

Agenda

Planning and regulatory committee

Date: **Wednesday 3 February 2021**

Time: **10.00 am**

Place: **online meeting**

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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 in advance of the meeting.

Agenda for the meeting of the Planning and regulatory committee

Membership

Chairperson **Councillor John Hardwick**
Vice-Chairperson **Councillor Alan Seldon**

Councillor Graham Andrews
Councillor Paul Andrews
Councillor Polly Andrews
Councillor Toni Fagan
Councillor Elizabeth Foxton
Councillor Terry James
Councillor Tony Johnson
Councillor Graham Jones
Councillor Mark Millmore
Councillor Jeremy Milln
Councillor Paul Rone
Councillor John Stone
Councillor William Wilding

Agenda

		Pages
1.	<p>APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
2.	<p>NAMED SUBSTITUTES (IF ANY)</p> <p>To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.</p>	
3.	<p>DECLARATIONS OF INTEREST</p> <p>To receive 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>MINUTES</p> <p>To approve and sign the minutes of the meeting held on 18 January 2021.</p>	13 - 28
5.	<p>CHAIRPERSON'S ANNOUNCEMENTS</p> <p>To receive any announcements from the Chairperson.</p>	
6.	<p>193878 - LAND OFF, KINGSTONE ROAD, CLEHONGER, HEREFORDSHIRE</p> <p>Application for approval of reserved matters following outline approval P141964/O (site for residential development of up to 90 dwellings with access, parking, public open space with play facilities and landscaping).</p>	29 - 94
7.	<p>202687 - LAND AT AMYAND DRIVE, GARDEN OF 187 WHITECROSS ROAD, HEREFORD, HR4 0LU</p> <p>Proposed two bed dwelling.</p>	95 - 106
8.	<p>201996 - 8 BELMONT ROAD, HEREFORD, HEREFORDSHIRE, HR2 7JE</p> <p>Proposed change of use of land for the permanent siting of and the sale of hot takeaway food from a food trailer.</p>	107 - 114
9.	<p>DATE OF NEXT MEETING</p> <p>Date of next site inspection – 16 February 2021</p> <p>Date of next meeting – 17 February 2021</p>	

The Public's Rights to Information and Attendance at Meetings

Herefordshire Council is currently conducting its public committees, including the Planning and Regulatory Committee, as "virtual" meetings. These meetings will be video streamed live on the internet and a video recording maintained on the council's website after the meeting. This is in response to a recent change in legislation as a result of COVID-19. This arrangement will be adopted while public health emergency measures including, for example, social distancing, remain in place.

Meetings will be streamed live on the Herefordshire Council YouTube Channel at

<https://www.youtube.com/HerefordshireCouncil>

The recording of the meeting will be available shortly after the meeting has concluded through the Planning and Regulatory Committee meeting page on the council's web-site.

<http://councillors.herefordshire.gov.uk/ieListMeetings.aspx?CId=264&Year=0>

YOU HAVE A RIGHT TO: -

- Observe all "virtual" 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. (These will be published on the Planning and Regulatory Committee meeting page on the council's web-site. See link above).
- 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. (These will be published on the Planning and Regulatory Committee meeting page on the council's web-site. See link above).
- 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 access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Access to this summary of your rights as members of the public to observe "virtual" meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect documents.

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 John Hardwick (Chairperson)	Herefordshire Independents
Councillor Alan Seldon (Vice-Chairperson)	It's Our County
Councillor Graham Andrews	Herefordshire Independents
Councillor Paul Andrews	Herefordshire Independents
Councillor Polly Andrews	Liberal Democrat
Councillor Toni Fagan	The Green Party
Councillor Elizabeth Foxtan	It's our County
Councillor Terry James	Liberal Democrat
Councillor Tony Johnson	Conservative
Councillor Graham Jones	True Independents
Councillor Mark Millmore	Conservative
Councillor Jeremy Milln	The Green Party
Councillor Paul Rone	Conservative
Councillor John Stone	Conservative
Councillor William Wilding	Herefordshire Independents

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?

The following attend the committee:

- Members of the committee, including the chairperson and vice chairperson.
- Officers of the council – to present reports and give technical advice to the committee
- Ward members – The Constitution provides that the ward member will have the right to start and close the member debate on an application.

(Other councillors - may 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. The case officer will then give a presentation on the report.

The registered public speakers will then be invited to speak in turn (Parish Council, objector, supporter). (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 Council's Constitution provides that 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 (see note below)

- 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.

(Note: The public speaking provisions have been modified to reflect the “virtual” meeting format the Council has adopted in response to a recent change in legislation as a result of COVID-19. Those registered to speak in accordance with the public speaking procedure are able to participate in the following ways:

- *by making a written submission*
- *by submitting an audio recording*
- *by submitting a video recording*
- *by speaking as a virtual attendee.)*

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 in the Council's Constitution (Part 5 section 6).

In the case of the ward member being a member of the Committee they will be invited to address the Committee for that item and act as the ward member as set out above. They will not have a vote on that item.

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.

**The Seven Principles of Public Life
(Nolan Principles)**

1. Selflessness

Holders of public office should act solely in terms of the public interest.

2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. Honesty

Holders of public office should be truthful.

7. Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Minutes of the meeting of Planning and regulatory committee held at online meeting on Monday 18 January 2021 at 10.00 am

Present: Councillor John Hardwick (chairperson)
Councillor Alan Seldon (vice-chairperson)

Councillors: Paul Andrews, Polly Andrews, Christy Bolderson, Sebastian Bowen, Toni Fagan, Elizabeth Foxton, Terry James, Tony Johnson, Graham Jones, Mark Millmore, Jeremy Milln, John Stone and William Wilding

In attendance: Councillors Liz Harvey and David Hitchiner

59. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Graham Andrews and Rone.

60. NAMED SUBSTITUTES

Councillor Bolderson substituted for Councillor Rone and Councillor Bowen for Councillor Graham Andrews.

61. DECLARATIONS OF INTEREST

Agenda item 8: 193707 – New House Farm, Grafton Lane, Grafton

Councillor Bolderson declared an other interest as she annually purchased a Christmas tree from the site.

Councillor Hardwick declared an other interest as he knew the person speaking on behalf of the applicant.

62. MINUTES

RESOLVED: That the minutes of the meeting held on 16 December 2020 be approved.

63. CHAIRPERSON'S ANNOUNCEMENTS

None.

64. 192672 - LAND ADJACENT TOWN HOUSE B4352, MADLEY, HEREFORDSHIRE

(Proposed residential development of 10 dwellings.)

(Councillor Polly Andrews was not eligible to vote having temporarily lost connection to the meeting because of a technical issue.)

The Principal Planning Officer gave a presentation on the application.

She reported that the wording of some of the conditions would need to change to reflect a change in the relevant legislation that was applicable.

In accordance with the criteria for public speaking for virtual meetings, Mrs J Hirst, a local resident had submitted a made a video submission in objection to the application which was played to the meeting. Mr D Baume, the applicant's agent had submitted a written submission which was read to the meeting.

In accordance with the Council's Constitution, the local ward member, Councillor David Hitchiner, spoke on the application. In summary, he sought clarification on measures proposed for the great crested newts on the site. He noted that the site was outside the settlement boundary and contrary to the draft Madley Neighbourhood Development Plan (NDP). However, the Parish Council supported the application and he outlined a number of comments on the Parish Council's behalf explaining its support. He considered the application a good application. However, it was contrary to the draft NDP.

The Committee discussed the application.

The Lead Development Manager highlighted the advice of professional officers on the application noting that they had no objection to it. The draft NDP had to be weighed in the balance against the absence of a five year housing land supply. He also noted the Parish Council's support for the application.

The local ward member was given the opportunity to close the debate. He remarked again on the conflict with the draft NDP whilst reiterating the Parish Council's support for the application.

It was proposed that there should be an additional condition requiring rainwater harvesting.

Resolved: That planning permission be granted subject to the following conditions, updating the wording of some of the conditions to reflect a change in the relevant legislation that is applicable, an additional condition on rainwater harvesting, and any further conditions considered necessary by officers named in the scheme of delegation to officers:

1. **Time limit for commencement (full permission)**

2. **C06 - Development in accordance with the approved plans:**
 - 6919-1-01F – Amended Location and Block Plans**
 - 6919-1-11D – Amended Proposed Site Layout**
 - 6919-1-13C – Amended Site Layout in Village Context**
 - 6919-1-17 – Plot 1 – Plans and Elevations**
 - 6919-1-25 – Plot 1 – Single Garage - Plans and Elevations**
 - 6919-1-15 – Plot 2 – Plans and Elevations**
 - 6919-1-14 - Plot 2 Double Garage - Plans and Elevations**
 - 6919-1-18 – Plot 3 – Plans and Elevations**
 - 6919-1-21 – Plot 4 – Plans and Elevations**
 - 6919-1-20 – Plot 5 – Plans and Elevations**
 - 6919-1-24 – Plot 6 – Plans and Elevations**
 - 6919-1-19 – Plot 7 – Plans and Elevations**
 - 6919-1-16 – Plot 8 – Plans and Elevations**
 - 6919-1-22 – Plot 9 – Plans and Elevations**
 - 6919-1-23 – Plot 10 – Plans and Elevations**
 - 6919-1-26 – Cycle Store – Plans and Elevations**

3. Pre-commencements

Before any work, or site clearance begins a Great Crested Newt Mitigation Strategy (GCNMS) and Long-Term Management Plan, shall be supplied to the local planning authority for written approval, together with details of legal arrangements for long-term management. The approved GCNMS shall be implemented and hereafter maintained 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 in accordance with policies LD1-3 of the Herefordshire Local Plan – Core Strategy and the requirements of the National Planning Policy Framework, and having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017) and NERC Act (2006).

4. Hedgerow protection during construction

Before any work commences and, equipment or materials moved on to site, appropriate hedgerow protection areas, (based on guidance in BS5837:2012) 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 in accordance with Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, and having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and NERC 2006.

5. Prior to commencement of any site clearance, preparation or development a fully detailed and specified Ecological Working Method Statement (EWMS) including details of appointed Ecological Clerk of Works shall be provided to the planning authority. The EWMS should consider all relevant species but in particular consideration for Great crested newts. The approved EWMS shall be implemented in full unless otherwise agreed in writing by the planning authority.

Reason: To ensure that all species and habitats are protected and conserved in accordance with Herefordshire Core Strategy (2015) policies SS6 and LD1-3 and the requirements of the National Planning Policy Framework and having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), (2018), NERC Act (2006), and Dark Skies initiative (DEFRA-NPPF 2013/18).

6. Before any other works hereby approved are commenced, visibility splays, and any associated set back splays at 45 degree angles shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 90 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.

- 7. Development shall not begin until details and location of the following have been submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved:**

- **A method for ensuring mud is not deposited onto the Public Highway**
- **Construction traffic access location**
- **Parking for site operatives**
- **Construction Traffic Management Plan**

The development shall be carried out in accordance with the approved details for the duration of the construction of the development.

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.

- 8. Development shall not begin in relation to the provision of road and drainage infrastructure until the following details are submitted to and approved in writing to the local planning authority:**

- **Surface finishes**
- **Drainage details**
- **Future maintenance arrangements**

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

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

- 9. The construction of the vehicular access shall be carried out in accordance with a specification to be 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.

- 10. Other than site clearance no further development shall commence until a detailed plan, showing the levels of the existing site, the proposed slab levels of the approved dwellings and garages and a datum point outside of the site, shall be submitted to and be approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: In the absence of sufficient detailed information, the clarification of slab levels is a necessary initial requirement before any demolition and/or groundworks are undertaken so as to define the permission and ensure that the development is of a scale and height appropriate to comply

with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

11. C13 – Samples of External Materials

- 12. The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority, and shall allow him/her to observe the excavations and record items of interest and finds. A minimum of 5 days' written notice of the commencement date of any works shall be given in writing to the County Archaeology Service.**

Reason: To allow the potential archaeological interest of the site to be investigated and recorded and to comply with the requirements of Policy LD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 13. Before any works in relation to the materials specified below begins, details of the following construction materials and design shall be submitted to and approved in writing by the Local Planning Authority:**

- a) Rooflights (dimensions, materials and cross section of roof slope)**
- b) Treatment of gables and cappings;**
- c) Treatment of verges and barge boards**
- d) Rainwater goods**

And as shown on drawings to a scale of 1:20 or 1:10 where necessary.

The works shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policies LD1 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 14. No works in relation to any of the features specified below shall commence until a sample panel of all new facing brickwork is provided on site at a minimum size of 1m x 1m and showing the proposed –**

Brick types, sizes, colour, texture face-bond; brick bond and type; pointing mortar mix, joint thickness and finish profile.

Confirmation of the materials and methods shall be approved in writing with the Local Planning Authority and carried out accordingly. The approved sample panels shall be retained on site until the work is completed.

Reason: To ensure that the masonry and detailing harmonise with the surroundings so as to ensure that the development complies with the requirements of Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 15. No joinery works shall commence until details of all external windows and doors and any other external joinery have been submitted to and approved in writing by the Local Planning Authority. These shall include:**

Full size or 1:2 details and sections, and 1:20 elevations of each joinery item cross referenced to the details and indexed on elevations on the approved drawings.

Method & type of glazing.

Windows and doors material(s)

Colour Scheme/Surface Finish

The development shall be carried out in accordance with the approved details.

Reason: To ensure that the fenestration harmonises with the surroundings and the design concept of the approved scheme, so as to ensure that the development complies with the requirements of Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 16. CK3 - Landscape Scheme**
- 17. CK4 – Landscape Implementation**
- 18. CK5 – Landscape Maintenance Plan**

Prior to occupation

- 19 Prior to the first occupation of the development hereby permitted full details of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The details shall include:**
 - a) Detailed plans and section drawings of the proposed surface water infiltration features including basins, swales, pipework connections etc.**
 - b) BRE365 testing is undertaken at the location and depth of all infiltration features.**
 - c) Calculations for the final design 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 and will prevent any flooding of the site in all events up to an including the 1 in 30 annual probability storm event. FEH2013 rainfall data is expected.**
 - d) Calculations for the final design that demonstrates the drainage system will provide sufficient attenuation for up to the 1 in 100 year event and allowing for the potential effects of climate change. FEH2013 rainfall data is expected.**
 - e) Details of exceedance flow routes and storage areas within the proposed site.**
 - f) Proposals for adoption and maintenance access for all SuDS features with particular regard to the proposed infiltration basin.**
 - g) A detailed foul water drainage strategy showing how foul water from the development will be disposed of and illustrating the location of key drainage features and connection to the Welsh Water network, if applicable.**
 - h) If a connection to a public foul sewer is not considered feasible, the applicant will be required to complete a Foul Drainage Assessment (FDA) Form and submit this as part of any forthcoming planning application. The FDA Form can be found on the GOV.UK website at this link: <https://www.gov.uk/government/publications/foul-drainage-assessment-form-fda1>.**
 - i) If infiltration to ground is proposed for the foul drainage, infiltration rates at the location(s) and proposed depth(s) of any proposed drainage**

fields, undertaken in accordance with BS6297 and Building Regulations Part H.

- j) Detailed plans and section drawings of any proposed foul water drainage field, along with maintenance access for all foul drainage features.
- k) Details of adoption and maintenance arrangements for all parts of the foul drainage system.
- l) Operational and maintenance manual for all proposed foul drainage features that are to be adopted and maintained by a third party management company.

The approved scheme shall be implemented before the first occupation of any of the dwellings hereby permitted.

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

20. Boundary treatment details shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. Where necessary (to accord with the approved GCNMS) they should comprise native hedgerow planting, in order to maintain terrestrial habitat connectivity for great crested newts. If any additional fence panels are used, there must be a gap below fence panels through which a newt could potentially pass. The boundary treatment shall be completed prior to occupation (or otherwise in accordance with a timetable that has first been submitted to and agreed in writing with the local planning authority).

Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and that all species are protected and habitats enhanced, so as to accord with Herefordshire Local Plan - Core Strategy policies LD1-3 and SD1 and the National Planning Policy Framework, and having regard to the requirements of the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017) and NERC Act (2006).

21. Development shall not begin in relation to any of the specified highways works until details of the following works have been submitted to and approved by the local planning authority in writing following the completion of the technical approval process by the local highway authority.
- 1. Provisions of footway and crossing points as shown on drawing 21259-01 Rev D – Proposed Footway and Highway Improvements
 - 2. Extension of existing speed limit and relocation of gateway features.

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.

22. Prior to the first occupation of the dwelling to which it relates covered and secure cycle parking facilities shall be provided in accordance with drawings 6919-1-26 and 6919-1-11D, or an alternative scheme the details of

which shall have first been submitted to and approved in writing by Local Planning Authority. Thereafter these facilities shall be maintained.

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 the dwelling to which it relates a scheme to enable the charging of plug in and other ultra-low emission vehicles (e.g. provision of electric sockets) to serve the occupants shall be submitted to and approved in writing by the local planning authority. The approved details shall be provided prior to the first occupation of the dwelling to which it relates.

Reason: To address the requirements in relation to climate change as set out in policies SS7 and SD1 of the Herefordshire Local Plan - Core Strategy and the guidance contained within the National Planning Policy Framework.

24. CE6 – Water Efficiency

25. Compliance

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, so as to comply with Policy SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

26. All foul water shall discharge through a connection to the local Mains Sewer network and surface water shall be managed through a SuDs system within the development boundary; unless otherwise agreed in writing by the Local Planning Authority.

In order to comply with Policy SD4 of the Herefordshire Local Plan – Core Strategy and the requirements of the National Planning Policy Framework, Conservation of Habitats and Species Regulations and NERC Act (2006).

27. Condition Eco 09 – Protected Species, Dark Skies and Intrinsically dark landscapes (external lighting)
- I. At no time shall any external lighting (except in relation to safe use of the property; and consisting of low lumens, warm LED ‘down’ lighting units on time limited PIR sensors) be installed or operated on the site without the written approval of this local planning authority.
 - II. No external lighting should illuminate any boundary feature, adjacent habitat or area around the biodiversity enhancement features.

Reason: To ensure that all species and Dark Skies are protected in accordance with Herefordshire Local Plan - Core Strategy policies SS6, LD1, LD2 and LD3 and the requirements of National Planning Policy Framework and having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), (2019), NERC Act (2006), and the Dark Skies initiative (DEFRA-NPPF 2013/19).

INFORMATIVES:

- 1. IP2 – Application Approved Following Revisions**
- 2. I11 – Mud on highway**
- 3. I09 – Private apparatus within the highway**
- 4. I45 – Works within the highway**
- 5. I08 – Section 278 Agreement**
- 6. I07 – Section 38 Agreement & Drainage details**
- 7. I05 – No drainage to discharge to highway**
- 8. I49 – Design of street lighting for Section 278**
- 9. I47 – Drainage other than via highway system**
- 10. I35 – Highways Design Guide and Specification**
- 11. If you have any queries regarding the archaeological interest of the site or the requirements of the conditions relating to archaeological work, please contact HARC, Fir Tree Lane, Rotherwas, Hereford HR2 6LA (Tel: 01432 260470).**

65. 200662 - METHODIST CHURCH, 145 THE HOMEND, LEDBURY, HEREFORDSHIRE, HR8 1BP

(Change of use of former methodist chapel to A4 wine bar with food facility, also managers flat.)

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

In accordance with the criteria for public speaking for virtual meetings, Mr and Mrs Draisey, local residents, spoke in opposition to the scheme, as virtual attendees. Mrs M Rutsch the applicant's agent had made a written submission that was read to the meeting.

In accordance with the Council's Constitution, the local ward member, Councillor Harvey, spoke on the application. In summary, she expressed concerns about adverse impact on the amenity of neighbouring residents, as a result of noise and kitchen and smoking fumes, parking, waste collection, and the location. If the application were to be approved she requested a number of pre-commencement conditions upon which she asked be consulted. She noted that the proposal would bring the building back into use.

The Committee discussed the application.

The Lead Development Manager commented that the proposal was compliant with the Ledbury Neighbourhood Development Plan. The Environmental Health Officer had no objection. He suggested a number of additional conditions including pre-commencement conditions if approval were to be proposed.

The local ward member was given the opportunity to close the debate. She remained concerned about aspects of the application but welcomed the proposal for pre-commencement conditions.

A motion that the application be refused contrary to the officer recommendation on the grounds that the proposal would have an unacceptable impact on residential amenity and was contrary to policy SD1 and paragraph 180 of the National Planning Policy Framework was carried on the Chairperson's casting vote.

RESOLVED: (on the Chairperson's casting vote) That planning permission be refused on the grounds that the development would have an unacceptable impact on residential amenity and was contrary to policy SD1 and paragraph 180 of the National Planning Policy Framework and officers named in the Scheme of Delegation to officers be authorised to detail the reasons put forward for refusal by the committee.

66. 193707 NEW HOUSE FARM GRAFTON LANE GRAFTON

(Permission to incorporate laser clays sporting option to existing area involved with existing established clay shooting layout, replacement of a portable cabin with a small lodge and viewing area (part retrospective).)

(Councillor Paul Andrews had left the meeting and was not present during consideration of this application. Councillor Bolderson fulfilled the role of local ward member and accordingly had no vote on this application.)

The Planning Enforcement Officer gave a presentation on the application.

In accordance with the criteria for public speaking for virtual meetings the following spoke at the meeting as virtual attendees: Mr S Sharp of Callow and Haywood Group Parish Council spoke in objection to the scheme, Mr G Hardy, a local resident, spoke in objection; and Mr P Lewis spoke on behalf of the applicant in support of the application.

In accordance with the Council's Constitution, the local ward member, Councillor Bolderson, spoke on the application. In summary, she outlined the planning history of the application site, noting that the application before the committee was a further retrospective application, with a number of other retrospective applications awaiting determination. She commented on letters of support and objection noting that the Parish Council opposed the application. Her principal concerns included the unauthorised expansion of the site and increased traffic with adverse impact on Grafton Lane which was part of the National Cycle Network, and a lack of toilet facilities. She advanced a number of grounds for refusal citing policies from both the Core Strategy and the Callow and Haywood Neighbourhood Development Plan and the National Planning Policy Framework.

The Committee discussed the application.

The Lead Development Manager commented that the committee must focus on the application before it. In Officers' view the impact of the specific proposal was not sufficiently adverse to warrant refusal of the application. Other matters that had arisen on the site were the subject of separate action and consideration.

The local ward member was given the opportunity to close the debate. She reiterated the grounds for refusal she had advanced.

A motion that the application be refused contrary to the officer recommendation on the grounds that the development was contrary to policies SD1, RA6, SS1, MT1 and SC1 was carried.

RESOLVED: That planning permission be refused on the grounds that the development was contrary to policies SD1, RA6, SS1, MT1 and SC1 and officers named in the Scheme of Delegation to officers be authorised to detail the reasons put forward for refusal by the committee, including any provisions in the Callow and Haywood NDP considered applicable.

67. 202499 - LAND ADJACENT TO GALEN HOUSE, CHERRY ORCHARD, KINGS ACRE, HEREFORD

(Proposed new dwelling and detached garage.)

(Councillors Paul Andrews, and Fagan had left the meeting and were not present during consideration of this application. Councillor Bowen fulfilled the role of local ward member and accordingly had no vote on this application.)

The Senior Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking for virtual meetings, Ms N Coombs, a local resident, spoke in opposition to the scheme, as a virtual attendee. Mr E Thomas, the applicant's agent submitted a written submission in support of the application which was read to the meeting.

Councillor Bowen fulfilled the role of local ward member. In accordance with the Council's Constitution, he spoke on the application. In summary, he spoke in support of the application.

The Committee discussed the application.

The local ward member was given the opportunity to close the debate. He reiterated his support for the application.

RESOLVED: That planning permission be granted subject to the following conditions 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. **C06 – In accordance with approved plans**
3. **C13 – Details/samples of materials**
4. **CCK – Details of slab levels**
5. **Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CEMP) incorporating:**
 - a) **a Construction Traffic Management Plan (CTMP),**
 - b) **Construction Phasing and Routeing Plans, including construction traffic arrival and departure times,**
 - c) **onsite construction working hours**
 - d) **a method for ensuring mud is not deposited onto the Public Highway**

shall submitted to and approved in writing by the Local Planning Authority. Thereafter all construction activity in respect of the development shall be undertaken in full accordance with such approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety, neighbouring amenity and to conform to the requirements of Policies MT1 & SD1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

6. CAI – Parking – single/shared private drives
7. CAP - Highways Improvement/off site works
8. CKJ – Foul drainage to Mains Sewer & Surface Water to Soakaway
9. CK3 – Landscaping Scheme
10. CK4 – Landscape scheme implementation
11. CE6 – Water efficiency 110l per day
12. With the exception of any site clearance and groundworks; written and illustrative details of the number, type/specification and location of Electric vehicle charging points of atleast one per dwelling, shall be submitted to and approved in writing by the local planning authority. The Electric vehicle charging points shall be installed prior to first occupation and be maintained and kept in good working order thereafter as specified by the manufacturer.

Reason: To address the requirements policies in relation to climate change SS7, MT1 and SD1 of the Herefordshire Local Plan Core Strategy, to assist in redressing the Climate Emergency declared by Herefordshire Council and to accord with the provisions at paragraphs 108 & 110 of the National Planning Policy Framework.

13. CKR – Biodiversity Net Gain

INFORMATIVES:

1. IP2 - Application Approved Following Revisions
2. I11 - Mud on highway
3. I09 - Private apparatus within highway
4. I45 - Works within the highway
5. I47 - Drainage other than via highway system
6. I35 - Drainage other than via highway system

68. 203581 - 45 WALKERS GREEN, MARDEN, HEREFORD, HR1 3DZ DEN, HEREFORD, HR1 3DZ

(Widening of existing dropped kerb to form access onto driveway.)

(Councillors Paul Andrews, Fagan and James had left the meeting and were not present during consideration of this application.)

The Planning Officer gave a presentation on the application.

In accordance with the Council's Constitution, the local ward member, Councillor Guthrie, had made a written submission. This was read to the meeting. She supported the application.

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

1. **CO1 - Time limit for commencement (full permission)**
2. **CO7 – The development hereby approved shall be carried out strictly in accordance with drawings: Layout Plan; Block Plan; Location Plan, and the Application Form**
3. **CAE – Access Specification**

INFORMATIVES:

1. **IP1 Application Approved Without Amendment**

69. DATE OF NEXT MEETING

Noted.

Appendix - schedule of updates

The meeting ended at 2.44 pm

Chairperson

PLANNING AND REGULATORY COMMITTEE

Date: 18 January 2021 10am

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

200662 - CHANGE OF USE OF FORMER METHODIST CHAPEL TO A4 WINE BAR WITH FOOD FACILITY, ALSO MANAGERS FLAT AT METHODIST CHURCH, 145 THE HOMEND, LEDBURY, HEREFORDSHIRE, HR8 1BP

For: Mr Etheridge per Mrs Mandy Rutsch, Forest Villa, Chapel Walk, Edge End, Coleford, GL16 7EP

OFFICER COMMENTS

No additional representations received however officers wish to revise the recommendation in respect of the rewording of two conditions (conditions 11 and 16), which is done to be in line with the opening times of the premises. This is to prevent ambiguity of the interpretation of those conditions as currently stated in the officer report, and thus the revised recommendation below, satisfies the six tests as set out in Planning Practice Guidance.

CHANGE TO RECOMMENDATION

Condition 11 to read as follows:

In relation to the drinking establishment with expanded food provision use of the premises, this use shall not be open to customers outside of the following times: 12:00-23:00 Monday to Saturday and 12:00-22:00 on Sundays and Bank Holidays.

Reason: In the interests of the amenities of adjoining residential amenity in the locality and to comply with Policies RA6 and SD1 of the Herefordshire Local Plan – Core Strategy; Policies BE1.1 and EE3.1 of the Ledbury Neighbourhood Development Plan and the National Planning Policy Framework

Condition 16 to read as follows:

16. In relation to the drinking establishment with expanded food provision use of the premises, no amplified or other music shall be played outside of the following times: 12:00-23:00 Monday to Saturday and 12:00-22:00 on Sundays and Bank Holidays. No amplified or other music shall be played within any external areas of the premises at any time.

Reason: In order to protect the amenity of occupiers of nearby properties and to comply with Policies RA6 and SD1 of Herefordshire Local Plan – Core Strategy; Policy EE3.1 and the National Planning Policy Framework.

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	3 February 2021
TITLE OF REPORT:	<p>193878 - APPLICATION FOR APPROVAL OF RESERVED MATTERS FOLLOWING OUTLINE APPROVAL P141964/O (SITE FOR RESIDENTIAL DEVELOPMENT OF UP TO 90 DWELLINGS WITH ACCESS, PARKING, PUBLIC OPEN SPACE WITH PLAY FACILITIES AND LANDSCAPING). AT LAND OFF KINGSTONE ROAD, CLEHONGER, HEREFORDSHIRE.</p> <p>For: Engie Regeneration Ltd and Stonewater Developments Ltd per Miss Kate Holden, First floor, South Wing, Equinox North, Great Park Road, Almondsbury, BS32 4QL</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=193878&search-term=193878
Reason Application submitted to Committee – Applicant is a Council Development Partner	

Date Received: 7 November 2019 Ward: Stoney Street Grid Ref: 344626,237646

Expiry Date: 28 February 2021

Local Member: Councillor David Hitchiner

1. Site Description and Proposal

- 1.1 The site lies to the northwest of the B4349 (Kingstone Road) and to the south of the B4352 (Madley Road) at Clehonger. It comprises some 5.22 hectares of agricultural land, divided in to five separate fields that are delineated by trees and hedgerows. The central field contains an orchard, designated as a Priority Habitat. Generally levels slope down from the south (96m AOD) to the north (70m AOD), gradually initially and becoming steeper in the parcel of land nearest to the B4352.
- 1.2 Cagebrook House, a Grade II listed building along with its separately Grade II listed associated stables, lie approximately 300m to the north-west of the site, beyond the Cage Brook Valley (a Site of Scientific Interest and Priority Habitat – deciduous woodland and wood pasture and parkland). New Mill, which is also Grade II listed, lies approximately 500m to the west of the site, within the southwestern part of the Priority Habitat (wood pasture and parkland). A public right of way (CH19) passes outside of the site's western boundary, on a south to north alignment, before linking to another public right of way in the Cage Brook Valley (CH20) which in turn provides a link to a further public right of way (EB26) on the opposite side of the B4352, which then continues in a northeasterly direction.
- 1.3 Outline planning permission (OPP) was granted, at appeal, on 17 November 2016 for residential development of up to 90 dwellings with access, parking, public open space with play facilities and landscaping. The OPP secures the provision and maintenance of the open space on the site,

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

along with education and sustainable transport contributions, through a section 106 agreement. The second condition of the outline planning permission requires the submission of the reserved matters (RMs) application for appearance, landscaping, layout, and scale, to be made to the local planning authority not later than 3 years from the date of the outline permission.

- 1.4 This is the RMs application for appearance, landscaping, layout, and scale. It was received and valid on 7 November 2019, within the stipulated 3 year period. The proposed layout is for 90 dwellings and incorporates the vehicular access off the B4349 that was approved under the OPP. Drainage details are controlled by conditions imposed on the OPP.
- 1.5 Since its submission amended plans and amended/supplementary documents have been received. These followed discussions with the applicant seeking to resolve identified matters of concern.
- 1.6 The application was originally submitted with a Planning Statement, Tree Survey (Retention/Removal Plan & Protection Plan), Arboricultural Impact Assessment & Method Statement, Statement of Compliance, Statement of Community Involvement, Environmental Noise Assessment (Pro PG and AVO Guide Report), Open Space Assessment, Landscape Management Plan, Ecology Update Note, Ecological Management Plan (and Appendices), Drainage Strategy and Parking Schedule. Subsequently some of these supporting documents have been updated and additionally a Sustainability Credentials Statement, Climate Change Measures Checklist, Biodiversity and Ecology Measures Compliance Checklist and Green Infrastructure Details have been submitted.
- 1.7 The submission (agent's covering letter, dated 1 November 2019) acknowledges that the OPP is subject to conditions and confirms that the details required to discharge those conditions will be submitted separately under an approval of details reserved by conditions application.
- 1.8 As recorded in the Planning History section (at paragraph 3.3) below, another RMs application was submitted for this site, within the 3 year requisite period, and remains undetermined. It has been submitted by the applicant/appellant for the OPP.

