategy LD1-3.

Subject to this being secured the following comments apply

##### Nature Conservation – Ecology Protection

The ecological protection and working methods scheme as recommended in the ecology report by Ecology Services dated May 2017 shall be implemented in full as stated unless otherwise approved in writing by the local planning authority.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 2017 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework (2018), NERC Act 2006

#### 4.8 Service Manager Built and Natural Environment (Archaeology)

The proposed development site is significantly separated and distinct from the historic core of Tarrington. Accordingly, the impact of the development on the designated heritage assets within the village (e.g. the church etc.) would be minimal.

There is also no reason to believe that other features of interest would be harmfully affected, or that there is likely to be any below – ground interest of substance here.

Therefore, I have no objections, and no further comment to make.

#### 4.9 Service Manager Built and Natural Environment (Historic Building)

Recommendations:

No objections on grounds of built heritage. The proposals would not harm the setting of nearby Heritage Assets and as such accord with policy LD4 of the adopted Hereford Core Strategy.

Background to Recommendations:

600m to the SW of the site lies the Church of St Phillip & St James, listed at grade 2\* ref 1302745. This building has strong communal significance stemming from its continued strong links with the community over several centuries, the building has clear architectural significance and the tower is something which acts as a marker on for the village whilst approaching from the E & W, Historically the building dates from the C12 with a multi-layered bibliography of the place recorded in the stonework and fittings of the building highlighting the impact of most centuries since.

There are several other listed buildings within Tarrington and in the environs of the site. It is felt that the nature and siting of these buildings means that their setting would not be affected by the proposals.

The setting of a heritage asset is defined within the NPPF 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.”*. Historic England’s GPA guide 2 on the setting of heritage assets outlines that in decision making those aspects of the setting of an asset which contribute to its significance (importance and meaning) should be taken into account. As such it is not just the experience of the asset which is considered but more so those aspects of the setting which contribute to its significance.

The tower of the building is viewed from several points in the surrounding rural landscape, something which signals the location of the village and relates to the architectural and communal value of the building. This is an aspect of the setting of the building which contributes to its significance. It is not felt that the proposed development would dilute the agrarian nature of the wider setting to such a degree that this element of significance would be harmed.

The Churchyard and immediate setting of the building is surprisingly enclosed with narrow glimpses of the surrounding countryside through vegetation and gaps between housing. It is possible, with effort, to understand the wider agricultural context of the church within the landscape, however it is not felt that there is a strong link between this experience and the understanding of the significance of the building.

## 4.10 Land Drainage

Our knowledge of the development proposals has been obtained from the following sources:

- Application for Planning Permission;
- Location Plan (Ref: LT-PA-2697P2-01);
- Flood Risk Assessment (Ref: K0790 Rep. 2(Rev. 4));
- Proposed Development, Phase 2 (Ref: LT-PA-2697P2-02);
- Site Layout Plan (Ref: LT-PA-2697P2-04);
- Site Layout Plan (Ref: LT-PA-2697P2-03).

### Site Location

Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), January 2019



### Overview of the Proposal

The proposals are considered as 'phase 2' for this development site. The proposals are for 10 dwellings, 2 affordable homes and 2 self-build plots and associated access road.

The site covers an area of approx. 1.17ha and is currently a Greenfield site. The Gar Brook runs along the eastern boundary of the proposed development site.

### Flood Risk

#### Fluvial Flood Risk

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is predominantly located within the low risk Flood Zone 1. However, the northern and eastern boundaries of the site are shown to be located in the high risk Flood Zones 3 and medium risk Flood Zone 2 associated with the adjacent ordinary watercourse. Flood Zone 1 comprises land assessed as having less than a 1 in 1,000 annual probability of river flooding; Flood Zone 2 comprises land assessed as having between a 1 in 100 and 1 in 1000 annual probability of river flooding; and Flood Zone 3 comprises land assessed as having greater than a 1 in 100 annual probability of river flooding.

The Gar Brook discharges to the River Frome located approximately 1.7km to the north-west of the site. High water levels within the River Frome may cause water in the Gar Brook to back up and lead to localised flooding. The EA's Flood Map for Planning also indicates that the culvert beneath the railway to the north of the site may restrict the flow of flood waters.

Due to the close proximity to Flood Zone 2 and 3, a Flood Risk Assessment (FRA) has been prepared in accordance with the NPPF to support the planning application.

The FRA demonstrates that the site is not at risk of flooding in the 1 in 100 year + 70% climate change and the 1 in 1000 year fluvial events. In addition to this, 50% and 80% blockage scenarios have been modelled which demonstrates that the flows would remain in bank (in the Gar Brook).

Finished floor level of 70.197m AOD is recommended for the site (this is 600mm above the 1 in 100 year + 35% cc event). This was requested by the Environment Agency. This should be approved by the Environment Agency.

It has been recommended in the FRA that a flood alleviation channel is constructed parallel to the A438 to ensure any runoff from the road is directed back into the Gar Brook. This prevents the need for any flow paths on the site.

#### *Surface Water Flood Risk*

Review of the EA's Risk of Flooding from Surface Water map indicates that the site is at low risk of flooding except near the watercourse located to the north and east of the site where the surface water flood risk is high. These risks should be considered within the FRA but it is likely that these will be mitigated through the management of identified fluvial flood risks.

#### *Surface Water Drainage*

The current proposals for surface water runoff have been designed to accommodate phase 1 and 2 of this development site (5500m<sup>2</sup> impermeable area total). This is proposed to be via an attenuation pond (with basal area of 550m<sup>2</sup>, depth of 0.6m and additional 0.3m depth to the emergency overflow weir). This maximum water level for the 1 in 100 year + 40% cc event has been calculated to be 0.589m. The outflow from this attenuation basin will be controlled via a hydrobrake (73mm) to 2l/s for all return periods at 0m invert level.

An 'ornamental pond' is proposed upstream of the attenuation basin (the ornamental pond is to be located to the southwest of the attenuation basin). This will only serve phase 1. It has been assumed that the ornamental pond will be full at the start of a rainstorm. Phase 2 is proposed to be collected via a piped network and discharge directly into the attenuation basin.

It has been stated that 'the responsibility of managing and maintaining the SuDS features on site would either be with a management company or if adopted, with Herefordshire Council'. This must be clarified.

#### *Foul Water Drainage*

The Applicant is proposing a connection onto the mains public sewer.

There is a foul public sewer (rising main) adjacent to the site. It has been stated that Welsh Water were approached during pre-application discussions. Welsh Water have not objected to the disposal of foul water into the mains sewer in principle. It is assumed that the connection will be onto a gravity fed section of the mains sewer.

#### *Overall Comment*

In principle we do not object to the proposals, however we recommend that the following information provided within suitably worded planning conditions:

Clarification in regards to the proposals for responsibility and maintenance of the surface water drainage system.

It should be noted that do not object to the drainage layout proposals for phase 2 only.

#### 4.10.1 Land Drainage – additional comments

In 2018, gabion baskets were installed (on the Gar Brook as mentioned) to prevent the erosion of the watercourse. The Applicant obtained Ordinary Watercourse Flood Defence Consent (reference 18-05) for these works from Herefordshire Council. We considered all options and regarded gabion baskets as a sustainable solution, thus the condition as suggested by the EA below, does not need to be added.

4.11 Public Rights of Way Officer  
No objection.

4.12 Open Space Planning Officer  
No objection

Open Space requirements:

Core Strategy OS1 (Requirement for open space, sport and recreation facilities) and OS2 (Meeting open space and recreation needs)

In accordance with policy requirements open space is sought from all new residential development and considered on a site by site basis. On site provision is proposed and given the location and size of development only informal POS and informal play would be required. Planning policy does not necessitate any public open space to be provided within a development of 10 or less but when considered alongside the development approved under planning application 171777/F for 15 houses which this site lies adjacent to, this proposal for an additional 10 houses would bring the total to 25.

#### On-Site Provision

Although two individual stand-alone developments, the two developments have been designed as one to reflect the traditional agricultural landscape, common land and settlement patterns in the area. The design layout of the housing of the approved scheme is that of a traditional farmstead around a courtyard open space and the design of this development reflects a more dispersed arrangement along a lane across common land. Both schemes are set within a connected landscape framework which includes well connected opens spaces of orchards, woodland planting and SuDs basins to be used for informal recreation. This proposal includes an area of public open space of approximately 4200sq m centrally located to be used as informal recreation and kick about which if approved will be potentially used by the residents of both schemes. This provision is way in excess of policy standards for an additional 10 houses on this site.

In accordance with policy standard requirements policy requirements for an additional 10 houses at an occupancy rate of 2.3 (23) would require the following as a minimum.

- POS: 0.009ha (90sq m) @0.4ha per 1000 population
  - Informal Children's Play 0.013ha (130sq m) @ 0.55ha per 1000 population of informal play space
- Total 0.022ha (220sq m)

SUDS The SuDs area if managed to take account of standing water and health and safety issues can provide both opportunities for natural play and informal recreation along with valuable areas of biodiversity and wildlife habitats. The Council's SuDS Handbook provides advice and guidance on the inclusion of SuDs on new development. The applicant should seek further advice from the Council at the earliest opportunity.

Maintenance: It is noted that the open space is to be adopted and maintained by a management company.

#### 4.13 Strategic Housing

I refer to the above planning application and can confirm that the applicant is providing a mix of tenures and unit sizes that will meet the need of the area.

With regards to the low cost market units I would look for a discount value of 40% to be secure through S106 with local connection to Tarrington in the first instance.

#### 4.14 Environmental Health Manager (noise)

My comments are with regard to potential noise and nuisance issues that might arise from development. In the light of the amended outline application which removes layout and supplies only an indicative layout I have reviewed my earlier comments and comment as follows:

Elements of the proposed development in this outline planning application could to some extent be impacted by road traffic noise from the A438. I am of the opinion, however, that these could be overcome if the acoustic environment is taken into account in the design and layout of the site.

I therefore do not object to this proposal in principle but do recommend a condition:

The reserved matters application, submitted pursuant to Condition 1 shall be accompanied by a noise risk assessment and where necessary an Acoustic Design Statement for the proposed dwellings in accordance with Stage 1 and Stage 2 of the ProPG\* guidance. The objective is to ensure that the layout and design of the site takes into account the acoustic environment of the site and the maximum internal and external desirable noise levels according to BS8233 are achieved wherever possible. Proposed noise attenuation measures are to be described in full.

- ProPG: Planning and Noise\* Professional Practice Guidance on Planning & Noise New Residential Development Published by the Association of Noise Consultants, the Institute of Acoustics and the Chartered Institute of Environmental Health

Reason: To ensure that the potential noise impacts of the SRN on the residents of the proposed development are sufficiently mitigated having regard to the requirements of policy SD1 of the Herefordshire Local Plan – Core Strategy.

## 5. Representations

The submission has been amended and the representations received in relation to both are reported below.

### 5.1 Tarrington Parish Council

The Parish Council OBJECT to this planning application. They wish for the main housing growth to be in the core of Tarrington village, and believe that to develop this site further would be over development and detrimental to the landscape and also lead to future ribbon development along the A438.

### 5.2 Tarrington Parish Council - amended plans

At an Extraordinary Meeting of Tarrington Parish Council on Tuesday 19th March, members considered the revised planning application P184506/O and resolved to reiterate their previous OBJECTION because, in line with policies in the emerging Neighbourhood Plan for Tarrington, the parish council supports main housing growth in the core of Tarrington village and believes that to develop this site further would be over development and detrimental to the landscape as well as leading to future ribbon development along the A438.



- 5.3 31 representations were received in response to the original submission. Of these 8 were objections, 21 supported the proposal and 2 raised general comments. In summary these raised the following points:

#### Objection

##### Principle

- Conflicts with CS policies – not within or adjacent to a settlement boundary
- This phase plus the approved would equal 27 houses – more than the original scheme submitted under reference 171777/F (which was for 21)
- More suitable areas are available in Tarrington itself
- Committee Report for 171777/F (paras 6.27-6.32) states that the reduced scheme mitigates, to a certain extent, the recognised visual and environmental impact on the open countryside by reserving an area of open space (some 700m<sup>2</sup>) and landscaping to the eastern portion of the site – now to be sacrificed?
- Committee Report for 171777/F states development was only acceptable due to reduced size and scope.
- For this application to be supported the extant permission would need to be re-examined.
- Much of the support for this application is from those live closer to the site subject to an application for housing in School Road
- Currently no NDP, planning consultant has submitted various drafts, where this site has ranged from unsuitable to ‘around 6’.
- No weight can be given to the draft NDP at this time
- Parish Council has asked the planning consultant to remove this site from the settlement boundary to reflect their objection to it and documented preferences for the village
- Pin map exercises, open days and questionnaires have resulted in more support for School Road site (181943/O) than the application site
- Situation has been clouded by several revisions by Herefordshire Council to its CS
- Would not address Tarrington’s housing requirements in any way

##### Flood risk/drainage

- Land floods – partly in flood Zones 2 and 3
- Gar brook flooded the A438, Stocks Field and Little Tarrington Common Road in 2007 – not due to block culverts, but volume of water
- Event is more likely to be a 1 in 20 year occurrence than 1 in 100 year as stated in reports
- Local evidence of flooding
- Taking climate change into account do not believe flooding in the future can be ruled out
- Ongoing pollution issue in Gar brook (unresolved with the EA and WW since 2015) – grey, foul smelling waste entering the water course just below the main road culvert

##### Traffic

- Increased traffic - further 60 cars (not mentioned in reports) on lane and using junction with A road – these are unsuitable for such an increase
- Resulting health and safety and congestion
- Conflict with caravan park traffic – particularly in the summer months
- No proposal to reduce the speed limit along the frontage (30 or 40 mph)
- No nearby amenities so residents would drive everywhere
- Footpath to the village is narrow and dangerous – surprised approval was given for 171777/F on this point – implore Committee to look at this significant constraint themselves
- Parish Council commissioned TRO report has not recommended a reduction in the speed limit along the site’s frontage – adding to dangers

## Amenity

- Local services would be put under pressure
- Harmful to relationship between Tarrington and Little Tarrington
- Harm to fishing lake and caravan business, due to proximity of housing and during construction (due to dust, noise etc.)
- Loss of view to Seager Hill from caravan site, with unspoilt countryside views replaced by a building site and then a housing estate
- If occupancy of caravan site reduces there may be redundancies
- Disturbance to use of fishing lake and wildlife (including wild ducks, water fowl and golden plover)
- Site should remain as open countryside for benefit of wildlife and residents
- The combined phases of development would result in ribbon development, unsuitable for this village and open countryside
- An overall site for 27 dwellings is too large a scale of housing development for its location
- 171777/F was partly passed because of the landscaping that now is proposed to be built on
- Adverse visual impact on this traditional hay meadow
- Harmful to nearby ancient and designated woodland
- Devastating affect on local landscape
- Views from the curtilage of the churchyard (a scheduled ancient monument) will be damaged
- Spoils views of the countryside (from caravan park)
- Light pollution – contrary to dark skies initiatives
- Peoples' exposure to pollution should be reduced, so to allow dwellings in such proximity to the road may be judged harshly in the future

## Support

### Principle:

- Well thought out, low density, sustainable scheme
- Improvement on superseded original plans for 171777/F
- Complements approved scheme, creating a cohesive mixed housing design, sensitive to its location
- Site is next to one supported by Parish Council
- Residents have been consulted, kept informed of plans and issues raised have been responded to (unlike application at School Road)
- Would benefit many – welcome housing stock for village, includes 2 affordable units (requested by residents on the original NDP questionnaire, but not actually required under CS policy for this number of dwellings) and 2 self builds, which is a community benefit not addressed on other sites
- Other sites could not bring forward affordable units, due to their size
- Would house increased population for County and Parish, needed to support public services and local facilities
- In conformity with the draft NDP (September 2018) produced by the Parish Council's planning consultant – yet to be tested by formal consultation, but reflects consensus of opinion
- Conforms with draft NDP (September 2018) policy TAR9
- Accords with the CS
- Provides the remaining housing quota to meet growth needed
- Accords with the original draft NDP (not the adopted Parish Council version) and should satisfy government requirements for housing growth
- In the interests of local democracy and common sense this application should be supported

#### Amenity

- Development of the site helps the village to retain some element of its rural character and protect heritage assets
- Helps to unite Little Tarrington/Garbrook and Tarrington and improves perceived relationship within the parish
- No adverse heritage, landscape or access impacts (unlike application at School Road)
- Reserved matters scheme should match the random nature of many buildings in the Parish
- Green and informal open space retained for recreation
- Ecology greatly enhanced and safeguarded
- Well designed landscaping measures – native trees, hedgerows, orchard planting and sustainable drainage
- Planting can filter views from the caravan site
- Construction noise will be no louder than the trains that pass all day

#### Traffic/connectivity

- Safe access proposed
- Widening of Tarrington Common Road is of benefit to those using the caravan park as they have to use pull ins for passing
- Any new housing in Tarrington will result in extra traffic on the A438, so no reason to refuse
- Good accessibility from the main road to the village and to bus stop (Ledbury to Hereford – 1 hourly service) for pedestrians
- Distance to bus stop is shorter than from School Road to the bus stop outside the public house (and is safer because there are footpaths)
- Would not result in excess traffic through the village and alongside pub and spoil natural beauty and rural lanes, compared to other applications for Tarrington
- Consideration should be given to improving the footpath from the site to Tarrington and extending the speed restriction along the A438 to Garbrook
- Parish Council has approved plans for reduction in speed limit between Tarrington and Garbrook

#### Flood Risk/drainage

- Flood analysis is impressive – help to remove worries based on historical experiences
- Meets drainage requirements of EA and WW
- All recommendations for drainage, flood protection etc. should be accorded with – site would be a perfect addition to the village

#### Other

- Question need for housing, against locals wishes and without sufficient jobs etc.

#### General Comments

- Level access storage large enough for one bike per bed space should be provided per unit
- A power point should be included to enable charging of electric cycles and mobility scooters to reduce car dependency
- Affordable units indicated do not include cycle storage facilities contrary to policy
- Parish Council ‘closed down’ the NDP Steering Group and took it over themselves – since then community involvement has not been possible, except statements by the public at the commencement of PC meetings
- When there was a full steering group all meetings relating to the NDP were held in public and had participation.
- Many of the objections raised were covered by the applicants’ agent’s responses at the Parish Council meeting

5.4 Following receipt of amended plans (and deletion of 'layout' as a matter for consideration at this stage) 16 representations were received, 1 objection and 15 in support. In summary these raise the following points:

#### Objection

- Approved scheme (171777/F) was only successful after being reduced in scale – as per Committee Report
- Grant of this scheme would be in breach of conditions for the extant permission
- Phase 2 development has been objected to by the Parish Council, who represent the views of the vast majority of the village – notice will be sent by the Parish Council clerk
- Tarrington NDP (demonstrated to be a community led project) and the Planning Consultant's reports do not support or mention the site
- The draft NDP is shortly to reach Regulation 14 stage – delay is only due to the Hereford elections
- Site at School Road (181943/O) is preferred
- Site is not within or adjacent to a settlement, so breaches CS policy
- Should be refused due to proximity to flood zones 2 and 3
- Adverse impact of light pollution
- Existing footway along the A438 remains dangerous and narrow
- Harmful impact on natural habitat of the ancient woodland
- Adverse affect on views from the SAM (stone cross in the churchyard) and the church (Grade II\* listed)
- Harmful to relationship between Tarrington and Little Tarrington, through ribbon development, which the draft NDP opposes
- Affect on traffic flow on A438, putting pressure on Hereford business's needing to move goods in and out of the county

#### Support

- Scheme provides 2 more affordable (site as whole provides for 7) – compelling reason in support of this scheme
- Fulfils/makes significant contribution to the parish's quota for new housing
- Good mix of housing – will bring young families to Tarrington
- Right site in terms of access, sustainability, landscape, heritage and drainage
- Logical development with the previous approval for the site
- Application was made in full knowledge of and in open consultation with local residents every step of the way – this approach is appreciated by the community
- Takes account of community needs and benefits it as a whole
- Would be an asset
- Excellent and well thought out - designed to blend into the area in terms of design and landscape
- Central open green area is a good idea
- Supported by the Parish Councillor representing Garbrook
- Creates a community at Garbrook
- Re-iterate previous support
- Opportunity to extend 30mph speed limit and upgrade the footpath to the village
- Improvement to the A438 junction benefits the Mill Pond business
- Great to see Environment Agency and land drainage comments
- Accords with the September 2018 draft NDP
- Support site - How else can people of Tarrington get through to our Parish, who ignore us and push for a site that keeps being refused permission – one was under the impression that the Parish Council was here for the people of the Parish
- Application is supported by environment agency, land drainage, landscape, waste management, no objection from open space planning officer, transportation and housing and has huge support from Tarrington resident's - huge objection from Parish Council here to work on behalf of residents!
- Widespread support in the village for this application

- 5.5 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=184506&search=184506](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=184506&search=184506)

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). The National Planning Policy Framework (NPPF) is also a significant material consideration. The site falls within the Tarrington Neighbourhood Area (designated on 20.11.2013) and the neighbourhood plan is at drafting stage. It is noted that the Tarrington Parish Council website includes a consultation draft TNDP (February 2019), which excludes the site from the 'Little Tarrington' settlement boundary and neither includes a specific policy relating to its residential development or allocates it for such. However, the Plan is at drafting stage and has not been submitted to the Local Planning Authority for Regulation 14 consultation. The weight to be afforded to 'emerging' plans is set out in paragraph 48 of the NPPF and this states as follows:

*Local planning authorities may give weight to relevant policies in emerging plans according to:*

- a) *the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
  - b) *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
  - c) *the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)*
- 6.3 Taking the criteria set out in paragraph 48 of the NPPF in turn:
- a) the Tarrington NDP is at drafting stage and has not been submitted to the Local Planning Authority for Regulation 14 consultation.
  - b) at this stage the Council has not had sight of any representations received during the draft plan consultation undertaken by the Parish Council and no consultation beyond this (i.e. regulation 14 stage) has been undertaken. Therefore the decision makers are unable to evaluate the extent of any unsolved objections.
  - c) the Strategic Planning team have not yet reviewed the draft plan and so it has not been established if it is in general conformity with the adopted Herefordshire Core Strategy and the National Planning Policy Framework.

In conclusion, taking criteria a)-c) of paragraph 48 of the NPPF into account, it is considered that at this pre- Regulation 14 stage no weight can be attributed to the draft Tarrington NDP.

- 6.4 In the current context of a housing land supply shortfall (published position of 4.55 years – April 2018), the lack of 5-year supply renders the policies which are most important for determining the application ‘out of date’ (as per NPPF para 11d footnote 7). Although the most important policies for determining the application are to be considered to be ‘out of date’, this does not mean that no weight can be afforded to them. As established in caselaw (Richborough Estates – Court of Appeal decision), the matter of weight is for the decision-maker to determine having regard to all material considerations. In practice it means that proposals for new housing must be considered in the context of the positive presumption in favour of sustainable development and the ‘titled’ planning balance, as set out in paragraph 11dii) of the NPPF, unless policies in the NPPF that protect areas or assets of particular importance provide clear reasons for refusing the development (para 11di)). This ‘titled’ planning balance requires granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 6.5 The CS underpins the importance of maintaining a supply of housing land with Policy SS1 echoing the positive presumption, SS2 setting out the spatial strategy insofar as housing delivery is concerned and SS3 setting out the measures that might be promoted where housing completions are below the required level.
- 6.6 With regards housing delivery in the rural areas outside of Hereford and the market towns, the CS promotes sustainable growth through policy RA2. This states that to maintain and strengthen locally sustainable communities sustainable housing growth will be supported in or adjacent to the settlements identified at figures 4.14 and 4.15. Tarrington is listed in figure 4.14, as one of the settlements in the Hereford Housing Market Area (HMA), that will be the main focus of proportionate housing development and Little Tarrington is included in figure 4.15 – Other settlements where proportionate housing is appropriate. The indicative minimum target for growth in the Hereford HMA is 18%. Flexibility is given to those parishes with more than one RA2 settlement within their parish to distribute the growth between those settlements within their neighbourhood development plan (NDP). CS Policy RA1 states that the indicative housing growth targets in each of the rural HMAs will be used as a basis for the production of NDPs, with local evidence and environmental factors determining the appropriate scale of development. CS policy RA2 sets out detailed criteria against which housing proposals will be considered. In the first instance, the site should be within or adjacent to the settlement. Until settlement boundaries are defined, either in a Neighbourhood Development Plan or the Rural Areas Sites Allocation DPD, any application is to be considered against its relationship to the main built up form of the settlement (policy RA2 post text, para 4.8.23).
- 6.7 The site subject to this application is clearly not within Tarrington, which lies to the west and is focussed round the A438 and the unclassified road to the east of the public house and the church accessed off it. Whilst predominantly ribbon development continues along the A438 in an easterly direction towards the application site it stops well short of it, with the last property in the village, known as ‘Myrtles’, some 400 metres distant from the site with intervening fields and the lane to Little Tarrington. The only dwelling presently between ‘Myrtles’ and the application site is the detached ‘Old Police House’. Considering the site’s relationship to the main built up form of Little Tarrington, it is considered that this lies to the north of the site and comprises development that fronts onto the Little Tarrington Common Road, as well as the large farmstead at Little Tarrington Farm. The application site is physically disconnected from this by the railway line and is visually distinct from it. The nearest existing built form lies to the east and comprises 21 dwellings at ‘Garbrook’, but this is not a listed settlement in figures 4.14 or 4.15 of the CS. The approved and extant permission for ‘phase 1’ would comprise a built form that the scheme would be read in conjunction with, indeed this is as it is planned to be. Nevertheless, it is not a main built up form of a listed settlement. On this basis the scheme conflicts with the locational requirement of CS policy RA2. The weight to be afforded to this element of the policy is considered in the succeeding sections of this report.

- 6.8 The numerous local representations to this application acknowledge that the site has fallen both within and outside of the settlement boundary for Little Tarrington, in the pre-regulation 14 drafted TNDPs. Both objectors and supporters of this application use these documents to reinforce their respective stances. However, it is essential in appraising this application, to note that neither of these drafted TNDPs have been submitted to the Local Planning Authority for Regulation 14 consultation. As such, in accordance with paragraph 48 of the NPPF, for the purposes of determining planning applications they carry no material weight at this time.
- 6.9 As noted in the earlier Committee Report for 171777/F (November 2017) one of the factors in determining weight for the 'out of date' Development Plan policies cited in the Richborough decision is the extent to which relevant policies fall short of providing for the five-year supply of housing land. In order to address this point it is necessary to review the approach to housing delivery set out in the CS. SS2 sets out the hierarchical approach in terms of the settlements identified for housing growth. Hereford is expected to accommodate 6,500 dwellings (minimum), the market towns 4,700 and the rural areas 5,300. Development in the rural areas is directed to the settlements defined at figures 4.14 and 4.15 of the CS (the main villages and smaller settlements, with Tarrington in the former category and Little Tarrington in the latter). It is also clear that the expectation is that each parish will be expected to accommodate their minimum growth requirement and NDPs have been and are being progressed county-wide on this basis.
- 6.10 In the case of Tarrington Parish, as already noted, there is no made or draft NDP at a sufficiently advanced stage where weight can be given to it for determining planning applications. From the representations received it is apparent that there is disagreement on where housing growth should be allocated in the Parish. This demonstrates a lack of clarity as to how the existing residual minimum requirement (16 dwellings as at April 2018) will be met and thus how even the minimum proportionate growth for housing land supply at the parish level will be addressed. As set out at paragraph 3.2 of this report, the only large-scale sites for residential development to have come forward as formal applications in the parish during the plan period are the adjacent site for 15 dwellings and 2 live/work units (171777/F) which was approved and two applications at a site to the north of School Road, Tarrington, the first of which for 15 dwellings was refused (171195/O) and the subsequent submission (181943/O) reduced to 'up to 9 dwellings' remains underdetermined whilst the applicant reviews the proposed density and pedestrian connectivity.
- 6.11 Accordingly, it is considered that at the parish level there is uncertainty as to how the indicative minimum growth target will be met. In these circumstances it is considered that CS policies RA1, RA2 and RA3 attract limited weight. Insofar as RA2 is concerned, this view relates specifically to the locational requirement that development be located within or adjoining the main built up area, but does not relate to the qualitative requirement at criteria 3) which requires development to be high quality and sustainable, appropriate to their context and capable of making a positive contribution to the surrounding environment and the landscape setting. Criteria 3) thus continues to attract full weight as it is consistent with CS policies that continue to attract full weight and the objectives of NPPF design policies.
- 6.12 It is considered that CS Policies LD1, LD2, LD3, LD4, MT1, SD1-4 all attract full weight, because in NPPF paragraph 11 d (footnote 7) terms they are not policies '*which are most important for determining the application*', as the proposal relates to principle and access, and also as these policies are in compliance with the objectives of the NPPF. It is clear, however, that in the final balancing exercise, decision-makers must have the context afforded by footnote 7 of NPPF (paragraph 11d) in mind.

#### Main issues

- 6.13 This is an application in outline form, unlike the extant permission (171777/F), which was a full application. It therefore only seeks to establish the principle of residential development for ten dwellings and the access thereto. Access, as set out in the NPPG, means - *the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment*

*of access and circulation routes and how these fit into the surrounding access network.* 'Layout', is now a reserved matter, to enable a degree of flexibility to ensure the Environmental Health Manager's comments can be addressed. However, the amended plan, which is 'illustrative' provides an example of how the intended development around 'common' land could be achieved. Layout means - *the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.* With this in mind, the application is to be considered against its compliance with policy in respect of the principle and access.