2. Policies

- 2.1 Herefordshire Local Plan – Core Strategy 2011-2031 (adopted October 2015)
 - 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
 - H1 - Affordable Housing – Thresholds and Targets
 - H3 - Ensuring an Appropriate Range and Mix of Housing
 - OS1 - Requirement for Open Space, Sports and Recreation Facilities
 - OS2 - Meeting Open Space, Sports and Recreation Needs
 - MT1 - Traffic Management, Highway Safety and Promoting Active Travel
 - LD1 - Landscape and Townscape
 - LD2 - Biodiversity and Geodiversity
 - LD3 - Green Infrastructure
 - SD1 - Sustainable Design and Energy Efficiency
 - SD3 - Sustainable Water Management and Water Resources
 - SD4 - Wastewater Treatment and River Water Quality

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

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

The NPPF can be viewed via the following link:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810507/NPPF_Feb_2019_print_revised.pdf

2.3 National Planning Practice Guidance

The NPPG can be viewed via the following link:

<https://www.gov.uk/government/collections/planning-practice-guidance>

2.4 Clehonger Neighbourhood Development Plan

A Neighbourhood Development Plan Area was designated on 21 November 2014. The designation follows the Parish boundary.

The Clehonger Neighbourhood Development Plan was sent for examination on 4 March 2020. The examiner's report was received on 4 September 2020 and makes no recommendations for modifications. The referendum is pending and at present cannot be held before 6 May 2021, due to regulations linked to the Coronavirus Act 2020.

Policy C1	-	Sustainable development
Policy C2	-	Clehonger settlement boundary
Policy C3	-	Housing mix
Policy C4	-	Natural environment
Policy C6	-	Design

The draft Clehonger NDP, together with relevant supplementary planning documentation is viewable on the Council's website through the following link:-

<https://www.herefordshire.gov.uk/directory-record/3044/clehonger-neighbourhood-development-plan>

3. Planning History

- 3.1 141964/O – Site for residential development of up to 90 dwellings with access, parking, public open space with play facilities and landscaping – appeal allowed 17 November 2016.
- 3.2 171662/XA2 - Application for approval of details reserved by condition 18 attached to planning permission 141964 – refused 9 June 2017, appeal dismissed 28 December 2018.
- 3.3 193853/RM - Application for approval of reserved matters (Appearance, Landscaping, Layout & scale) following outline approval 141964 (residential development of up to 90 dwellings with access, parking, public open space with play facilities and landscaping) – undetermined.

4. Consultation Summary

Statutory Consultations

4.1 Natural England (HRA response)

Thank you for your consultation on the above dated and received by Natural England on 19 December 2020.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted and on the understanding that drainage conditions 18 and 19 of the outline planning permission remain and require approval, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

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 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, and on the understanding that drainage conditions 18 and 19 of the outline planning permission remain and require approval, 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.

Cage Brook SSSI- No objection

Based on the plans submitted, and on the understanding that drainage conditions 18 and 19 of the outline planning permission remain and require approval, 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.

Other advice

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

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 reviewed the information submitted as part of this application and note that drawing IR18065 SK100 (Proposed Drainage Layout) has been submitted, albeit that correspondence from the applicant indicate that it is not the intention of this application to address drainage matters and that a separate application will be made in due course. Strictly on this understanding only, we have no objection to the application for approval of the reserved matters subject to compliance with the requirements of the drainage conditions imposed on the outline planning permission, and the subsequent applications to vary the conditions thereon.

We reiterate the requirements of the drainage conditions imposed on the outline consent and the continued need for the applicant to engage with us at the earliest opportunity in order to commission the reinforcement works at the receiving Waste Water Treatment Works.

Notwithstanding the above and to assist future applications, we offer some comments on the proposed drainage layout drawing which we recommend are passed onto the applicant. The proposed off site connection to the existing public sewer network as shown on Drawing IR18065 SK100 would not be acceptable as this manhole is used as the receiving dissipation chamber for the pressurised rising main.

We request that the off site works are extended at least 5 metres downstream of this existing manhole with a new manhole constructed on the public sewer in order to form the new foul water connection from the proposed development.

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.

4.2.1 **Welsh Water (amended)**

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

As part of this latest consultation, we acknowledge receipt of an amended 'Drainage Strategy' (Ref: IR18065-DS1) received 20th October 2020 which includes a 'Pond Plan and Section' at Appendix B but does not include the 'Proposed Drainage Layout' within. As previous (Ref: PLA0048750), and for the avoidance of doubt, we request that the latter (Drawing No. SK100 Rev. P4) is included within the 'Drainage Strategy' to confirm the proposed point of connection to the existing off site public sewer network is consistent with our previous response issued 27th April 2020.

Therefore, subject to inclusion of the aforementioned as well as compliance with the requirements of the drainage conditions imposed on the outline planning permission, we have no objection to the application for approval of the reserved matters and the subsequent applications to vary the conditions thereon.

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.

4.2.2 Welsh Water (amended)

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. It is our understanding that the reserved matters application and the details submitted are to demonstrate a suitable strategy for the on site drainage arrangement and establish the principle method to effectively drain both foul and surface water.

Please note that this is on the strict understanding that condition 18 does not form part of this application and therefore requires a further submission in which to discharge the requirements.

Welsh Water await further instruction from the applicant in order to commence with the essential reinforcement works required to the receiving waste water treatment works and reiterate that these works need to be completed prior to the occupation of any dwelling on the entire development site.

We therefore have no objection to the application for approval of the reserved matters subject to compliance with the requirements of the drainage conditions imposed on the outline planning permission, and the subsequent applications to vary the conditions thereon.

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.

4.3 **Environment Agency**

I have received consultation on the development at Kingstone Road, Clehonger (Reserved Matters). I would have no comments to offer on the application. I note, reading the planning statement, that foul water will connect to the mains foul sewer and that the applicant is in discussion with Welsh Water with regards the required upgrade works.

Internal Council Consultations

4.4 **Strategic Housing Manager**

I refer to the above RM application and can confirm that in principle I am in support of this application. I have been in discussions with the RSL with regards to this application and as per the terms of condition 7, point 1 of annex 1 of the appeal decision, the applicant is providing the required 35% of affordable housing. The proposed mix and tenure split is acceptable as are the location of the affordable housing and the proposed phasing of the scheme.

With regards to the criteria for occupancy for the rented units these will need to be allocated through Home Point, the council's choice based letting agency and the shared ownership units will be allocated Via Help to Buy West Midlands.

With reference to the open market mix I can confirm that unit sizes proposed meet the needs of the area.

4.4.1 **Strategic Housing Manager (amended)**

As per previous report from Strategic Housing, as there are no changes to the affordable housing, we continue to support this application.

4.5 **Service Manager Built and Natural Environment (Ecology)**

Further information required.

Habitat Regs. Assessment

The site falls within the within the River Wye SAC Impact Risk Zone “any discharges of water or liquid including to mains sewer.” This application is subject to a formal Habitat Regulations Assessment (HRA) process by this local planning authority (LPA) as the competent body in consultation with Natural England.

The initial Habitat Regulations Screening Assessment identifies surface water and foul water as ‘likely significant adverse effects’. The applicant has indicated in their application that surface water will outfall to SuDs and foul water will discharge to mains sewer.

All drainage proposals will be compliant with Herefordshire Council Core Strategy SD3 and SD4. Conditions 18-20 as per Outline planning permission 141964/O need to be met, including reinforcement works to pumping station. This has not yet been completed, but Welsh Water have confirmed it will be carried out.

Further information is required regarding the SuDs/surface water drainage scheme before it can be approved by Land Drainage. Hence at the present time there is not sufficient information available to complete the HRA with a ‘No Likely Significant Effects’ conclusion.

The required Appropriate Assessment completed by the LPA must be submitted to and formally ‘approved’ by Natural England PRIOR to any grant of planning consent. The approved mitigation must be secured a condition on any consent granted.

Site ecology

I am satisfied that the proposed ecological enhancements as required by Condition 14 (full working method statement for habitat enhancement integrated with landscape proposals) included within the Ecological Management Plan (EDP, dated September 2019) provide more than adequate biodiversity net gain, in terms of hedgerow, tree and orchard habitat retention and protection, creation of native tree, hedgerow shrub and wild flower planting schemes, bat and bird box installation and lighting strategy as proposed.

Nature Conservation – Ecology Protection and Mitigation and Biodiversity Net Gain

The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity Enhancements, as recommended in the report by EDP and Ecology Update Note (dated September 2019) shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation and biodiversity enhancement features.

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

4.5.1 **Service Manager Built and Natural Environment (Ecology) (amended)**

This application is subject to a legally required Habitat Regulations Assessment (River Wye SAC) the Screening (and if required appropriate assessment) completed by the LPA may be subject to consultation with and a ‘no objection’ response from Natural England PRIOR to any grant of approval or consent by the LPA.

The applicant has clearly advised the LPA that this current Reserved Matters application DOES NOT seek to discharge any detailed proposals for the management of foul or surface water as made subject to a pre-commencement condition within the original Planning Inspectorate decision and grant of Outline Planning Permission on 141964/O. This pre-commencement condition

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

remains to be discharged through a future Discharge of Conditions application – yet to be submitted.

This application is only referencing foul and surface water as regard to demonstrating the proposed layout submitted for approval under this specific RM application can accommodate the required drainage strategies.

Thus with no discharge of any condition that would generate an identified ‘Likely Significant Effect’ on the River Wye SAC it is appropriate for this LPA to ‘screen out’ this specific application from requiring any further HRA process or ‘appropriate assessment’.

Other ecology comments:

It is noted that the proposed landscaping schemes include thorny or spikey species on or adjacent to public open space areas, highway features and footpaths. This is not compliant with the council’s Highway Design Guide (or general public health and safety on POS areas) – as thorny and spikey species such as Blackthorn, Hawthorn, Holly and Rose appear to be included within the proposed planting mixes.

The landscaping and planting schemes should be reviewed and revised accordingly prior to any final approval being granted.

It is noted that details (locations and specifications) of the numbers and locations of ‘hard’ biodiversity enhancements such as bat and bird boxes or other similar features, insect breeding ‘hotels’ and hedgehog homes and any other species specific biodiversity net gain enhancements have not been supplied – this is required to enable the LPA to approve and then if required check and enforce in order to achieve the requisite condition. It is suggested that only after any final layout and plan has been approved should the detailed ‘hard’ biodiversity net gain enhancement plan be supplied for approval by the LPA – this could be as a ‘prior to any development above damp proof course’ criteria.

The following are for information and to assist the applicant in the design and supporting evidence of the final foul and surface water strategies submitted in the future for approval and successful completion of the required Habitat Regulation Assessment process/

A signed legal agreement with Welsh Water to confirm the details of the foul water discharge to the local mains sewer must be completed and a copy supplied to provide required legal and scientific certainty that a foul water connection can be achieved. This should include a legal clause ensuring no building above damp proof course will commence until the local mains sewer system has the actual operational capacity to manage the flows from the development. This is to provide the LPA as the competent authority under the Habitat Regulations that the agreed scheme will be fully operation and appropriate capacity in place prior to any potential occupation of the site.

The supplied surface water strategy advises that the water discharged at no higher than current greenfield run-off will be ‘clean’ – but no mention is made of how the pollutants and contaminants from vehicles, vehicle washing and other operations (accidental or deliberate) that could cause the outfall water to contain potentially toxic substances or additional phosphate loadings. The surface water discharge proposed is in to the Cage Brook (Site of Special Scientific Interest and Local Wildlife Site), which is a direct tributary of the River Wye SAC – so potential effects of this outfall form part of the required HRA process and additional assessment in relation to effects on the SSSI and LWS . A revised surface water scheme is requested that clearly provides legal and scientific certainty that all potential contaminants and pollutants are managed and retained on site under all conditions and events and have no pathway through the surface water outfall in to the Cage Brook SSSI and direct hydrological catchment of the River Wye SAC.

A full Construction Environmental Management Plan will be required for approval by the LPA (and Natural England) as part of the future DoC application in order to ensure the required Habitat Regulations Assessment can be completed.

4.5.2 **Service Manager Built and Natural Environment (Ecology) (amended and HRA AA)**

This site lies within the River Wye SAC catchment (via the Cage Brook – that is also in part designated as Site of Special Scientific Interest and a Local Wildlife site). As Habitat Regulation Assessment processes and case law have changed since the original outline consent was granted it is considered relevant and appropriate to undertake an HRA process on all relevant elements of any grant of Reserved Matters at the time they are being ‘approved’ by the LPA. The comments made in regards of the HRA are equally applicable to the status of the Cage Brook.

The following points are noted in respect of the current elements of Reserved Matters/original conditions being considered by the LPA.

NO aspect of the management of foul water flows created by the development is being considered by the LPA at this time and this element is NOT required to be considered any further at this specific time. (Condition 18 of the Outline Planning Permission refers)

Surface Water:

Although final ‘technical details’ may need further detailed approval, in respect of the HRA process the LPA has no reason to consider that an appropriate surface water management scheme cannot be achieved for this development as detailed in the supplied Drainage Strategy by intrados consulting engineers ref IR18065-DS1 dated December 2019.

This strategy clearly details that all surface water will be managed through appropriate holding tanks, ponds and a comprehensive Sustainable Drainage Systems such that any potential for contaminants, pollutants and nutrients or phosphates will be removed from the flow prior to final discharge of managed flows to the Cage Brook. Indeed this is one of the core functions of a Sustainable Drainage Scheme. With all ‘likely significant effects’ of surface water flows clearly managed and mitigated there are no adverse effects on the integrity of the River Wye SAC from surface water flows created by the development.

The same management and mitigation as detailed above also ensures there are no adverse effects on the ecology of the Cage Brook from the surface water created by the development.

Protected species, wildlife and construction:

The detailed Ecological Management Plan by The Environmental Dimension Partnership Limited ref edp5751-r002 dated September 2019 provides clear details of the relevant ecological working methods (risk avoidance measures) in relation to the construction phase of the development. These in addition to the normal construction management plan considerations and other wildlife protection legislation (over and above the planning system) the applicant and their contractors must ensure compliance with, will ensure that any potential effects on the River Wye SAC (or citation species or habitats) are fully managed and mitigated.

The same management and mitigation as detailed above also ensures there are no adverse effects on the ecology of the Cage Brook from the surface water created by the construction process.

As all the relevant plans, strategies and processes mentioned above are already secured for implementation by any approval or discharge of Reserved Matters (and associated conditions) no further security of implementation is appropriate or required.

The HRA appropriate assessment completed by the LPA should be subject to formal consultation with Natural England prior to any formal approval of the related RM or conditions.

Further comments:

Biodiversity Net Gain and ecological enhancements:

As detailed in the Ecological Management Plan by The Environmental Dimension Partnership Limited ref edp5751-r002 dated September 2019 and supporting plans for Public Open Space, Landscaping, Lighting Strategy it is clear that the development will demonstrate a clear net gain for local biodiversity and habitats over that of the existing site. The EMP also clearly defines initial management and monitoring of the new ecological features. Subsequent management is secured through relevant legal agreements.

From an ecology perspective and subject to Natural England having 'no objection' to the HRA appropriate assessment there is no reason why all relevant conditions and Reserved Matters - EXCEPT Foul Water (C18) - can be approved at this time.

The Conservation of Habitats and Species Regulations (2017)
Part 6, section 63

'Assessment of implications for European sites and European offshore marine sites'

HRA Screening Appropriate Assessment

Reserved matters/Discharge of Conditions River Wye SAC

APPLICATION-NO: 193878
SITE: Land off, Kingstone Road, Clehonger, Herefordshire
DESCRIPTION: Application for approval of reserved matters following outline approval P141964/O (Site for residential development of up to 90 dwellings with access, parking, public open space with play facilities and landscaping).
GRID-REFERENCE: OS-344626, 237646

Link to planning application on Herefordshire Council website:

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=193878&search-term=193878

Assessment of 'Likely Significant Effects' on:

- River Wye Catchment SAC
- Forest of Dean & Wye Valley Bat SAC (Wigpool Iron Mines SSSI)
- River Clun SAC
- Downton Gorge SAC (SSSI-NNR)
- Other site (SSSI-NNR)

Likely significant effects identified on initial Screening Assessment:

- Foul water – see note below
- Surface water
- Emissions
- Construction or Demolition processes
- Other:

Appropriate Assessment information, discussion and proposed mitigation measures:

This site lies within the River Wye SAC catchment (via the Cage Brook – that is also in part designated as Site of Special Scientific Interest and a Local Wildlife site). As Habitat Regulation Assessment processes and case law have changed since the original outline consent was granted it is considered relevant and appropriate to undertake an HRA process on all relevant elements of any grant of Reserved Matters at the time they are being 'approved' by the LPA.

The comments made in regards of the HRA are equally applicable to the status of the Cage Brook.

The following points are noted in respect of the current elements of Reserved Matters/original conditions being considered by the LPA.

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

Foul Water:

NO aspect of the management of foul water flows created by the development is being considered by the LPA at this time and this element is NOT required to be considered any further at this specific time. (Condition 18 of the Outline Planning Permission refers). This matter is not considered further in this appropriate assessment.

Being considered at this time:

Surface Water:

Although final 'technical details' may need further detailed approval, in respect of the HRA process the LPA has no reason not to consider that an appropriate surface water management scheme cannot be achieved for this development as detailed in the supplied Drainage Strategy by intrados consulting engineers ref IR18065-DS1 dated December 2019.

This strategy clearly details that all surface water will be managed through appropriate holding tanks, ponds and a comprehensive Sustainable Drainage Systems such that any potential for contaminants, pollutants and nutrients or phosphates will be removed from the flow prior to final discharge of managed flows to the Cage Brook. Indeed this is one of the core functions of a Sustainable Drainage Scheme. With all 'likely significant effects' of surface water flows clearly managed and mitigated there are no adverse effects on the integrity of the River Wye SAC from surface water flows created by the development.

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The same management and mitigation as detailed above also ensures there are no adverse effects on the ecology of the Cage Brook from the surface water created by the construction process.

As all the relevant plans, strategies and processes mentioned above are already secured for implementation by any approval or discharge of Reserved Matters (and associated conditions) no further security of implementation is appropriate or required.

Recommended Planning Conditions to secure appropriate mitigation:

Not applicable – Reserved Matters

CONCLUSION:

NO adverse effects on the integrity of the Special Area of Conservation; subject to appropriate mitigation being secured. Habitat Regulations 2017, Part 6, section 63(5)

4.6 **Principal Natural Environment Officer (Landscape) Objection.**

I have seen the application material, undertaken a desktop study and made site observations.

Designations/constraints

- Park and Garden of local significance, associated with grade II listed Cagebrook House. (Reference: A survey of Historic Parks in Herefordshire, David Whitehead, 2001 and comments as part of outline application, ref: 141964, from the Hereford & Worcester Gardens Trust).
- PROW CH19 (in close proximity to west boundary of application boundary)
- PROW Byway CH21 (In close proximity to east boundary)

Relevant Policies

NPPF

- Chapter 12,14 and 15

Core Strategy

- LD1,LD2,LD3, SS6 & SS7

Landscape & Visual Amenity

Read with figure 1 and 2)

- Topography: Sloped, ranging from AOD +95 south of site to AOD +70 north of site.
- Landscape Character: Principal Settled Farmlands (Source: Landscape Character Assessment, SPG 2004, updated 2009, Herefordshire Council).
Primary characteristic: Hedgerows used for field boundaries
Secondary characteristic: Mixed farming land use
- Views: Inwards: Mostly screened by trees and outgrown hedge line and hedgerows, with views into the site through gaps (i.e. gate openings). Outwards: Views at higher elevation over the site towards hills to the north-west.
- Vegetation: Hedgerows to field boundaries; hedgerow trees and large established trees (i.e. oaks). Orchard trees and pastures grasses.
- Land use: Site comprises of fields, used for agricultural, including traditional orchard (Note: sheep grazing during site visit).
- Historic: The fundamental landscape (hedgerows, fields and orchards) of the site are relatively unchanged since early historic references, circa 1843-1893. The surroundings, to the south and east have changed dramatically due to residential development.



Figure 1: Aerial image with 5 metre contours.

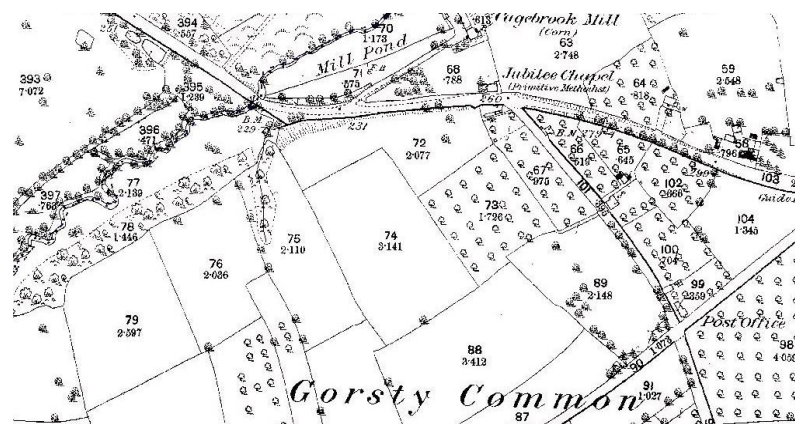


Figure 2: Historic map circa 1843-1893

Impact

- Removal and cutting back of a considerable length of road (B4349) frontage hedgerow.
- Impact on historic landscape setting of a local park and garden of significance.
- The character of the landscape is destroyed. Hedgerows are removed; field pattern and openness of the landscape is lost; and the development encroaches on the setting of a traditional orchard that has been present since circa 1843-1893 (Refer figure 2).
- Increased area of hard surfaces (roof and hardscape), reducing permeability potential and increases pressure on existing drainage systems.
- The site is sloped and therefore there will be impact on soil and hydrological patterns due to excavation (cut and fill).
- Potential enjoyment of countryside compromised for people utilising Public Right of Ways (Footpath CH19).

Recommendations

The application requires further information and consideration. Please refer to the following recommendations.

SuDS infrastructure

Further details and revisions are required in respect of the proposed detention basin:

- Is this purely to slow run off or will it retain water permanently?
- Why is it shown to encroach the RPA of category A trees?
- Information relating to the gradient of the slopes of the basin is required – cross sections/detailed plans should be provided.
- An engineered layout to the basin is not appropriate in this natural setting, consideration should therefore be given to the edges of the basin to allow for planting of marginal, increased biodiversity etc.

Pumping Station

Review the location of the pumping station and landscape treatment in response to the visual cohesion of the Public Open Space. Pumping stations are typically unattractive, with mesh fencing surrounds, concrete hardstanding, vertical paraphernalia such as control boxes and substantial pavements for access (Refer Figure 3).

It is imperative that infrastructure of this nature is considered as an integral design element in the making of high quality residential places to live. Consider the colour of the mesh in terms of visual recessiveness in the landscape. Typically dark colours, such as Anthracite Grey are better than green colours.



Figure 3: Typical pumping stations appearance

Substantial road frontage hedgerow

- The scheme removes and heavily cuts back a considerable length of road frontage hedgerow. In doing so, the visual experience of driving along a hedge lined road (a dominant Herefordshire characteristic) is lost. The countryside sense of arrival into the village of Clehonger is impacted and wildlife habitats are destroyed.
- The drawing (See figure 4, reference A) indicates that the footpaths on either side of the entrance road goes straight into the end of the hedgerow? This needs to be clarified.
- The hedgerow is outgrown and relatively thin, so the proposed heavy cutting to achieve vehicle visibility splays may result in a less than convincing remnant hedge with gaps.
- It is recommended to start a fresh, and create a hedgerow with hedgerow trees along the entire length of the development frontage. (Refer figure 4 for recommendations).
- The long terms benefits of an extensive and long stretch of hedgerow will assist in creating a visual buffer; wildlife habitat and sound barrier (psychological) between the dwellings and a busy road. It will also assist in capturing vehicle borne pollutants.
- Plant wild flowers, ground flora and grasses to enhance the hedgerow base, verge and general landscape space. Use Pro flora mix 7 –hedgerows and Pro flora 9 –general purpose (or equivalent).
- Maintain the treed gateway into the development, but consider planting these trees as hedgerow trees, to reinforce the overall hedgerow character, that is distinctive to Herefordshire.

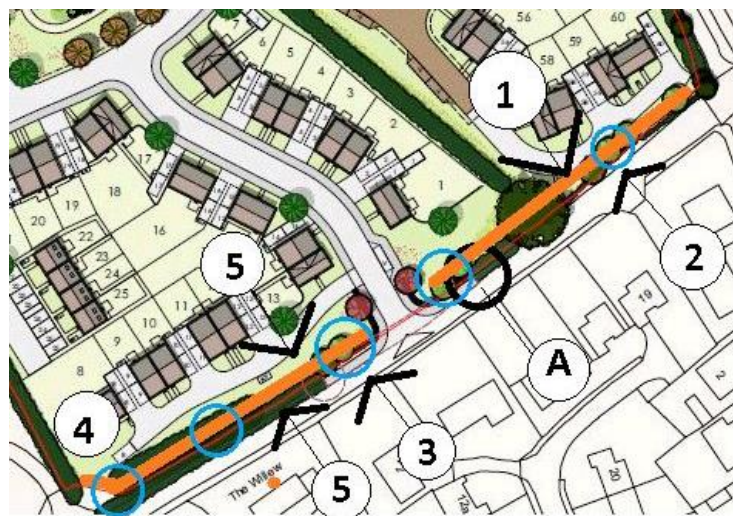


Figure 4: Suggested road frontage hedgerow and hedgerow tree planting scheme.

- 1 Plant a new hedgerow with hedgerow trees to maintain a strong continuous hedgerow.
- 2 Gap up redundant field opening to maintain a continuous hedgerow.
- 3 Integrate entrance trees (Hedgerow trees), that can be considered as part of the hedgerow language and forms the local landscape character of a countryside lane.
- 4 Gap up corner as part of new hedgerow planting.
- 5 Plant a suitable wildflower, ground flora and grass mix to provide biodiversity enhancement and to bolster the hedgerow ecology.

Note: A – Indicates a drawing discrepancy. It appears that the footpath on either side of the entrance road, goes straight into a hedgerow.

Protection of tree roots

A large oak tree (Refer to figure 5) health is compromised by the layout of roads within the Root Protection Zone (RPA) Revise the road layout to the RPA zone to conserve and protect the tree.

Boundary treatment

- The section of boundary marking plots 28-34 appears to show close board fencing on the plans which is not considered appropriate in this rural location. Whilst it is recognised there is a further hedgerow boundary to the west it is still considered that post and rail would be a more appropriate alternative.
- The boundary treatment plans appear to indicate chain link fencing along the eastern boundary – however this may be my misinterpretation of the plans so clarification is therefore required on this matter.
- Securing and strengthening the boundary planting on this site is integral to the success of this scheme and should therefore be retained and enhanced.



Figure 5: Existing oak tree (large tree at centre of image) health is compromised due to pavement encroaching the Root Protection Area.

Hedgerow tree and hedgerow guidance

Hedgerow Trees Specification

Individual hedgerow trees shall be planted as follows: Trees should be planted in areas previously cleared of all weeds, grass and vegetation. The trees are to be of approximate size, 16-18 cm girth, 2.5-3.5 metres tall, bareroot or rootballed and healthy and vigorous. Trees should be planted in planting holes 1.2m. x 1.2m. x 900mm deep, with the topsoil mixed with a minimum of 20 litres of suitable tree planting compost and replaced carefully around the roots and lightly compacted every 150mm layer. Trees should be supported with a treated timber stake and rubber ties and protected from both rabbit and stock damage. This may require the construction of sufficiently

robust timber guards of a size appropriate for the type of stock kept in the field. A water regime is to be followed to ensure the health of the tree is maintained during the establishment period.

Suggested Species

Only native and locally characteristic species should be used.

English (Pedunculate) Oak (*Quercus robur*)
Sessile Oak (*Quercus petraea*)
Bird Cherry (*Prunus padus*)
Wild Cherry (*Prunus avium*)
Field Maple (*Acer campestre*)

Standard Hedgerow Planting Specification

Hedging plants are to be 60-80 cm high, 1+1, bareroot, healthy and vigorous transplants to be planted in a double staggered row, 450mm apart, 7 plants per linear metre. Suggested species mix as follows:

Suggested Species

Only native and locally characteristic species should be used. The purpose of the hedge should help define the species used - e.g. thorny/spikey species are less suited to hedges around residential properties or gardens and must never be planted adjacent to a walkway or within 3m of any path used a designated cycle route (HC Highway Design Guide).

Common native, thorny species:

Hawthorn (*Crataegus monogyna*)
Blackthorn (*Prunus spinosa*)
Holly (*Ilex aquifolium*)

Non thorny species:

Field Maple (*Acer campestre*)
Hazel (*Corylus avellana*)
Hornbeam (*Carpinus betula*)
Wayfaring Tree (*Viburnum lantana*)
Guelder Rose (*Viburnum opulus*)
Dogwood (*Cornus sanguinea*)
Spindle (*Euonymus europaeus*)

Notes:

- Dog Rose (*Rosa canina*) can be planted as an additional non woody species but is not considered part of the 5-7 plants per metre. This species will also quickly colonise naturally.
- Elder should not be planted in a new hedge it will out compete/kill other species and quickly develop in to a thin and gappy hedgerow.
- Honeysuckle should not be planted as it does not 'grow with the tree' leading to strangulation and its climbing habit can cause woody species to collapse.
- Ivy will colonise naturally but excessive growth may need to be managed to ensure excessive shading of woody species does not occur.

4.6.1 **Principal Natural Environment Officer (Landscape) (amended)**

Additional tree planting throughout site

The amended drawings have sought to provide additional trees and shrubs, but the species and appropriateness is not convincing. It is not justifiable to rely on existing trees to substantiate the bulk of the overall green infrastructure of the site, given the size and density of the development. To ensure, the scheme provides the best outcomes, compensates and makes enhancements in accordance with LD1 and LD3, it is recommended to provide species with a more significant canopy and will establish a long term legacy such as:

Acer campestre (Field Maple)
Acer pseudoplatanus (Sycamore)
Quercus robur (English Oak)
Pinus sylvestris (Scots Pine)

Consider the connection to trees of the wider landscape and how these can be drawn into development to enhance the overall landscape character of the area. For example look at the trees of the nearby park and garden of local significance, Cagebrook House as this forms one of the backdrop views from the site.

Entrance Treatment

The amendments are satisfactory and address in greater detail how existing hedgerow can be retained and supported with new planting to create an overall structured hedgerow. The addition of hedgerow trees supports the Principal Settled Farmlands landscape character.

Boundary treatment

In reference to the western boundary, the amendment from a chain link fence to post-and-rail or cleft chestnut type fencing are improvements and agreeable. The cleft chestnut type is a rustic options, but may not be as long lasting as the post and rail option.

4.6.2 **Principal Natural Environment Officer (Landscape)**

I have reviewed the amended relevant landscape plans and am satisfied that the applicant has addressed my previous comments.