6.14 Having regard to the development plan and material considerations, including those raised in the consultation responses received, it is considered that the key issues to be taken into account in determining the acceptability of the application in respect of the principle and access are as follows:-

- Its effect on the character and appearance of the surrounding area;
- Its effect on the hydrological conditions of the local area with particular regard to flood risk;
- Its effect on the safe operation of the highway network and accessibility to sustainable modes of transport;
- The impact on heritage assets
- The amenity of existing and future residents

#### Impact on the character and appearance of the area

6.15 The site lies adjacent to one with an extant full permission for 15 dwellings and 2 live/work units (171777/F). This application refers to that development as being Phase 1 and the current application, being considered for determination now, is Phase 2. The assessment of the landscape and visual amenity impact in the Committee Report of Phase 1 concluded that there would be a degree of harm due to the development of a greenfield site. It concluded that this would be moderated to a degree by the amended scheme and landscaping proposals, which demonstrated that the character of the landscape had positively influenced the design, scale and nature of the development, if not the site selection itself. This harm was then factored into the planning balance, in the overall conclusion of the report.

6.16 This proposal is for development of part of the land left undeveloped in the extant permission, and moreover on which the originally submitted and then superseded plans had proposed residential development of (as per the extract plans copied at paragraph 1.6 of this report). Nevertheless, this application differs to that superseded original scheme, which was not determined, and adopts an alternative approach to the layout, albeit one which is now for 'illustrative' purposes only.

6.17 CS Policy SS6 is a strategic policy which states that development proposals should conserve and enhance those environmental assets that contribute towards the County's distinctiveness, and makes specific reference to settlement pattern and landscape. CS Policy SD1 requires development proposals to make efficient use of land - taking into account the local context and site characteristics; to make a positive contribution to the character of the area; and to ensure that distinctive features of existing buildings and their setting are safeguarded and where appropriate, restored. CS Policy RA2, which operates as the principal policy against which rural housing proposals within or adjoining main villages will be assessed, requires that development proposals should be "*high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting.*" This requirement of CS policy RA2 is underpinned by policy LD1, which requires that development proposals demonstrate that features such as scale and site selection have been positively influenced by the character of the landscape and townscape, and that regard has also been had to the protection and enhancement of the setting of settlements. Development proposals should also conserve and enhance the natural, historic and scenic beauty of



important landscapes and features, including locally designated parks and gardens; and should incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings. In addition, proposals should maintain and extend tree cover where important to amenity, through the retention of important trees, appropriate replacement of trees lost through development, and new planting to support green infrastructure. Green infrastructure is also covered by Policy LD3, which requires development proposals to protect, manage and plan for the preservation of existing and delivery of new green infrastructure; and to protect valued landscapes, trees and hedgerows. Proposals will be supported where the provision of green infrastructure enhances the network and integrates with, and connects to the surrounding green infrastructure network.

- 6.18 The NPPF is also relevant and section 15, which deals with conserving and enhancing the natural environment, includes the following requirements, amongst others:

planning policies and decisions should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes
- recognising the intrinsic character and beauty of the countryside
- minimising impacts on and providing net gains for biodiversity

These requirements should be appraised in the context that the site is not formally designated for its scenic quality and is not, in the view of officers, a valued landscape in planning policy terms, although its local value to residents and visitors is understood. It forms part of the local rural landscape and development of this greenfield site will inevitably have a pronounced and irreversible effect on landscape character and views into and across the site.

- 6.19 CS policy RA2 includes listed criteria for the assessment of applications within or adjacent to settlements. Although the site is neither, given the greatly reduced weight that can be given to this element of the policy, and the implications derived from the housing land supply shortfall in the application of the 'tilted' planning balance, it remains relevant to appraise the scheme against these criteria. These are:

*1) that the design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area. In relation to smaller settlements identified in fig. 4.15, proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement and/or they result in development that contributes to or is essential to the social well-being of the settlement concerned.*

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

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

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

*And finally the policy states that 'Specific proposals for the delivery of local need housing will be particularly supported where they meet an identified need and their long-term retention as local needs housing is secured as such.'*

- 6.20 CS Policy LD1, which as above, should attain full weight, upholds the same principles as RA2(1), with the first bullet to LD1 requiring that development proposals demonstrate that character of the landscape has positively influenced the design, scale and site selection, protection and enhancement of the setting of settlements and designated areas.

- 6.21 The applicant's LVIA refers to the previous document submitted with the extant permission. The previous appraisal acknowledged that the development would result in a degree of loss of openness, but considered that it would fit within the existing pattern of the dispersed Tarrington/Little Tarrington/Garbrook and the landscape infrastructure proposed would both help it assimilate into the landscape and benefit the fabric of the local landscape. The degree of harm was considered to be between major-moderate on the landscape of the site itself and negligible on the wider area. The Council's Landscape Officer did not concur with that assessment, with the degree of harm being the matter in dispute. In reaching a conclusion on this matter the report for 171777/F states that although accepting that the approach to landscaping had been carefully considered, it is obvious that relatively large-scale development upon a green field would have landscape effects. Comparing such development to the current appearance of the site, it is not unreasonable to consider these effects to be negative. The report concludes that harm would result, but was moderated to a degree by the amended scheme, which reflected the rural character of the site, attempted to create a 'sense of place' and through the landscaping proposals. These landscape proposals included planting that would be retained in this scheme, but also a significant open space that now would be partly developed under this proposal.
- 6.22 It should be borne in mind that this is an outline application, with the layout now being a reserved matter. Notwithstanding this, the illustrative scheme provides a visual of how the site has the capacity to deliver 10 dwellings. It is considered that this demonstrates that this can be achieved in a manner that reflects its context, including the extant permission to the west which at this juncture provides the immediate setting of the proposed development. The illustrative plan establishes that the site can accommodate the proposed development with the landscape and approved built form positively influencing the nature of such a development and making a positive contribution. The Landscape Officer's comments (at paragraph 4.6.1) endorse this assessment and only make recommendations for the reserved matters scheme rather than objecting to the principle. Natural England also considers that the proposed development would not have a significant adverse impact on statutorily protected sites or landscapes.
- 6.23 The illustrative layout shows that the development of 10 dwellings would not have to be of a typical ribbon development layout. This addresses objectors' concerns in respect of the potential for coalescence between Garbrook and Tarrington, along with the other undeveloped parcels of land between the site and the edge of Tarrington village.
- 6.24 The report for the extant permission (171777/F) clearly identified harm to the landscape, resulting from the development of this greenfield site outside of settlement and not adjacent to a main built up area. The degree of harm was considered to be lessened because it was not in a valued landscape, although this does not diminish its local worth, and mitigated by the carefully designed scheme. These principles equally apply to this application and in addition the context set by the extant permission is a material consideration. It is considered that as for Phase 1, this second phase, whilst recognising that it is in outline form, similarly seeks to sensitively respond to its environment. Whilst as concluded before (report for 171777/F) development of the field would be intrinsically harmful, the illustrative layout shows careful attention to how it would ameliorate this impact to some degree. This should be factored into the weighing up of all material consideration when determining this application. It is therefore considered to be reasonable and necessary in planning terms to ensure that any reserved matters scheme is in substantial accordance with the amended illustrative plan. Similarly matters of scale, appearance and landscaping must also pay at least equal attention to the site's context.
- 6.25 It is recognised that the scheme proposes development on land left undeveloped under Phase 1. That, by itself, does not render this application in conflict with the assessment and grant of permission for phase 1. The assessment of phase 1 noted that '*in amended format the scheme better reflects the rural character of the site*' and '*attempts to create a 'sense of place' by reverting to a farmstead complex arrangement*' (paragraph 6.30 of the Committee Report), but

this does not preclude development. Rather the cumulative impact of the two phases should be assessed in reaching a decision on the acceptability of the scheme proposed. Given that the first phase provides a 'farmstead complex arrangement', the proposed illustrative layout complements this, rather than repeating it as per the originally submitted scheme for phase 1 (171777/F). Although when taken together the two phases would result in two more units than the superseded scheme for phase 1, the combined layout, as demonstrated by the illustrative layout, would not have the same visual impact. Consequently, they are not directly comparable, and the superseded original submission for the extant permission is not a factor to be given significant weight.

- 6.26 Similarly to the extant permission (171777/F) this proposal does not comprise the redevelopment of a brownfield site (or previously developed land). This gives rise to some potential conflict with the principles of CS policy RA2 (2), but no evidence has been put forward that there are available brownfield sites within the Parish.
- 6.27 Turning to criteria 4 of the CS policy RA2, which generate the size, type, tenure and range of housing to reflect local need. The scheme proposes a mix of two, three and four bed units, including two affordable units and the Strategic Housing Officer has confirmed that this meets the needs of the area.
- 6.28 Overall on the first main issue, Officers are of the view that there would be a degree of harm to landscape character and visual amenity, but this could be moderated by a layout scheme broadly in accordance with the amended illustrative plan and appropriate scale, appearance and landscaping proposals at reserved matters stage(s). There is no reason to conclude that this would not be achievable. This assessment must be taken into account in the consideration of benefits and adverse impacts (the 'planning balance') and this is carried out later in this report.

#### Effect on the hydrological conditions of the local area with particular regard to flood risk

- 6.29 The site lies predominantly in Flood Zone 1, the lowest risk of flooding, and where CS policy SD3 and the NPPF steer new development to through a sequential approach. The eastern and northeastern parts of the site fall within the flood zones 2 and 3 associated with the adjacent ordinary water course (Gar Brook), based on the Environment Agency's Flood Map for Planning (Rivers and Sea) January 2019. The application has been accompanied by a site specific Flood Risk Assessment, which includes modelling as requested previously to assess the outcome in hydrological terms if culverts downstream were obstructed. This confirms that even in blockage scenarios flooding of the site is not expected to occur. The amended illustrative layout shows that all 10 dwellings could be sited within flood zone 1.
- 6.30 Surface water run off is proposed to be piped directly to an attenuation pond (enlarged pond compared to Phase 1 permission to accommodate the additional run off for the increased impermeable area), with outflow to be controlled by a hydrobrake. Foul drainage is to the sequentially preferred option of a mains connection and Welsh Water has no objection to this.
- 6.31 Both the Environment Agency and the Council's Land Drainage Officer have raised no objections to the scheme, subject to conditions. The Land Drainage Officer has also confirmed that the gabion baskets referred to by the Environment Agency were installed to prevent the erosion of the watercourse, with Ordinary Watercourse Flood Defence Consent being obtained for these works from the Council. The Environment Agency are satisfied that the site is developable, but set floor level requirements for the dwellings and provision of the flood alleviation channel, both of which are reasonable, necessary and relevant to the development proposed. The Land Drainage Officer seeks clarification, through a condition, for the responsibility and maintenance of the surface water drainage. The concerns of local residents, recalling flooding of the site and nearby area are understood, but on the basis of a detailed FRA, modelled to take account of potential obstructions, with no objections from either the Environment Agency or Land Drainage, there is no technical justification to refuse permission

on flood risk or drainage grounds. The proposal accords with the requirements of CS Policy SD3 and NPPF guidance.

Effect on the safe operation of the highway network and accessibility to sustainable modes of transport

- 6.32 CS Policy MT1 requires that development proposals should incorporate a number of principle requirements covering movement and transportation. These include demonstration that the local highway network can absorb the traffic impacts of 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. The second criterion refers to the promotion of integrated transport connections, including access to services by means other than private motorised transport, whilst the third requires that active travel behaviour is encouraged. The policy rounds off as follows:-

*“Where traffic management measures are introduced they should be designed in a way which respect the character of the surrounding area including its landscape character...”*

- 6.33 The CS policy is consistent with the NPPF, which requires safe and suitable access for all users and the promotion of sustainable transport modes given the type of development and its location (paragraph 108), whilst recognising at paragraph 103 that *‘opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.’*

- 6.34 The Transportation Manager has no objection to the scheme on highway safety or capacity grounds, which is the same conclusion for the extant permission (Phase 1) and has taken that into account in the assessment. An extra 10 dwellings would increase the use of the junction between the A438 and Little Tarrington Common Road, which may in turn result in longer waits to exit this junction, but that would not equate to a severe residual cumulative impact on the network, such that it would warrant refusal as set out in paragraph 109 of the NPPF. Objectors highlight capacity concerns for the A438 and the implications for business users. The Transportation Manager does not concur and it is noted that wherever the proportionate growth for the village is sited the access would ultimately be via the A438, such that this is not an exclusive consideration to this application.

- 6.35 The limited local services and employment opportunities expressed by some objectors as reasons to refuse this application are acknowledged, however Tarrington is identified in the CS as a settlement where the main focus of proportionate housing growth will take place. Supporters of the proposal consider that the regular bus service (hourly) weighs in favour of the scheme, particularly given that pedestrian access to the bus stop at Garbrook is closer than some parts of the main built up area are to the bus stop outside the public house. There is an existing footway on the north side of the A438 linking to both the bus-stop at Garbrook and Tarrington, which is considered suitable for gaining access to the services available in these locations. As for the phase 1 scheme, the proposal also promotes an internal footpath for occupants through the site, which would provide a link between the junction of the A438 and Little Tarrington Common Road and the site’s south-eastern corner near to Garbrook.

- 6.36 The scheme also incorporates a footway on the east side of Little Tarrington Common Road, which would be of benefit to both future occupiers of the proposed dwellings and existing residents and those staying at the caravan and camping site. Phase 1 included the intention to ensure that the footway be widened or overgrowth cleared such that a minimum width of 1800mm is achieved where obstruction in the form of existing boundaries allows. Although the Transportation Manager has not requested such improvements, if provided they would be beneficial to both existing and future residents and can be afforded weight in the determination of this application. As suggested by some objectors there are likely to be some land ownership issues that limit, to some degree, the extent of the improvements, but nonetheless there is some

scope within highway land to achieve an enhancement of the footway. This can be controlled by condition and as part of any section 278 works.

- 6.37 The scheme is clearly capable of providing sufficient off road parking and secure and covered storage for cycles and this can be addressed through the reserved matters application(s) for layout, scale and appearance and conditions attached to an outline planning permission.
- 6.38 To conclude on this issue, it is considered that the proposal would be served by a safe access for all, would not have a harmful impact on the network's capacity and provides proportionate connectivity to the available village amenities and bus service for its rural location. It therefore accords with both CS and NPPF requirements.

#### The impact on heritage assets

- 6.39 There are no heritage assets, designated or non-designated, within or neighbouring the site. Nevertheless, in assessing the impact of development on the setting of heritage assets it is not only those that are adjacent to the site that should be considered. The relationship between a site and the heritage asset(s) should be appraised rather than merely the distance between them. That said in order for harm to setting to be evidenced, it is necessary for more than the development to simply be visible from the asset. The Glossary (Annex 2) of the NPPF confirms that the setting comprises '*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.*'
- 6.40 Some of the objections to the proposal assert the view that it would have a harmful impact on views from designated heritage assets, specifically referencing the Church of St Phillip & St James in Tarrington (Grade II\* listed) and a churchyard cross within the grounds – approximately 10 metres to the southeast of the south porch (Grade II listed and a Scheduled Ancient Monument). There are also two other individually Grade II listed structures (monuments) in the church grounds.
- 6.41 It is a statutory duty under section 66 the Planning (Listed Buildings and Conservation Areas) Act 1990, for the decision maker to 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. In practice this means that when undertaking a planning balance the weight afforded to preserving the building, its setting or features of special architectural or historic interest is greater than that given to the other considerations, because they do not have a similar statutory duty requiring special attention to be given to them. In addition CS policy LD4 requires developments to protect, conserve and where possible enhance heritage assets and their settings in a manner appropriate to their significance. When assessing the impact of a development on the significance of a designated heritage asset the NPPF (paragraph 193) confirms that great weight should be given to the asset's conservation, irrespective of the degree of harm identified. If harm is identified depending on its severity, either substantial/total loss of significance or less than substantial, paragraphs 195 and 196 set out the criteria for assessment.
- 6.42 The church and its grounds lie approximately 600 metres, as the crow flies, to the southwest of the application site. The Conservation Manager (Historic Buildings and Archaeology) has assessed the proposal and concludes that by virtue of the nature and siting of heritage assets their setting would not be affected by the proposals. In policy terminology this means that their setting would be conserved and therefore complies with both the statutory duty and CS policy LD4. In the absence of harm there is no need to weigh this consideration in the planning balance.

### The amenity of existing and future residents

- 6.43 CS policy SD1 requires development to safeguard the residential amenity of existing and proposed residents. The NPPF at paragraphs 117 and 127f) states that developments should promote effective use of land in meeting the need for homes, while ensuring safe and healthy living conditions, create safe, inclusive and accessible places that promote health and well being, with a high standard of amenity for existing and future users.
- 6.44 Firstly, with regards the existing residents, including occupiers of the caravan park, it is considered that due to the distance separation, levels and density proposed that these would be safeguarded. The owners of the Millpond Camping and Caravan Site's comments are noted, however neither a residential development of 10 dwellings, nor the combination of the two schemes resulting in a total of 27 units, introduce an incompatible use in to this location. The caravan and camping site is already bounded to the south by existing dwellings at Garbrook. During periods when trees and hedgerows are in leaf, the presence of the camping and caravan site are barely discernible, such that their amenity would be safeguarded.
- 6.45 Turning to the living conditions of future occupiers of the proposed dwellings, the Environmental Health Manager initially raised concerns regarding the proximity of the two roadside dwellings (annotated as the affordable units) to the highway and the potential for noise disturbance. The amended 'illustrative' layout has re-orientated the units, so that only one would be near to the road and with its side elevation facing towards it. On this basis the Environmental Health Manager considers that a condition would ensure proportionate control over this issue and a noise assessment should inform the layout and appearance of any future reserved matters scheme, hence the removal of the 'layout' from this outline application to enable any requisite amendments to satisfy the conclusion of the noise assessment.
- 6.46 It is considered that the site has capacity to ensure that the living conditions of existing and future occupiers have a high standard of amenity. The inclusion of a large area of open space provides for a safe, inclusive and accessible environment, promoting health and wellbeing. Subject to a reserved matters scheme that ensures privacy between units, the proposal can achieve a quality environment and complies with CS policy SD1 and the NPPF's requirements.

### Other matters

- 6.47 Affordable housing and financial contributions are not required for the proposal as it falls below the threshold for such (11 dwellings or more). Nevertheless, the submission proposes two affordable, low cost market tenure dwellings, both two bedroomed and as per the illustrative layout and these would comprise a pair of semi-detached units towards the southeastern corner of the site. Although not a planning policy requirement the provision of these affordable units weighs in favour of the scheme.
- 6.48 In cases where no financial contributions are payable a condition can be imposed to require the applicant to enter in to a section 106 to provide the affordable housing. This approach is considered appropriate.
- 6.49 With regards open space provision, despite reducing the area previously shown to be undeveloped under the extant permission, this application retains well in excess of that required for the extant permission and this proposal, as confirmed by the Open Space Planning Officer. There is therefore no conflict with the proposed and approved schemes in this respect.
- 6.50 The Ecologist's concerns are noted, given that the biodiversity enhancement for the extant permission utilises the application site. Likewise for the open space, although reducing the area available for biodiversity enhancement the proposed scheme does not encroach on the

approved woodland planting and wildflower meadow and would still enable net gains, in addition to that approved previously. This can be conditioned.

### The Planning Balance

- 7.1 The CS expectation is that in order to deliver the requisite number of houses across rural areas, each parish will attain the minimum indicative growth target against a 2011 baseline. For Tarrington Parish, this is a minimum indicative requirement of 43 dwellings. Presently, after accounting for existing completions/commitments there is a residual requirement for 16 dwellings. This scheme would provide 10 units, so still leaving 6 dwellings to satisfy the minimum proportionate growth target for the plan period.
- 7.2 The draft Tarrington NDP is not sufficiently advanced at this time to enable weight to be afforded to it for the purposes of the determination of this planning application. It is clear from the representations received, both to the original scheme and the revised one, that locally there remains ongoing disagreement about where proportionate growth within the Parish should be located. This continues to support the approach that the locational requirements of CS policy RA2, to only allow development within or adjacent to the main built up area, should be given significantly reduced weight.
- 7.3 In the circumstances where a five year housing land supply cannot be demonstrated, as is the case here (published figure of 4.55 years April 2018), the NPPF states that 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). As a direct consequence paragraph 11d) stipulates 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).
- 7.4 With regards paragraph 11d) i, and as per the Conservation Manager's (Landscape, Historic Buildings and Archaeology) and Natural England's comments, there are no policies in the NPPF that protect areas or assets of particular importance in this case and thus there is no clear reason for refusing the development proposed. As a result it is necessary to turn to ii – the familiar 'tilted planning balance' test from the first NPPF.
- 7.5 The NPPF supports growth, but it is fundamental that this is 'sustainable'. Sustainability is assessed under three headings, titled economic, social and environmental objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the objectives).
- 7.6 The construction of ten dwellings would contribute to the housing supply and the local economy through the employment of trades and purchase of materials and the New Homes Bonus. In both economic and social terms these additional dwellings would increase the residents in the area, which can provide a critical mass of population to help sustain the village's services (public house, church, village hall, seasonal shop at the caravan and camping site and the bus service). The inclusion of two affordable units also makes a positive contribution to the social objective, through the provision of inclusive communities. These units, being offered for low cost market tenure and comprising 2 bed units, are not required by policy, but are considered to

be a positive aspect of the scheme and which should be taken into account in the planning balance. The conflict between local residents and the Parish Council on whether this is the right site for development to meet proportionate growth requirements are suggestive that to those that oppose the scheme there may be some tension with the social objective. NDPs are the mechanism to set out policies/allocations at the local level, but in this case the dTNDP is not sufficiently advanced to be taken into account for planning application decision making at this time. As a result it is considered that an assessment under the social and economic objectives overall is a positive contribution and weighs heavily in the schemes favour.

- 7.7 In environmental terms, as set out earlier the development of the greenfield site would result in harm. This is however reduced, due to the indicative scheme showing a layout that responds to the context and would positively contribute to the area. Any forthcoming reserved matters scheme (layout, scale, appearance and landscaping) would equally have to demonstrate this. There is no substantive reason that this policy compliance is unachievable. It is therefore considered that the harm to landscape character and visual amenity should only attract moderate weight in the overall balance.
- 7.8 The site's location, access (vehicular and pedestrian) and illustrative layout show the ability to promote access to village facilities and sustainable modes of transport. Despite not being within or adjacent to a main built up area, the site's location does not diminish its ability to comply with CS policy MT1 and the requirements of the NPPF to provide opportunities to maximise sustainable transport solutions, mindful of its rural location. This sets it aside from many schemes for development out of the main built up area of a settlement. This consideration weighs in favour of the scheme.
- 7.9 In undertaking the planning balance, the site's accessibility and positive contribution to both the quantum and range of housing (including two affordable units) in the village and countywide clearly weigh in its favour. In addition, there is the ability for a reserved matters scheme to create bio-diversity enhancements by comparison to the current position and some improvements to the existing footway from the unclassified road to the village. These factors weigh in favour of the scheme. There is also an absence of harm in other areas e.g. flooding, highways and heritage assets. Counter to this, firstly there is the conflict with the locational requirements of CS policy RA2, and secondly the identified negative impact on landscape and visual amenity. With regards the first of these only limited weight can be given, due to the 'out of date' nature of this aspect of the policy, which is most important for determining the principle of residential development of the site due to the countywide housing land supply deficit. This is further compounded by the lack of surety in an NDP with sufficient weight, that at a local level the lack of housing land supply is being actively addressed. In addition, whilst outside of and not adjacent to a main built up area of the settlement, the scheme demonstrates in illustrative terms that it can accommodate ten dwellings and associated infrastructure in a manner that sympathetically reflects its context. In respect of the second matter, the adverse landscape and visual impact, weighs against the scheme, but the harm is able to be reduced, as demonstrated by the amended illustrative layout, and be in compliance with the qualitative aspects of relevant policies.
- 7.10 Overall it is considered that the identified harms are of insufficient gravity to both significantly and demonstrably outweigh the noted benefits. As a result the proposal represents sustainable development, when considered under the three overarching and interdependent objectives and is therefore acceptable. It is recommended that permission is granted.

## **RECOMMENDATION**

**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. C02 Time limit for submission of reserved matters (outline permission)**



2. **C03 Time limit for commencement (outline permission)**
3. **C04 Approval of reserved matters (layout, scale, appearance and landscaping)**
4. **C05 Plans and particulars of reserved matters (layout, scale, appearance and landscaping)**
5. **C06 – Development in accordance with the approved plans, except where otherwise stipulated by conditions attached to this permission (approved drawings: LT-PA2697P2-01a, LT-PA-2697P2-02a, LT-PA-2697P2-03a, LT-PA2697P2-05, LT-PA-2697-08A)**
6. **The reserved matters shall be in substantial accordance with the submitted ‘Proposed development at Little Tarrington – Phase 2’ drawing LT-PA-2697P2-03a**

**Reason: To ensure the development reflects its context, so as to comply with the requirements of Policies LD1 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

7. **Development shall be carried out in accordance with the Site Plan phasing drawing (LT-2697P2-02), other than where stipulated by other conditions of this permission, and meaning that none of the dwellings approved for phase 2 shall be commenced until development has commenced for Phase 1 and the access and attenuation basin provided as per the approved drawings and subject to conditions of this permission.**

**Reason: To ensure that the development is carried out comprehensively so as to ensure it reflects its context, so as to comply with the requirements of Policies LD1 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

8. **The reserved matters application, submitted pursuant to Condition 1 shall be accompanied by a noise risk assessment and where necessary an Acoustic Design Statement for the proposed dwellings in accordance with Stage 1 and Stage 2 of the ProPG\* guidance. The objective is to ensure that the layout and design of the site takes into account the acoustic environment of the site and the maximum internal and external desirable noise levels according to BS8233 are achieved wherever possible. Proposed noise attenuation measures are to be described in full.**

**(ProPG: Planning and Noise\* Professional Practice Guidance on Planning & Noise New Residential Development Published by the Association of Noise Consultants, the Institute of Acoustics and the Chartered Institute of Environmental Health)**

**Reason: To ensure that the potential noise impacts of the SRN (Strategic Road Network) on the residents of the proposed development are sufficiently mitigated having regard to the requirements of policy SD1 of the Herefordshire Local Plan – Core Strategy and the requirements of the National Planning Policy Framework.**

9. **The reserved matters application submitted pursuant to Condition 1 shall comprise; either the housing mix set out in in this outline permission or 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 Policies RA2 and**

**H3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

**Pre-commencement conditions**

10. **The development hereby permitted shall not commence until a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 has been certified as completed by the local planning authority. The said Agreement shall include:**

- I. **The numbers, type, tenure and location on the site of the affordable housing provision to be made;**
- II. **The arrangements to ensure such provision is affordable for both first and subsequent occupiers of the affordable housing; and**
- III. **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.**

**The affordable housing shall be retained in accordance with the approved scheme.**

**Reason: In order to provide affordable housing, which is a benefit given significant weight in the planning balance, in accordance with Policies RA2 and H3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

11. **The development hereby permitted shall not commence until the local planning authority has approved in writing a Management Company Plan that sets out the long term management and maintenance of the Open Space, landscaping and biodiversity enhancement (other than in privately owned domestic gardens); the establishment of a Management Company; the freehold transfer of the Open Space 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. The approved Management Company Plan shall be implemented prior to the first occupation of any of the dwellings hereby approved.**

**Reason: To ensure that the open space, landscaping and biodiversity enhancement is retained and properly managed as benefit of the scheme and in accordance with policies OS1, OS2, LD1, LD2 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

12. **Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 3 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 65 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.**

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

13. Before any other works hereby approved are commenced, the construction of the vehicular access shall be carried out in accordance with a construction access specification, which has first been submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12. Prior to first occupation of any of the approved dwellings the construction of the access shall be completed in accordance with a final specification, which has first been submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.

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

14. Development shall not begin in relation to any of the specified off-site highway works until details of the works to the public carriageway U66205, as per Drawing LT-PA-2697-08A, have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the scheme has been constructed in accordance with the approved details.

**Reason:** To ensure the safe and free flow of traffic on the highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy Plan and the National Planning Policy Framework.

15. Details of the footway improvement works (on highway land only) to the north side of A438 between the unclassified road (U66205) and Tarrington village to the west, including a timetable for when these will take place, shall be submitted to and approved in writing by the local planning authority. The development hereby permitted shall not be occupied until the scheme has been completed in accordance with the approved details.

**Reason:** To provide enhanced pedestrian connectivity for the occupants of the dwellings hereby approved and existing residents, which is a benefit of the scheme taken into account in the planning balance and having regard to the guiding principles of sustainable development contained within Policies SS4 and MT1 of the Herefordshire Local Plan - Core Strategy and guidance contained within the National Planning Policy Framework.

16. No development shall take place, with the exception of the formation of the access and visibility splays pursuant to conditions 11 and 12 of this permission, until clarification of the responsibility and maintenance of the surface water drainage system has been submitted to and approved in writing by the local planning authority. This shall be in accordance with the details agreed in the section 106 agreement for phase 1 (171777/F).

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

17. With the exception of the formation of the vehicular access and visibility splays pursuant to conditions 11 and 12 of this permission, no other work shall commence until a detailed habitat enhancement scheme based on the recommendations in the Ecology Report by Ecology Services dated December 2018 should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

**Reason:** To ensure that all species are protected 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.

18. Prior to commencement of the development hereby permitted a Construction and Environmental Management Plan (CEMP) shall be submitted to the Local Planning authority for their written approval. The CEMP shall include:

Methodologies to cover the possible presence of bats, nesting birds and other wildlife as relevant at the time of the construction as well as habitat protection. Consideration should be given on how to minimise and mitigate during the construction process: noise and vibration, air quality (including dust management), sustainable waste management, traffic management and flows, water management (surface and groundwater), management and protection of ecological resources including all wildlife and features such as trees and hedgerows, management of any contaminated land and managing spills and accidental discharges during operations and site operative parking. The CEMP should detail the appointed site manager who will oversee implementation and briefing of all contractors, monitor and record all aspects of the CEMP, take all relevant action and liaison as may be needed.

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

**Reason:** To safeguard the Gar Brook from any disturbance, disruption or accidental pollution during the construction phase, to safeguard existing habitats and protected species and to safeguard the wider environment in accordance with policies SS6, RA6 and LD2 of the Herefordshire Local Plan Core Strategy 2011-2031.

**Pre-occupancy or other stage conditions**

19. Prior to first occupation of any of the new dwellings evidence (such as photos/signed Ecological Clerk of Works completion statement) of ‘fixed’ habitat enhancements (such as bird boxes, bat boxes, bee boxes and hedgehog homes) included within gardens and the open space approved under this decision notice should be submitted to and approved in writing by the local planning authority; and shall be maintained thereafter as approved unless otherwise agreed in writing by the local planning authority. External habitat boxes should be made of a long-lasting material. No external lighting should illuminate any habitat enhancement or boundary feature.

**Reason:** To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), Habitat Regulations 2017, Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework (2018), NERC Act 2006. Dark Skies Guidance Defra/NPPF 2013 (2018).

20. Prior to the first occupation of the development, the flood alleviation channel outlined in section 4.2 of Hydro-Logic Services’ FRA (dated Dec 2018 Ref:K0790 rep 2 rev 4) must be in place and operational unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To reduce flood risk to the approved dwellings and as to comply with

**Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

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

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

22. Prior to the first occupation of each of the dwellings hereby permitted covered and secure cycle parking facilities shall be provided within its curtilage and in accordance with a detailed scheme for such that has first been submitted to and approved in writing by the Local Planning Authority. Thereafter these facilities shall be maintained for such use.

**Reason:** To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

23. Prior to the first occupation of any of the dwellings hereby approved details for the storage and collection of waste and recycling bins shall be submitted to and approved in writing by the Local Planning Authority and provided in accordance with the approved details. Thereafter those areas shall be retained for their approved use.

**Reason:** To ensure that there is adequate provision for storage and collection of waste and recycling bins and to conform with the requirements of Policy SD1 of Herefordshire Local Plan – Core Strategy.

24. The ecological protection and working methods scheme as recommended in the ecology report by Ecology Services dated December 2018 shall be implemented in full as stated unless otherwise approved in writing by the local planning authority.

**Reason:** To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 2017 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework (2018), NERC Act 2006

25. CE6 – Efficient use of water

**Compliance conditions**

26. 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, in accordance with Policy SD3 of the Herefordshire Local Plan –

**Core Strategy and the National Planning Policy Framework.**

27. Finished floor levels for the buildings hereby approved shall be either 600mm above the 1:100 year plus 35% climate change flood level at the nearest model node elevation or 300mm above existing ground levels, whichever is the higher.

**Reason:** To protect the development from flooding including the impacts of climate change so as to comply with the requirements of Policy SD3 of the Herefordshire Local Plan – Core Strategy.

28. C97 – landscaping scheme (pursuant to condition 3 – implementation)

**INFORMATIVES:**

1. IP2 - Application Approved Following Revisions
2. I35 - Highways Design Guide and Specification
3. Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
4. The developer is required to submit details of the layout and alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations. It is not known if the proposed roadworks can be satisfactorily drained to an adequate outfall. Adequate storm water disposal arrangements must be provided to enable Herefordshire Council, as Highway Authority, to adopt the proposed roadworks as public highways. The applicant is, therefore, advised to submit the engineering and drainage details referred to in this conditional approval at an early date to the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ for assessment and technical approval. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act 1980 entered into.
5. No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ to progress the agreement.
6. This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800), shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works.

Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public).

Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.

7. This planning permission is pursuant to the conditional requirement (condition 9) to enter into a planning obligation under Section 106 of the Town and Country Planning Act 1990.

8. **Welsh Water Advisory Notes**

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at [developer.services@dwrcymru.com](mailto:developer.services@dwrcymru.com)

Please quote our reference number (PLA0039235) in all communications and correspondence.

9. **Environment Agency advisory note re: pollution**

Developers should incorporate pollution prevention measures to protect ground and surface water. We have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice which include Pollution Prevention Guidance Notes (PPG's) targeted at specific activities. Pollution prevention guidance can be viewed at: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>

Decision: .....

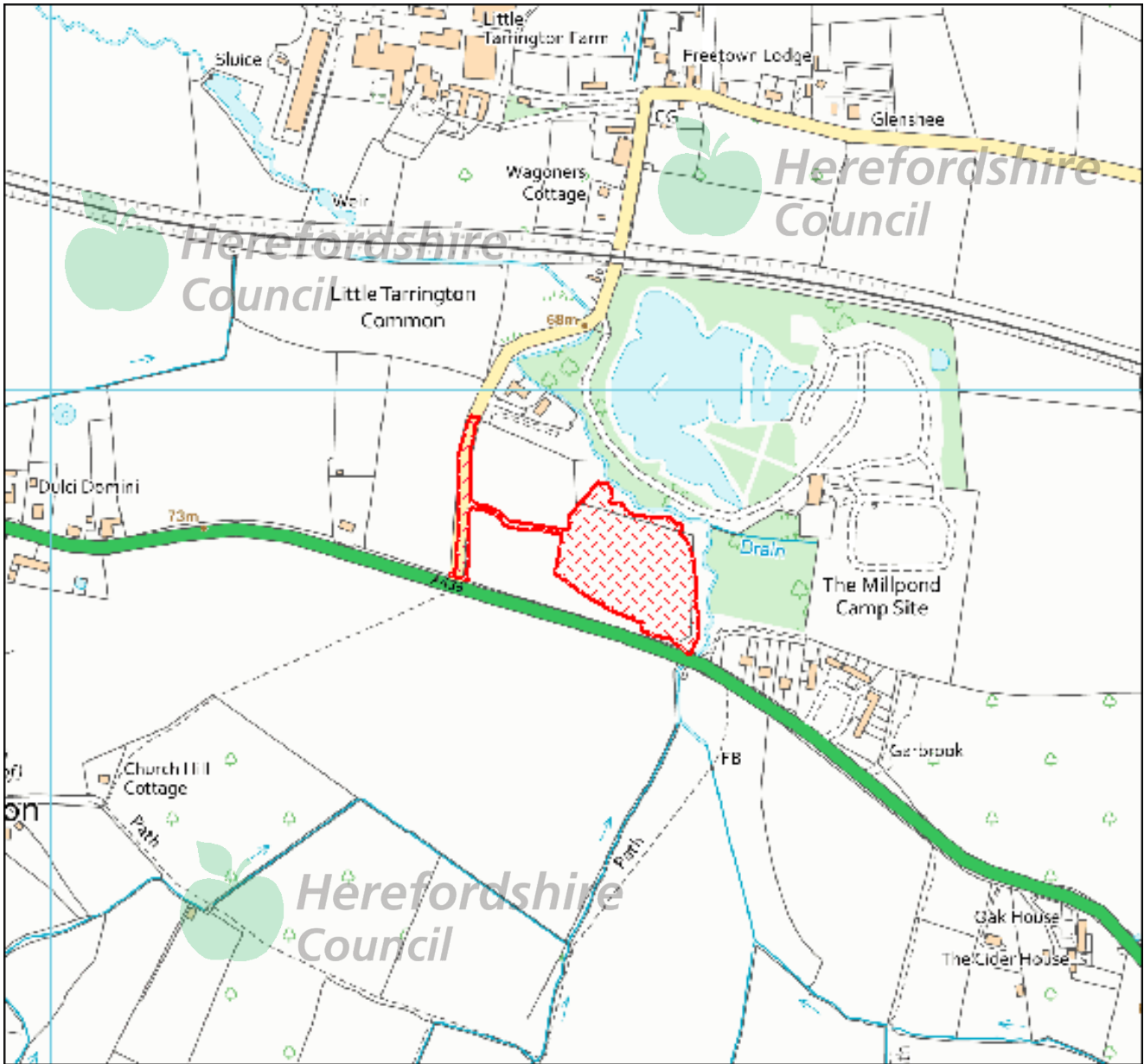
Notes: .....

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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:** 184506

**SITE ADDRESS :** LAND WEST OF GARBROOK, LITTLE TARRINGTON, HEREFORD

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<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>10 APRIL 2019</b>
<b>TITLE OF REPORT:</b>	<p><b>190280 - PROPOSED EXTENSION TO EXISTING PRIMARY SCHOOL WITH ASSOCIATED EXTERNAL WORKS INCLUDING NEW CAR PARK AND HIGHWAY IMPROVEMENT WORKS AT MARLBROOK PRIMARY SCHOOL, GREEN CROFT, HEREFORD, HEREFORDSHIRE, HR2 7NT</b></p> <p><b>For: Herefordshire Council per Ms Joyce Clifford, Matthews Warehouse, High Orchard Street, Gloucester Quays, Glos, GL2 5QY</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=190280&amp;search=190280">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=190280&amp;search=190280</a>
<b>Reason Application submitted to Committee – Council owned land</b>	

**Date Received: 25 January 2019****Ward: Red Hill****Grid Ref: 350293,238178****Expiry Date: 13 May 2019**

Local Members: Cllr P Rone

## 1. Site Description and Proposal

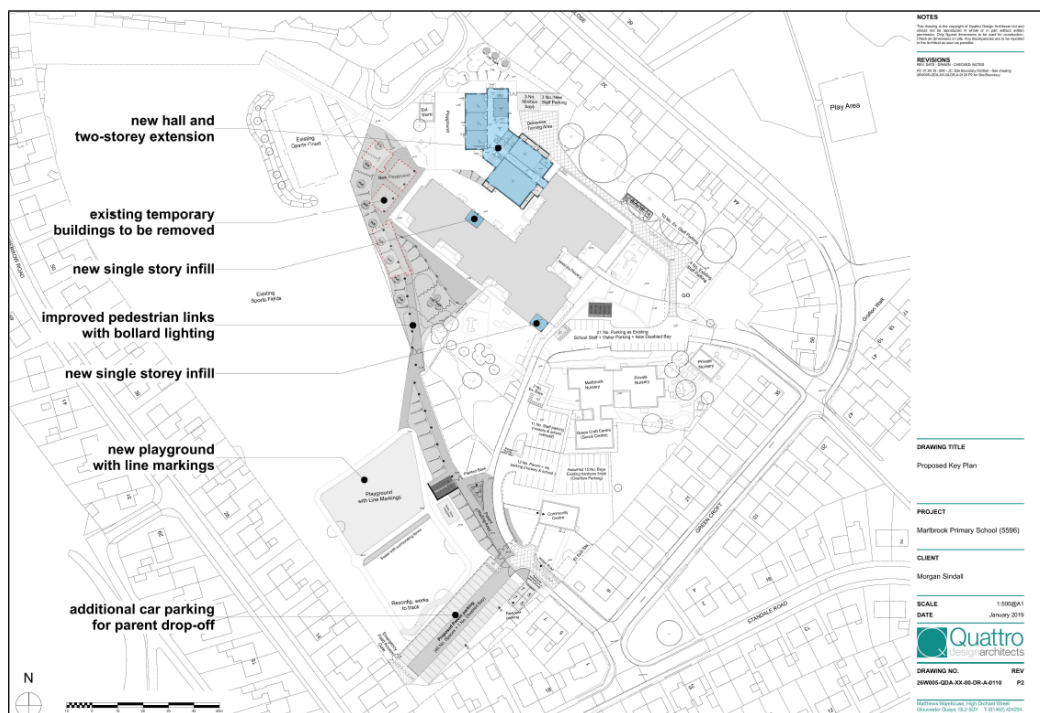
- 1.1 The application site is that of Marlbrook Community Primary School, located on the Greencroft site in Redhill to the south of Hereford City. The local area is one that is primarily residential in character. To the north of the school grounds lies Blackmarston Primary School with the remaining boundaries being formed by residential properties. Access to the site is via two access roads off Green Croft. The Greencroft site also accommodates Marlbrook Nursery, Merry Go Rounds Nursery (Private), Greencroft (Local Authority children centre / services) and Redhill Residents Association (Community Centre).
- 1.2 Planning Permission is sought for extensions to the primary school and incorporates associated landscaping and engineering works on site to improve pedestrian routes and existing parking issues, including a new parent / visitor car park.
- 1.3 A two phased approach has been taken to accommodate the planned expansion of the school to accommodate an increase from 2.75 Form Entry to 3 Form entry school. This will increase pupil capacity at the school from 570 pupils to 630 pupils, an increase of 60 pupils over and above the current capacity. The increase in pupils will see an additional circa four full time and six part-time members of staff.
- 1.4 Phase 1 related to the remodelling of the Greencroft Childrens centre to provide an additional classroom space and an additional nursery space for use by Marlbrook Primary School.
- 1.5 This application seeks planning permission for the second phase and relates to the construction of a new permanent a two-storey extension and a small single storey extension to the existing

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

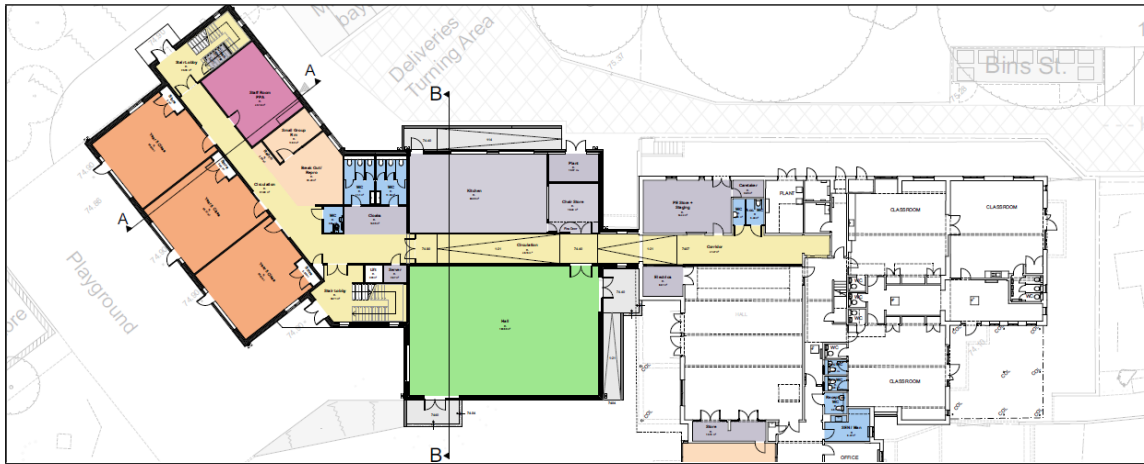
Nursery Classroom. These classrooms will also be provided with the additional support spaces, circulation, hall space and some office accommodation. The majority of the work will revolve around this main extension, although some remodelling of the existing building is also proposed to improve adjacencies and functioning, particularly around the main entrance and admin area. This will remove the need for the temporary buildings currently being used within the site and create the permanent facilities required for a 3 form entry in accordance with Department for Education (DfE) guidelines. The application advises that Herefordshire Council is keen to see the works delivered as soon as possible to enable occupation of a permanent extension by summer 2020.

- 1.6 Due to the restrictive nature of the site, being largely enclosed by its surroundings and with grounds already well populated, siting the proposal was inherently limited to just a few potential locations for development. The site also presents some challenging topography and site levels. The design and access statement provides a very detailed assessment of the design process, site constraints, parameters and requirements that were drawn out of engagement with the school and community. This document can be read at: <https://myaccount.herefordshire.gov.uk/documents?id=fdd64f8f-2b96-11e9-ab65-0050569f00ad>
- 1.7 The proposed extension will be sited to the north west of the school on the area that is currently laid to playground and hardsurfaced. This is the side of the building closest to Honduu Close to the east. The mobile classrooms will be removed and a new pedestrian links and improvements made from the south west entrance to the school grounds including the provision of cycle / scooter parking. A new car park area will be formed to the south west of the site and alterations to the staff car park / mini bus area made to the eastern side of the site. The Proposed Key Plan (Drawing number 26W-005-QDA-XX-00-DR-A-0110 P2) is inserted below:

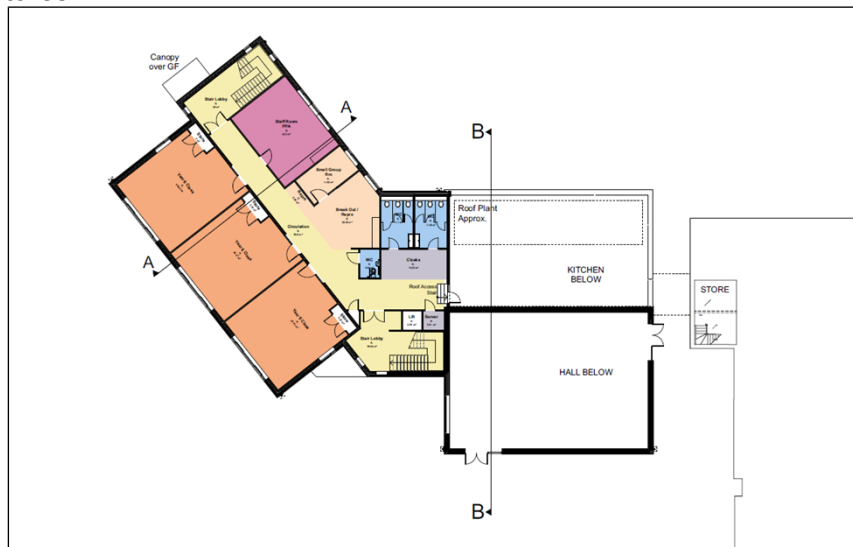


### New Hall and Two Storey extension

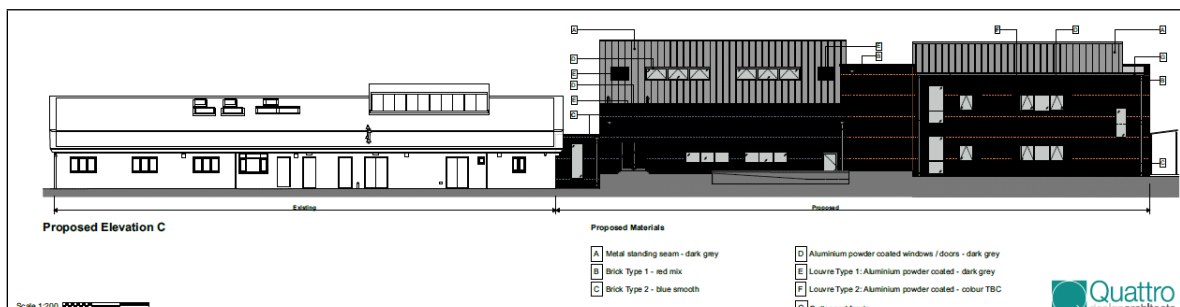
- 1.8 The extension would be a two storey addition to the school. At ground floor the extension would accommodate; 3 no. classrooms + associated storage, additional Hall space, New Kitchen, Chair Store / Served, Small group room, Staff PPA room, Break Out & Repo. Graphics, Cloaks and toilet facilities, Plant, Server Rooms & Cleaner's Stores.



1.9 At first floor there will be an addition 3 no. classrooms + associated storage, Staff PPA room, small group room, cloaks and toilet facilities, break Out & Repo, graphics, plant, server rooms & cleaner's Stores.



1.10 Externally the building is in contrast with the existing single storey school but is necessary to minimise the use of land within the site and retain the playing pitches.

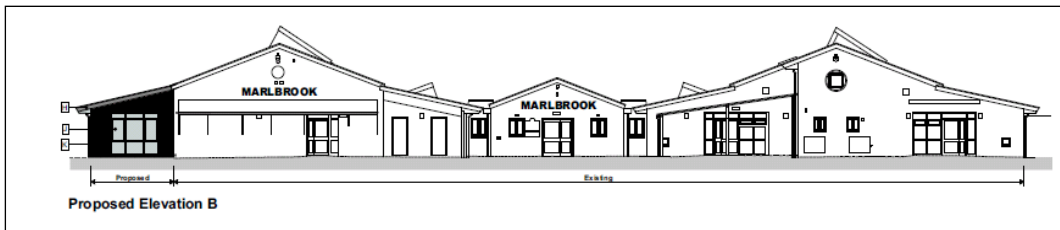


1.11 The design of the building uses a mix of brick and metal standing seam cladding. Solar PV panels are proposed to the roof. The application includes 'artists impressions' of the proposed extension. Two of these are inserted below:



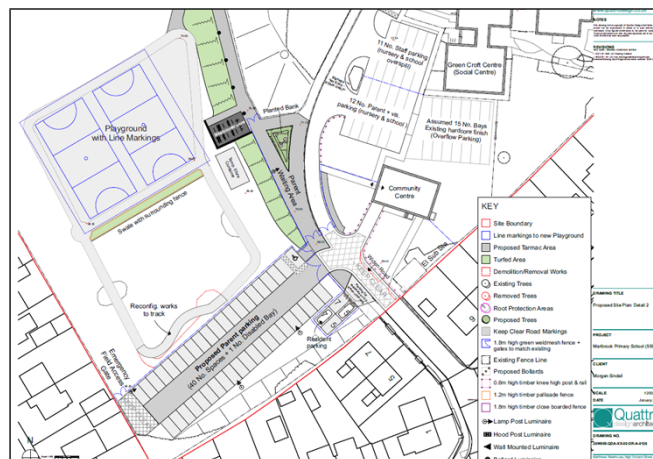
Single Storey infill extension and internal reconfiguration

- 1.12 Internal re-modelling and a small extension will also provide the following; 1no. Classroom extension to Y1, Library, SEN and Medical Inspection Rooms, Meeting Room, Interview Room, Plant, Elec. Rooms & Cleaner's Stores, PE Store & Staging, Toilet facilities & Hygiene Room. The extension to provide the classroom is the only element that requires planning permission. This element is single storey extension as detailed on the proposed plan below.



Proposed car park

- 1.13 The proposed car park is included in the application following extensive pre-application discussions with officers, the school and local residents. The brief for the proposal included provision for additional car parking on site to meet the needs of the school staff, parents and visitors and help relieve pressure to on-street parking on the narrow residential streets surrounding the school and address safety concerns raised during pre-application consultations.
- 1.14 The proposed car park is sited to the south west of the application site adjacent to the site entrance. Its intention is that it will be used for parent pick up and drop off and it will provide an additional 40 No. spaces (plus 1 disabled parking bay) and be accessible via a new two-way road system from the south access point to promote more free flowing traffic system. In addition, the site has provided off road parking spaces for the adjacent residential properties to improve the free flow of traffic at the entrance. (Proposed Site plan – Detail 2 Rev P2) inserted:



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

- 1.15 The application also includes changes to existing parking provision with the remaining parking on the site being re-organised, designating spaces to parent, staff of visitors based on their location and remembering that this site serves not only the school but a number of other facilities. The existing staff car park will be extended to provide a safe area for deliveries / turning areas along with parking for mini-buses and additional staff parking.

External works and playground / netball court provision

- 1.16 Existing site issues surrounding traffic, poor parking behaviour and hazardous pedestrian routes have resulted in a brief to reorganise and rethink the existing arrangements and promote safer pedestrian routes for children and visitors to navigate across the site. A new pedestrian link is proposed, with new parent waiting areas that will lead via a new landscaped, DDA compliant footway to the classrooms for drop off and collection.
- 1.17 Provision of new, scooter and cycle parking areas are proposed, located adjacent to the parent waiting areas for pick up / drop off and to the main entrance.
- 1.18 As the existing upper playground becomes the site for the new extension, a new playground area will be provided within the existing bike track at the lower field level. In response to comments from Sport England, the netball courts will also be provided in this location. Some of the existing playground at the higher level will be retained and provide external space directly from the new classrooms. There will also be additional playground area created through the loss of the temporary classrooms. There will be no impact on the school playing field. Some additional planting is proposed to reinforce the new access path and replace the loss of a small number of trees.
- 1.19 At present there is not a secure boundary to the school site at all times because access is required by the other users of the wider site. As part of the improvements to the parking and pedestrian access it is proposed that new gates and fences are installed that will provide a secure perimeter for the school while maintaining access to the community building. These new gates will be lockable and controlled by the school, as will be the gates to the new parent parking area.
- 1.20 One letter of representation raised an issue in respect of the red edge application site extending beyond that of the school ground and taking in part of 32 Honddu Close that had been bought from the Council. The matter was referred to the applicants agent who have corrected the drafting error and amended the red edge so that it correlates with the registered land. Two areas were adjusted – next to 32 Honddu Close and at the northern access (adjacent Merry Go Round Nursery). The change to the red edge boundary had no impact on the proposals that remain as proposed.
- 1.21 In addition to the plans that have all been updated to reflect the change to the red edge boundary, the application has been supported by the following documents:
- Design and Access Statement
  - Flood risk Assessment
  - Drainage Strategy (and plans, inc response to Welsh Water query)
  - Transport Statement
  - School Travel Plan
  - Arboricultural Impact Assessment
  - Habitat Survey and Protected Species Survey (inc Bat survey)
  - Planting Schedules
  - Response to Sport England Objection

## **2. Policies**

### **2.1 Herefordshire Local Plan – Core Strategy**

SS1 – Presumption in favour of sustainable development  
SS4 – Movement and transportation  
SS6 – Environmental quality and local distinctiveness  
SS7 – Addressing climate change  
SC1 – Social and community facilities  
OS1 – Requirement for open space, sport and recreation  
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  
SD1 – Sustainable design and energy efficiency  
SD3 – Sustainable water management and water resources  
SD4 – Waste water treatment and river water quality

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

[https://www.herefordshire.gov.uk/info/200185/local\\_plan/137/adopted\\_core\\_strategy](https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy)

### **2.2 National Planning Policy Framework (2019) (NPPF)**

The following sections are considered particularly relevant:

- 2. Achieving sustainable development
- 4. Decision making
- 6. Building a strong, competitive economy
- 8. Promoting healthy and safe communities
- 12. Achieving well-designed places
- 15. Conserving and enhancing the natural environment

### **2.3 National Planning Practice Guidance (NPPG)**

## **3. Planning History**

3.1 Greencroft building was initially built following the granting of planning permission in 2002 (CW2002/2542/F) as an 'Early Excellence Centre' and was subsequently extended following the granting of planning permission for the centre to provide a co-location centre for Council services (the MAO).

In 2014 an additional classroom was built (142046) to allow the school to accommodate their first intake of 90 pupils.

In 2015 the school's nursery class was relocated to the Greencroft children's centre, freeing up one teaching classroom in the school for a second year group of 90 to be accommodated.

In 2016 a planning application was submitted for the installation of a mobile classroom block to provide two classrooms (160910). This allowed them to continue to accept 90 pupils for a further two years. (Temporary Permission – Expires 17th May 2020).



## 4. Consultation Summary

### Statutory Consultations

#### 4.1 Welsh Water (28<sup>th</sup> February 2019)

We have reviewed the information submitted as part of this application with particular focus on the Drainage Strategy 26W005-OBP-XX-XX-SP-D-0001 and drawing number 26W005-OBP-00-XX-DR-D-0002 Rev POI. We note that the intention is to convey additional foul and surface water generated by the extension to the public sewer and understand that the drainage design has followed SuDS principles, however we cannot see any evidence has been submitted to demonstrate what options have been considered and the reasons they have been discounted. We expect to see soakaway testing, above ground source control to provide storage as well as well amenity and biodiversity benefits.

In the absence of a surface water strategy in which an assessment is undertaken to explore the potential to dispose of surface water by sustainable means, we cannot support the application in full.

Notwithstanding the submitted information, 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

#### 4.2 Welsh Water (19<sup>th</sup> March 2019 – response to additional information)

We have reviewed the revised information submitted as part of this application with particular focus on the Surface Water Drainage Strategy and based on the fact that there will be a minimal increase in impermeable area but through the introduction of attenuation and treatment **trains** the resulting impact on the public sewer will be negligible. It is unclear if the surface water will indirectly communicate to the public combined or designated surface water. If it is the public surface water sewer then we have no objection in principle.

#### 4.3 Natural England

##### NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Natural England's advice on other natural environment issues is set out below.

#### 4.4 Sport England – (15<sup>th</sup> March 2019) – Objection

##### *Statutory Role and Policy*

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 97) and Sport England's Playing Fields Policy, which is presented within its 'Playing Fields Policy and Guidance Document': [www.sportengland.org/playingfieldspolicy](http://www.sportengland.org/playingfieldspolicy)

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply.

##### *The Proposal and Impact on Playing Field*

The proposal principally involves the erection of a new school extension in the north eastern part of the site. Whilst the existing playing field is not affected by this part of the development, an existing hardcourt area marked up with two netball courts would be affected. The plans show that a reduced area of playground will be retained in this part of the site, and whilst no line markings are shown, it would appear that the reduced area will be too small to retain an existing court?

The development also involves creating a new playground on the existing playing field at the southern end of the site. It is noted that this would be situated within the inner area of an existing cycle track that has previously been constructed in this part of the playing field under a previous planning consent. The additional information provided sets out that the intention is to mark up the infilled hard surface area for team games, though no specific details are provided. The plans also show that an area of playing field to the south of the cycle track is proposed to be laid out as car parking.

##### *Assessment against Sport England Policy/NPPF*

The FA, Football Foundation and England Netball have been consulted on this application and have made the following comments:

##### *Football Foundation:*

- *The Football Foundation and Herefordshire FA are not aware of any existing community football club use on the site or grass pitches, or are they aware of any demand or need for community use in that particular area.*
- *It is worth noting that the Hereford Academy 3G is located close to this site, with Belmont Wanderers FC being the local club who use that site.*

##### *England Netball:*

- *England Netball have no records to suggest that this site is being used for Club netball or growth programmes.*
- *We do have concerns about the loss of 2 netball courts as this would have a negative impact on the Schools' ability to deliver netball within the PE curriculum or as an after school activity. We would wish to be assured that the proposed new playground space could accommodate netball to the same or greater extent.*

Sport England notes the comments made and has taken them into account in providing this response. It is acknowledged that the proposed development will not have an adverse impact on the ability to mark out playing pitches on the existing playing field. The works to infill the cycle track will not reduce the capacity of the playing field to provide pitches. The car parking area could also not form part of a pitch due to its limited size and dimension and so the loss of this area is not a concern as this can be agreed under exception E3.

The comments raised by England Netball regarding re-provision of 2 netball courts are considered to be significant and Sport England would wish to secure suitable replacement provision of 2 netball courts, without this generating the loss of playing field. If an amended/additional plan could be provided to demonstrate the re-provision of 2 courts, perhaps within the cycle track, this would address this concern. However, as it stands in the absence of sufficient details to demonstrate that the replacement playground area will have capacity to re-provide the two netball courts, it is not considered that the proposal accords with Paragraph 97 of the NPPF and Sport England's policy.