4.7 **Principal Natural Environment Officer (Trees)**

Hard Standing within Root Protection Areas.

I have concerns that important trees on the site are too heavily compromised by the proximity of infrastructure.

T1, T6 & T9 are three mature Oak trees which I would regard as integral landscape features to the site. All three have access roads, drainage infrastructure or plots which will be located within RPAs, T9 is affected to a lesser extent admittedly.

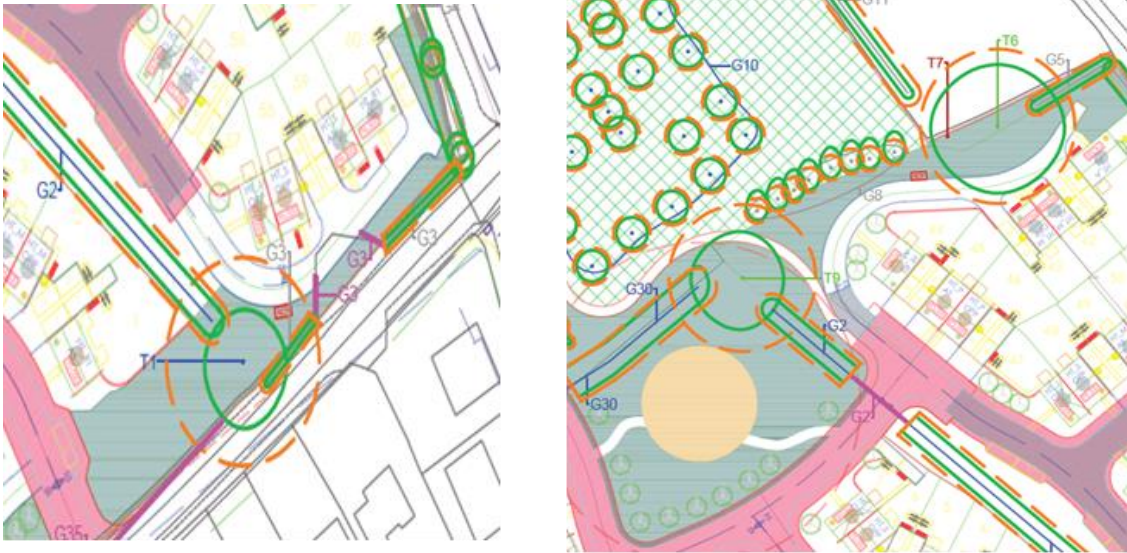
T1 – The access road extends 6m into the RPA which raises concerns for the long term condition of the tree. The formula for estimating the RPAs in BS5837:2012 Trees in relation to Design, Demolition & Construction isn't definitive and its is quite likely that a tree of this age and size has roots that spread considerably further than the 14m radius stated. It is also unlikely that the pattern of the root spread forms a perfect circle around the tree trunk. With the presence of the highway within a few metres I would suspect that the roots spread considerably further into the site than indicated.

T6 – Tree Protection Plan and Proposed & Planning Layout show that the access road will extend into the rooting area by approximately 7m which in my opinion is too excessive, especially when drainage routes will also be sited under the road.

Any excavations required for drainage will, if not undertaken using trenchless methods, require the severance of a significant amount of roots which I would consider to be unacceptable.

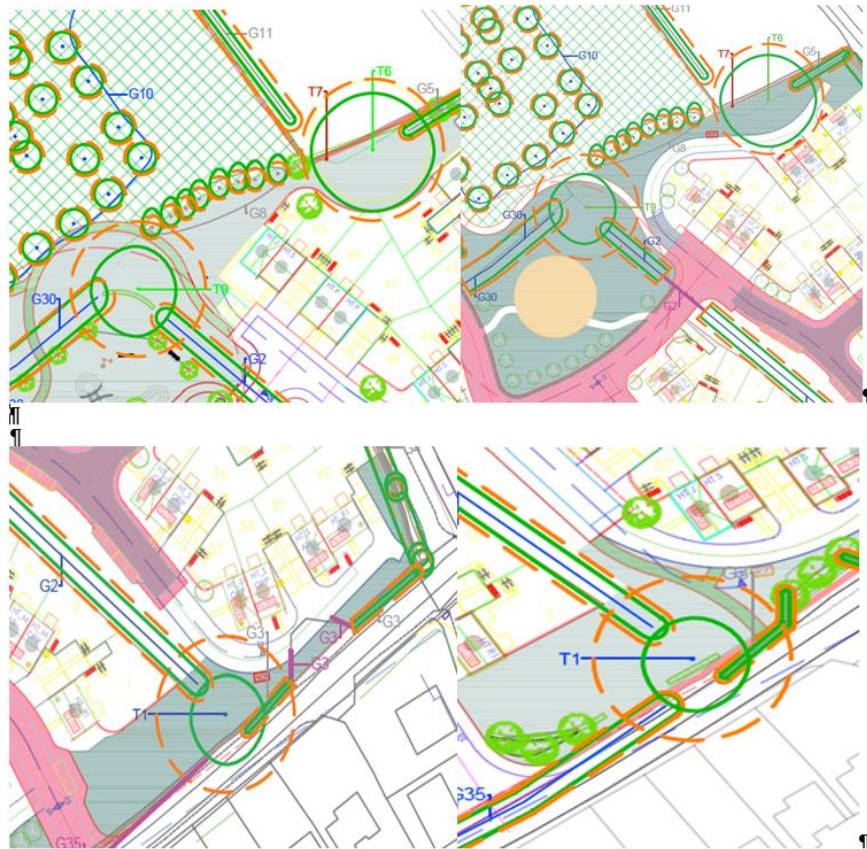
It would be ecologically beneficial if T1 & T6 were linked by the green space. The current proposals separate them with the access road which I have expressed reservations for.

I request amendments are made to the plan so the layout in the eastern corner of the site has a reduced impact on the trees T1 & T6.



4.7.1 Principal Natural Environment Officer (Trees) (amended)
 Having viewed the amended plans I appreciate that my original reservations have been taken into account regarding T1, 6 & 9 which have recently been protected by a Tree Preservation Order.

The amended plans illustrate that the constraints on the trees is now reduced and therefore the application is compliant with policies LD1 & LD3 of the Herefordshire Core Strategy.



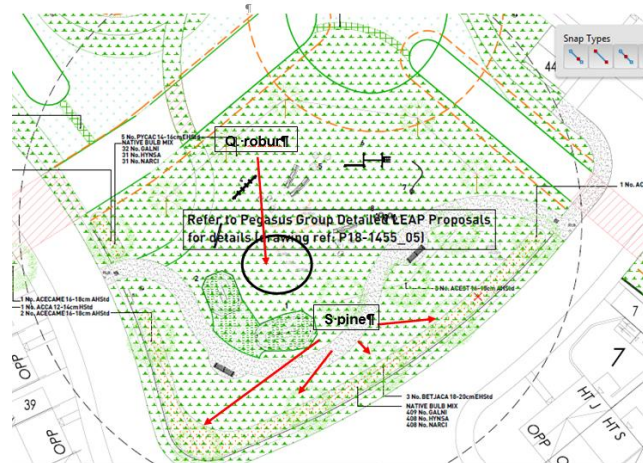
I ask for some minor amendments with some species and their positioning.

This is a rural area and therefore the character of the site should replicate this with new planting. The inclusion of Himalayan birch *Betula Utilis*, is not, in my opinion an appropriate species for this site, especially on the green space which is the focal point of the site. I suggest the use of Scots pine is used to provide long term character to the green infrastructure.

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

This green space is also adjacent to one of the large, TPO'd Oak trees and in my opinion this recreational space, central to the site should be populated with some Oak for continuity and the ecological/landscape benefits it offers.

I can appreciate that space is limited on the roadsides but there does appear to be a lack of tree planting here despite spaces being available. Would it be possible for the inclusion of more planting of small native ornamentals such as crab apple or hawthorn? Extra planting will enhance the character of the site as well as improve amenity value of the street scenes.



4.7.2 Principal Natural Environment Officer (Trees) (amended)

The amendments to the planting schedule I mentioned in my previous comment have been noted and amended.

I have no further queries.

4.7.3 Principal Natural Environment Officer (Trees) (amended)

No additional comments to add.

I am of the understanding that highways are content to adopt the 'no-dig' section of footpath which enters within the root protection area of T1.

Conditions

Trees in Accordance with Plans

Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan:

Treescene Arboricultural Consultants - Arboricultural Impact Assessment and Arboricultural Method Statement For Land off Madley Road Clehonger Hereford.

Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

Site Supervision

No development shall take place until a scheme of supervision by the appointed arboriculturist for the works specified in the method statement required by condition CK9 has been submitted to and approved in writing by the local planning authority. The approved scheme shall be followed for the duration of the construction phase or in accordance with a timescale to be agreed with the local planning authority.

Reason: To ensure all retained trees are safeguarded during development works and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

4.8 **Open Spaces Planning Officer** **Open Space Requirements.**

On site POS

This reserved matters is pursuant to outline permission 141964 and agreed Heads of Terms which include open space requirements arising from this site as:

“being not less than 2.15 hectares in size of open space and structured landscape including informal open space (which shall include the Play Area and any attenuation basins required for drainage and a community orchard)”

POS: The applicant has included the following details:

Illustrative Landscape Masterplan: drawing no. P18-1455_01-B:

The layout of POS largely follows the same lines as that approved at outline permission and is supported. The POS is well located and includes a variety of linked informal and formal recreation opportunities including a centrally located play area.

Open Space Assessment: sets out the quantum of open space provision:

- Children’s Play: 0.04ha
- POS: 0.86ha
- Nature Conservation Area: 0.54ha
- Retained Orchard: 0.76ha
- Balancing Pond: 0.06ha

Total 2.26ha

It meets the minimum requirement as set out in the agreed Heads of Terms

Children’s Play Area: The agreed Heads of Terms do not set out the minimum requirement for the children’s play area. It is proposed at 0.04ha (400sq m).

This does fall short of the minimum requirements for formal play as set out in my comments for the outline application in accordance with Core Strategy Policies OS1 and OS2 and associated evidence bases, for a site of 90 houses at a population rate of 2.3 per house (207 persons):

- POS: 0.08ha (800sq m) @ 0.4ha per 1000 population
- Children’s play area: 0.16ha (1600sq m) @ 0.8ha per 1000 population of which 0.05ha (500sqm) should be formal play @ 0.25ha per 1000 population.

However way in excess of the POS requirement for a site of this size is proposed offering informal recreation and includes an additional Nature Conservation Area and Retained Orchard.

Therefore the offer of a formal equipped play area at 400sq m is acceptable.

Its central location will help to create a central hub for the site with footpath connections to the wider area making the facilities very accessible for local residents.

The applicant has included the following details:

LEAP proposals drawing no. P18 -1455_05B. This provides details of:

- Landscaping

- Play equipment schedule: this includes a range of natural play trail/provision aimed at infants and juniors :0 – 12 years olds

For a development of this size ideally the play area should cater for children of all ages, infants, juniors and teenagers.

The play area does not include for older children, it is very simple and offers limited play value. I would like to see a more challenging piece such as a climbing frame / rock stack aimed at older children included. Such pieces will integrate well with the proposed natural play trail scheme. I would expect the applicant to demonstrate that the value of the play area and ancillary works is approximately £60,000 and provide a schedule of costs.

On-site costs are calculated using the same methods as for off-site provision but based on development costs only. For a development of this size (90 houses) and proposed family bed space (excluding 1 x bed) of 28 x 2 bed, 48 x 3 bed, 8 x 4+ bed and in accordance with the SPD on Planning Obligation tariffs for play (development costs only @ 50%)

**The play area cost include groundworks, landscaping, ancillary features such as benches, pathways etc*

SUDs: The on site SuDs balancing pond is shown to be on an area of POS. If it is to be publically accessible it will need to be designed accordingly to take account of standing water and health and safety.

If this is the case details of design and gradients will need to be approved as part of the landscape proposals.

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

Future Management.. A Landscape Management Plan has been submitted. It is noted that the POS will be looked after by a management company as agreed in the Heads of Terms.

4.8.1 **Open Spaces Planning Officer (amended)**

Following on from my original comments, it is noted that the applicant has now provided an amended children's play area scheme and details of the proposed SuDs basin which forms part of the on-site POS.

POS: Overall provision of POS on site does not look to have changed as shown in Illustrative Landscape Masterplan P18-1455_01-C and the quantum remains the same. It is noted that the layout of the play area and POS has been revised to facilitate pedestrian connections which better respond to natural desire lines which is supported.

Children's Play Area: The proposal include sculptural mounding to play space, seating, pathways and landscaping. The proposed play equipment is timber.

In my original comments and subsequent email correspondence with the applicant, I raised the issue of the play value for older children in particular, feeling that the proposal was both too simple and not challenging enough being aimed only at younger children which was unacceptable on a site of 90 houses. I supported the concept of more natural play provision and the overall design/landscaping but proposed that some more exciting play equipment for older children should be incorporated into the scheme as per similar sites of this size, for example climbing frames, basket swings, rock stack etc.

The applicant advised that due to in house management arrangements that maintenance needs to be kept to a minimum hence the more simple approach to the provision has been taken. This approach will presumably reflect on the overall management costs to the house owner. I have viewed the revised plan on this basis.

The revised scheme as presented on drawing no. P18-1455-05C Details LEAP proposed, now includes a range of equipment for 2 - 14+ yrs of age, which is acceptable. Although the changes to the proposed equipment are suitable for older children they are still fairly simple low value pieces. I do ask that applicants provide details of costs alongside the schedule of works and play equipment specification to demonstrate that the play provision is to an appropriate cost value (based on the SPD on planning obligations development costs for play areas) which in this instance is approximately £60,000. I acknowledge that the scheme does include landscape features and mounding, seating and formal pathways which provide additional play value and are part of the costs but I would still like confirmation from the applicant for me to agree to the final scheme. I understand that the applicant may wish to keep to 8 wooden /natural pieces of equipment to keep maintenance costs low, but this should not be to the detriment of quality and play value.

It is noted that the open space and play area will be provided and constructed (as appropriate) on site in accordance with the agreed plans and specifications by the occupation of 75% of the dwellings as set out in the Unilateral Undertaking Schedule 2, paragraph 2.2. Therefore no condition is required.

SuD's basin: It is noted that the SuD's basin has been designed with sloping sides in line with CIRIA guidance, to have gradients of no more than 1 in 3 and that the basin itself will only fill during extreme rainfall events as described in the Drainage Strategy and shown on drawing no. SK100 Proposed Drainage Layout. For this reason, the basin is not proposed to be fenced off to the public but will form part of the wider open space. This is supported.

4.8.2 Open Space Planning Officer (amended)

The submitted Play Area Budget Spreadsheet provides costs for works as detailed on Amended LEAP drawing P18 -1455_05C to be £[REDACTED]

This is in excess of the approximate cost estimate of £60,000.

This demonstrates that the proposed play area is to the value previously requested and is supported.

4.9 Team Leader Area Engineer

1. Detailed s278 drawings should be provided for the pedestrian crossing and associated footway. Visibility splays should be shown on submitted plans for the crossing. A Stage 1 Road Safety Audit should also be provided.
2. The access to the site should have 10m radii.
3. Block paving, raised tables and coloured surfacing are not supported. Services strips will not be adopted.
4. Layout should be to HC adoptable standard. Footways should be provided on both sides of the carriageway, this includes plots 1-6 and plots 25-28
5. The gradients need to be shown on the submitted plan, they should meet both DDA and HC guidance.
6. Give way markings should be provided on the layout plan to show the junction layout.
7. There should be a separate adopted footway from the footway by plots 66, 67 to the proposed pedestrian crossing.
8. Is the footway through the grassed area going to be looked to be adopted?
9. Visitor spaces will not be adopted. The spaces should be removed from the footway rather than relocate.