### *Conclusion*

In light of the above, Sport England objects to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 97 of the NPPF. However, if this issue could be addressed through the submission of an amended plan please re-consult me as this may then allow me to lift Sport England's objection.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s). We would be grateful if you would advise us of the outcome of the application by sending us a copy of the decision notice.

#### **4.5 Sport England (20<sup>th</sup> March 2019) – Suggests Conditions**

I'd be happy to agree the following condition to secure the additional design details:

Prior to the construction of the replacement netball courts, further details of their design and specification to include:

- a) a cross section showing the proposed levels of the courts and the associated run off areas, and
- b) construction details of the courts to from sub-base level to surface course level including any colour coating (where proposed) and application of the proposed line markings to demonstrate that the courts will provide appropriate slip resistance, shall be submitted to and approved in writing by the Local Planning Authority (after consultation with Sport England).

The specification of the courts shall accord with Sport England guidance in "Artificial Surfaces for Outdoor Sport" Design Guidance Note (SE 2013) and the relevant Technical Design Guidance from England Netball.

The netball courts shall not be constructed other than in accordance with the approved details and before the school extension hereby permitted is first brought into use.

I've attached links to the relevant guidance referred to so you could include these within an informative or email them to the agent as necessary:

<https://www.sportengland.org/facilities-planning/design-and-cost-guidance/artificial-sports-surfaces/>

<https://www.englandnetball.co.uk/surface-requirements/>

If you can confirm that you would be happy to include this condition I could then confirm that I can withdraw Sport England's objection. If you wish to re-word the condition please let me know so that this can be agreed before you proceed to ensure that this meets Sport England's objectives for securing suitably designed replacement sports facility. I'm happy with the note below which records that the cycle track and the courts would not be used at the same time in the interests of users safety.

#### 4.6 **Sport England (26<sup>th</sup> March 2019) – No Objection – Rec Condition**

As discussed, Sport England is happy to withdraw its objection providing the recommended condition as set out in my earlier email of 20 March be included within any decision to grant consent so that the required additional information can be secured and to ensure that the development is only implemented in accordance with those agreed details.

#### Internal Council Consultations

#### 4.7 **Transportation Manager**

The local highway authority has no objection to the proposals. However, the implementation and ongoing promotion of the Travel Plan will be key to the success of the proposals. It is important that the provision of a car park for parents to drop off and pick up their children does not facilitate more parents to drive their children to school. The objective of the car park is to improve highway safety in the surrounding streets rather than to make it easier for parents to drive to the school.

Annual travel surveys should be undertaken for both staff and pupils and progress in shifting the modal share to more sustainable modes monitored and reported to Herefordshire Council  
Informatives: I54

Conditions: CAL, CAZ, CB2, CB3 (with requirement for annual travel surveys)

#### 4.8 **Service Manager Built and Natural Environment (Ecology)**

As recognised by Natural England's comments this application triggers a Habitat Regulations Assessment process. The appropriate assessment submitted to Natural England must be formally approved PRIOR to any grant of planning consent. Subject to Natural England approving the appropriate assessment submitted to them a condition to secure the relevant mitigation measure is requested if planning consent is granted.

#### *Habitat Regulations (River Wye SAC) – Foul- and Surface Water*

For the development approved under this Decision Notice all foul water shall discharge through a connection to the local Mains Sewer network; and all surface water managed through and on site attenuation system with final discharge to existing mains sewer network; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Habitat Regulations (2017), National Planning Policy Framework, NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2, SD3 and SD4.

#### *Habitat Regulations (River Wye SAC-SSSI) - Nature Conservation Protection*

Before any work, including any site clearance or demolition begin, equipment or materials moved on to site, a Construction Environmental Management Plan (CEMP) shall be supplied to the planning authority for written approval. The approved CEMP shall be implemented and

remain in place until all work is complete on site and all equipment and spare materials have finally been removed.

*Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), NPPF (2018) and Herefordshire Council Core Strategy (2015) policy LD2.*

The supplied ecology report and accompanying bat survey is relevant and appropriate although it is noted that the recommendations for additional optimal period bat surveys related to initial concept approaches and associated significant works and not the currently proposed 'smaller scale' application. There are no indications of any likely effects on protected species or wildlife however it is acknowledged that any works should be undertaken in an appropriately safe and considerate manner. The required CEMP is required to have a relevant section on Ecological Working Methods/Ecological Risk Avoidance Measures and so no additional condition is reasonable or appropriate.

#### 4.9 Environmental Health Manager **(Noise and Nuisance)**

From a noise and nuisance perspective our department has no objections to this proposal and the lighting scheme proposed.

### **5. Representations**

#### 5.1 Hereford City Council

No objection from Hereford City Council Planning Committee in regards to Planning Application 190280

#### 5.2 Hereford Civic Society

Reference is made to the proposal at Marlbrook Primary School, Green Croft, Hereford for extension to existing buildings by the addition of a hall and classrooms with associated external works including new car park and highway works. It is understood that the school wishes to grow its pupil roll by another 60 and employ 10 more staff. A Transport Statement and Travel Plan have been submitted with the supporting documents, together with a number of useful visualisations.

The new buildings in brick and seamed metal are uninspiring but in their context as additions to modern buildings they do not unduly detract. Equally neither do they inspire. The seamed metal-clad hall, lacking eaves, has the extruded appearance of a small hanger. The brick elevations, unrelieved by the least detail, the work perhaps of the children in the school kindergarten. Alas Herefordshire Council's new City Design Guide (currently in draft from Allies and Morrison) cannot help, for it doesn't include this part of the City. What might help architects Quattro and their clients would be a visit to the new hall at the Steiner Academy at Much Dewchurch, a beautiful building, nicely proportioned with good use of natural materials and plenty of solar panels on its roof.

The proposed new car-parking is more of a concern. Cotswold have produced a travel plan which makes all the right noises 'to facilitate and promote sustainable travel and reduce single occupancy car travel'. It acknowledges that the purpose of a School Travel Plan nowadays is to reduce private car use and increase active travel, which is especially urgent in South Wye. We learn on p. 26 that at present 47% walk, 12% cycle, 36% car and 5% car share (oddly, no mention of buses)

So for the 60 extra pupils - assuming no change - there will be 24 additional pupil cars. Yet we find that a new car park is proposed for 42 cars. The hypocrisy of the Travel Plan is thrown into even starker relief when we see that for the 10 extra staff, who we would assume to be perfectly capable of cycling or walking, 13 car spaces are to be provided (section 6.19 on p.24). I have asked Herefordshire Council's Mark Edwards if he might be so kind as to advise in an effort to encourage Marlbrook School to work with its staff and parents more effectively so that its Travel Plan can be delivered without building yet more car parking which will only encourage more short car trips which will in its turn only discourage others to cycle and walk. There seems no need for this when the vast majority of pupils and staff live within such a local catchment

5.3 Letters of objection have been received from:

- *C Losada, 28 Honddu Close*
- *Ms K Ellis, 32 Honddu Close*
- *Mr C Looper, 34 Honddu Close*
- *Tracey Tedstone, 36 Honddu close, Hereford*
- *Mr John Bothamley, Trefaranon, St Weonards, Herefordshire*

These letters raised the following issues and can be summarised as follows:

1. Loss of light/overshadowing of south facing gardens
2. Two storey extension will overshadow gardens reducing enjoyment of gardens for occupiers
3. Loss of privacy – currently not overlooked by anybody & this planned extension has windows facing directly into garden.
4. Incorrect boundary (red edge)
5. Lack of consultation / concern about the process. Literature relates to new two storey extension to replace mobile classrooms that are on other side of the school and did not make this clear.
6. Other options would have less impact
7. Increase in capacity would increase traffic movements on small residential area with three schools and poor access road.
8. Increase vehicle movements will impinge on busy highway infrastructure and cause environmental damage
9. Creation of a 'mega sized' school – increased is seriously flawed – increasing because of popularity is not a good reason. Children coming here from other schools will put other schools at risk fracturing rural communities.
10. Provision of school places needs to be planned across the county in an informed way without the need to spend millions on new facilities that will cause others to be scrapped.
11. This application goes against all adopted policies – building communities, concern for the environment, minimising car travel

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=190280&search=190280](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=190280&search=190280)

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). The National Planning Policy Framework (NPPF) is also a significant material consideration.
- 6.3 Core Strategy Policy SC1 explicitly supports development proposals which protect, retain or enhance existing social and community infrastructure, such as schools, to ensure that new facilities are available as locally as possible. Such proposals should be in or close to settlements, have considered the potential for the colocation of facilities and where possible be safely accessible by foot, cycle and public transport, enhanced social and community infrastructure to assist in achieving sustainable communities across Herefordshire.
- 6.4 Herefordshire Council’s School Capital Investment Strategy identified a need for additional school places in the south of the city of Hereford. The analysis suggested Marlbrook Primary School should expand to meet the needs of the growing population as it is a high performing, popular school within its community and beyond, and the demand for places is very high. Marlbrook already admits 90 new pupils annually but is having to operate multiple classes and its staff room in temporary modular accommodation. The aim of this project is to replace all of these temporary buildings as part of the investment in the school and provide a well equipped, permanent facility, ultimately improving the teaching and learning environment for both staff and pupils. Concern raised about the growth of the school and impacts upon other schools in rural areas are noted but this growth is planned as part of a Council strategy. This policy supports such planned growth in principle but consideration must be given to the impacts from such a development. These matters are discussed below.

#### Highway Matters

- 6.5 The site is relatively well connected for pedestrians and the school travel plan and transport statement identify the desire to increase the numbers of children and parents travelling to the school by means other than the motorised vehicle. Nonetheless, as assessed and described within the Transport Statement and as viewed by officers on a number of visits at peak times, parents use the Greencroft Centre Car park for dropping off and picking up. The car parks are full and result in inappropriate parking on grassed areas and roadways in the vicinity obstructing the flow of traffic. This is described, along with the local area in detail within the Transport Statement: <https://myaccount.herefordshire.gov.uk/documents?id=c43ce22e-2ea4-11e9-9b0f-0050569f00ae>
- 6.6 The concerns raised by the civic society and in one other representation relate to the provision of additional car parking. This requirement stems from a longstanding request to provide additional parking to relieve the on-street parking pressures, that will address local residents frustrations in respect of inappropriate and inconsiderate parking but providing a genuine alternative. However, this development and its associated car park provision has been viewed as an opportunity to provide some of the requirements that were identified within the travel plans – including cycle and scooter parking, safer access for pupils via dedicated segregated walkway (rather than through the car park), sufficient parking for staff and visitors.
- 6.7 The Transportation Manager advises that they have no objections to the proposals but the implementation and ongoing promotion of the Travel Plan will be key to the success of the proposals. It is important that the provision of a car park for parents to drop off and pick up their children does not facilitate more parents to drive their children to school. The objective of the car park is to improve highway safety in the surrounding streets rather than to make it easier for parents to drive to the school. Annual travel surveys should be undertaken for both staff and pupils and progress in shifting the modal share to more sustainable modes monitored and reported to Herefordshire Council.

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

6.8 Officers are satisfied that, with the proposals will address the requirements of the proposed building but also offer a real opportunity to address existing deficiencies. Construction phase management has also formed part of the proposals from the outset and the additional parking will provide additional flexibility in the interests of safety. The proposals will comply with the requirements of policies SS4 and MT1 of the Herefordshire Local Plan – Core Strategy.

Siting, Design, Appearance and Impact on Amenity

6.9 The siting and layout of the building has been carefully considered in its design concept as described within the Design and Access Statement. Whilst the existing school is single storey, it lies within a residential area that is predominately two-storey. The plans demonstrate that, when taken in the context of the residential properties to the east, the height, due to the land topography is similar. The section through has been provided and is inserted below for ease of reference. The relationship is unlikely to lead to overshadowing of these gardens although the extension will be visible to those properties. The matter of overlooking and privacy has also been considered. The distance to neighbours gardens are approx. distances of over 20m. These first floor windows are the staff room, small group room and break out area rather than classrooms. Officers are of the opinion that the impacts upon privacy and amenity would not be so detrimental as to recommend refusal of this application.



6.10 The parking / turning area adjacent to the residential properties will replace the existing playground (that does have existing vehicular access) and will be lightly trafficked and used and



normally within school hours. Trees identified as category A along the eastern boundary will be retained as identified in the accompanying Arboricultural Impact Assessment and as shaded in green on the plan. A smaller group of less important trees will be removed and appropriate species planted in their location and within the wider landscape scheme as compensation. (Please note that the red edge has not been altered on this plan and this is inserted for reference to the trees only)



- 6.11 It is considered that the siting / layout and design of the proposed extensions to the building are acceptable having regard to the context of the site, the way in which it relates to neighbouring properties and the proposed hard and soft landscaping. The requirements of policy SD1 and LD1 in terms of design, appearance and preserving the amenity of residents are considered to have been met.
- 6.12 Turning to the other aspects of the development, officers have also considered the local residents that may be affected by the car parking – details of lighting and security have been submitted and are considered to be acceptable to ensure that the use of the car park in this location would not give rise to unacceptable impact upon amenity. This car park would remain part of the school site and therefore could be secured overnight or during school hours as appropriate. These elements of the proposal are also considered to be acceptable and in accordance with the requirements of policy SD1 of the Herefordshire Local Plan – Core Strategy.

#### Loss of Playing Field

- 6.13 As fully detailed above, Sport England initially raised an objection to the proposals having regard to the requirements of the National Planning Policy Framework (particularly Para 97) and Sport England’s Playing Fields Policy, which is presented within its ‘Playing Fields Policy and Guidance Document’: [www.sportengland.org/playingfieldspolicy](http://www.sportengland.org/playingfieldspolicy). Following an exchange of information and submission of additional plans that details the proposed replacement netball courts as suggested, Sport England have withdrawn their objection subject to the imposition of the suggested condition. Officers are satisfied that the matter can be resolved and that the proposals now comply with the requirements of the NPPF and policies of the Core Strategy.

#### Other matters

- 6.14 The application has been submitted with a drainage strategy and detailed plans. During the course of the application, further information has been submitted in response to queries raised by Welsh Water. Welsh Water have raised no objection, but recommend that a condition be imposed and this is included below. Officers are satisfied that the requirements of policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy have been met.
- 6.15 Policy LD2 of the Local Plan states that development proposals should conserve, restore and enhancement biodiversity and geodiversity assets. The Councils Ecologist has considered the information provided, including ecological surveys, and has raised no objections. However in order to satisfy the requirements in respect of the Habitat Regulations Assessment, the

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

appropriate assessment submitted to Natural England included two suggested conditions that mitigate the impacts of development in respect of drainage and the provision of a Construction Environmental Management Plan (CEMP). Natural England have confirmed that they have no objection to this proposal on this basis. The proposal is considered to comply with policy LD2 of the Herefordshire Local Plan – Core Strategy.

### Conclusion

- 6.16 In conclusion, the proposal would provide a much needed permanent social / community facility that would assist in sustaining identified educational needs to the South of city in an optimum location and have significant social benefits that can be attributed. In addition there are a number of additional employment opportunities associated with the growth of the school, along with employment during construction phases that can be considered as a benefit to the economy.
- 6.17 The proposed extensions and associated works are considered to be sited and designed appropriately taking account the context of the locality and relationship with adjoining residential properties in accordance with policies SC1, SD1 and LD1 of the Herefordshire Local Plan.
- 6.18 The proposals include detailed and well thought through proposals to mitigate existing highway and pedestrian safety issues whilst also promoting the use of alternative modes of transport to offset the impacts of the additional pupils and staff. The implementation and ongoing review of the travel plan will be key to its success and a condition is recommended to this effect. The proposals would comply with the requirements of policies SS4 and MT1 of the Herefordshire Local Plan Core Strategy.
- 6.19 Impacts upon trees and biodiversity have also been assessed with the submission of appropriate reports and strategies. No objections are raised and, with the inclusion of conditions the proposals would comply with the requirements of policies LD1, LD2, LD3, SD3 and SD4 of the Local Plan.
- 6.20 Officers have identified no conflict with the Local Development Plan and as such, in line with the requirements of the NPPF and policy SS1 of the Core Strategy recommend approval, subject to the conditions detailed below.

### **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 named in the scheme of delegation to officers:**

1. **C01 - Time limit for commencement (full permission)**
2. **C07 - Development in accordance with approved plans and materials**

#### **Pre-commencement Conditions**

3. **CNS - Habitat Regulations (River Wye SAC-SSSI) - Nature Conservation Protection**

Before any work, including any site clearance or demolition begin, equipment or materials moved on to site, a Construction Environmental Management Plan (CEMP) shall be supplied to the planning authority for written approval. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have finally been removed.

*Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), NPPF (2018) and Herefordshire Council Core Strategy (2015) policy LD2*

**4. CNS – Welsh Water (Drainage)**

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 having regard to the requirements of policy SD3 and SD4 of the Herefordshire Local Plan – Core Strategy

**5. CNS – Construction Management Plan**

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following details:

- a) Parking for site operatives and visitors which shall be retained and kept available during construction of the development.
- b) Details of working hours and hours for deliveries
- c) Emergency / site contacts during the construction period
- d) Site compound location
- e) A scheme for the control of dust arising from building and site works
- f) Measures to promote sustainable means of transport for construction staff with respect to the construction site

The agreed details of the Construction Management Plan shall be implemented throughout the construction period.

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

**6. C90 – Tree Protection**

**Pre-occupation Conditions**

- 7. CAL - Access, turning area and parking**
- 8. CB2 - Secure covered cycle parking provision**
- 9. CB3 - Travel Plan (with requirement for annual travel surveys)**
- 10. C97 – Landscape Implementation (Soft and hard landscaping)**
- 11. CNS – Sport England (Court Provision)**

Prior to the construction of the replacement netball courts, further details of their design

and specification to include:

- a) a cross section showing the proposed levels of the courts and the associated run off areas, and
- b) construction details of the courts to from sub-base level to surface course level including any colour coating (where proposed) and application of the proposed line markings to demonstrate that the courts will provide appropriate slip resistance, shall be submitted to and approved in writing by the Local Planning Authority (after consultation with Sport England).

The specification of the courts shall accord with Sport England guidance in “Artificial Surfaces for Outdoor Sport” Design Guidance Note (SE 2013) and the relevant Technical Design Guidance from England Netball.

The netball courts shall not be constructed other than in accordance with the approved details and before the school extension hereby permitted is first brought into use.

Reason: To ensure the provision of the replacement courts to a satisfactory specification having regard to the guidance contained the National Planning Policy Framework (particularly Para 97) and Sport England’s Playing Fields Policy, which is presented within its ‘Playing Fields Policy and Guidance Document’

**Compliance Conditions**

**12. CNS - Habitat Regulations (River Wye SAC) – Foul- and Surface Water**

For the development approved under this Decision Notice all foul water shall discharge through a connection to the local Mains Sewer network; and all surface water managed through and on site attenuation system with final discharge to existing mains sewer network; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Habitat Regulations (2017), National Planning Policy Framework, NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2, SD3 and SD4.

**INFORMATIVES:**

**1. IP2 - Application Approved Following Revisions**

**2. INS - Having regard to condition 11:**

Sport England have would refer you to the relevant guidance as follows:

<https://www.sportengland.org/facilities-planning/design-and-cost-guidance/artificial-sports-surfaces/>

<https://www.englandnetball.co.uk/surface-requirements/>

**3. I54 - Disabled needs**

Decision: .....

Notes: .....

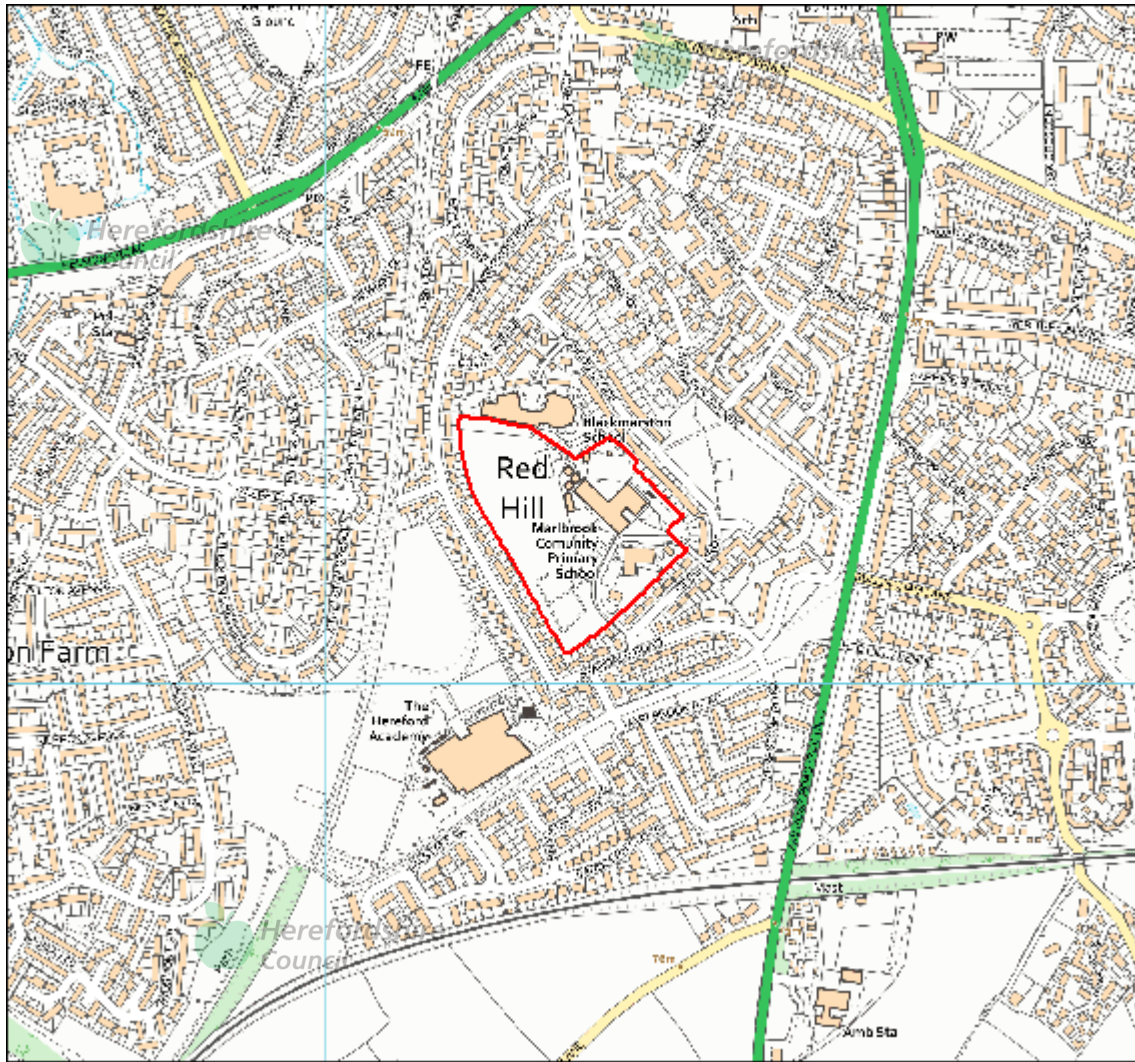
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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

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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:** 190280

**SITE ADDRESS :** MARLBROOK PRIMARY SCHOOL, GREEN CROFT, HEREFORD, HEREFORDSHIRE, HR2 7NT

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<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>10 APRIL 2019</b>
<b>TITLE OF REPORT:</b>	<p><b>182617 - PROPOSED RESIDENTIAL DEVELOPMENT OF 32 DWELLINGS OF WHICH 13 WILL BE AFFORDABLE HOMES, ECOLOGICAL CORRIDOR, SEPARATE PUBLIC OPEN SPACE AND PROVISION OF ACCESS ENHANCEMENTS TOGETHER WITH PARTIAL (ALMOST TOTAL) DEMOLITION OF FORMER RAILWAY BRIDGE AT LAND ADJACENT TO CAWDOR GARDENS, ROSS ON WYE, HEREFORDSHIRE,</b></p> <p><b>For: Mr Jones per Mrs Caroline Reeve, 6 De Salis Court, Hampton Lovett Industrial Estate, Droitwich Spa, WR9 0QE</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=182617&amp;search=182617">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=182617&amp;search=182617</a>
<b>Reason Application submitted to Committee – Redirection</b>	

**Date Received: 16 July 2018**  
**Expiry Date: 11 March 2019**

**Ward: Ross West**

**Grid Ref: 359850,224681**

Local Member: Councillor RL Mayo

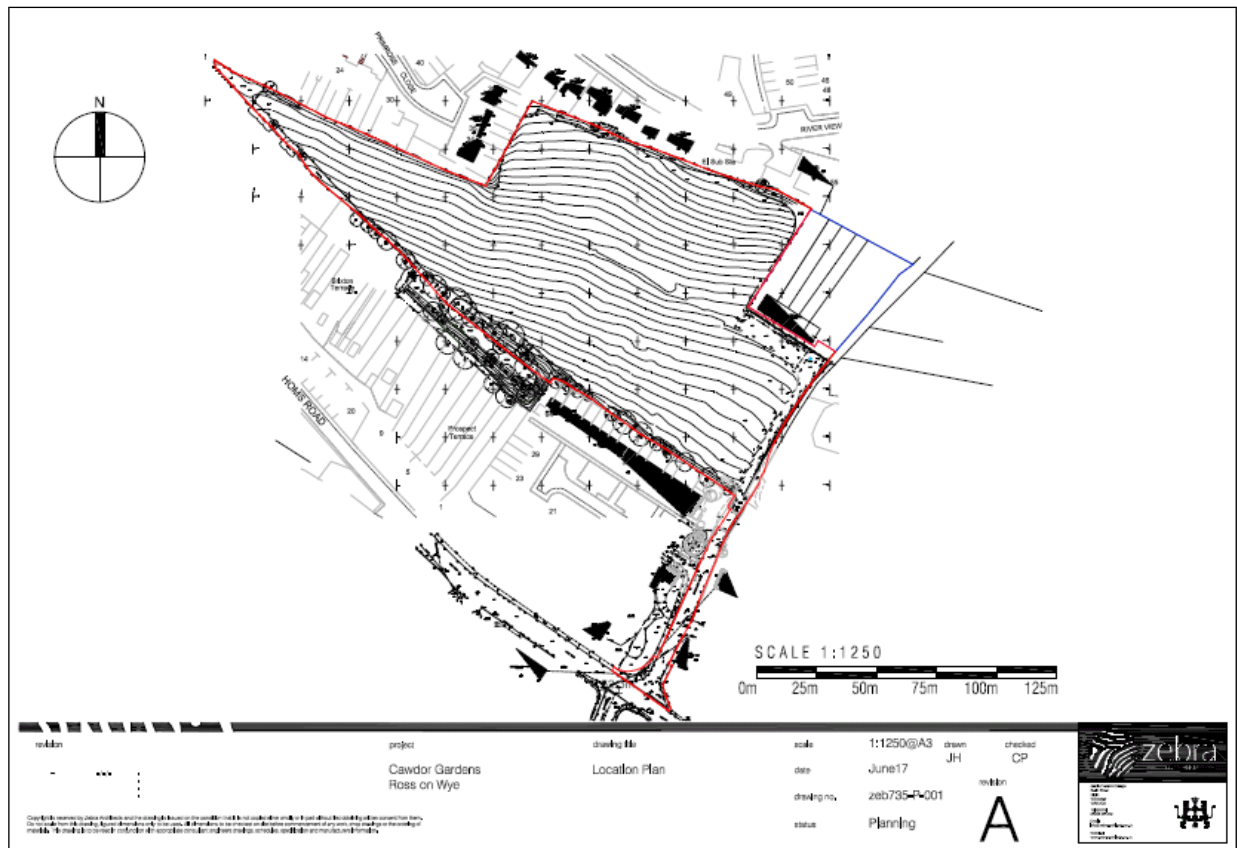
## **1. Site Description and Proposal**

- 1.1 The application is a full application for residential development of 32 dwellings of which 13 will be affordable homes, ecological corridor, separate public open space and provision of access enhancements together with partial (almost total) demolition of former railway bridge.
- 1.2 Following receipt of consultation responses in response to the original proposed plans and details received on 16 July 2018, amended plans and details were received to address material and technical matters regarding highways, drainage and ecological matters and these were consulted upon. The application, in addition to detailed proposed plans, is accompanied by the following supporting evidence –
- Noise impact assessment
  - Transport assessment
  - Stage 1 Road safety audit
  - Flood risk assessment
  - Draft Heads of Terms
  - Landscape Visual Impact Assessment
  - Reptile survey report and translocation strategy
  - Heritage statement
  - Environmental report

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

- 1.3 The application site measures 1.8ha in area and is located within the main built-up area of Ross-on-Wye. Residential development adjoins on all sides of the site. The application site is located within the Wye Valley Area of Outstanding Natural Beauty and within Ross-on-Wye Conservation Area and is shown edged red on the plan below –



- 1.4 Access is currently gained directly from Cawdor Arch Road, a single-track road, which connects to Greytree Road and Homs Road. The application site gradually rises from the southern boundary by approximately 13m to the northern boundary.
- 1.5 No statutory listed buildings are adjacent or within close proximity to the application site. However, the site does contain Cawdor Arch Road Railway Bridge, considered to be a non-designated heritage asset. The application site is situated within Flood Zone 1, although a small proportion of the access road is within Flood Zone 2. A public right of way (ref: ZK5) runs along the existing single-track road adjacent to the eastern boundary and continues to the north connecting the application site to River View.
- 1.6 The proposal is a residential development of 32 dwellings of which 13 will be affordable homes, ecological corridor, separate public open space and provision of access enhancements together with partial almost total demolition of former railway bridge. On the basis of a site area of 1.8ha the proposal has a development density of 18dph.
- 1.7 The draft Heads of Terms can be viewed at –

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=182617&search=182617](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=182617&search=182617)



## 2. Policies

### 2.1 Herefordshire Core Strategy

SS1	–	Presumption in favour of sustainable development
SS2	–	Delivering new homes
SS3	–	Releasing land for residential development
SS4	–	Movement and transportation
SS6	–	Environmental quality and local distinctiveness
SS7	–	Addressing climate change
RW1	–	Development in Ross on Wye
H1	–	Affordable housing – thresholds and targets
H3	–	Ensuring an appropriate range and mix of housing
OS1	–	Requirement for open space, sport and recreation
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

The Herefordshire Local Plan Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-  
[https://www.herefordshire.gov.uk/info/200185/local\\_plan/137/adopted\\_core\\_strategy](https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy)

### 2.2 Neighbourhood Development Plan

The Neighbourhood Development Plan is at the Regulation 14 draft plan consultation stage. Ross-on-Wye Town Council submitted their draft Neighbourhood Development Plan to Herefordshire Council on 7 November 2018.

The Ross Neighbourhood Plan has reached draft plan stage under Regulation 14. The consultation was undertaken from 9 November to 21 December 2018.

The Draft NDP devises a settlement boundary that at present only identifies the current application site as being within the settlement boundary where NDP policy EN3 directs development. The Draft NDP proposes five allocated sites to deliver upto 87 new homes in Ross on Wye in addition to policy EN3.

The application site and this application is referenced within Section 4.11 of the Draft NDP without commentary of prejudice, however is also referenced under Policy SC3 – *Allotments*, which seeks to retain such facilities unless equivalent or improved provision is provided however at the same time notes *Those at Cawdor are soon to be closed (because of a potential development)*.

Relevant topic based draft policies include –

Policy EN1 – *Ross Design Policy* states The design of all new development within the town, while being clearly of its time, should demonstrate its relationship and applicability to its site, setting and context in terms of scale, materials, form, details, layout, public realm and historic character. This is of particular importance within the Conservation Area and Town Centre.

Policy EN7 – *Landscape Setting* states Proposed developments of any type within the Wye Valley Area of Outstanding Natural Beauty will be subject to the controls in place within the Herefordshire Local Plan and the Wye Valley AONB Management plan.

NPPF Para 48 (the replacement for para 216) indicates that The Local Planning Authority may give weight to relevant policies in emerging plans according to:

- a) The stage the preparation of the emerging plan
- b) The extent to which there are unresolved objections
- c) The degree of consistence of relevant policies in the merging plan to this framework

At this stage Herefordshire Council has not had sight of the representations received during the draft plan consultation undertaken by the town council. Therefore as the decision makers are unable to evaluate the extent of any unresolved objections

As part of the Regulation 14 consultation, the Strategic Planning team have confirmed that the plan as currently drafted is in general conformity with the adopted Herefordshire Core Strategy and the National Planning Policy Framework.

At this stage, with regards to para 48 of the NPPF, limited weight can be attributed to the neighbourhood plan.

The Neighbourhood Plan and its supporting documents can be viewed via the following link [https://www.herefordshire.gov.uk/directory\\_record/3094/pembridge\\_neighbourhood\\_development\\_plan](https://www.herefordshire.gov.uk/directory_record/3094/pembridge_neighbourhood_development_plan)

### 2.3 **Wye Valley AONB Management Plan**

The following policies are particularly applicable to this application –

WV-D2 – Encourage and support high standards of design, materials, energy efficiency, drainage and landscaping in all developments, including Permitted Development, to ensure greater sustainability and that they complement and enhance the local landscape character and distinctiveness including scale and setting and minimise the impact on the natural environment. [see also WV-L3, WV-D4, WV-U1, WV-U3, WV-T2, WV-S4 and WV-P5]

WV-D3 – Resist inappropriate development which will create a persistent and dominant feature out of keeping with the landscape of the AONB and/or if it damages Special Qualities in the AONB, including through high levels of noise and/or light pollution or any SAC, SPA or Ramsar site or other sites designated as environmentally important. [see also WV-L3, WV-F3, WV-U1, WV-U3, WV-T2 and WV-S4]

### 2.4 **National Planning Policy Framework – NPPF**

The NPPF also seeks positive improvements in the quality of the built, natural and historic environment and in regards people’s quality of life. The National Planning Policy Framework has been considered in the assessment of this application. The following sections are considered particularly relevant:

- 2. Achieving sustainable development
- 5. Delivering a sufficient supply of homes
- 11. Making effective use of land
- 12. Achieving well-designed places
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

### 3. Planning History

- 3.1 173190 – Residential development of 32 dwellings of which 13 will be affordable homes, ecological corridor, separate public open space and provision of access enhancements – Withdrawn

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 **Highways England** *offers no objection.*

- 4.2 **Natural England** comments

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Natural England's advice on other natural environment issues is set out below.

#### 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 Wye 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** comments:

The proposed development of 32 dwellings is located in the northwest section of the Ross-on-Wye Conservation Area that was characterised by open fields at the time of designation but is now characterised by residential development of variable architectural quality. Historic features such as the line of the old railway and the more open setting of Ross on Wye's historic core have been lost. The principal contribution the area now makes to significance lies in the survival of the River Wye's low lying open flood meadows south of Homs Road.

Historic England considers the policy set out in Sections 12 and 16 of the new NPPF to be of relevance to this application. Paragraph 192 is clear that new development in conservation areas and in the historic context should make a positive contribution to local character and distinctiveness.

Historic England has no objection to the principle of residential development on this site but has in the past raised concerns regarding the design of an earlier application. In assessing the revised proposals we consider that the use of an entirely contemporary design approach is more likely to make a positive contribution to the character of the area as required by paragraph 192. It will, however, be heavily dependent on detailing and materials for its success both

practically and visually; we therefore welcome the inclusion of a colour palette of materials but would urge you to secure design quality by requiring typical construction details either in advance of determination or by condition. These should cover: rainwater drainage, weathering at the junctions between one material and another, ventilation for kitchens and bathrooms, windows, doors etc.

#### Recommendation

Historic England has no objection to the application on heritage grounds. Your authority should take these representations into account in determining the application.

*Note – Historic England had no comments on further amended plans and details they were consulted upon.*

#### 4.4 **Welsh Water** comments:

*The proposed development would overload the existing Waste Water Treatment Works. However, improvements are planned for completion by 31/03/2020. We cannot support the communication of foul drainage to the public sewerage system in advance of these works.*

We have reviewed the information submitted as part of this application with particular focus on the Surface and Foul Water Drainage Strategy included as part of the Flood Risk Assessment reference 5493/001/ROIA. The plan confirms that a full assessment to dispose of surface water via sustainable means has not yet been undertaken and therefore the drainage strategy is still in its infancy. Until these further tests are concluded there is not enough evidence to justify a public sewer connection.

Notwithstanding the above, if you are minded to grant planning permission we request that the following Conditions and Advisory Notes are included within any subsequent consent safeguard our security of service to customers and the protection of the environment:

#### Conditions

No buildings on the application site shall be brought into beneficial use earlier than 31/03/2020, 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 by the Local Planning Authority".

*Reason: To prevent overloading of the Waste Water Treatment Works and pollution of the environment.*

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

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

## Internal Council Consultations

### 4.5 **Transportation Manager** comments:

Having reviewed the submitted e-mail (dated 24/8/18) the following comments can be agreed –

1. The removal of the walls of the bridge allows the carriageway to be widened and a full footway to be provided. Therefore there is an improvement from the original proposed alterations. As with all new highways infrastructure it will be subject to the S278 procedure and subject to technical approval for anything which affects the highways network.
2. The provision of the TRO through the S106 is agreed
3. The RSA stage 1 can be agreed with the applicant.

With the provision of the information supplied in the e-mail, if minded to approve, please condition as follows –

CAB – as shown on drawing number: - MID3986-015, CAE, CAH, CAH, CAJ, CAL, CAP, CAQ, CAR, CA2, CAT, CAX, CAZ, CAZ, CB1, CB2,  
INformatives: I11, I09, I06, I45, I08, I08, I07, I05, I57, I49, I51, I47, I35

The above position was preceded by the following **comments dated 29 August 2018**: –

We need to require that the demolition works and conversion to a pair of retaining walls are controlled under the BD2-12 Approval of Highway Structures process, as these walls fall under S167 of the Highways Act. If permission is granted for the development can a Planning obligation be included that the these works are agreed in accordance with S167 Highways Act with the Highway Authority using the BD2-12 process in advance. An informative is not appropriate.

The proposal for the ‘details to be agreed onsite by a structural engineer’ as noted on the drawing are not acceptable, as this would need to be analysed in advance by a bridge/structures engineer. The details of the changes to the structure need to be agreed with the Highway Authority, to ensure that the structure does not collapse during or after the adjustments and block the highway.

We would expect to see retaining wall designs that demonstrate how the pair of walls can accommodate the loads they support and maintain the stability of the ground. We would also expect to see a method statement showing how the bridge will be safely demolished, without damaging the infrastructure that is to remain.

We’d note that we’d expect the retaining walls to remain a third party asset. We’d advise that the ownership and maintenance responsibility for the walls is clarified. If it is suggested that HC adopt these walls then we’d advise that you require them to be totally demolished and the ground levels adjusted to a safe angle of repose, thus removing the future maintenance liability.

1. Appendices haven’t been provided for the Transport statement
2. RSA stage 1 required to be done to HC agreed brief. The RSA which has been undertaken previously should be submitted
3. Pedestrians walking along the footway through the tunnel will block forward visibility through the tunnel for vehicles
4. No footway is shown on highways plan for the north western tactiles.

5. No restriction of parking has been provided. Parking is discussed in the TS, however the provision of parking will block the proposed forwards visibility for the priority give way. It will also restrict the visibility splay from the proposed crossing point. How are the development going to prevent parking around the junction of Homs Road, Cawdor Arch Road as the development will increase vehicles movements using this junction.
6. Priority give way signs are required to be illuminated as they are part of a street lighting system.
7. Driveway gradients 1:8, 1:12 vehicle crossing gradients should be shown on plan. Details should also be provided showing the gradients of the carriageway and footways.
8. Forwards visibility should be shown on the submitted through the development including where the proposed buildouts are shown.
9. Gradients of the new footway need to shown on plan (north)
10. Comments regarding the visibility splays state "This is the option shown in MID4986-SK015 rev B" however the submitted plan is Rev E, Is this different to Rev B?

Previous comments submitted for application number 173190 –

*Parking south of the arch needs to be looked at as there is no TRO or highway to restrict parking. See above comments about parking*

*New footway provisions should not provide a lower standard of provision than what is existing.*

*Gradients should meet DDA compliance and the issues of security and visibility for pedestrians to see other pedestrians should be looked at. Parking also needs to be looked at to protect the junction of Cawdor Arch, Homs Road and Trenchard Street.*

*Footway should look to be provided adjacent to the public open space land to allow pedestrians a safe walking area from the public open space. The crossing point to the south eastern side should not be restricted by the arch.*

#### 4.6 **Public Rights of Way Manager** comments:

Public footpath ZK5 has been shown on plans (although it has been labelled ZK4). It is stated that the public right of way will not be altered in any way, although the Design and Access Statement also says, 'An area of PROW may have to be removed to allow the upgraded vehicular access route. If so, an alternative PROW access point will be provided adjacent to the proposed POS'. No work should be allowed to commence on the right of way, without PROW consent. If work close to the footpath endangers users, a temporary closure must be applied for.

#### 4.7 **Service Manager Built and Natural Environment** comments: **(Building Conservation Officer)**

The loss of the bridge would be considered less than substantial harm to the significance of the conservation area and be weighed up against the benefits of the proposals.

We would be supportive of the wider proposals. If subsequently approved we would recommend conditions on:

- Roof Details to Scale (CG4)
- External Materials samples including a sample panel on site (CH3)
- Typical Joinery Details. (CH8)

- Landscaping scheme
- Building Recording to Level 2 for Bridge (CG1)

Comments:

To be read in conjunction with previous comments on the application.

In relation to the demolition of the bridge, Paragraph 201 of the NPPF would be appropriate in this instance: "Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole."

Given the contribution of the bridge both historically and visually to the Conservation Area as a heritage asset and its significance, we would view this as less than substantial harm (para 196). This does not down play the importance of this aspect of the Conservation Area, it is still, after all, harm. In determining the application and weighing up the benefits of the proposals, we would draw your attention to the 'special attention' required by Section 72 of the P(LB&CA) Act 1990 and para 193 of the NPPF.

Given the further loss proposed, I would recommend a recording condition if the application is subsequently approved.

Previous comments referenced above stated –

It is felt that overall the proposals would meet the requirements of policy 124 of the NPPF and that the less than substantial harm caused by the demolition of the bridge is at the lower end of the scale and should be weighed against the public benefits of the proposals.

We would recommend conditions relating to materials and detailing including:

- Roof details at 1:5
- Joinery details at 1:2 with a 1:20 schedule.
- Samples of external materials including a sample panel on site (for the duration of the works.)
- Landscaping.

The site is located within the Ross on Wye Conservation Area, section 72 of the Planning (Listed Building & Conservation Areas) Act 1990 requires LPA's to pay special attention to preserving or enhancing the character or appearance of such an area. This affords greater weight in planning decisions when considering the impact of harm.

Policy 124 of the revised 2018 NPPF makes clear the expectations for the design of proposals requiring consent: "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve." Policies 127 and 131 reinforce this further.

The proposals would require demolition over the threshold for permitted development within a Conservation Area. As such this would be considered under policy 201 of the NPPF. In turn it is considered that the harm to the character and appearance of the conservation area would be less than substantial and should be weighed against the public benefits of the proposals. The railway bridge has significance in that it provides tangible evidence of the former use of part of the site and a architectural gateway to the area. It is not felt that the railway bridge in itself has strong historic significance as it is late, is not associated with a strong linear feature and is not

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

of an innovative or architecturally important design. However conversely the loss of the bridge reduces the visual evidence available of the railway line, reducing the signs allowing interpretation of the history of the site. It is felt that this loss of significance is less than substantial and should be weighed against the public benefits of the scheme by the LPA.

Policy 200 of the NPPF states that the LPA should treat applications which enhance a Conservation Area favourably. It is felt that the contemporary approach encouraged by the planning case officer would be an enhancement to the Conservation Area.

4.8 Service Manager Built and Natural Environment comments:  
**(Archaeology)**

In the circumstances, no objections to works proposed on former railway bridge.

4.9 Service Manager Built and Natural Environment comments:  
**(Ecology)**

Planning Obligations Manager working to secure the legal aspects of the off-site reptile translocation that is required. This 25 year legal security of off-site receptor areas is required – originally HWT sites were proposed so HWT will need to be party to legal agreement.

HRA Appropriate Assessment submitted to Natural England for their formal approval. Suggested conditions within the HRA AA.

I note from an ecology perspective that the same supporting information has been supplied as for the previously withdrawn application ref 173190 (ending May 2018).

Although the ecology report from 2015 could be considered out of date and as fauna is often mobile and opportunistic the original assessment is still sufficiently relevant for the LPA to make a determination against the three tests and the comments from the previous application are in essence still valid as the majority of the detail of mitigation and compensation will actually be managed through the protected species licensing system managed and enforced by Natural England. There is no reason to believe that the relevant protected species licence will not be obtainable should planning consent be granted. Any translocation site will be subject to a relevant ownership and management legal agreement or form part of the agreed s.106 agreement – whichever is relevant.

Updated comments and suggested conditions below:

*Nature Conservation Protection*

Before any work begins, equipment or materials moved on to site, a Construction Environmental Management Plan (CEMP) shall be supplied to the planning authority for written approval.. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have been finally removed.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 2017 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy, National Planning Policy Framework 2018 and NERC Act 2006

I note the ecological report and Reptile Translocation Strategy. These appear to be relevant and appropriate and should be subject to relevant conditions and any required protected species licences required. The Offsite reptile receptor sites should be subject to relevant legal agreements with the landowners to secure in perpetuity ownership and suitable management to maintain reptile friendly habitats. An initial 10 year legally secured Management Plan for the



receptor site is requested for approval. I would request that the Section 106 Agreement or other legally binding document includes all relevant legal agreements and plans in order to secure the safety of translocated Reptiles.

#### Nature Conservation – Ecology Protection and Mitigation

The ecological protection, mitigation and working methods scheme as recommended in the Ecological Report by HEC August 2015 shall be implemented in full as stated unless otherwise approved 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 2017 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy, National Planning Policy Framework 2018 and NERC Act 2006

#### Nature Conservation – Reptile Translocation and Protection

The Reptile Translocation Plan as recommended by Wessex Ecological Consultancy dated May 2017 shall be implemented in full as stated unless otherwise approved in writing by the local planning authority. Offsite Receptor sites must be subject to appropriate legal agreements and Management Plans such as to ensure the in perpetuity security of tenure and habitat quality of the receptor site. The final legal agreement and site management plan shall be approved by this 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

#### Nature Conservation – Enhancement

In addition to required ecological mitigation and soft landscaping, prior to commencement of the development, a detailed habitat enhancement scheme including extensive provisions for bat roosting, bird nesting, pollinating insect houses, hedgehog homes and reptile-amphibian refugia should be submitted to and be approved in writing by the local planning authority, and the scheme shall be hereafter implemented and maintained as approved. No external lighting should illuminate any biodiversity enhancement, or ecological habitat.

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

Required Habitat Regulations Assessment: Under Habitat Regulations 2017 this application will have to be screened and an appropriate assessment carried out to ensure that all likely significant adverse effects on the River Wye SAC can be and are mitigated/implemented. The likely adverse effects are identified as:

- Foul water
- surface water
- construction process

Foul Water: It is noted that the response from Welsh Water has indicated that connection to the mains sewer is possible but that due to current capacity an active connection will not be possible before at least 2020 as it is subject to local upgrades and capacity increase. The applicant should advise how they wish to proceed but if a determination of this application is made then either an occupation condition should be included ensuring no occupation until an

active and acceptable connection to Welsh Water's mains sewage system has been achieved; or alternative foul water proposals submitted for consideration prior to determination.

Surface Water: Proposed SuDS system should be subject to approval through our drainage consultants and providing they are satisfied the final proposal should be made subject of a relevant implementation condition.

Construction impacts: The already requested CEMP made the subject of a pre-commencement condition is likely to be considered relevant mitigation

Once details of foul water have been confirmed the final HRA Appropriate assessment can be completed and submitted to Natural England for approval. This approval must be received prior to this application being determined.

#### 4.10 Service Manager Built and Natural Environment comments **(Arboriculture)**

I do not have any objections to the proposed plans, there doesn't appear to be an abundance of trees where the plots are proposed to be located and the landscape plan indicates that new planting will mitigate for any losses.

Having looked at the landscaping plan I do have some concern that the *Tilia cordata* 'greenspire' will eventually grow to be too broad in the spaces between plots. They have a mature spread of approx. 5m which is similar to the spaces they will occupy; this could eventually lead to constraints and their removal. I would opt for a slightly smaller species.

The green corridor, at its widest, is approximately 20m, would it be worth considering planting larger specimen trees along here? Due the high topography of the site these trees, if they reach maturity, could be features on the skyline and adding the to the townscape.

#### 4.11 Service Manager Built and Natural Environment comments: **(Landscapes)**

I have seen the proposed planting plan dated as received 13/8/18 and I have read the tree officer's comments.

I concur with his view apart from the planting along the northern boundary there is not a great deal proposed within the site. I recall in my original pre-application comments I advised that there should be substantial planting within the site in order to break up the mass of housing. The site provides a green break within the block of housing that extends up Brampton Hill. With this lost the view from Edde Cross Street will be altered offering little relief to the built form, planting within the development will reduce these effects.

I have spoken with the ecologist and he advises me that tree planting within the ecology buffer zone should also be encouraged as it offers habitat in addition to scrubland.

Previous comments (Sept 2018):

I have seen the proposed drawings ZLA-732-L010- B which appear to offer an illustrative layout showing a landscape buffer to the north of the site and a pocket of open space to the south west. I am not convinced that it offers enhancement to the development, however the layout is such that the scope is limited. The planting detail will be required via a condition and the case officer may wish to consider how best the landscape buffer to the north can be retained and not become subject to pressure for removal in the future.

Finally I note that the proposed removal of the railway arch is part of the proposed development, whilst it may not merit listing by Historic England, it should be considered as a feature within the landscape –its value as a heritage asset I leave to the HB officer to determine.

#### 4.12 **Environmental Health Officer (Noise and Nuisance)** comments:

In my response of 31st October I commented on the use of French windows to provide daylight and ventilation to bedrooms. The applicant has supplied amended plans which show that these windows will have lockable 'tilt and turn' fittings enabling greater ventilation to the bedrooms whilst not compromising security. Our department has no objections to these proposals.

##### **Comments from 31<sup>st</sup> October 2018** as referenced above stated –

The applicant has supplied a noise assessment which evaluates the impact of road traffic noise. The assessment considers daytime noise at 5 locations on the site and night time noise at 1 location.

The report concludes that because the noise risk assessment has found that the road traffic noise is low risk or negligible in accordance with the ProPG guidance there is no need for an acoustic design statement in accordance with stage 2 of the guidance and that no mitigation measures are necessary.

Our department does not concur with the conclusions of the report as set out. However there is sufficient information supplied to form the opinion that the predicted slight exceedances above the desirable internal and external noise levels set out in BS8233 can be mitigated. External noise levels measures are 51 to 54 dB LAeq across the site which is above the desirable external amenity standard of 50dB LAeq. This can be mitigated by a close boarded fence around each garden.

The report concludes that internal standards can be achieved with the windows closed whereas the ProPG guidance discusses the need for the internal noise standards to be achieved in as many dwellings as possible. Predicted internal noise levels with partially open windows will be in the range of 30 to 33dB LAeq at night time (as against a desirable standard of 30dB LAeq. However this is without mitigation by way of screening of the neighbouring houses once built. There will be a minimal number of dwellings where the desirable standard cannot be obtained with the windows partially open. Therefore our department has no objections on noise grounds.

Should the proposal be granted permission to safeguard the amenity of neighbouring residential premises I recommend a condition which restricts the hours of construction and delivery to site and also a further condition which requires a Construction Environmental Management Plan to be submitted prior to commencement of works.

I have examined the layout of the closest impacted houses to see if the noise sensitive rooms can be better orientated but this does not appear possible with this scheme. I did note, however, that some of the bedrooms on the site only have french windows or double doors as ventilation which I believe would be contrary to the Housing Health and Safety rating guidance for safety and security. Far preferable would be to have a section of these doors as a separate opening windows.

#### 4.13 **Environmental Health Officer – (Housing)** comments –

- From the plans provided all of the plots currently provide a protected route in the event of a fire. However, if the floor layout changes then consideration should be made for fire escape windows from all bedrooms, if the only internal escape route in the event of fire is through a risk room i.e. kitchen, utility, living or dining room. If there is more than a 4.5 meter drop from bedroom windows (e.g. from the third floor), then an alternative layout

should be provided so that persons can exit the property from the bedroom without the need to go through a risk room.

- If the property is in a Radon affected area, suitable mitigation measures should be put in place.
- If any of the proposed dwellings are to be HMOs then they must comply with the council's amenity standards and particular attention must be made to the minimum bedroom size of 6.5m<sup>2</sup>. The amenity standards can be found on the following link [https://www.herefordshire.gov.uk/download/downloads/id/2075/amenity\\_and\\_facility\\_standards.pdf](https://www.herefordshire.gov.uk/download/downloads/id/2075/amenity_and_facility_standards.pdf)
- There should be sufficient and secure ventilation to the outside air from all living/dining and bedrooms as well as internal bathrooms.
- There are no points in relation to this specific application.

#### 4.14 Land Drainage Engineer comments as follows –

This application was previously reviewed in July 2018 and we recommended that the following information is provided prior to the Council granting planning permission for this development:

1. Consideration of exceedance flows for events up to the 30 year event and 100 year event to ensure no increased risk to downhill properties.
2. Agreement in principle with Welsh Water regarding the proposed discharge of foul water from the development.
3. Confirmation of the authority responsible for the adoption and maintenance of the surface water and foul water drainage systems.

We also highlighted that if the results of infiltration testing indicate that infiltration will not provide a feasible means of managing surface water runoff, an alternative drainage strategy must be submitted to the Council for review and approval.

The Applicant submitted the following additional information in November 2018:

- Addendum to Flood Risk Assessment, ref. 5493/001/R02, November 2018;
- Location Plan;
- Surface & Foul Water Drainage Strategy, drawing ref. 100, rev P4.

#### Comments:

It is noted that the recently submitted proposed drainage strategy has been amended since the previous submission and surface water runoff is now proposed to be attenuated in three infiltration ponds connected via swales to promote water treatment and provide biodiversity benefits. We welcome the amended proposal. We maintain our previous comment, however, that if the results of infiltration testing indicate that infiltration will not 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.

It is also noted that the submitted storage calculations are based on FSR rainfall data. In accordance with The SUDS Manual, we expect the detail design of the drainage system, including attenuation storage, to be designed using FEH 2013 rainfall data.

*Point 1: Consideration of exceedance flows for events up to the 30 year event and 100 year event to ensure no increased risk to downhill properties.*

The submitted amended drainage strategy drawing shows the proposed flood exceedance route. The drawing shows that exceedance flows will be conveyed towards the access road (Cawdor Arch Road) and eventually towards Homs Road. The illustrated proposal is not acceptable as it will increase the risk of flooding to Homs Road and adjacent properties. We stress that exceedance flows for events up to the 1 in 100 year event with climate change should be managed within low vulnerability areas of the site boundary to ensure no increased risk of flooding elsewhere. That said, the proposed use of infiltration/attenuation basins will assist in the management of exceedance flows if the Applicant can demonstrate that overland flow will be directed towards the basins and not directly off-site. As the basins are located at the lowest elevation of the site this should be easily achievable.

The submitted Addendum to FRA states that the proposed exceedance flow route is indicative at this stage as proposed external levels have not yet been designed. The addendum also states that during detailed design, a combination of ground levels and drainage design will demonstrate that the scheme can be developed to ensure no increased risk of pluvial flooding to properties both within the site and downstream of the site. We therefore require a detailed strategy to be presented at detailed design that demonstrates how overland flows will be directed towards the basins within posing risk to the development or elsewhere – noting that careful consideration should also be given to protecting properties located immediately downhill of the proposed storage areas.

*Point 2: Agreement in principle with Welsh Water regarding the proposed discharge of foul water from the development.*

The Applicant submitted a letter from Welsh Water stating that the proposed development would overload the existing Waste Water Treatment Works. However, improvements are planned for completion by 31/03/2020. Welsh Water stated that they cannot support the communication of foul drainage to the public sewerage system in advance of these works. Welsh Water also stated that if the Council is minded to grant planning permission, they request that the following condition is included within any subsequent consent:

*'No buildings on the application site shall be brought into beneficial use earlier than 31/03/2020, 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 by the Local Planning Authority'.*

Welsh Water confirmed that after 31/03/2020 foul flows from the proposed development can be accommodated in the public foul water sewerage.

We have no further comment on this matter.

*Point 3: Confirmation of the authority responsible for the adoption and maintenance of the surface water and foul water drainage systems.*

The submitted Addendum to FRA states that the surface water drainage system up to headwall of the attenuation ponds is proposed to be adopted by Welsh Water. Welsh Water confirmed that they will adopt the system up to the headwall of the first attenuation pond. The Addendum to FRA also states that the attenuation ponds and the interlinking swales will be managed by a private management company. The Applicant submitted a recommended maintenance schedule for the basins and swales. This is acceptable although a more detailed maintenance plan will be required prior to construction.

It is assumed that foul water will be adopted by Welsh Water.

#### Overall Comment:

*The information provided by the Applicant is sufficient to address our previous comments. Should the Council be minded to grant planning permission, we recommend the Applicant submits the following information requested in suitably worded planning conditions:*

- Assessment of risks to safe access and egress associated with fluvial flooding (with climate change allowances) and demonstration of appropriate provision of safe access and egress;
- 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. If the infiltration results are found to not be suitable, an alternative drainage strategy will need to be submitted to the Council;
- 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 that demonstrate the inclusion of SuDS, where appropriate, and location and size of key drainage features;
- Drawings showing details of the proposed attenuation ponds and swales, including cross sections;
- Detailed calculations of proposed infiltration features informed by the results of infiltration testing;
- All drainage calculations, including attenuation storage calculations, should be based on the FEH 2013 rainfall data;
- 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;
- 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;
- Calculations that demonstrates there will be no increased risk of flooding as a result of development up to the 1 in 100 year event and allowing for the potential effects of climate change;
- Details of how natural overland flow paths and overland flows from outside of the site boundary have influenced the development layout and design of the drainage system;
- Detailed drawing demonstrating the management of surface water runoff during events that may exceed the capacity of the drainage system, including: temporary exceedance of inlet features such as gullies; exceedance flow routes and storage up to the 1 in 100 year event; and exceedance in the event of blockage including blockage of attenuation pond outlets;
- Operation and Maintenance Manual for all drainage features to be maintained by a third party management company;
- Detailed drawings of the foul water drainage strategy showing how foul water from the development will be disposed of and illustrating the location of key drainage features.

#### **4.15 Building Control Department comments:**

With regards to the removal of the bridge advise: *As this is outside the site it does not fall within the requirements of the Building Regulation for access for fire services (Regulation B5).*

#### **4.16 Open Spaces Planning Officer comments:**

It is noted that this application is for a revised scheme replacing planning application 173190 which was withdrawn. The proposal largely remains the same in respect of on-site POS proposals and my comments remain mostly unaltered from those previously submitted.

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 as 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.

In this instance the following evidence bases apply.

- 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.

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

For 32 houses at an occupancy of 2.3 (total population 73.6) the following is required:

- The developer provides a minimum of 0.870ha (870sq m) of on-site green infrastructure comprising;
- 0.029ha (290sqm) of Public Open Space (@ 0.4ha per 1000 population)
- 0.058ha (580sq m) of Children's Play (@ 0.8ha per 1000 population) of which 0.018ha (180sq m) should be formal play equipment. (@ 0.25ha per 1000 population)

A combination of both on and off site POS and outdoor sport is required from this proposal.