10. What are the purpose of the access to the adjacent field by plot 28/29?

All applicants are reminded that attaining planning consent does not constitute permission to work in the highway. Any applicant wishing to carry out works in the highway should see the various guidance on Herefordshire Council's website:

www.herefordshire.gov.uk/directory_record/1992/street_works_licence
<https://www.herefordshire.gov.uk/info/200196/roads/707/highways>

4.9.1 Team Leader Area Engineer (amended)

Further information required,

The submitted plans have been reviewed and the following comments can be made.

- Please highlight which drawings show the following –
 - o Vis splays at the crossing
 - o Give way markings.
- The submitted drawing appears to show adopted roads which are titled private drives. Please can the drawing be changed to show the correct ownership? Please also highlight the provision of turning area for the private drives. Please remove the changeover sections/lines from carriageway adjacent to plots 38/27 and 83/70.
- The parking requirements have been submitted on a list however please highlight this on a plan, showing all 2 bedrooms as one colour, all three bedrooms as another colour etc, therefore the parking can be assessed to see if the HC requirement is being met and that the parking spaces are in a sensible location to the plot.
- The submitted adoption plan shows footways coloured grey and white, which ones are to be adopted?
- It states in your response that the footway adjacent to plots 66 and 67 (shown on concurrent reserved matters planning application plan) and on this planning application shown as plots 57 and 58 that an adopted footway could not be provided due to it being a private drive. Is this within the ownership of the applicant? What is stopping it being adopted, please provide further clarification. This route is pretty vital as the walking distance round will be quite large for a portion of the site. In terms of a mown path, this would not be an option all year round as a result could not be relied upon to provide a full time link. Additionally the route will not have a public status so presumably the management company could close it off at some point in the future
- The access adjacent to plot 28 would be used as an access to the adjacent land, Is this land to be used for agricultural purposes? If so would large vehicles need to access the site though this access?

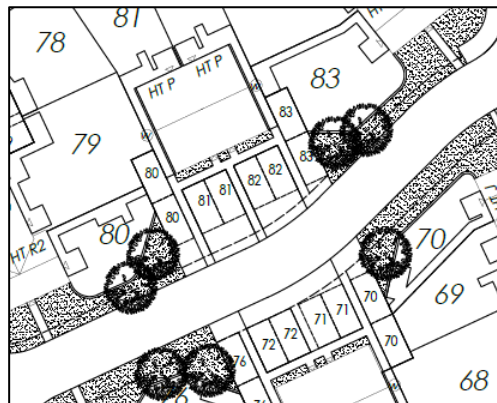
4.9.2 Team Leader Area Engineer (amended)

Further to the previous highways comments on this application the majority of the issues raised have been addressed by the recent document submission. The following comments relate only to the outstanding comments on the layout.

The S278 (offsite) elements of the access strategy have been considered and the way that these links interact with the layout and the proposal is acceptable. The key point here is the link that extends from the area around plot 57 to the existing footway is suggested as unadoptable. This is not the case and the LHA consider this route as both adoptable and of particular importance in providing direct walking routes from the site to the amenities of Clehonger. As a result this route could be shaded pink on the adoption plan. For clarity this route is extracted below.



In relation to the footway provisions through the site the majority of these queried areas have now been addressed, the only remaining area for this is the road that in turn leads to plots 73-75 and 77-80. Footway provision along this route is severed by landscaping and should be provided continuously on one side. This area is shown below to assist:



It is acknowledged that this may be a drafting anomaly with the hatches that are shown on the drawing so it may be a clarification issue to resolve this point.

Upon clarification/resolution of these last highways points the local highways authority will finalise the response on this application.

4.9.3 Team Leader Area Engineer (amended)

Further to the previous highways comments on the layout of the site there were two outstanding matters relating to footway provision within the site.

The first related to an adoptable link to the site frontage and the LHA has confirmed that a ‘no dig’ construction could be acceptable and this would fit with the requirements of the tree officer in relation to the root protection zones. This aspect is now considered acceptable.

The final point was relating to the continuity of the footway link along one of the minor roads servicing plots 73 – 80. This remains a non-continuous route, however all of these areas are included in the adoption plan as part of the service strip. It is considered acceptable to resolve these minor differences via the application of condition CAQ.

It is noted that conditions are attached to the outline permission allowed on appeal. These conditions include a number of highways related conditions that relate to the required off site works and construction phase management plan.

There are no highways objections to the proposal, subject to the recommended conditions being applied.

4.10 Waste Operations Team Leader

Bin collection points should be a maximum of 25 metres from where the RCV can stop; and 30 metres from the bin storage point. Bin collection points should be amended to reflect this.

Can the gradients to the bin collection points be confirmed? These should not exceed 1 in 10.

Is it proposed that the RCV travel over a section of the private drive adjacent to plot 44?

Please note that the council will only agree to travel private roads for the purposes of waste collection if:

The council and its contractors determine that collections can be carried out safely;

And

The council receive written confirmation from the landowner/developer that the roads over which the refuse collection vehicle (RCV) will travel are built to a suitable specification for this type of vehicle to travel over on a frequent basis;

And

The council and its contractor(s) are indemnified against damage to property and general wear and tear, other than that caused through negligence.

4.10.1 Waste Operations Team Leader (amended)

Collection points are acceptable.

Adoption plan highlights a road that is marked private. Please confirm if this is private or adopted?

4.10.2 They have provided collection points within 25 metres of where the RCV can access for plots located down private drives, these are acceptable.

Can I just add the standard comment about private roads, I know they have submitted a plan showing they intend the roads to be adopted, but just in case this changes:

In the event that the roads within this development do not become adopted by Herefordshire Council:

The council will only agree to travel private roads for the purposes of waste collection if:

The council and its contractors determine that collections can be carried out safely;

and

The council receive written confirmation from the landowner/developer that the roads over which the refuse collection vehicle (RCV) will travel are built to a suitable specification for a 26 tonne RCV to travel over on a frequent basis;

and

The council and its contractor(s) are indemnified against damage to property and general wear and tear, other than that caused through negligence.

4.11 Environmental Health Service Manager (Noise / Nuisance)

From a noise and nuisance perspective our department has no objections to this proposal.

4.12 Public Rights of Way Manager

There are no rights of way within the site. No objection.

4.13 Land Drainage

The applicant has submitted a simple schematic of the drainage layout, however this falls well short of the information that is required to support the RM application as was summarised in our

pre - application response dated 19/09/2018. The applicant acknowledges that further information will be needed (as they state in the Planning Statement).

4.13.1 Land Drainage (amended)

Reserved Matters Applications: Flood Risk and Drainage Checklist

This document provides a list of the information that, in general, must be submitted to support reserved matters applications in relation to flood risk and drainage. Note that this checklist must be read alongside the checklist for outline planning applications that should have been completed previously.

Application details

Application details

SITE:	Land off Kingstone Road, Clehonger
DESCRIPTION:	Application for approval of reserved matters following outline approval P141964/O (Site for residential development of up to 90 dwellings with access, parking, public open space with play facilities and landscaping
APPLICATION NO:	193878
GRID REFERENCE:	OS 344626, 237646
DATE OF THIS RESPONSE:	14/02/2020

Outline planning permission for this development has been granted, with certain matters reserved by condition. Conditions relating to flood risk and drainage aspects are as follows:

Condition 18

No development shall take place until:

- *A survey to establish the current flow and load received at Clehonger waste water treatment works has been undertaken;*
- *An assessment of the impact of the development hereby approved on the water treatment works having regard to the results of the flow and load survey has been undertaken and agreed with the local planning authority;*
- *If necessary, a scheme of upgrading for the Clehonger waste water treatment works has been agreed with the local planning authority in order to allow it to accommodate the foul discharges from the development hereby approved without increasing the risk of breaches to the discharge consent for the Clehonger waste water treatment works.*

No dwellings shall be occupied until the agreed scheme has been completed.

Condition 19

No development shall commence until the developer has prepared a scheme for the collection and discharge of surface water and land drainage which has first been submitted to and approved in writing by the local planning authority. The scheme shall demonstrate the separation of foul and surface water discharges such that no surface water is allowed to connect (directly or indirectly) to the public sewerage system. The scheme shall be carried out as approved prior to first occupation of any of the dwellings hereby approved.

Condition 20

No development shall commence until a scheme for the foul pumping station to be installed on the site has been submitted to and approved in writing by the local planning authority. The pumping station shall be installed in accordance with the approved details and made operational prior to the occupation of the first dwelling.

This response is in regard to flood risk and land drainage aspects / the conditions stated above, with information obtained from the following sources:

- Application for discharge of reserved matters;
- Drainage Strategy Report (Ref: IR18065-DS1, December 2019 by Intrado);
- Proposed Drainage Layout (Ref: SK100 rev. P1);
- Existing Plan (Ref: A_101 Site as Existing, rev PL01);
- Illustrative Landscape Masterplan (Ref: P18-1455_01-B);
- Diagram 1 No dig construction method;
- Welsh Water comments, dated 03/12/2019;
- Planning Layout (Ref: A_102 Planning Layout rev. PL12);
- Planning Statement, August 2019;
- Proposed Levels Sheet 1 of 3 (Ref: SK200 rev. P1);
- Proposed Levels Sheet 2 of 3 (Ref: SK201 rev. P2);
- Proposed Levels Sheet 3 of 3 (Ref: SK202 rev. P2);
- Proposed Site Layout (Ref: SK101 rev. P2).

We highlight that any planning application should be submitted in accordance with the Herefordshire SuDS Handbook and the Herefordshire Council Planning Applications Flood Risk & Drainage Checklist available on the Council's website: https://www.herefordshire.gov.uk/info/200142/planning_services/66/about_planning_services/11

We also highlight that pre-application advice was provided to the applicant in September 2018 regarding the information that would be required to support the reserved matters application.

Development description

The Applicant proposes the construction of up to 90 dwellings with associated garages, access roads, and open space with play facilities and landscaping. The site occupies an area of approx. 5.23ha and is currently undeveloped farmland. There is a stream that issues approx. 50m north-west of the site and eventually discharges to Cage Brook. Cage Brook flows approx. 50m north of the site.

Surface Water Management Strategy

A surface water management strategy should be submitted that includes the following information:

✓ Information provided is considered sufficient

x Information provided is not considered sufficient and further information will be required

Information required	Reviewer comments	✓ x
Strategy		
Detailed drawings of the proposed surface water drainage system including location of SuDS features, manholes, external pipework, attenuation features, pumping stations (if required) and discharge locations	The submitted Drainage Strategy drawing shows that surface water runoff from the development is proposed to be attenuated in an attenuation pond and crate storage below, and eventually discharged to the existing ditch located immediately to the north-west of the site. It is understood that the ditch connects to the unnamed tributary of Cage Brook. The surface water runoff is proposed to be directed initially to the cellular crates which are located under the attenuation pond. All storms up to and including the 1 in 30 year event are proposed to be attenuated in the crate storage. Attenuation storage for events greater than 1 in 30 year for up to and including the 1 in 100 year event with 30% climate change is proposed to be provided in the attenuation pond above the cellular crates.	✓
Detailed drawings of proposed features such as infiltration structures, attenuation features, pumping stations and outfall structures	No detailed drainage drawings were submitted. The Applicant shall submit drawings showing details of the proposed cellular crate storage, attenuation basin (and the relation between these two elements), inlet and outlet structures, and the proposed outfall to the ditch. Open structures such as basins should provide a spillway/overflow that is either a minimum of 300mm above the 20% CC flood level or at the level of the 40% CC flood level, whichever is greater. The bank of any open attenuation structure should be a minimum of 100mm above the	x

Information required	Reviewer comments	✓ ✘
	level of the overflow/spillway.	
Demonstration that best practice SuDS have been promoted, appropriate to the size and nature of development	The proposed drainage strategy includes a provision of below ground storage crates with a detention basin for extreme events, with surface water conveyed in a below ground piped system. Considering the size of the development, the Applicant is expected to give further consideration to the use of improved SuDS that provide attenuation, treatment, biodiversity and amenity benefits. The Applicant should promote SuDS features, such as permeable paving, overland conveyance swales etc, and submit a revised drainage strategy.	✘
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	It is noted that the drainage calculations included in the Drainage Strategy Report are based on FSR rainfall data. As commented above, the discharge rate used in the calculations shall be based on the size of the proposed impermeable area. No detailed drainage calculations for the 1 in 2 year event were submitted. The Applicant should submit detailed drainage calculations for the 1 in 2 year event, using FEH2013 rainfall data.	✘
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	It is noted that the drainage calculations included in the Drainage Strategy Report are based on FSR rainfall data. As commented above, the discharge rate used in the calculations shall be based on the size of the proposed impermeable area. No detailed drainage calculations for the 1 in 30 year event were submitted. The Applicant should submit detailed drainage calculations for the 1 in 30 year event, using FEH2013 rainfall data.	✘
Completed application for Ordinary Watercourse Consent for any proposed structures within an ordinary watercourse or works within 8m of an ordinary watercourse	Ordinary Watercourse Consent will be required for the proposed outfall structure.	✘
Off-site discharge		
For discharge to a watercourse, sewer or local authority asset, detailed calculations of greenfield and, if relevant, current runoff rates calculated using the methods outlined in The SuDS Manual 2015 for the 1 in 1 year, Qbar, 1 in 30 and 1 in 100 year events	The FRA submitted with the original application included greenfield runoff rates calculated using IH124 methodology, and that the greenfield runoff rate of 9.8l/s was estimated for the entire site (5.23ha). The discharge rate from the site shall be calculated based on the proposed impermeable area only. In addition, greenfield runoff rates shall be calculated using FEH methodology and FEH2013 rainfall data. The Applicant should submit revised greenfield runoff calculations using FEH methodology. In addition, the Applicant should revise the proposed discharge rate so it is calculated based on the proposed impermeable area only.	✘
For discharge to a watercourse, sewer or local authority asset, detailed calculations of proposed discharge rates and volumes calculated using the methods outlined in The SuDS Manual 2015 for the 1 in 1 year, Qbar, 1 in 30 and 1 in 100 year events	See comment above.	✘

Information required	Reviewer comments	✓ ✘
For discharge to a watercourse, sewer or local authority asset, detailed calculations of proposed attenuation volume to manage the rate and volume of runoff to greenfield or current rates and volumes, allowing for climate change effects	No detailed storage calculations were submitted. The Applicant should submit detailed storage calculations. The calculations shall be based on FEH2013 rainfall data, and the revised discharge rate as commented above.	✘
Clarification if attenuation structures are to be provided partly or wholly above adjacent ground level (i.e. above ground storage), and assessment of potential failure of above-ground attenuation features, including assessment of residual risks to downstream receptors, and proposed mitigation and management measures	It is unclear whether the proposed attenuation pond is proposed to be constructed above ground, as no detailed drawings were submitted. A schematic section through the attenuation pond included in the submitted Drainage Strategy Report suggests that it may be the case. The Applicant should confirm whether the proposed attenuation pond will be constructed above ground and the mitigation measures incorporated into the design to manage residual risk.	✘
Demonstration that a viable connection can be made and that the suitability and capacity of the downstream system has been explored in consultation with the relevant authority	Water from the attenuation pond is proposed to be discharged to the existing ditch to the north of the site. The submitted information indicates that a viable connection to the ditch can be made. No assessment of the capacity of the ditch was submitted. The discharge rate from the pond is however proposed to be limited to the current 1 in 1 year greenfield runoff rate for up to and including the 1 in 100 year event, which would provide betterment to the existing situation for events greater than 1 in 1 year.	✓
For discharge to a watercourse, consideration of the risk of water backing up the drainage system from any proposed outfall and how this risk will be managed without increasing flood risk to the site or to people, property and infrastructure elsewhere, noting that this also includes failure of flap valves	Water from the attenuation pond is proposed to be discharged to the existing ditch, which eventually discharges to the unnamed tributary of Cage Brook. No assessment of water backing up the drainage system was submitted. The Applicant should submit an assessment of the risk of water backing up the drainage system from any proposed outfall and how this risk will be managed without increasing flood risk to the site or to people, property and infrastructure elsewhere, noting that this also includes failure of flap valves.	✘
Pollution		
Confirmation of the proposed methods of treating surface water runoff to ensure no risk of pollution is introduced to groundwater or watercourses both locally and downstream of the site, especially from proposed parking and vehicular areas	The submitted Drainage Strategy report states that trapped gullies and drainage channels with silt traps will be incorporated in the drainage system. Considering the size of the proposed development we expect that additional methods of pollution prevention is included in the proposed drainage system. The Applicant should submit revised drainage strategy to include additional pollution prevention measures. SUDS type measures are encouraged to be used. Particular concern shall be given to the treatment of the first flush.	✘
General		
If the development is to be delivered in phases, demonstration of proposed delivery and ability to maintain key design criteria	It is unclear whether the proposed development will be constructed in phases. The Applicant should confirm whether the development is planned to be constructed in phases. If it is the case, the Applicant shall demonstrate how the key design criteria will be maintained.	✘