#### On-site provision

POS and Children's Play: The applicant should be clear as to how much usable POS will be provided on site in meeting the minimum requirements shown above. The proposal includes an area of informal POS situated at the entrance point along the south-east boundary of the application site which does show 180sq m of infant outdoor play described as "environment" within a larger amenity area much of which is shown to include tree/orchard planting. The size of usable POS hasn't been provided and I will assume that the play area is to be equipped, although this is not clear. The 20m ecology easement line along the south west boundary could provide informal POS but again it is not clear how much if any could be used for this purpose.

The value of on-site play provision is calculated in accordance with the SPD on Planning Obligations and for market housing only which are in this instance: 8 x 2 bed, 10 x 3 bed and 1 x 4 bed.

This equates to a play area to the value of **£26,339**. The play area should be aimed at infants and juniors only and provide a range of equipment intended for this age offering good play value. Some landscaping may be required given the topography of the area 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.

Future maintenance: Herefordshire Council no longer adopt open space and 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 the Town 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.

#### Off-site contributions

Outdoor Sports: an off-site contribution is asked for in accordance with OS1 and OS2 and based on evidence from the Playing Pitch Assessment for the Ross Area 2012 and Outdoor Sports Investment Plan which includes up to date information (2017) on existing facilities and clubs and 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, rugby and hockey) for Ross 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.

Contributions are calculated as follows for market housing only:

#### Contribution arising from this proposal:

- £974,200: Total Outdoor Sports Investment costs (costs calculated using Sport England's Facility Kitbag)
- 900 new houses (Core Strategy Ross housing requirements)
- £1,082: Cost per market house: (Total investment costs divided by total number of houses)

For this application and 19 market houses this equates to **£20,558**

#### *Projects for Ross include:*

Football Quantity/Quality deficiencies: Identified deficiencies: senior training and junior football provision. Ross Football Club (juniors and seniors) play at Ross Sports Centre.

Proposal: Ross Sports Centre: Creation of a high quality sustainable multi sports hub for the town and surrounding area to make the best use of limited resources. Included as part of the overall package of improvements to support the delivery of additional football matches and training and to enable the consolidation of local clubs and facilities and the creation of a complete pathway from junior to senior football:

- Provision of additional dedicated junior football pitches and training facilities
- Development and alterations to the existing centre to create additional facilities and changing rooms.
- High priorities for the National Governing Body for Football and Herefordshire Football Association.

Rugby Quantity/Quality deficiencies: Identified deficiencies: Existing changing rooms and facilities at Ross Sports Ground are not adequate for future need of the Ross on Wye RUFC. Facilities are owned by the club.

#### Proposal: Additional Changing Rooms:

- Increase the number of changing rooms from 2 to 4 and provide a clubroom. The club is growing its membership and requires these to accommodate future growth.
- High priorities for the National Governing Body for Rugby



Both of these projects will potentially benefit the residents of the proposed development.

#### 4.15 **Strategic Housing Manager** comments

*In principle Strategic Housing support the above application.* On reviewing the mix of open market and affordable housing I can confirm that 40% of the development has been provided as affordable housing. I am in agreement with the breakdown of bed sizes and the pepper potting of dwellings. The tenure breakdown would be:

<u>2 Bed</u>	<u>3 Bed</u>
3 x Social Rent	3 x Social Rent
4 x Intermediate	3 x Intermediate

The open market dwellings are also in line with the Local Housing Market Assessment. Local connection is required to Ross on Wye in the first instance.

#### 4.17 The **Planning Obligations Manager** comments:

'A policy compliant draft heads of terms has been negotiated and agreed to secure financial contributions towards community infrastructure and the delivery of affordable housing. There is provision for the translocation of slow worms from the site to wildlife reserve sites in the ownership of Herefordshire Wildlife Trust.

The comments of Ross Town Council have been taken into account with regards to the draft heads of terms.

With regards to item 2 of their comments, I will include reference to the safer routes to school in the draft heads of terms.

With regards to item 7, this is included in response to a request from Shakespeare Martineau Solicitors who act on behalf of the Wye Valley Trust. The Wye Valley Trust run Hereford Hospital and this is where the contribution will be directed.

The doctor's surgeries are operated by the Clinical Commissioning Group who have not commented on the application.

#### 4.18 **Education** comments –

The educational facilities provided for this development site are Ashfield Park Primary School and John Kyrle High School. Ashfield Park Primary School has a planned admission number of 60. As at the schools summer census 2018:-

- All Year groups have spare capacity- no contribution requested

John Kyrle High School has a planned admission number of 210. As at the schools summer census 2018:-

- year groups are at or over capacity- Y7=212, Y9=238, Y10=245

Approximately 1% of the population are affected by special educational needs and as such the Children's Wellbeing Directorate will allocate a proportion of the monies for Primary, Secondary and Post 16 education to schools within the special educational needs sector. Although there is currently surplus capacity with the catchment primary school and therefore we are unable to ask for a full contribution as indicated in the SPD towards this element please note that 1% of the contribution will go towards Special Educational Needs provision within the Local Authority maintained Special Schools and therefore we would still be seeking this 1% contribution.

Please note that the Planned Admission Number of the above year groups is based on permanent and temporary accommodation, whereas section 3.5.6 of the SPD states that the capacity should be based on the permanent accommodation, therefore, additional children may also prevent us from being able to remove temporary classrooms at John Kyrle High School that we would otherwise be able to do.

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

Contribution by No of Bedrooms	Pre-School	Primary	Secondary	Post 16	SEN	Total
2+bedroom apartment	£117	£0	£1,036	£87	£89	£1,329
2/3 bedroom house or bungalow	£244	£0	£1,949	£87	£138	£2,418
4+ bedroom house or bungalow	£360	£0	£4,002	£87	£247	£4,696

Although no contribution has been requested for the catchment Primary school for this development, please note that parental preference may dictate that children from this development may attend other schools that would ordinarily require a contribution as a result of this development taking place.

Please note this is the contribution that would be requested at this point in time based on the current information available that is pupil census data and the criteria in the SPD. It is therefore likely that this level of contribution will change (increase or decrease) for all subsequent applications made.

## 5. Representations

### 5.1 Ross on Wye Town Council commented on amended plans assessed within this report as follows –

Members re-iterate the comments previously being that they do not object to development of the site in principle but do object to the style of the proposed development considering it to be out of keeping with local building styles and materials and in a very visible location. Members object to the removal of the railway arch as no evidence has been submitted stating that it needs to be removed for fire service reasons and so it would therefore serve no useful purpose. The transport evaluation does not recommend the removal of the arch.

The referenced previous comments stated *Members do not object to development of the site in principle but do object to the style of the proposed development considering it to be out of keeping with local building styles and materials and in a very visible location. Members voted to object to the removal of the railway arch by 3:1.*

The Town Council provided further comments on the Draft Heads of Terms as follows –

*The draft Heads of Terms were discussed at the recent Planning and Development Committee Meeting and members would like to make the following requests:*

Item 2 – that the sustainable transport infrastructure should also include safer routes to school i.e. John Kyrle School and Brampton Abbotts School.

Item 7 – that the development of infrastructure for the provision of health services should be in Ross-on-Wye i.e. Ross Hospital and increased consulting rooms for GP's at Alton Street Surgery, as opposed to Hereford County Hospital.

- 5.2 **50 representations of objection** have been received, comments are summarised as –
- The railway bridge proposed to be demolished has history to the town and its character, the bridge is an historical structure and landmark and should be protected as part of our heritage and not demolished
  - Concerned regarding highway safety, particularly of pedestrians and increased traffic hereabouts
  - The site should be left for open space and nature and is a resource for children's play and wildlife
  - There are protected species on the site
  - The land was donated for public use, not to be sold off
  - The area has enough homes and does not have enough public open space as it is
  - Concern regarding loss of views from proposed planting
  - Loss of the arch would prevent reopening of the branch line
  - There is no need for 32 new homes
  - The removal of the arch is not necessary to enable emergency or service vehicles
  - Additional houses will put more strain on existing infrastructure and services
  - Impact and inconvenience on users of the public right of way which is used as a walking route to local Schools
  - Adverse landscape impact and one within an AONB
  - Development impractical on basis of land levels and earth works required to implement it
  - Design is not in keeping with the area and is highly prominent
  - Loss of privacy to existing homes
  - Concern regarding access to existing dwelling for maintenance
  - Concern regarding impact on existing drainage facilities and capacity
  - Reference to previous application
- 5.3 **Two letters of support** has been received, comments are summarised as –
- The Ross Charity Trustees have been endeavouring over many years to sell the unused open land to enable them to purchase properties to let at affordable rents to people in need of their own homes - of which there are many in the town.
  - The arch is of no particular architectural interest and better examples exist along this former line
  - The proposal will tidy up the site and improve appearance of the area

5.4 The **Ramblers' Association** comments:

The proposed development will affect public footpath ZK5 as stated in the Design & Access Statement – ‘An area of PROW may have to be removed to allow the upgraded vehicular access route. If so, an alternative PROW access point will be provided...’.

The Ramblers' Association requests that the Mike Walker, Public Rights of Way Team Leader at Balfour Beatty Herefordshire be involved in the final design of this new access point to ensure that any new access point complies with equalities legislation and allows access for all.

If it is necessary to close the footpath during construction works a temporary closure order must be obtained from the highway authority prior to works commencing.

5.5 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=182617&search=182617](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=182617&search=182617)

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*

#### **Legislation**

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."* The development plan is the Herefordshire Core Strategy.

6.2 Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 state the following respectively:-

*"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."*

*"In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

6.3 The legal framework for AONBs in England and Wales is provided by the Countryside and Rights of Way Act (CRoW) 2000 which reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty, and sets out responsibilities for their management. In particular relevance to the proposal is following section –

6.4 Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty.

6.5 Section 84 confirms the powers of local authorities to take appropriate action to conserve and enhance the natural beauty of AONBs.

6.6 Section 85 places a duty on all public bodies and statutory undertakers to 'have regard' to the 'purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

#### **Herefordshire Local Plan - Core Strategy**

6.7 Policy RW1 – *Development in Ross-on-Wye* sets out objectives specific to the town and where Ross-on-Wye will accommodate a minimum of 900 new homes, balanced with approximately 10 hectares of existing allocated employment land allocation during the plan period, in accordance with the spatial strategy. A strategic housing location will focus a minimum of 200 new homes to the south east of the town. The remaining requirement for homes will be delivered on sites allocated through a Neighbourhood Development Plan. Within Ross-on-Wye, new development proposals will be encouraged where they:

- improve accessibility within Ross-on-Wye by walking, cycling and public transport, particularly where they enhance connectivity with local facilities, the town centre and existing employment areas;
- contribute towards new or improved community facilities and/or allow for infrastructure improvements in the town to promote sustainable development;

- reflect and enhance the characteristic natural and built historic elements of Ross-on-Wye, such as its red sandstone and timber framed Tudor buildings and boundary walls, the medieval plan form, conservation area and natural setting overlooking the River Wye;
  - enhance green infrastructure and biodiversity, particularly the Wye Valley Area of Outstanding Natural Beauty and the River Wye; and
  - have demonstrated engagement and consultation with the community including the town/parish council.
- 6.8 Policy H3 – *Ensuring an appropriate range and mix of housing* states Residential developments should provide a range and mix of housing units which can contribute to the creation of balanced and inclusive communities. Also, Policy H3 indicates that the latest *Local Housing Market Assessment* will provide evidence of the need for an appropriate mix and range of housing types and sizes. Whilst it is not in dispute these are policies for the supply of housing they also have wider implications in terms of ensuring the social benefits of providing a suitable mix of housing types.
- 6.9 The Herefordshire Local Housing Market Assessment (HLHMA) formed part of the evidence base for the CS, although it is now some five years old. However, it is specifically cited in CS Policy H3 and without any other substantive evidence in regard to housing need in this area significant weight is attached to this. For the Ross on Wye area the HLHMA indicated that the greatest demand was for two and three bedroom housing, which was estimated as providing 49.5% and 25% of housing needs, with four bedroom or larger housing providing only 20.1% of the estimated needs.
- 6.10 Core Strategy policy SS6 describes proposals *should conserve and enhance those environmental assets that contribute towards the county's distinctiveness, in particular its settlement pattern, landscape, biodiversity and heritage assets and especially those with specific environmental designations.*
- 6.11 Policy SS6 then states in its list of criteria states *Development proposals should be shaped through an integrated approach and based upon sufficient information to determine the effect upon landscape, townscape and local distinctiveness, especially in Areas of Outstanding Natural Beauty.*
- 6.12 Core Strategy policy LD1 criteria requires new development must achieve the following:
- demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, including protection and enhancement of the setting of settlements and designated areas;
  - conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including Areas of Outstanding Natural Beauty, through the protection of the area's character and by enabling appropriate uses, design and management
- 6.13 Core Strategy policy LD4 – *Historic environment and heritage assets* sets out as relevant to this appeal that Development proposals affecting heritage assets and the wider historic environment should:
1. *Protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design, in particular emphasising the original form and function where possible*
  2. *the conservation and enhancement of heritage assets and their settings through appropriate management, uses and sympathetic design. Where opportunities exist, contribute to the character and local distinctiveness of the townscape or wider environment, especially within conservation areas*

## Neighbourhood Development Plan

- 6.14 The Neighbourhood Development Plan is at the Regulation 14 draft plan consultation stage. Ross-on-Wye Town Council submitted their draft Neighbourhood Development Plan to Herefordshire Council on 7 November 2018. As detailed in section 2.2 above, having regard to the requirements of NPPF Para 48 officers would advise that limited weight can be attributed to the neighbourhood plan but officers have considered its contents and would note the following.
- 6.15 The Draft NDP devises a settlement boundary that at present only identifies the current application site as being within the settlement boundary where NDP policy EN3 directs development. The Draft NDP proposes five allocated sites to deliver upto 87 new homes in Ross on Wye in addition to policy EN3. The application site and this application is referenced within Section 4.11 of the Draft NDP without commentary of prejudice, however is also referenced under Policy SC3 – *Allotments*, which seeks to retain such facilities unless equivalent or improved provision is provided however at the same time notes *Those at Cawdor are soon to be closed (because of a potential development)*. Topic based draft policies of relevance to the proposal include –
- Policy EN1 – *Ross Design Policy* states The design of all new development within the town, while being clearly of its time, should demonstrate its relationship and applicability to its site, setting and context in terms of scale, materials, form, details, layout, public realm and historic character. This is of particular importance within the Conservation Area and Town Centre.
  - Policy EN7 – *Landscape Setting* states Proposed developments of any type within the Wye Valley Area of Outstanding Natural Beauty will be subject to the controls in place within the Herefordshire Local Plan and the Wye Valley AONB Management plan.

## National Planning Policy Framework

- 6.16 The NPPF has ‘sustainable development’ central to planning’s remit and objectives. The NPPF also seeks positive improvements in the quality of the built, natural and historic environment and in regards people’s quality of life. The National Planning Policy Framework has been considered in the assessment of this application. The following sections are considered particularly relevant:
- 2. Achieving sustainable development
  - 5. Delivering a sufficient supply of homes
  - 11. Making effective use of land
  - 12. Achieving well-designed places
  - 15. Conserving and enhancing the natural environment
  - 16. Conserving and enhancing the historic environment
- 6.17 Paragraph 7 sets out and defines sustainable development and of the three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways, the social objective requires planning to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being.
- 6.18 Paragraph 11 of the Framework sets out the presumption in favour of sustainable development. For decision-taking this means 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 the application of policies of the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or 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.

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

- 6.19 NPPF Paragraph 124 states *The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.* Paragraph 127 outlines Planning decisions should ensure that developments:
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
  - establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
  - optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
  - create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 6.20 Policies specific to protected landscapes (including AONBs) are detailed at paragraph 172 and states *Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty. The scale and extent of development within these designated areas should be limited.*
- 6.21 NPPF section 16 sets out the position regarding conserving and enhancing the historic environment. Specific principles and policies relating to the historic environment and heritage assets and development are found in paragraphs 184 – 202.
- 6.22 The NPPF sets out in paragraph 185 that there should be a positive strategy for the conservation of the historic environment and this should take into account of:
- the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;
  - the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
  - the desirability of new development making a positive contribution to local character and distinctiveness; and
  - opportunities to draw on the contribution made by the historic environment to the character of a place.
- 6.23 Paragraph 189 – 192 sets out what and how LPA's should consider in determining planning applications featuring heritage assets. This includes:
- 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.

- 6.24 Paragraph 193 advises that *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*
- 6.25 Paragraph 194 states *Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*
- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*
- 6.26 Where a proposed development will lead to substantial harm to (or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- the nature of the heritage asset prevents all reasonable uses of the site; and
  - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
  - conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
  - the harm or loss is outweighed by the benefit of bringing the site back into use.
- 6.27 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.28 Paragraph 197 states *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

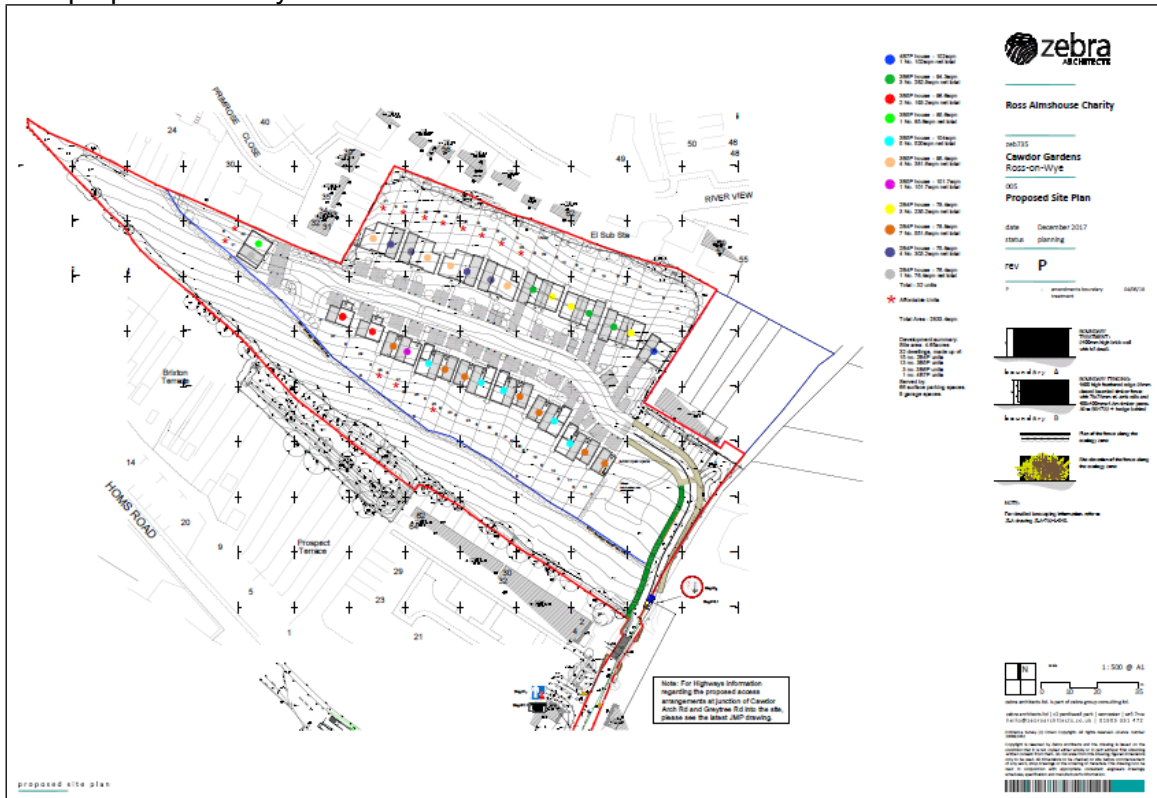
### **Assessment**

- 6.29 The site is undeveloped agricultural land. It is noted the landholding is within the Wye Valley AONB which covers much of the adjoining area and is within the Ross on Wye Conservation Area which covers the west of Ross on Wye, extending as far as Wilton and includes the town centre.
- 6.30 The site is within the main built form of the town and adjoins existing residential development on all sides. The site is considered sustainably located in both locational and environmental terms and in principle, development here is acceptable.
- 6.31 The surrounding built environment has development density ranges between 52.1 – 69.5dph. the proposal is a development of 32 new dwellings, on the basis of a site area of 1.8ha this equates to a development density of 18dph, due to the application site's sensitive location and constraints, which have informed the design and scale of the proposed development. On this basis the reduction from CS policy SS2 aim to achieve between 30 - 50dph, is justified and such an allowance is afforded within the policy as it states that this *may be less in sensitive areas.*



Given the location of the site within the AONB and conservation area, the proposals development density is appropriate.

6.32 The proposed site layout is shown below



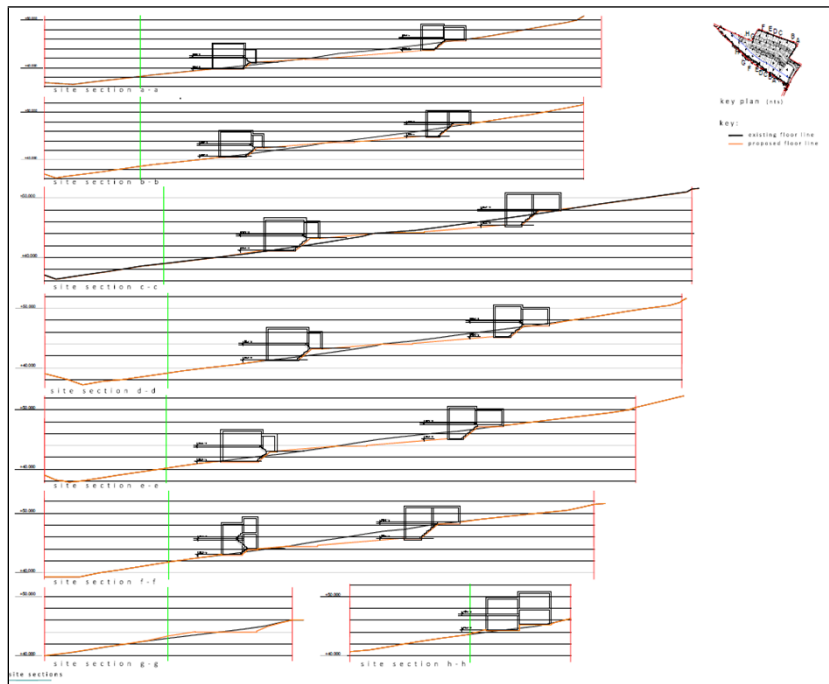
6.33 On the basis of the above the acceptability of the proposal is assessed against material and technical considerations as set out below –

Landscape

6.34 CS policies RA2 is underpinned by Policy LD1 of the Core Strategy *Landscape and townscape*. Development proposals need to demonstrate that features such as scale and site selection have been positively influenced by the character of the landscape and townscape, and that regard has also been had to the protection and enhancement of the setting of settlements. Development proposals should also conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including locally designated parks and gardens; and should incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings.

6.35 Core Strategy policy SD1 (Sustainable Design and Energy Efficiency) also seeks to secure high quality design and well planned development, that contributes positively to the character of the area and that development successfully integrates into the existing built, natural and historic environment.

6.36 The proposal is of a density and form appropriate to and commensurate with the location and has worked with the topography of the site to minimise landscape impact. The application has sought to demonstrate how the site will be developed taking into account this topography is detailed on the sectional drawings submitted with the application and inserted below.



6.37 As shown on the proposed plan inserted below an area of public open space will be provided adjacent to the existing properties at Cawdor Gardens. Development has been set back from the southern boundary of the application site by approximately 20m. This will create separation of the proposal from the existing development and retains an element of the existing green break relief experienced when viewing towards Brampton Hill. Substantial planting within this area is secured by condition and will also help break up the mass of housing and reduce the massing effects as the site and area is viewed from Edde Cross Street. The recommendations of the Council's Arboriculturist, which are supported by the Conservation Manager, will be incorporated within the referenced landscaping and planting condition. The green break will also act as an ecological buffer zone and provide a wildlife corridor through the application site.

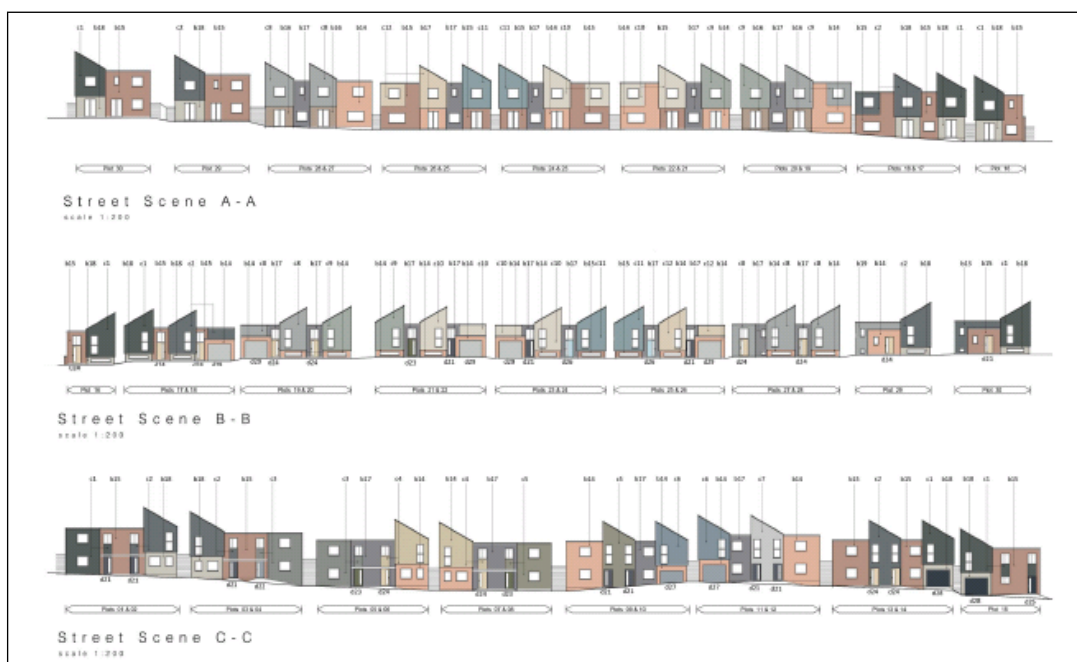


6.38 With regards to wider landscape objectives regarding built form and development within the AONB, and to ensure compliance with CS policies RW1 and LD1 and the Wye Valley AONB Management Plan, conditions requiring approval of all external materials, finishes and colours are also recommended.

- 6.39 Given all of the above and with respect to the location and context of the development within the wider development no substantial landscape harm is Identified and furthermore on this basis, no substantial harm is identified regarding the setting of the Wye Valley AONB.
- 6.40 It is also concluded that, the development of this site in the form proposed would be acceptable in landscape terms and with regards to the local landscape character and the character and accord to the requirements of policies LD1, SD1 and RW1 of the Herefordshire Local Plan – Core Strategy, Wye Valley AONB Management Plan and landscape aims and objectives of the NPPF.

Design and Amenity

- 6.41 Notwithstanding the landscape assessment, CS policy SD1 requires that new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development, While making a positive contribution to the architectural diversity and character of the area including, where appropriate, through innovative design and safeguard residential amenity for existing and proposed residents.
- 6.42 A contemporary design has been advanced as this approach lends itself far more suitably to split level dwellings which are proposed so to work with the topography and nestle the dwellings into the hillside. Elevations within streetscenes are shown below. This design and arrangement, along with proposed external materials and finishes and colours, are intended to break up the massing of the development and helps mitigate against any adverse landscape impact given the sites elevated position and wider visibility within the landscape. The colour palette proposed has been developed and informed through a colour study of the immediate and surrounding area. Following this, optimum colours and hues have been identified to ensure an appropriate response to context which notwithstanding the contemporary design, respects the character and appearance of the AONB location and its landscape and built form character.



- 6.43 On the basis of the above and noting the functional requirements, officers are of the opinion that Core Strategy policies RA6, LD1 and SD1, The Wye Valley AONB Management Plan policies WV-D2 and WV-D3 and the design aims and objectives of the NPPF are satisfied.
- 6.44 Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 state the following respectively:-

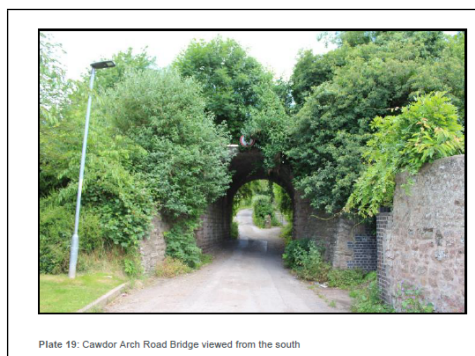
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Further information on the subject of this report is available from Mr C Brace on 01432 261947

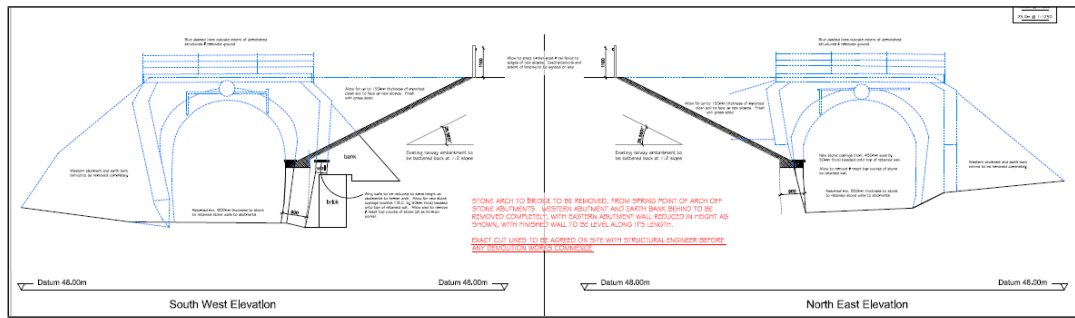
*“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

*“In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*

- 6.45 When an authority finds that a proposed development would harm the setting of a listed building or conservation area, it must give special attention to that harm with “considerable importance and weight”. 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”.
- 6.46 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.
- 6.47 The application is submitted with a detailed ‘Built Heritage Statement’ that having regard to the requirements of para 128 of the NPPF assesses any heritage assets (Designated and non-designated) that may be affected by the proposals and help understand the likely impact that the proposed development will have upon the significance of the heritage assets.
- 6.48 As identified in the consultation responses above, key to this proposal is the matter of the demolition of the bridge (Cawdor Arch) and its significance as a heritage asset in its own right, its contribution to the significance of the Conservation Area and the impacts of the proposed development upon the Conservation Area. It is acknowledged that this is a non-designated heritage asset. The Built Heritage Statement provides a comprehensive assessment of the asset and a photograph of this (from the report) and the proposed plans are inserted below.



- 6.49 In order to facilitate the development, Cawdor Arch Road Railway Bridge feeding the main access road into the site will be reduced along with the accompanying rail embankment to facilitate full access for emergency vehicles. The lower reaches of the arch will be retained and capped off with the embankment graded up to the remnant former track bed.



- 6.50 The proposed reduction of the bridge along with the other heritage matters have been carefully considered by the advisors and the consultation responses from the Councils Building Conservation Manager and Historic England are at section 4 of this report.
- 6.51 Paragraphs 193 - 196 of the NPPF (2018) deal with the approach to decision-making according to the significance of the heritage asset (this being the Conservation Area) and the degree of harm arising as a consequence of development. Paragraph 193 confirms that great weight should be given to the conservation of designated heritage assets. Paragraph 195 is a restrictive policy and directs refusal where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset. Paragraph 196 explains the approach to decision-making where less than substantial harm to the significance of a designated heritage asset would arise. It states that such harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. 196 is thus also a restrictive policy.
- 6.52 Accordingly it is necessary for the decision-maker to judge, on the evidence before them and having particular regard to expert heritage advice, whether the proposal in this case represents substantial harm to or total loss of significance of the Conservation Area (in which case paragraph 195 directs refusal unless the scheme achieves substantial public benefits that outweigh the harm) or whether the harm falls within the purview of paragraph 196; in which case it is necessary to weigh the less than substantial harm against the public benefits in an unweighted planning balance. Even if harm is less than substantial, it is absolutely clear that such harm weighs heavily in the planning balance – the fact that it is not necessary to demonstrate that harm significantly and demonstrably outweighs the benefits gives weight to paragraph 196 as a restrictive policy
- 6.53 The Councils historic advisors have considered the proposals and conclude that given the contribution of the bridge both historically and visually to the Conservation Area as a heritage asset and its significance, we would view this as less than substantial harm (para 196). Therefore such harm should be weighed against the public benefits of the proposal and this matter is considered in the conclusions below.
- 6.54 Historic England has also assessed the conservation area and explains the northwest section of the Ross on Wye Conservation Area that was characterised by open fields at the time of designation but is now characterised by residential development of variable architectural quality. Historic features such as the line of the old railway and the more open setting of Ross on Wye’s historic core have been lost. The principal contribution the area now makes to significance lies in the survival of the River Wye’s low lying open flood meadows south of Homs Road. Historic England raises no objection in principle to the development and whilst drawing our attention to the requirements of paragraph 192, do not identify any harm to the Conservation Area in their assessment.
- 6.55 Officers note that local representation also raise the loss of the railway arch, whilst it has evidential value, is a ‘common’ example of historic railway infrastructure and in itself has no substantial or significant heritage value as it is neither unique or rare it does have some local social value is noted and one can imagine it being a point of reference for local residents.

- 6.56 As such the proposals are considered to result in less than substantial harm on designated heritage assets, with the loss of the undesignated railway bridge acceptable based on an assessment of the assets value and importance weighed against and considering the wider benefits of the proposal. It is concluded the proposal accord with policies SS6 and LD4 of the Herefordshire Core Strategy, heritage aims and objectives of the NPPF and Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Ecology

- 6.57 The comments of the Council's Ecologist and Natural England are noted and matters highlighted including mitigation and enhancement, are secured by condition.
- 6.58 The Heads of Terms makes provision for the translocation of protected slow worms and commuted sums to be paid to support maintenance thereafter. Herefordshire Wildlife Trust propose four nature reserves as suitable receptor sites for a slow worm translocation associated with the development at Cawdor Gardens. The four reserves are in close enough proximity to allow easy movement of slow worms between the sites. Collectively they represent an almost contiguous mosaic of habitats that include species rich grassland, scrub, and woodland habitats (coppice, glades, rides and high canopy).
- 6.59 The applicants ecologists propose that a minimum of 3.5 acres of good quality habitat is required and managed to ensure that the habitats remain suitable for slow worms. Currently the total area across the four reserves is 50.7 acres, approximately 25% of which (12.7 acres) could be considered good quality habitat for slow worms. Slow worms prefer the more open habitats which are always threatened by succession. If not physically kept clear a lack of management will quickly result in open habitats reverting to woodland.
- 6.60 There is a requirement within the Head of Terms that Herefordshire Wildlife Trust ensure that *"the receptor site and its habitat will be managed in perpetuity to ensure that it remains suitable for slow worms"*. To support HWT in this endeavour the Trust requests a commutable sum of £8,380 to finance this work in the first 3 years following translocation.
- 6.61 As such the proposal is in line with CS policies LD2 and LD3 and wider NPPF policies.

#### Highways

- 6.62 The Transportation Manager offers no objection on highway grounds to the proposals following amended plans. It is also noted The removal of the walls of the bridge allows the carriageway to be widened and a full footway to be provided. This represents an improvement to non vehicular traffic movements and will further encourage walking to and from the site and surrounding area to service and facilities making such an option more desirable and convenient in line with the criteria, aims and objectives of policies RW1 and MT1. As such regarding highway safety and related technical matters the proposal accords with CS policies SS4 and MT1, Herefordshire Council's Highways Design Guide and the NPPF.

#### Drainage

- 6.63 The comments of the Drainage Engineer are noted and the information provided by the Applicant is sufficient to address the Engineers' previous comments. Whilst some matters remain outstanding, it is understood these can be addressed through a detailed strategy to be presented at detailed design that demonstrates amongst other matters, how overland flows will be directed towards the basins without posing risk to the development or elsewhere, in particular protecting properties located immediately downhill of the proposed storage areas. On the basis of this and proposed conditions from the Drainage Engineer, the proposal accords

with policies Core Strategy policies SD3 and SD4. Conditions ensure surface water will be disposed off without adverse impact upon adjoining land uses.

Section 106 Agreement / Planning Obligations and Conditions

6.64 The Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1 April 2008, and Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended). Planning contributions as shown below will be secured from the development. These figures will be indexed linked when due –

- the sum of **£48,200.00** to provide **education infrastructure** at John Kyrle High School which may include remodelling or extension of the school. The sum shall be paid prior to first occupation of an open market unit, and may be pooled with other contributions if appropriate.
- the sum of **£43,000.00** 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 for a Traffic Regulation Order at the junction of Homs Road and Cawdor Arch Road to prevent on street parking within the visibility splay and to restrict parking along Cawdor Arch Road itself so that the width of the carriageway is not reduced.
- the sum of **£2,560.00** to provide 1 x waste and 1 x recycling bin for each dwelling. The sum shall be paid prior to first occupation of an open market unit.
- provide a minimum of 0.870ha (870sqm) of on-site green infrastructure comprising;
  - Public Open Space: 0.029ha (290sqm) @ 0.4ha per 1000 population
  - Children's play: 0.058ha (580sqm) @ 0.8ha per 1000 population of which 0.018ha (180sqm) shall be formal children's play
  - NOTE: The value of the children's formal play area should be a minimum of **£26,339.00**.
- 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.
- the sum of **£20,558.00** to be used in accordance with the Sports Investment Plan to provide a clubroom and changing facilities at Ross on Wye RFU and dedicated junior football pitches and changing rooms at Ross Sports Centre for Ross on Wye football club. The sum shall be paid prior to first occupation of an open market unit, and may be pooled with other contributions if appropriate.
- a sum of **£8,380** to finance the slow worm translocation work by Herefordshire Nature Trust in the first 3 years following translocation.
- the sum of **£16,964.79** for the development of infrastructure for the provision of health 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.
- 13 of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H1 of the Herefordshire Core Strategy and the tenure of the affordable housing will comprise;
  - 3x2 bed social rent
  - 3x3 bed social rent
  - 4x2 bed intermediate
  - 3x2 bed intermediate

6.65 The Affordable Housing Units will 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:-

- a local connection with the parish of Ross on Wye

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

- in the event of there being no person with a local connection to Ross on Wye 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

6.66 On the basis of the above and as confirmed by the Planning Obligations Manager, a policy compliant draft Heads of Terms has been agreed.

#### Housing Mix

6.67 The 32 dwellings are made up of:

- 15 no. 2 bed units, 7 of which are affordable units
- 16 no. 3 bed units, 6 of which are affordable units
- 1 no. 4 bed units

6.68 On this basis The proposal will deliver an adequate suitable mix and numbers of housing and deliver much needed affordable housing compliant with Herefordshire Core Strategy policies SS2, SS3, H1 and H3 and as such represents development that meets with regards to housing, the social objectives of the NPPF.

#### Other Matters

6.69 With regards to matters addressed by representations received not addressed above, the following comments are offered –

*The site should be left for open space and nature and is a resource for children's play and wildlife*

- The site offers up a significant wildlife corridor and planting which will provide and retain ecological and biodiversity values. The site is not subject to any formal designation regarding use, however as detailed, formal open recreation and play space will be provided within the development and significant commuted sums are secured which will go towards provision and enhancement of local sports and recreation facilities.

*The land was donated for public use, not to be sold off*

- This is a private and or civil matter

*Loss of the arch would prevent reopening of the branch line*

- The reopening of the relevant branch line is not something under consideration as far as any current or emerging plans show and is not safeguarded by planning policies or legislation. In any event and as noted within the Conservation comments, development post *The Reshaping of British Railways*, published 27 March 1963, commonly referred to as the *Beeching Report*, means in many places the line will have been built over or otherwise obstructed and not capable of exact reinstatement. Any future railway infrastructure serving Ross on Wye would need to be designed and facilitated to accommodate the town and its development at the moment such a proposal comes forward.

*Development impractical on basis of land levels and earth works required to implement it*

- This will be a matter for any developer to assess and address, however with regards to planning policies, material considerations and technical assessments applicable to the determination of the application, the proposal is acceptable.



#### *Loss of privacy to existing homes*

- With regards to the proposal and its articulation and relationship with its environment, no substantial or significant harm is identified on amenity or privacy of existing dwellings.

#### *Concern regarding access to existing dwelling for maintenance*

- This is a private and or civil matter and any rights will be protected by parallel legislation separate from Planning.

#### Summary and planning balance

- 6.70 In accordance with s.38 (6) of the 2004 Act, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Core Strategy constitutes a spatial strategy and policies designed to achieve sustainable development under the three objectives; social, economic and environmental. The NPPF, a material consideration, also seeks sustainable development through the economic, social and environmental objectives for planning. To enable a conclusion to be reached on whether the application proposals are in accordance with the development plan and to take account of material considerations, I now consider the conflicts with the development plan alongside the benefits and impacts of the proposals against each of the three roles or dimensions of sustainable development in turn.

#### **Turning to the three objectives of sustainable development;**

##### *Economic Objective*

- 6.71 A key aspect of the economic role played by the planning system is to ensure that sufficient land of the right type is available in the right places and at the right time to support growth.
- 6.72 In this context, the proposals score, in economic terms at least, positively. The proposal could help to support economic growth arising from:
- employment and supply of associated materials, goods and services in the construction phase
  - support to local services and facilities arising from the new resident population
  - economic benefits to the Council through the payment of New Homes Bonus.

- 6.73 The positive economic benefits arising from the scheme are, however, not unique to this application proposal and as such I attach moderate weight to these benefits – Can we add more to 32 dwellings?

##### *Social Objective*

- 6.74 Planning's social role incorporates providing support to strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment.
- 6.75 The proposal delivers a mix and range of housing, including affordable housing, which helps meets local demand now and for the future along with significant Section 106 contributions which will amongst other things, contribute to sustainable transport, health and sports and recreation facilities.
- 6.76 As such the *social* objective is considered to be satisfied and I attribute weight to the benefits in community terms, particularly to establishing sustainable communities and a sense of place the development will secure.

### *Environmental objective*

- 6.77 The environment objective requires consideration of how the development contributes to protecting and enhancing the natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution and mitigating climate change (low carbon economy).
- 6.78 The proposal will enable more sustainable patterns of activity through providing new housing located where the town centre and other services and facilities are accessible by foot or bicycle from the new houses. As described above, the character and appearance of the AONB maintained and matters regarding biodiversity and ecology, flood risk and drainage are addressed.
- 6.79 As detailed above, it is agreed that the proposals will result in a less than substantial harm to the significance of the designated heritage asset will accrue and that the correct approach to decision-making is to weigh this harm against the public benefits arising from the scheme in an unweighted balancing exercise. It is not necessary for the harm to significance to demonstrably and significantly outweigh benefits for refusal to ensue.
- 6.80 Taking all of the above into account, officers consider that the public benefits arising from the scheme, as outlined above, outweigh the less than substantial harm to the significance the Conservation Area and loss of the undesignated heritage asset, Cawdor Railway Arch. There is no harm arising in relation to other technical matters as discussed above, and officers do not feel that the impacts of the development should tip the planning balance in favour of refusal.

### *Conclusions and planning balance.*

- 6.81 In accordance with s.38 (6) of the 2004 Act, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise
- 6.82 Policy SS1 of the CS reflects the presumption in favour of sustainable development in national policy and provides that planning applications that accord with the policies in the Core Strategy will be approved unless material considerations indicate otherwise.
- 6.83 The NPPF paragraph 11 provides the mechanism for the determination of the application stating:

#### **For decision Making**

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.

- 6.84 As detailed above there is clear conformity with the housing and sustainable development policies of the development plan. These policies are consistent with the guidance contained within the NPPF (2019).

6.85 The potential benefits that could be delivered by the scheme have also been considered above to which officers consider significant weight can be attributed.

## **RECOMMENDATION**

**That subject to either the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement prior to the commencement of development, 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 or amendments to conditions considered necessary by officers named in the scheme of delegation to officers.**

- 1. Time limit for commencement (full permission)**
- 2. Development in accordance with approved plans and materials**
- 3. Before any work begins, equipment or materials moved on to site, a Construction Environmental Management Plan (CEMP) shall be supplied to the planning authority for written approval.. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have been finally removed.**

**Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 2017 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy, National Planning Policy Framework 2018 and NERC Act 2006**

- 4. The Reptile Translocation Plan as recommended by Wessex Ecological Consultancy dated May 2017 shall be implemented in full as stated unless otherwise approved in writing by the local planning authority. Offsite Receptor sites must be subject to appropriate legal agreements and Management Plans such as to ensure the in perpetuity security of tenure and habitat quality of the receptor site. The final legal agreement and site management plan shall be approved by this 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**

- 5. The following information and details shall be supplied to the Local Planning Authority for written approval prior to the commencement of development of the development hereby permitted including any groundworks or site clearance –**
  - Assessment of risks to safe access and egress associated with fluvial flooding (with climate change allowances) and demonstration of appropriate provision of safe access and egress;**
  - 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. If the infiltration results are found to not be suitable, an alternative drainage strategy will need to be submitted to the Council;**
  - 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;**

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

- Detailed drawings that demonstrate the inclusion of SuDS, where appropriate, and location and size of key drainage features;
- Drawings showing details of the proposed attenuation ponds and swales, including cross sections;
- Detailed calculations of proposed infiltration features informed by the results of infiltration testing;
- All drainage calculations, including attenuation storage calculations, should be based on the FEH 2013 rainfall data;
- 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;
- 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;
- Calculations that demonstrates there will be no increased risk of flooding as a result of development up to the 1 in 100 year event and allowing for the potential effects of climate change;
- Details of how natural overland flow paths and overland flows from outside of the site boundary have influenced the development layout and design of the drainage system;
- Detailed drawing demonstrating the management of surface water runoff during events that may exceed the capacity of the drainage system, including: temporary exceedance of inlet features such as gullies; exceedance flow routes and storage up to the 1 in 100 year event; and exceedance in the event of blockage including blockage of attenuation pond outlets;
- Operation and Maintenance Manual for all drainage features to be maintained by a third party management company;
- Detailed drawings of the foul water drainage strategy showing how foul water from the development will be disposed of and illustrating the location of key drainage features.

The development shall be carried out in accordance with the approved details and all drainage works shall be installed and ready and available for use prior to the first occupation of the development hereby permitted and thereafter be maintained as such.

Reason: to ensure adequate drainage provision is made, to avoid adverse impact upon adjoining land, buildings and uses and in the interests of public health and safety and to comply with Herefordshire Core Strategy policies RW1, SD3 and SD4.

6. 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.

7. CAT – Wheel washing

8. In addition to required ecological mitigation and soft landscaping, prior to commencement of the development, a detailed habitat enhancement scheme including extensive provisions for bat roosting, bird nesting, pollinating insect houses, hedgehog homes and reptile-amphibian refugia should be submitted to and be approved in writing by the local planning authority, and the scheme shall be hereafter implemented and maintained as approved. No external lighting should illuminate any biodiversity enhancement, or ecological habitat.

**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

9. C96 – Landscaping
10. CA6 – Details of play equipment
11. CAB – Visibility
12. CAE – Access construction
13. CAP – Junction improvements and off site works
14. C97 – Landscape scheme implementation
15. CA1 – Landscape Management Plan
16. CA5 – Provision of play equipment
17. CAH – Driveway gradient
18. CAJ – Parking estate development
19. CAL – Access, parking and turning
20. CAR – On site road phasing
21. CB2 – Secure covered cycle parking provision
22. The ecological protection, mitigation and working methods scheme as recommended in the Ecological Report by HEC August 2015 shall be implemented in full as stated unless otherwise approved 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 2017 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy, National Planning Policy Framework 2018 and NERC Act 2006
23. No buildings on the application site shall be brought into beneficial use earlier than 31/03/2020, 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 by the Local Planning Authority".

**Reason: To prevent overloading of the Waste Water Treatment Works and pollution of the environment.**

- 24. 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 Wye Valley AONB and wider locality, maintain and enhance the character and appearance of the conservation area, to maintain the amenities of adjoining property and to comply with Policy SS1, RW1, LD1, LD4 and SD1 of the Herefordshire Local Plan – Core Strategy, Wye Valley AONB Management Plan and the National Planning Policy Framework.**

- 25. CA3 – Landscape Monitoring**
- 26. CAQ – On site roads - submission of details**
- 27. CAX – Direction of proposed lighting**
- 28. CB1 – Public rights of way**
- 29. CBK – Restriction of hours during construction**

**INFORMATIVES:**

- 1. Pro active Reason 2**
- 2. I11 – Mud on highway**
- 3. I09 – Private apparatus within highway**
- 4. I06 – Public rights of way affected**
- 5. I45 – Works within the highway**
- 6. I08 – Section 278 Agreement**
- 7. I07 – Section 38 Agreement & Drainage details**
- 8. I05 – No drainage to discharge to highway**
- 9. I57 – Sky glow**
- 10. I49 – Design of street lighting for Section 278**
- 11. I51 – Works adjoining highway**
- 12. I47 – Drainage other than via highway system**
- 13. I35 – Highways Design Guide and Specification**
- 14. I62 – Adjoining Property Rights**

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

- 15. I18 – Rights of way
- 16. NC11 – Wildlife Informative

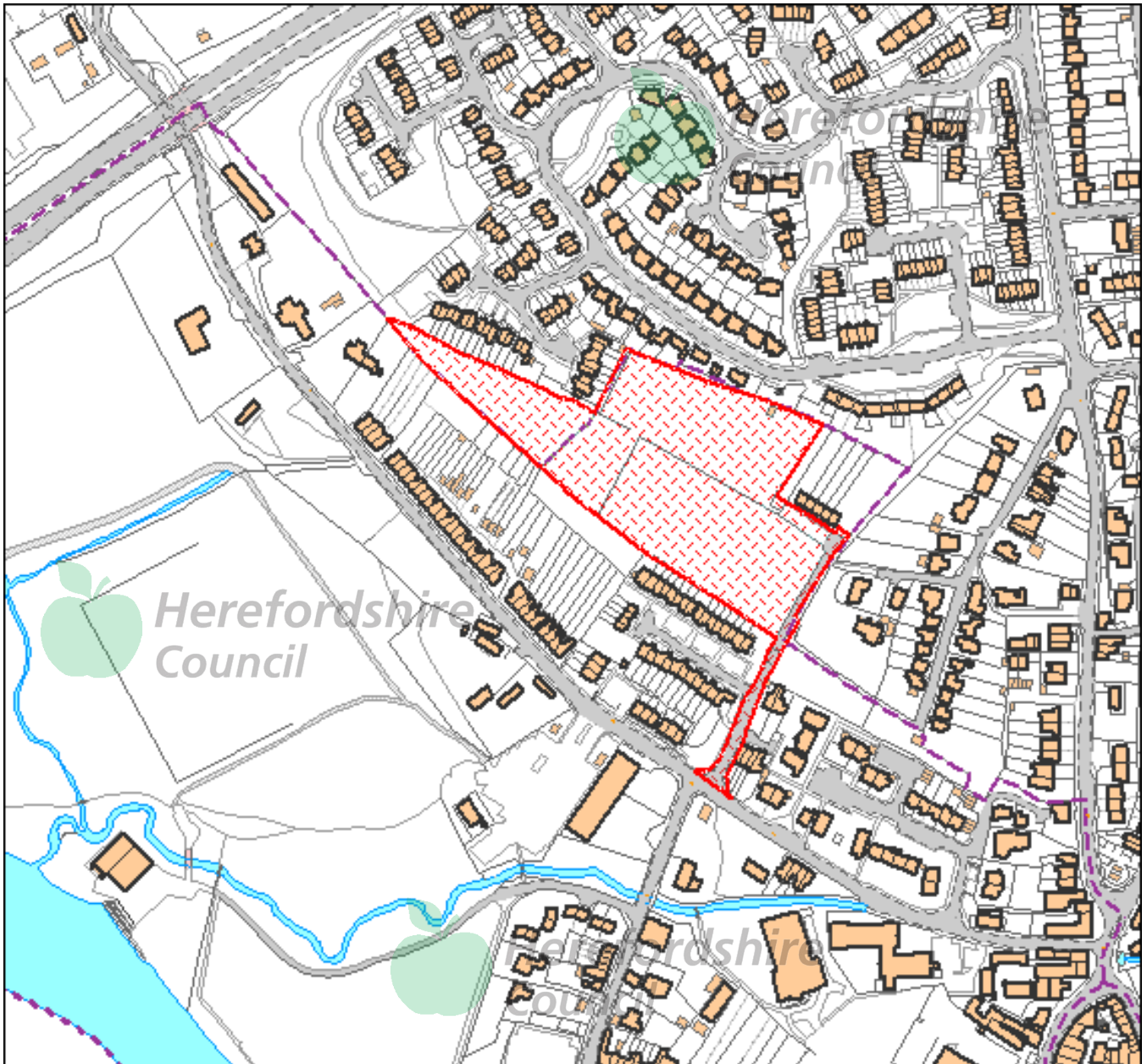
Decision: .....

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:** 182617

**SITE ADDRESS :** LAND ADJACENT TO CAWDOR GARDENS, ROSS ON WYE, HEREFORDSHIRE

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



<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>10 April 2019</b>
<b>TITLE OF REPORT:</b>	<b>183951 - PROPOSED ERECTION OF TWO DETACHED DWELLINGS AND NEW VEHICULAR ACCESS AT LAND TO THE WEST OF ST MARYS CHURCH, BROAD OAK, HEREFORDSHIRE</b>  <b>For: Mr Partridge per Julie Joseph, Trecorras Farm, Llangarron, Ross On Wye, HR9 6PG</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=183951&amp;search=183951">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=183951&amp;search=183951</a>
<b>Reason Application submitted to Committee - Redirection</b>	

Date Received: 25 October 2018

Ward: Birch

Grid Ref: 347991,221221

Expiry Date: 20 December 2018

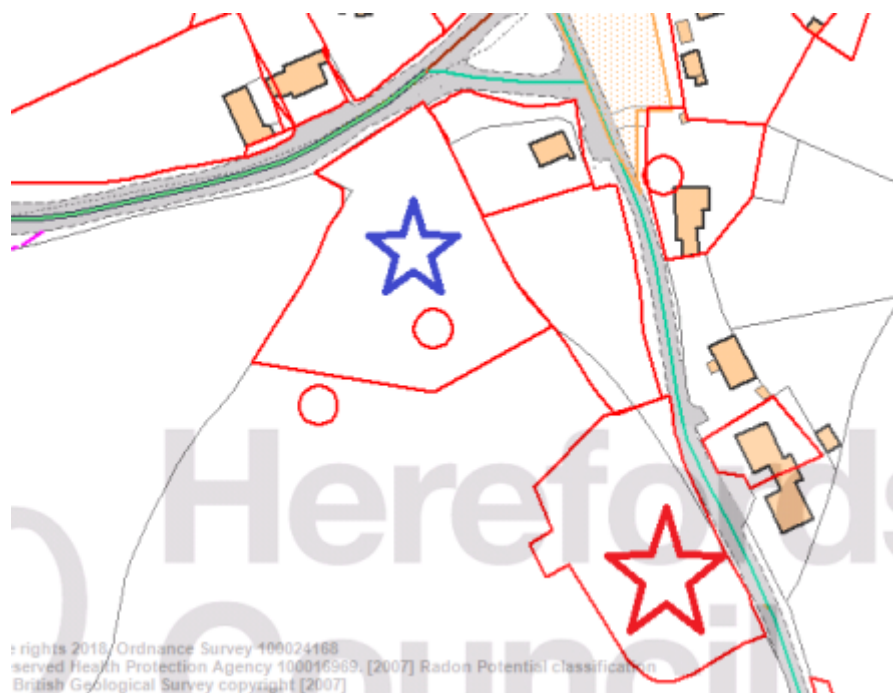
Local Member: Councillor DG Harlow

## 1. Site Description and Proposal

- 1.1 The application site comprises of an agricultural field and lies to the south of the B4521 which runs through the centre of Broad Oak. The field is accessed by a field gate to the south (outside of the application site) and benefits from hedgerow along the boundary with the road. St Mary's Roman Catholic Church lies to the north of the site. The church is not listed but is regarded to be an undesignated heritage asset.
- 1.2 This application seeks planning permission for the erection of two detached properties (1 x 3 bedroom and 1 x 4 bedroom) to be accessed off a shared access to the south of the road. Each dwelling will accommodate a sitting room, dining room, kitchen, WC and utility on the ground floor with three bedrooms, study, one en-suite and one bathroom at first floor in house type E and four bedrooms, study, two en-suites and one bathroom at first floor in house type F.
- 1.3 To the south east of the application site, planning permission was granted for the erection of four dwellings (ref: 180061). Originally that application sought permission for the erection of 7 dwellings including three on the current application site. The three dwellings were removed from the previous scheme following concerns raised relating to scale of the scheme and the nature of the development – including its inappropriate cul-de-sac form and lacking a relationship with the road. Permission was subsequently granted for four dwellings on the adjacent part of the land. For ease of reference, this is indicated on the location plan below with the current application site identified by the blue star and permission 180061 identified by the red:

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Further information on the subject of this report is available from Miss Emily Reed on 01432 383894



## 2. Policies

### 2.1 Herefordshire Local Plan – Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
SS6	-	Addressing Climate Change
RA2	-	Housing in Settlements Outside of the Hereford and the Market Towns
H3	-	Ensuring an Appropriate Range and Mix of Housing
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Wastewater Treatment and River Water Quality
ID1	-	Infrastructure Delivery

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](https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy)

## 2.2 Garway Neighbourhood Development Plan (currently at Regulation 14 stage)

GAR1	-	New Housing Development in Garway Village and Broad Oak
GAR2	-	Design in Garway Parish
GAR3	-	Flooding and Drainage
GAR4	-	Protecting Local Landscape Character
GAR5	-	Dark Skies
GAR10	-	Highways and Transport

[https://www.herefordshire.gov.uk/download/downloads/id/16834/draft\\_neighbourhood\\_development\\_plan\\_january\\_2019.pdf](https://www.herefordshire.gov.uk/download/downloads/id/16834/draft_neighbourhood_development_plan_january_2019.pdf)

## 2.3 National Planning Policy Framework (2019) (NPPF)

Chapter 2	-	Achieving Sustainable Development
Chapter 5	-	Delivering a Sufficient Supply of Homes
Chapter 9	-	Promoting Sustainable Transport
Chapter 12	-	Achieving Well-Designed Places
Chapter 14	-	Meeting the Challenge of Climate Change, Flooding and Coastal Changes
Chapter 15	-	Conserving and Enhancing the Natural Environment

## 3. **Planning History**

- 3.1 **180061/F** – Proposed residential development 4 detached and semi detached dwellings. Approved (This scheme was reduced from 7 dwellings which initially included 3 on the current application site which were subsequently removed).
- 3.2 **DCSW2004/3507/O** – Site for erection of one chalet bungalow with garage. Refused (located directly to the east of the application site).

## 4. **Consultation Summary**

### Statutory Consultations

#### 4.1 **Welsh Water – no objection**

As the applicant intends utilising a private treatment works we would advise that the applicant contacts The Environment Agency / Herefordshire Council Land Drainage Department who may have an input in the regulation of this method of drainage disposal.

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

#### 4.2 **Natural England – no objection**

Upon receipt of a Habitats Regulation Assessment – Appropriate Assessment, Natural England have no objections to the proposal.

Internationally and nationally designated sites

The application site is within the catchment of the River Wye which is part of the River Wye Special Area of Conservation (SAC) which is a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations'). The SAC is notified at a national

level as the River Wye Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have.

The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

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 Wye 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.

Internal Council Consultations

#### 4.3 **Transportation Manager – no objection**

The site is located within the main part of Broad oak and will benefit from the new 30 mph speed limit which is due to be installed soon. The provision of the new footway section at the front of the site will allow pedestrians a safe area rather than walking along the carriageway. With the introduction of the 30 mph speed limit and the introduction of footways for this and future developments, Broad Oak will increase the village environment; therefore have impacts on speed and drivers reactions.