Information required	Reviewer comments	✓ ✘
Exceedance		
Description and drawings demonstrating the management of surface water runoff that may exceed the capacity of the drainage system up to the 1 in 100 annual probability event with climate change (including assessment of where water is likely to emerge) and noting that surface water should be retained within the site boundary and not pose risk to the development	No drawing showing how exceedance flows during will be managed within the site was submitted. The Applicant should submit information on how exceedance flows will be managed within the site boundary during events greater than 1 in 30 year event and up to the 1 in 100 year event with climate change. Surface water should be managed within the site boundary and retained/directed to an area of low vulnerability. For temporary surcharging of gullies, this could be the inclusion of features such as speed humps and high capacity gullies to retain water within the carriageway and allow water to enter the below ground system.	✘
Access, adoption and maintenance		
If access or works to third party land is required, details of these works and confirmation that an agreement has been made with the necessary landowners/consenting authorities to cross third party land and/or make a connection to the proposed watercourse/sewer	The submitted proposed drainage drawing indicates that the ditch forms the boundary of the site and that no access to third party land will be required.	✓
Confirmation that the adoption and maintenance of the surface water drainage system has been agreed with the relevant authority	The submitted Drainage Strategy report states that the intention is that the proposed surface water drainage system will be adopted by Welsh Water. No confirmation from Welsh Water was submitted. The Applicant should submit a confirmation from Welsh Water that the proposed drainage system will be adopted. An agreement in principal will be sufficient. We highlight that this should be discussed with Welsh Water after our concerns raised above have been addressed – i.e. greater use of SUDS and improved treatment of runoff.	✘
Demonstration that appropriate access is available to maintain SuDS features (including pumping stations)	The submitted drainage drawing shows that appropriate maintenance access to the attenuation pond will be provided.	✓
Operational and maintenance manual for all proposed drainage features that are to be adopted and maintained by a third party management company ¹	If Welsh Water do not adopt the drainage system then it is assumed that this would be maintained by a third party. The Applicant should confirm who will be responsible for maintenance of the drainage system. If this is to be maintained by a third-party management company, the Applicant should submit an Operational and Maintenance manual for all proposed drainage features.	✘

Foul Water Management Strategy

The submitted Drainage Strategy drawing shows that foul water will be discharged to the existing Welsh Water drainage network to the east of the site.

No information regarding the required assessment or upgrading for the Clehonger waste water treatment works has been provided.

No details of the proposed foul pumping station have been provided.

Overall Comment

In our opinion the Applicant did not submit sufficient information to discharge Conditions 18, 19 and 20.

We recommend that the Applicant submits the following information for review:

Surface Water Strategy

- Revised greenfield runoff calculations using FEH methodology and FEH2013 rainfall data. In addition, the Applicant should revise the proposed discharge rate so it is calculated based on the proposed impermeable area only;

- Drawings showing details of the proposed cellular crate storage, attenuation basin (and the relation between these two elements), inlet and outfall structures, and the proposed outfall to the ditch. The drawings shall clearly show levels and dimensions;
- Detailed drainage calculations for the following events: 1 in 2 year, 1 in 30 year and 1 in 100 year with climate change allowance. All the calculations shall be based on FEH2013 rainfall data;
- Detailed attenuation storage calculations. The calculation shall be based on FEH2013 rainfall data and the revised discharge rate as per comment above;
- Confirmation whether the proposed attenuation pond will be constructed above ground and, if so, proposed mitigation to manage any residual risks;
- Assessment of the risk of water backing up the drainage system from any proposed outfall and how this risk will be managed without increasing flood risk to the site or to people, property and infrastructure elsewhere, noting that this also includes failure of flap valves;
- Revised surface water drainage strategy to promote SUDS features and evidence that other pollution control features will be provided in addition to trapped gullies and drainage channels with silt traps;
- Confirmation whether the development is planned to be constructed in phases. If it is the case, the Applicant shall demonstrate how the key design criteria will be maintained;
- Information how surface water runoff will be managed during events that may temporarily exceed the inlet capacity of the drainage system for up to and including the 1 in 100 year event with climate change allowance;
- Confirmation of the proposed authority responsible for adoption and maintenance of the surface water drainage system, with an agreement in principal if Welsh Water;
- If the pond is to be maintained by a third-party management company, the Applicant shall submit an Operational and Maintenance manual for all proposed drainage features;

Foul Water Strategy

- A survey to establish the current flow and load received at Clehonger waste water treatment works has been undertaken;
- An assessment of the impact of the development hereby approved on the water treatment works having regard to the results of the flow and load survey has been undertaken and agreed with the local planning authority;
- If necessary, a scheme of upgrading for the Clehonger waste water treatment works has been agreed with the local planning authority in order to allow it to accommodate the foul discharges from the development hereby approved without increasing the risk of breaches to the discharge consent for the Clehonger waste water treatment works;
- Details of the proposed foul pumping station and confirmation who will be responsible for its maintenance.

4.13.2 Land Drainage (amended)

SITE:	Land off Kingstone Road, Clehonger
DESCRIPTION:	Application for approval of reserved matters following outline approval P141964/O (Site for residential development of up to 90 dwellings with access, parking, public open space with play facilities and landscaping
APPLICATION NO:	193878
GRID REFERENCE:	OS 344626, 237646
DATE OF THIS RESPONSE:	05/05/2020

In our previous response issued in February 2020 we advised that the following information should be submitted for review prior to the above conditions being discharged:

Surface Water Strategy

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

- Revised greenfield runoff calculations using FEH methodology and FEH2013 rainfall data. In addition, the Applicant should revise the proposed discharge rate so it is calculated based on the proposed impermeable area only;
- Drawings showing details of the proposed cellular crate storage, attenuation basin (and the relation between these two elements), inlet and outfall structures, and the proposed outfall to the ditch. The drawings shall clearly show levels and dimensions;
- Detailed drainage calculations for the following events: 1 in 2 year, 1 in 30 year and 1 in 100 year with climate change allowance. All the calculations shall be based on FEH2013 rainfall data;
- Detailed attenuation storage calculations. The calculation shall be based on FEH2013 rainfall data and the revised discharge rate as per comment above;
- Confirmation whether the proposed attenuation pond will be constructed above ground and, if so, proposed mitigation to manage any residual risks;
- Assessment of the risk of water backing up the drainage system from any proposed outfall and how this risk will be managed without increasing flood risk to the site or to people, property and infrastructure elsewhere, noting that this also includes failure of flap valves;
- Revised surface water drainage strategy to promote SUDS features and evidence that other pollution control features will be provided in addition to trapped gullies and drainage channels with silt traps;
- Confirmation whether the development is planned to be constructed in phases. If it is the case, the Applicant shall demonstrate how the key design criteria will be maintained;
- Information on how surface water runoff will be managed during events that may temporarily exceed the inlet capacity of the drainage system for up to and including the 1 in 100 year event with climate change allowance;
- **Confirmation of the proposed authority responsible for adoption and maintenance of the surface water drainage system, with an agreement in principal if Welsh Water;**
- **If the pond is to be maintained by a third-party management company, the Applicant shall submit an Operational and Maintenance manual for all proposed drainage features;**
- **If the pond is adopted by a third party management company then we anticipate that Welsh Water will not adopt the surface water drainage network. The pond would need to be adopted by a Statutory Authority (Herefordshire Council or the Lugg IDB) for the drainage network to be adopted by Welsh Water. The highways adoption is in turn reliant on all drains being maintained by a statutory authority. A commuted sum would be payable if the pond was adopted by Herefordshire Council**

Foul Water Strategy

- A survey to establish the current flow and load received at Clehonger waste water treatment works has been undertaken;
- An assessment of the impact of the development hereby approved on the water treatment works having regard to the results of the flow and load survey has been undertaken and agreed with the local planning authority;
- If necessary, a scheme of upgrading for the Clehonger waste water treatment works has been agreed with the local planning authority in order to allow it to accommodate the foul discharges from the development hereby approved without increasing the risk of breaches to the discharge consent for the Clehonger waste water treatment works;
- Details of the proposed foul pumping station and confirmation who will be responsible for its maintenance.

In April 2020 the Applicant submitted the following additional information for review:

- Application for discharge of reserved matters;
- Proposed Drainage Layout, drawing ref: SK100 rev. P4;
- Manhole & Pipe Schedules, drawing ref: 105 rev. A;
- Drainage Layout Sheet 5, drawing ref: 104 rev. B;
- Drainage Layout Sheet 4, drawing ref: 103 rev. B;
- Drainage Layout Sheet 3, drawing ref: 102 rev. B;
- Drainage Layout Sheet 2, drawing ref: 101 rev. B;
- Drainage Layout Sheet 1, drawing ref: 100 rev. B;
- Section 278 Levels and setting out, drawing ref: 501;
- Section 278 Combined Services Layout, drawing ref: 503;
- Covering letter, dated 01/04/2020;
- Drainage Technical Note 01, dated 18/03/2020;
- Drainage Strategy Report, 2nd issue, 31/03/2020;
- Proposed Levels Sheet 1, drawing ref: 200 rev.P6;
- Proposed Levels Sheet 3, drawing ref: 202 rev.P6;
- Proposed Levels Sheet 2, drawing ref: 201 rev.P6;
- Pumping Station Layout & Tracking, drawing ref: SK200129 rev. P1;
- Comment on an existing cesspool from a local resident, dated 6/04/2020;
- Schematic Sections through Attenuation Pond, drawing ref: SK102 rev. P2.

This response is based on the review of the above information submitted in April 2020.

Comments

Surface Water Strategy

1. Revised greenfield runoff calculations using FEH methodology and FEH2013 rainfall data. In addition, the Applicant should revise the proposed discharge rate so it is calculated based on the proposed impermeable area only.

The recently submitted Drainage Technical Note states that the calculations of greenfield runoff rates were included in the original FRA submitted as part of the outline planning application and they were found satisfactory by the LLFA. The Applicant concludes that re-calculating the greenfield runoff rates based on actual impermeable areas and the FEH data would result in the discharge rate being reduced to 2.6l/s in comparison to 9.8l/s currently proposed, and that it would significantly increase the required storage volume and impact the masterplan.

We acknowledge that the greenfield runoff rates included in the original FRA were accepted by the LLFA. However it needs to be highlighted that the LLFA comments at the outline stage also stated that 'In accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems, the finalised strategy must demonstrate that there is no increased risk of flooding to the site or downstream of the site as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change. This must consider both the rate and volume of post-development discharge'. The proposed discharge rate of 9.8l/s was calculated for the 1 in 1 year event for the entire site area (5.23ha). The actual proposed impermeable area is 1.43ha, which is much smaller than the area for which the greenfield runoff rates were calculated. The proposed discharge rate will therefore increase the runoff generated in the area of the development, which may increase the risk of flooding downstream of the site. The proposed discharge rate should be therefore revised so it is calculated based on the proposed impermeable area that is to be discharged to the drainage system to ensure no increase in the risk of flooding downstream of the site.

The greenfield runoff rates included in the original FRA and accepted at the outline stage were calculated using the IH124 method and FSR data. We accept the Applicant's comment that the greenfield runoff rates have been accepted at the outline stage hence the greenfield runoff rates do not have to be re-calculated using the FEH methodology in this instance.

2. Drawings showing details of the proposed cellular crate storage, attenuation basin (and the relation between these two elements), inlet and outfall structures, and the proposed outfall to the ditch. The drawings shall clearly show levels and dimensions.

The submitted Sections through the Attenuation Pond drawing shows general sections through the attenuation pond and crate storage. No information on the types of the layers and their thickness above the storage crate are proposed to allow water from the crate storage rise through the base of the infiltration basin was submitted. The current proposal will cause surcharge of the system upstream of the attenuation storage. No drawing showing inlet and outlet structures was submitted. The Applicant should submit a drawing clearly showing the details of the proposed cellular crate storage, attenuation basin (and the relation between these two elements), inlet and outfall structures, and the proposed outfall to the ditch. The drawings shall clearly show levels and dimensions.

It is recommended that the manhole upstream of the attenuation storage is constructed as a catchpit to mitigate the risk of siltation of the cellular crate storage.

It is also noticed that the Drainage Strategy Report states that the northern embankment of the pond will be constructed with a slope of 1 in 2. In accordance with best practice and the Herefordshire SuDS Handbook, the sides of the pond shall be constructed with slopes not steeper than 1 in 3 to allow for maintenance access. The attenuation pond structure should therefore be re-designed to provide easy access for maintenance.

The Applicant should submit a drawing showing cross sections through the attenuation storage and the surrounding areas to clearly show the proposed pond slopes, ground levels around the pond, bank levels, design water levels and the proposed overspill. The cross sections should be drawn in North – South and West – East directions.

3. Detailed drainage calculations for the following events: 1 in 2 year, 1 in 30 year and 1 in 100 year with climate change allowance. All the calculations shall be based on FEH2013 rainfall data.

The submitted revised Drainage Strategy report includes revised drainage calculations. We appreciate that the calculations are based on FEH 2013 rainfall data. As commented above, the discharge rate shall be revised in such a way that it is based on the proposed impermeable area rather than the entire site area.

It is unclear how the proposal for the water level to rise up from the cellular crate storage into the pond through its base is represented and modelled in Microdrainage.

It is noticed that a hydrobrake design head of 2m was used in the calculations. The design head of the flow control should be set equal the hydraulic head difference between the maximum design water level and the invert level of the flow control, to ensure that the flow control appropriately works. Considering the levels shown on the 'Schematic Sections through Attenuation Pond' drawing, the design head shall be a minimum of 2.72m to ensure that the flow control works correctly.

In the submitted calculations, it is also noticed that the hydrobrake and the attenuation storage are proposed to be in the same manhole S40 with pipe ref. 1.015 downstream. The calculations should be revised to show the proposal correctly. The Applicant should also

submit a drawing showing the proposed drainage strategy clearly identifying the pipe numbers used in the Microdrainage model.

Furthermore, it is noticed that the invert level of the hydrobrake used in the calculations is the same as the level of the bottom of the cellular storage crate (74.3mAOD), while the submitted 'Schematic Sections through Attenuation Pond' drawing shows the invert level of the hydrobrake to be 73.42mAOD. We believe that this is a typo error, however the drainage calculations should be revised to include correct invert levels of the features.

It is also noticed that the submitted calculations show that the system will be surcharged for the 1 in 2 year event. The surface water drainage system should be designed to show no surcharge of the system for the 1 in 2 year event, and no flooding for up to and including the 1 in 30 year event.

The Applicant should submit revised drainage calculations that are based on the revised discharge rate as commented above, with all drainage features correctly represented in the model. The calculations should show no surcharge of the system for the 1 in 2 year event, and no flooding for up to and including the 1 in 30 year event.

4. Detailed attenuation storage calculations. The calculation shall be based on FEH2013 rainfall data and the revised discharge rate as per comment above.

No detailed attenuation storage calculations were submitted. The Applicant should submit detailed attenuation storage calculations based on FEH 2013 rainfall data and the revised discharge rate as per comments above. The Applicant should also provide an explanation of how the proposal is modelled in Microdrainage to ensure that it represents the proposed attenuation storage solution.

5. Confirmation whether the proposed attenuation pond will be constructed above ground and, if so, proposed mitigation to manage any residual risks.