#### 4.4 **Conservation Manager (Ecology) – no objection**

Subject to Natural England approving the HRA appropriate assessment submitted to them an appropriate condition should be included on any planning consent granted

#### **Habitat Regulations (River Wye SAC) – Foul and Surface Water Management**

All foul water from the works approved under this Decision Notice shall discharge through connection to new private foul water treatment system with final outfall to suitable soakaway drainage fields on land under the applicant's control. All surface water from this development shall discharge to appropriate SuDS or Soakaway features within the site boundary. The foul water and surface water management schemes shall be implemented as approved and hereafter maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), NPPF (2018) and Herefordshire Council Core Strategy (2015) policies LD2 and SD4.

From information supplied and images available to me I can see no immediate ecology related concerns with this proposal. There are no ecological records for or immediately adjacent to the site, but opportunistic protected species such as bats are recorded in the area and nesting birds could be present. The applicant and their contractors have their own legal duty of care towards wildlife protection under UK Legislation that applies throughout any site preparation and construction process. Any breach of this legal Duty of Care would be a criminal offence. In this instance this LPA has no reasonable cause to require further ecological information or include a generic wildlife protection Condition.

As identified in the NPPF, NERC Act and Core Strategy LD2 all developments should demonstrate how they are going to practically enhance (“Nett Gain”) the Biodiversity potential of the area. To secure these enhancements a relevant Condition is suggested:

#### **Nature Conservation – Biodiversity and Habitat Enhancement**

Prior to first occupation of the dwellings approved under this planning decision notice evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation within the site boundary of at least FOUR Bat roosting enhancements and FOUR bird nesting boxes and ONE Hedgehog habitat home should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No external lighting should illuminate any habitat enhancement or boundary feature.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), Habitat Regulations 2017, Policy LD2 of the Herefordshire Local Plan – Core Strategy LD2, National Planning Policy Framework (2018), NERC Act 2006. Dark Skies Guidance Defra/NPPF 2013 (2018)

#### **4.5 Neighbourhood Planning Manager – comments**

With regard to Garway NDP, weight can be attributed to neighbourhood development plan from the start of their Reg14 consultation.

Therefore for any NDP which have commenced their Reg14 consultation but have not concluded their Reg16 consultation the following will apply:

- a) The Garway neighbourhood plan has reached draft plan stage under Regulation14. The consultation was undertaken on 23 January 2019 to 6 March 2019
- b) At this stage Herefordshire Council has not had sight of the representations received during the draft plan consultation undertaken by the parish council. Therefore the decision makers are unable to evaluate the extent of any unsolved objections.
- c) The Strategic Planning team as part of the Regulation 14 consultation have confirmed that the plan as currently drafted is in general conformity with the adopted Herefordshire Core Strategy and the National Planning Policy Framework.

At this stage, with regards to para 48 of the NPPF, limited weight can be attributed to the neighbourhood plan.

#### **4.6 Land Drainage Consultant – no objection**

The drainage strategy supplied for the discharge of condition application for the neighbouring site (ref: 184499 for the previous application 180061) included the current site. The Consultant is satisfied with the details therein commenting as follows:

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Further information on the subject of this report is available from Miss Emily Reed on 01432 383894

*A hydrobrake of 107mm has now been proposed in the MicroDrainage submission and demonstrated on the site plan. It has now also been demonstrated on the drainage layout plan that the wet area is 55m2.*

*The drainage layout plan now also states that the distance from the pond to the headwall is approx. 181m. It also demonstrates the use of check dams in the permeable paving.*

## 5. Representations

### 5.1 Garway Parish Council – object

The Parish Council met on Monday 10th December and RESOLVED: to Object to the application as the access is of concern under highway safety core strategy policy MT1 and the Parish Council concur with Natural Englands comments which say:

"We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of River Wye Special Area of Conservation
- damage or destroy the interest features for which River Wye / Lugg Site of Special Scientific Interest has been notified.

### 5.2 To date a total of **9 representations** have been received comprising of 3 letters of objection and 6 of support.

The contents of the objecting representations are summarised below:

- would constitute development in open countryside
- traffic survey accompanying the proposal was carried out over a relatively short period. One accident does not record the number of near misses
- new access increases risk of accident, including for dwellings opposite when pulling out of driveways
- the size of this development, along with others already approved, results in a disproportionate development with Broad Oak. Especially if developments in Garway are taken into consideration
- field adjacent to the B4521 where dwellings will be located often sits wet over the winter. Any development will only add to drainage issues
- Council maintained ditch and underground drainage pipe located to the northern tip of the site. If this is compromised in any way neighbouring properties would be liable to flood. Existing drainage arrangements should be maintained if not improved
- None of the letters of support come from people within the village envelope
- Access will be close to layby often used by vehicles heading towards Skenfrith as this allows longer to see cars coming from the right. Vehicles emerging very closely from the left has potential to cause an accident
- Broad Oak is scattered hamlet with dwellings fairly well spaced. If permitted would create infill potential with the four dwellings already approved. This would overwhelm the current visual amenity of the village
- All very well having footpaths but at some point will have to enter onto main road to access garage/shop or hail and ride buses
- Fail to see how any future occupants will be able to use public transport to get to work, believe they will use cars like everyone else

The contents of the supporting representations are summarised below:

- Like the style and type of houses proposed – feel they add to diverse vernacular of Broad Oak. Keeps to the true feeling of historical progression of development found in old rural villages
- Add further balance to the settlements landscape their size being offset by the 4 smaller semi-detached houses recently approved which are in total contrast to each other in design and affordability
- Proposed dwellings sit well within the natural development boundary along the western axis of the settlement
- Would not encroach into open countryside but finish off nucleated feel of settlement and avoid further linear development
- Well placed for vehicular connectivity to the principle towns of Ross, Hereford and Monmouth. Located very close to main pick up point for variety of school buses
- Broad Oak is on a principle gritting route
- This combined with the approved 4 is appropriate and acceptable for the settlement
- Rather than build more large soulless estates on the edge of towns, believe priority and emphasis should be given to sustainable development in the county's villages
- Such development would help to ensure communities safeguard their amenities
- Provided development employs the latest 'ecological' techniques and materials such as PV cells, solar panels, first class insulation, heat pumps and other low energy heat sources see no reason application should be refused
- All know that farmers face difficulties with volatile market and unpredictable weather patterns and this is an excellent way for them to deploy their assets

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

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=183951&search=183951](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=183951&search=183951)

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

### *Procedural matters*

6.1 As stated above, there was a previous application on the site which included the scheme for four dwellings located to the south east (for 7 dwellings in total). The current site was removed from that application following concerns raised by the case officer relating to scale of the scheme and the nature of the development – including a cul-de-sac and lacking a relationship with the road.

### *Policy context and Principle of Development*

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

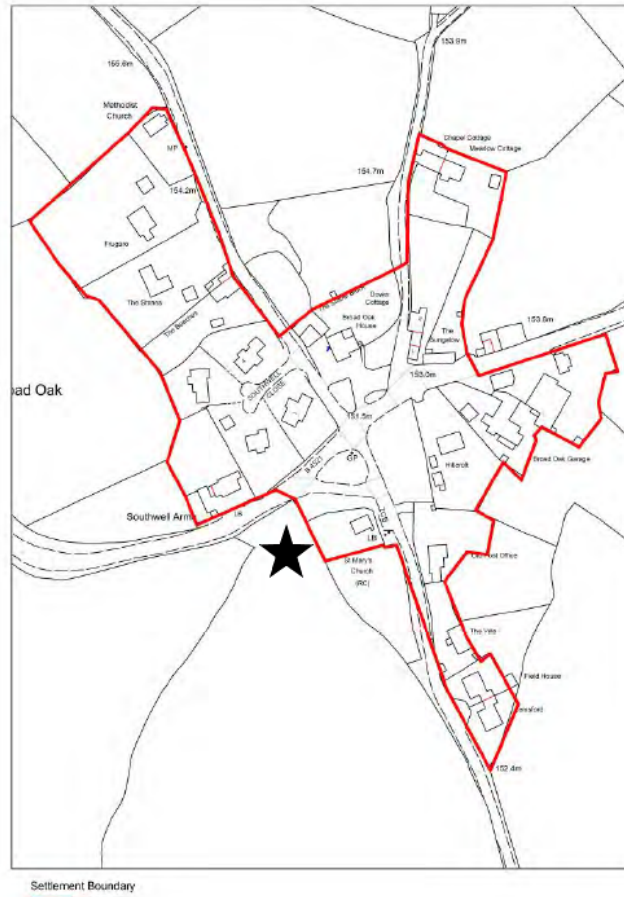
*"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*

6.3 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. It is also noted that the site falls within the Garway Neighbourhood Area, which published a draft Neighbourhood Development Plan (NDP) for Regulation 14 consultation on 18 January 2019. The consultation ran until 6 March 2019.

- 6.4 Despite the relatively recent adoption of the CS, the Council is unable to demonstrate a 5-year housing land supply. As set out in paragraph 11 of the NPPF, in such circumstances the relevant policies in the Development Plan for the supply of housing should not be considered to be up to date.
- 6.5 Paragraph 11 of the Framework states that there is a presumption in favour of sustainable development. For decision takers this means approving development proposals that accord with the development plan without delay and 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 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 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. This goes back to the weight to be afforded to policies relevant for the supply of housing with an absent a 5 year supply. With this in mind, the spatial strategy is sound and consistent with the NPPF; which itself seeks to avoid isolated development (paragraph 79). It is therefore considered that Policies RA1, RA2 and RA3 of the CS continue to attract significant weight.
- 6.6 The approach to housing distribution within the county is set out in the CS at Policy SS2. Hereford, as the largest settlement and service centre is the recipient of up to 6,500 of the requisite 16,500 homes, with the market towns identified in the second tier as recipients of approximately 4,700 dwellings.
- 6.7 Housing in the rural parts of the County is delivered across the settlements identified at figures 4.14 and 4.15 of the Core Strategy (pp. 109 -110). Here the identified settlements are arranged according to the seven identified housing market areas. Figure 4.14 identifies the settlements which will be the main focus of proportionate housing development. Figure 4.15 classifies the 'other' typically smaller settlements where proportionate housing will be appropriate.
- 6.8 There are 119 'main' villages (figure 4.14) and 98 'other settlements' (figure 4.15), giving 217 rural settlements where proportionate growth will be acceptable in principle. Broad Oak is identified as a settlement within figure 4.15.
- 6.9 Notwithstanding the above, the preamble to CS Policy RA2 states that NDPs will be the principal mechanism by which new rural housing will be allocated. However, as stated above and confirmed by the Neighbourhood Development Plan Manager, at this stage the NDP policies for Garway can only be afforded limited weight.
- 6.10 With the foregoing paragraph in mind, it is the relationship between the proposal site and the main built up part of the settlement which is to be assessed. The site is indicated on the plan below by the black star with the red line of the settlement boundary contained at policy GAR1 of the NDP for context. This policy states that within the defined boundaries of Garway and Broad Oak new housing will be supported where they meet a set of criteria.



Map 2 – Broad Oak settlement boundary



- 6.11 The site is clearly outside of the settlement boundary but this can only be afforded limited weight at this stage. In assessing the relationship of the site with the built up part of the settlement, it is close to the crossroads between the B4125 and the C1239 which is arguably comprises the centre of Broad Oak. The shop and garage are located to the east of the crossroads and within walking distance of the site. The footpath proposed to the east of the access improves this connectivity. With this in mind the application site is found to be located adjacent to the main built up part of the settlement.
- 6.12 Notwithstanding the forgoing paragraph, policy RA2 makes it clear that housing proposals will only be permitted where the design and layout reflects the size, role and function of each settlement. This is reinforced by CS policy LD1 which states 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. This is reinforced through policy GAR4 of the NDP which seeks to protect the landscape character of the settlement.
- 6.13 The application site is located to the south of the B4521, and while there are dwellings to the north of the road, there is a noticeable lack of built form on this side. The presence of the Church is acknowledged but this is further east, accessed off the other side of the crossroads and set back from the triangular parcel of land adjacent to the crossroads. As such, the presence of the Church is not experienced until on the C1239 and not readily visible from the road adjacent to the application site. As a result of this, when travelling west along the B4521, with the exception of Southwell Arms and Southwell Arms Stables on the north of the road, there is a distinguishable perception of leaving the settlement and entering the open countryside, particularly noting that it is the rear of nos. 1 and 2 Southwell Close that can be viewed at this point. To erect two detached dwellings off a shared access in this location would uncharacteristically change the character of this part of the settlement. Furthermore, it would

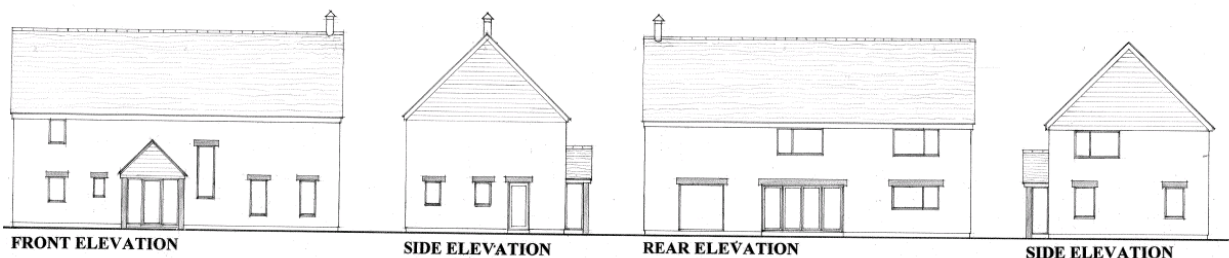
result in a development that does not relate to other built form and be out of keeping with the pattern of development, which largely benefits from dwellings with either a close relationship with the roadside or readily visible from it. Whilst it is appreciated that landscaping to the front of the site is proposed, it is presumed in order to screen the dwellings, due to the tapering of the site boundaries the development is set back and not considered to be a natural extension of the built form.

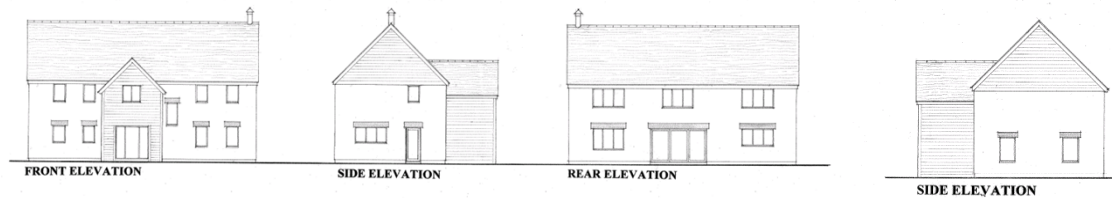
- 6.14 With criterion 1 of policy RA2 making it clear that development in the smaller settlements (i.e. those in figure 4.15 such as Broad Oak) should demonstrate particular attention to the form, layout, character and setting of the site and its location in the settlement, the proposal is found to fall foul of this given the scheme does not represent one that is reflective of the settlement which it would sit within. Conflict is therefore identified with policies RA2 and LD1 of the CS and although of recognised limited weight at this stage, GAR1 and GAR4 of the NDP.

*Design and amenity*

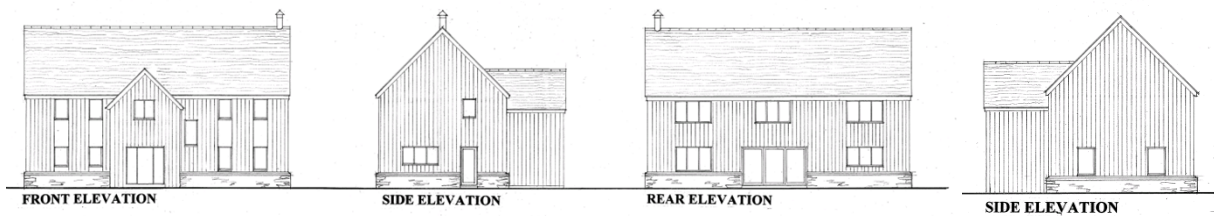
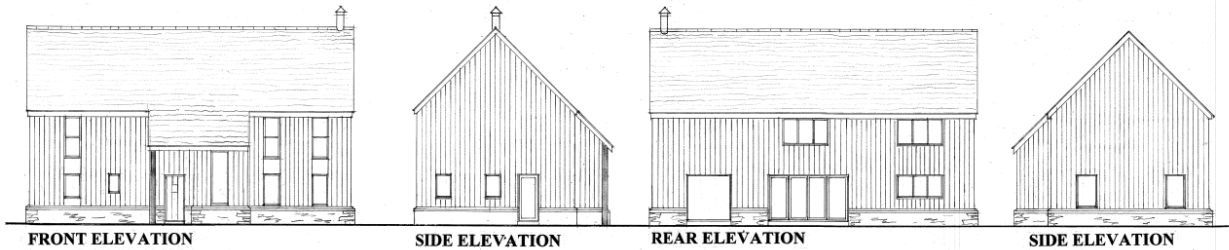
- 6.15 The design of any building is to be assessed against policy SD1 which states that proposals should be designed to maintain local distinctiveness through detailing and materials, respecting scale, height, proportions and massing of surrounding development. The proposal should also safeguard the amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing impact. These criteria are reflected through policy GAR2 of the NDP. Paragraph 127 of the National Planning Policy Framework reinforces this further by stating that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping and be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 6.16 Again policy LD1 is relevant with regard to the design of any dwelling stating that the landscape character should positively influence this as well as the scale, nature and site selection.
- 6.17 As stated above, two detached dwellings are proposed which includes one three bedroom dwelling and one four bedroom dwelling. Both dwellings will also benefit from a detached double garage. Following concerns highlighted by the case officer in relation to the design and without prejudice to the in principle objection, amended plans have been submitted.
- 6.18 While there are a variety of dwelling types in Broad Oak, including bungalows, detached and semi-detached two storey properties, the proposed designs are not found to be influenced by the local vernacular. The elevations of the dwellings initially submitted are found below with the cladded dwellings that are now proposed underneath:

Superseded elevations:





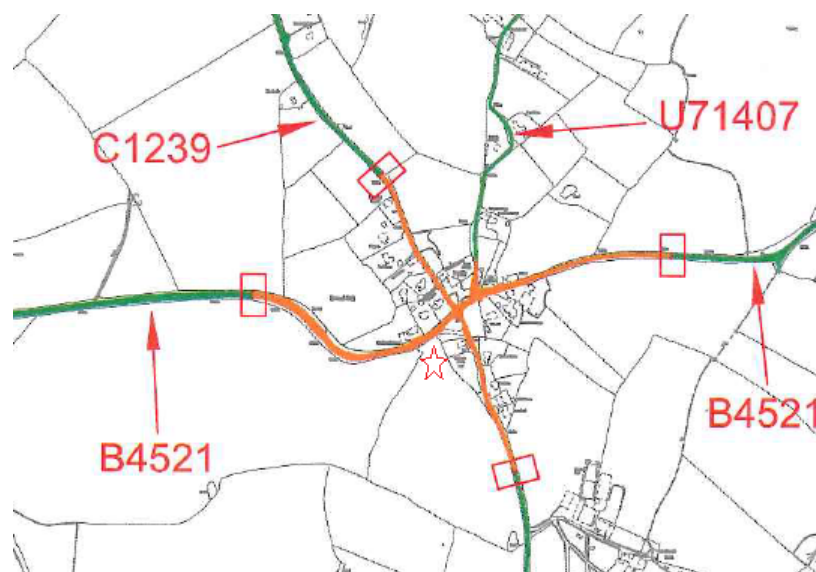
Amended elevations:



- 6.19 The dwellings will measure approximately 8.9m to the ridge, 5m to the eaves and 14.7m in length. The width of the main parts of the dwelling will measure 7.2m with the projecting gable on house type F an additional 3.1m.
- 6.20 Although the application form states that rendered and stone elevations are proposed, the amended plans reflect timber clad elevations with a stone plinth. The original elevations appeared urban in character with a variety of fenestration patterns and sizes which were somewhat ad-hoc. While there are diverse dwelling designs in the settlement, many of them benefit from a rural accent. It is acknowledged that the change in plans has taken some influence from this with the inclusion of the cladding. However, there are still found to be elements that could be further refined to avoid a compromised amalgamation of modern and rural. The orientation of the dwellings, with the projecting elements facing forward, is out of keeping with a rural vernacular - ordinarily any subordinate features would be located to the side, or in less common circumstances, to the rear. Furthermore, the fenestration is still excessive in places and out of character with a 'barn conversion' like scheme that it is assumed is trying to be pursued. It is considered that more subtle features could be incorporated that ensure a scheme that truly responds to its context.
- 6.21 The design as proposed is is not found to enhance the character of the locality or result in a high quality development which makes a positive contribution to the surrounding environment and its landscape pattern. With this in mind, I would argue that the fullest opportunities have not been taken to design dwellings that respond fully to their context. As such, conflict with policies SD1, LD1 and RA2 of the Core Strategy and GAR2 of the NDP is identified in this regard.
- 6.22 Given the proximity to neighbouring dwellings, issues affecting the amenity of these occupants are not anticipated. In relation to the amenity of any future occupants of the proposed dwellings, there would be adequate private amenity space for them to function as detached properties.

### *Access and parking*

- 6.23 Policy MT1 of the CS and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 103 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 108 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where 'the residual cumulative impacts of development are severe.'(NPPF para. 109). Policy GAR10 of the NDP requires new development to include any necessary and appropriate traffic management measures and avoid the use of large areas of hardstanding by adequately landscaping and screening them.
- 6.24 Given the levels of accommodation proposed as part of the scheme, a minimum of two car parking spaces is required for the three bedroom property and a minimum of three spaces for the four bedroom dwelling. Noting the area of hardstanding in front of the dwellings, it is considered that these could be accommodated, along with adequate turning areas, subject to relevant conditions being attached to any approval.
- 6.25 With regard to the access itself, a Traffic Regulation Order (TRO) was approved across Garway and Broad Oak in November 2018 and extended the 30mph areas. This is indicated on the map below.



- 6.26 In relation to the access, as touched on above, this is wholly new with the field currently being accessed to the south through a field gate outside of the application site. The application is accompanied by a Transport Statement which states that, based on the speed of the road, 64m visibility splays is appropriate.
- 6.27 The Department for Transport 'Manual for Streets', NPPF and Policy MT1 of the CS recognise the importance of walking and cycling as modes of transport which offer a more sustainable alternative to car travel and can make a positive contribution towards the overall character of a place, improved public health and in helping to tackle climate change. The proposal includes a new stretch of footpath to the east of the access and along part of the frontage to the site.

- 6.28 The comments received from the Council's Transportation Manager endorse the view that both the access and parking/turning areas are acceptable and raise no objections to the scheme. subject to recommended conditions being attached to any approval. On this basis, the proposal accords with policy MT1 of the CS and GAR10 of the NDP.

#### *Ecology*

- 6.29 Noting the nature of the site, policies LD2 and LD3 of the Core Strategy are applicable. Policy LD2 states that development proposals should conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire through the retention and protection of nature conservation sites and habitats and important species, restoration and enhancement of existing biodiversity and geodiversity features on site and connectivity to wider ecological networks and creation of new biodiversity features and wildlife habitats. Policy LD3 states that development proposals should protect, manage and plan for preservation of existing and delivery of new infrastructure.
- 6.30 Noting the comments received from the Council's Ecologist, and the no objection received from Natural England to the HRA AA consultation, there are not found to be ecological implications as a result of the proposal subject to appropriate mitigation conditions being attached to any approval.

#### *Drainage*

- 6.31 Policy SD3 of the Core Strategy states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water. For waste water, policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway).
- 6.32 The application form states that foul water will be disposed of by package treatment plants and a sustainable drainage system for surface water. Given the size of the land under the ownership of the applicant, these are found to be acceptable methods but the details would be conditioned on any approval.
- 6.33 In relation to the comments received in the representations with regard to drainage, conditions that could be attached to any approval would ensure that the methods proposed are appropriate and can be accommodated within the site without affecting third party land. Furthermore, a drainage strategy has been received during the application process which indicates the two proposed dwellings systems will be built into that for the approved scheme for four dwellings to the south (ref: 180061). The Council's Land Drainage Consultant has had sight of this arrangement and is satisfied.
- 6.32 In relation to drains within the highway, the granting of planning permission does not affect these. The maintenance of these are controlled under separate legislation.

#### *Conclusion*

- 6.33 Both CS 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.

- 6.34 The application is for housing and in the light of the housing land supply deficit must be considered against the test prescribed at NPPF paragraph 11 and CS Policy SS1. Permission should be granted, therefore, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF when considered as a whole.
- 6.35 The site is found to be located adjacent to the main built up part of the settlement and while it is outside of the settlement boundary included within the NDP, as this has limited weight at the present time, the benefits of the proposal as a whole are to be assessed.
- 6.36 Notwithstanding the relationship with the main built up part of the settlement, the layout of the scheme is out of keeping with the pattern of surrounding development, noting there is a lack of built form on this side of the road and the scheme does not display a direct relationship with it. There is an inherent landscape impact where the pattern of settlement is not respected.
- 6.37 Moving onto the design, while the amendments that have been made are acknowledged, the scheme still does not enhance the character of the locality or result in a high quality development which makes a positive contribution to the surrounding environment and its landscape pattern.
- 6.38 In assessing the three indivisible dimensions of sustainable development as set out in the CS and NPPF, officers are of the opinion that the scheme is not representative of sustainable development and therefore the presumption in favour of approval is not engaged. The scheme will bring forward two dwellings in a form and layout that is at odds with the surrounding pattern of development and a design that does not enhance the locality. The application is therefore recommended for refusal in line with the reasons outlined below.

## **RECOMMENDATION**

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

- 1. By virtue of the lack of built form on the side of the road, the design and nature of the layout proposed, the development results in a scheme that is out of keeping with the surrounding development; has not demonstrated that the form, layout, character and setting of the development has been positively influenced by settlement character and results in landscape harm. The proposal is therefore contrary to policies RA2, LD1 and SD1 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.**

### **Informative**

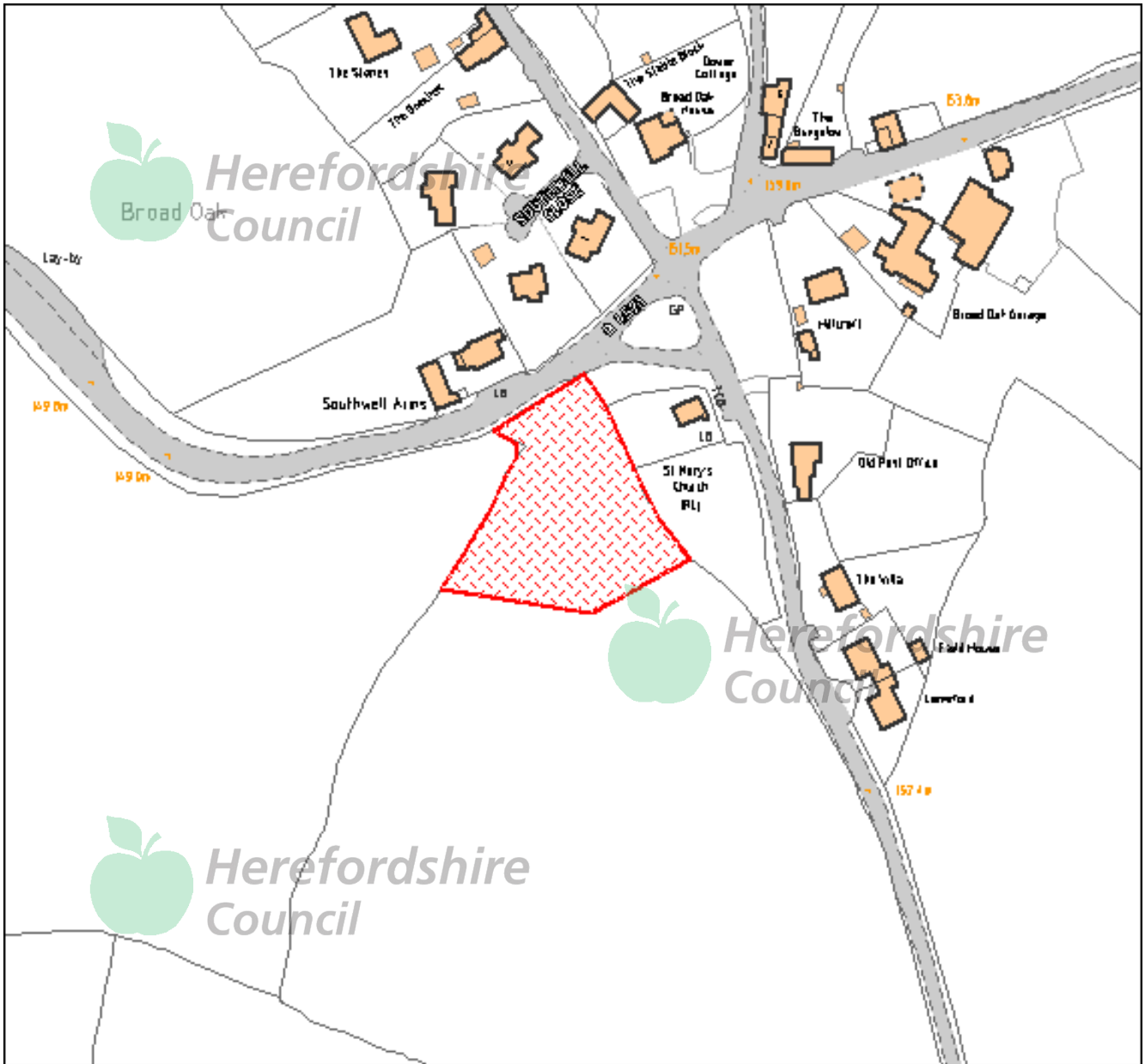
- 1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues 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.**

### **Background Papers**

Internal departmental consultation replies.

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Further information on the subject of this report is available from Miss Emily Reed on 01432 383894



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**APPLICATION NO:** 183951

**SITE ADDRESS :** LAND TO THE WEST OF ST MARYS CHURCH, BROAD OAK

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