The submitted "Schematic Sections through Attenuation Pond" drawing shows that the proposed pond will be partially raised above ground level. The embankment is proposed to be constructed from engineered fill and benched into the existing ground. We stress that a clay key will be required and should be demonstrated in the requested drawing showing cross sections through the attenuation pond. The Applicant states that an overflow is proposed to be constructed at the level equal to the design water level during the 1 in 100 year event with 40% climate change allowance. The submitted 'Schematic Sections through Attenuation Pond' drawing suggests that the overflow is proposed to be constructed 300mm above the water level predicted for the 1 in 100 year event with climate change. We concur with the proposal. The exceedance flows are proposed to be directed towards the existing ditch to the north-west of the site. The Drainage Strategy Report also states that the sides of the attenuation pond will be lined to prevent water seeping through the side of the embankment and causing instability. As above, we stress that a clay key will be required and should be demonstrated in the requested drawing showing cross sections through the attenuation pond. We highlight that flooding has occurred downstream of the site and therefore the robust design of the pond and safe management of exceedance flows is of utmost importance.

6. Assessment of the risk of water backing up the drainage system from any proposed outfall and how this risk will be managed without increasing flood risk to the site or to people, property and infrastructure elsewhere, noting that this also includes failure of flap valves.

No assessment was submitted. The Applicant should submit an assessment of the risk of water backing up the drainage system from any proposed outfall and how this risk will be managed without increasing flood risk to the site or to people, property and infrastructure elsewhere, noting that this also includes failure of flap valves.

7. Revised surface water drainage strategy to promote SUDS features and evidence that other pollution control features will be provided in addition to trapped gullies and drainage channels with silt traps.

In the recently submitted Drainage Technical Note, the Applicant states that the site layout at outline stage was designed to maintain existing hedgerows and protected trees. The report also states that permeable paving for road surfaces has been discounted as it is not supported by the Transportation Department. The comment is accepted, however permeable paving can still be used in private driveways and private access roads. We recommend that the applicant demonstrates that further consideration has been given to pollution treatment opportunities including the use of permeable paving where appropriate.

The Drainage Technical Report also states that the steep topography of the site precludes the use of swales to provide interception benefit. The report concludes that the drainage has been designed in accordance with the principles agreed with the FRA submitted as part of the outline planning application, and that the change of the design philosophy would significantly change the masterplan which may necessitate a new planning application. We do not agree with this statement as the response from the Council has continued to promote the expectation of best practice SuDS that were promoted in the FRA.

8. Confirmation whether the development is planned to be constructed in phases. If it is the case, the Applicant shall demonstrate how the key design criteria will be maintained.

The recently submitted Drainage Strategy Report states that it is not planned to phase the site, however due to the location of the pumping station and attenuation pond, should there be a need to phase the building of the units, the infrastructure through the site will form part of the first phase to allow the properties to be occupied.

9. Information on how surface water runoff will be managed during events that may temporarily exceed the inlet capacity of the drainage system for up to and including the 1 in 100 year event with climate change allowance.

The recently submitted Drainage Strategy Report states that the exceedance flow routes are shown on the drawing showing the revised drainage strategy. The drawing identifies only exceedance route from the attenuation pond. No information has been submitted on how exceedance flows will be managed through the site. The Applicant should submit information supported by a drawing showing how surface water runoff will be managed through the entire site during events that may temporarily exceed the inlet capacity of the drainage system for up to and including the 1 in 100 year event with climate change allowance.

10. Confirmation of the proposed authority responsible for adoption and maintenance of the surface water drainage system, with an agreement in principal if Welsh Water.

The recently submitted Drainage Strategy Report states that the surface water drainage up to the attenuation pond will be adopted by Welsh Water. The report states that initial consultation has been undertaken with Welsh Water but no agreement in principal was submitted. The attenuation pond is proposed to be maintained by Stonewater who are responsible for the maintenance of all public open spaces and tenanted properties on the site. No information of who will be responsible for the maintenance of the cellular crate storage was submitted.

Our understanding is that Welsh Water will only adopt surface water drainage upstream of attenuation basins if the basin is intended to be adopted by the local authority. The Applicant should therefore submit an agreement in principal from Welsh Water that they will adopt the proposed surface water drainage system. The Applicant should also confirm who will be

responsible for the drainage system downstream of the attenuation pond, including the outfall to the existing ditch, and who will be responsible for the maintenance of the cellular crate storage.

11. If the pond is to be maintained by a third-party management company, the Applicant shall submit an Operational and Maintenance manual for all proposed drainage features.

The pond is proposed to be maintained by a third-party. No O&M manual for the maintenance of the pond was submitted. The Applicant should submit an O&M manual for the maintenance of the attenuation pond. If the cellular crate storage and the outfall to the existing ditch are to be maintained by a third-party company, the Applicant should also provide an O&M manual for the maintenance of these features.

Foul Water

12. A survey to establish the current flow and load received at Clehonger waste water treatment works has been undertaken.

The Applicant submitted an email stating that liaison with Welsh Water regarding the waste water treatment is underway and that the Lead Development Control Officer at Welsh Water will contact the Planning Officer directly on that matter. No further information was submitted. It is understood that the Lead Development Control Officer at Welsh Water contacted the Planning Officer and provided the required information.

13. An assessment of the impact of the development hereby approved on the water treatment works having regard to the results of the flow and load survey has been undertaken and agreed with the local planning authority.

See comment above.

14. If necessary, a scheme of upgrading for the Clehonger waste water treatment works has been agreed with the local planning authority in order to allow it to accommodate the foul discharges from the development hereby approved without increasing the risk of breaches to the discharge consent for the Clehonger waste water treatment works.

See comment above.

15. Details of the proposed foul pumping station and confirmation who will be responsible for its maintenance.

The submitted Pumping Station Layout shows general plan of the pumping station area. No wet well and other features have been identified. The recently submitted Drainage Strategy report includes information on the size of the wet well, emergency storage, discharge rate etc. The Applicant did not confirm who will be responsible for the maintenance of the pumping station, however the information provided in the recently submitted Drainage Strategy Report suggests that the pumping station design was agreed with Welsh Water. The Applicant should confirm that Welsh Water will be responsible for the maintenance of the pumping station.

Overall Comment

The information presented to date offers sufficient detail to support the reserved matters application.

However we encourage the applicant to clarify whether the roads will be presented for adoption, as if the pond is maintained by a third party company the drains cannot be adopted by Welsh Water.

We await further information to support the subsequent Discharge of Conditions 18 to 20 as follows:

Surface Water

- Revised discharge rate calculated based on the proposed impermeable area only;
- Drawings showing details of the proposed cellular crate storage, attenuation basin (and the relation between these two elements), inlet and outfall structures, and the proposed outfall to the ditch. The drawings shall clearly show levels and dimensions;
- Revised detailed drainage calculations for the following events: 1 in 2 year, 1 in 30 year and 1 in 100 year with climate change allowance. The calculations shall be based on the revised discharge rate. The results shall show no surcharge of the system for the 1 in 2 year event and no flooding for up to and including the 1 in 30 year event. All the calculations shall be based on FEH2013 rainfall data;
- Drawing clearly showing pipe numbers as per Microdrainage model;
- Information on how the proposed attenuation storage has been represented in the Microdrainage model, specially the water rise from the crate storage into the attenuation pond through its base;
- Detailed attenuation storage calculations. The calculation shall be based on FEH2013 rainfall data and the revised discharge rate as per comment above;
- Revised design of the attenuation pond so its side slopes are not greater than 1 in 3 to allow for maintenance access. A drawing showing cross sections through the attenuation storage and the surrounding areas to clearly show the proposed pond slopes, ground levels around the pond, bank levels, design water levels and the proposed overspill;
- Demonstration that further consideration has been given to treatment of pollutants and a revised drainage strategy drawing, noting that we recommend permeable paving for private driveways and access roads;
- Assessment of the risk of water backing up the drainage system from any proposed outfall and how this risk will be managed without increasing flood risk to the site or to people, property and infrastructure elsewhere, noting that this also includes failure of flap valves;
- Information on how surface water runoff will be managed during events that may temporarily exceed the inlet capacity of the drainage system for up to and including the 1 in 100 year event with climate change allowance. The Applicant shall submit a drawing showing how the exceedance flows will be managed through the entire site;
- An agreement in principal from Welsh Water that they will adopt the surface water drainage system;
- Confirmation of who will be responsible for the maintenance of the drainage system downstream of the attenuation pond, including the outfall to the existing ditch and the cellular crate storage;
- An Operational and Maintenance manual for the attenuation pond, cellular crate storage and the outfall to the existing ditch.

Foul Water Drainage

- Confirmation of who will be responsible for the maintenance of the foul pumping station.

Note: It is understood that the Lead Development Control Officer at Welsh Water contacted the Planning Officer directly and provided the required information regarding the waste water treatment works.

4.13.3 Land Drainage (amended)

SITE: Land off Kingstone Road, Clehonger
DESCRIPTION: Application for approval of reserved matters following outline approval P141964/O (Site for residential development of up to 90 dwellings with access, parking, public open space with play facilities and landscaping)
APPLICATION NO: 193878
GRID REFERENCE: OS 344626, 237646
DATE OF THIS RESPONSE: 11/11/2020

Consultation has been undertaken with the applicant’s engineers to address the concerns that were raised in our previous responses to the reserved matters application for this development and discharge of conditions. A summary the outstanding information requirements and our review of the information provided is summarised below.

The following additional information has been provided by the applicant to inform this review:

- Drainage layout Sheet 1, drg 100_E
- Drainage layout Sheet 2, drg 101_C
- Drainage layout Sheet 3, drg 102_C
- Drainage layout Sheet 4, drg 103_C
- Drainage layout Sheet 5, drg 104_C
- Headwall detail, drg 160_P1_A
- Microdrainage calculations, dated 25.07.2020
- Email from Clare Cook at Intrado dated 27.08.2020 discussing proposed arrangements for managing exceedance flows
- Email from Matthew Lord at DCWW dated 02.07.2020 confirming agreement in principle of proposed strategy.

Information requested	Comment
Revised discharge rates as agreed with the relevant authorities.	Confirmation received that discharge rate reduced to 5l/s. This is acceptable and in accordance with DCWW requirements.
Drawings showing details of key drainage features.	Drawings have been provided as requested. The drainage connection to the proposed basin has been amended as an offline basin in accordance with DCWW requirements. The drawings illustrate that the sides of the attenuation crates and basin will be lined, with a stone base between the crates and basin that will allow water to surcharge from the crates into the basin. The basin will be sunk below existing ground level with sides slopes of no greater than 1 in 3. A concrete headwall to the receiving ditch is proposed.
Calculations for the 1 in 2 year, 1 in 30 year and 1 in 100 year with climate change allowance.	Microdrainage calculations have been provided demonstrating sufficient capacity up to the 1 in 100 year event with climate change with no flood risk indicated.
Demonstration that further consideration has been given to treatment of pollutants.	The applicant has confirmed that the new meandering ditch downstream of the basin will provide treatment of the surface water prior to discharge to Cage Brook.
Assessment of the risk of water backing up the drainage system.	Site topography indicates that levels would prevent water backing up from the Cage Brook. The applicant has confirmed that the hydrobrake manhole will be situated on the basin bank and therefore will not be surcharged by high water levels in the basin.
Information on how surface water runoff will be managed during events that may temporarily exceed the inlet capacity of the drainage system.	The applicant has confirmed that kerbs adjacent to the proposed central play area will be removed to allow any exceedance flows from the south to enter the play area and flow towards the orchard. The applicant has also confirmed that additional gullies have been provided in the north of the site to manage exceedance flows that cannot drain to the play area.
Clarification of adoption and maintenance arrangements	The applicant has confirmed that the surface water drainage system will be adopted by DCWW and email correspondence from DCWW has been provided. It is understood that the foul water drainage system, including pumping station, will be adopted by DCWW.

Summary

The additional information provided by the applicant addresses our previous concerns and we recommend that conditions 19 and 20 can be discharged. We do however highlight that the detailed design of the foul and surface water drainage system will require review and approval from Welsh Water as the adopting authority.

Regarding the discharge of condition 18, it is understood that the Lead Development Control Officer at Welsh Water contacted the Planning Officer directly and provided the required information regarding the waste water treatment works.

4.14 Planning Obligations Manager

The reserved matters application proposes 90 dwellings comprising the following open market and affordable mix;

Open market dwellings = 58

- 6 x 1 bedroom
- 12 x 2 bedroom
- 35 x 3 bedroom
- 5 x 4 bedroom

Affordable dwellings = 32

- 8 x 2 bedroom (Rented)
- 11 x 3 bedroom (Rented)
- 10 x 3 bedroom (shared ownership)
- 3 x 4 bedroom (Rented)

The outline planning permission P141964/O (which was allowed at appeal) is accompanied by a section 106 agreement dated 16 September 2016. The Inspector found that the obligations were compliant with the Community Infrastructure Levy Regulations 2010 (as amended).

As such the following contributions are payable.

Education

- Clehonger Primary School

House Type	Number of units	Contribution per house	Contribution payable
2 bedroom unit	12	£2,143.00	£25,716.00
3 bedroom unit	35	£2,143.00	£75,005.00
4 bedroom unit	5	£3,471.00	£17,355.00
			£118,076.00 index linking to be applied

Transport

£72,100.00 index linking to be applied to provide;

- New cantilever bus shelter with potential for real time information and DDA compliant raised kerbs at Birch Hill Road and Gosmore Road
- Extension to footway along Croft Road on the western side (including moving of street lighting columns and connections)
- Extension of the cycleway footway to Gosmore Road

The contributions are payable in two tranches – 50% payable on occupation of the 30th dwelling and the remaining 50% on occupation of the 60th dwelling.

There is no time limit with regards to the spend of the monies.

The section 106 requires the provision of on-site public open space and formal play, the details of which have been submitted as part of the reserved matters submission.

The section 106 agreement requires the establishment of a management company prior to commencement of the development. I understand from the submissions that the management company will cover the green infrastructure but also areas of the road network where it falls with the open space.

4.15 **Herefordshire Wildlife Trust**

We understand that this application received outline planning approval following an appeal in 2015. As part of the appeal the Inspector acknowledged there are potential risks to the Cage Brook SSSI and River Wye SAC due to overloading of the existing water treatment works. The inspector therefore imposed conditions requiring appropriate upgrading of the water treatment works to deal sufficiently with this additional loading.

We have concerns that there still appears to be very little detail relating to the nature of the necessary upgrading of the water treatment works. In recent years we have seen an increase in the nutrient load within the River Lugg and other tributaries of the Wye. The situation relating to phosphate pollution appears to be far more serious now than when the inspector deliberated on this planning application 4 years ago. This is a relatively large development near a SSSI watercourse that flows only a short distance into the River Wye SAC and therefore, in our opinion, poses a high risk to these designated watercourses and threatens delivery of the River Wye Nutrient Management Plan. Therefore, the current lack of uncertainty this development poses is unsatisfactory. Failure to ensure that the water treatment work is sufficiently upgraded would be contrary to the following Herefordshire Core Strategy policies:

- SS6 - To conserve and enhance environmental assets that contribute to the county's distinctiveness. Especially those with specific environmental designations
- LD2 - Protection of biodiversity and geodiversity
- SD4 - Policy SD4 - Wastewater treatment and river water quality

The Trust also has concerns about the impact of increased footfall through Cage Brook Valley SSSI and the Little Marsh common SSSI area. The increased footfall could be detrimental to the ground flora in a protected area.

If the proposal were to be approved Herefordshire Wildlife Trust suggests the following conditions be adhered to.

- Before construction can commence evidence must be provided showing commencement and completion dates of the required water treatment plant improvements.
- Evidence must be provided to show no significant impacts would occur to the River Wye SSSI/SAC

5. **Representations**

5.1 **Clehonger Parish Council** (sent in respect of both this application and 193853/RM submitted by Gladman)

The Clehonger Parish Council has looked at both applications for reserved matters, at the site in Clehonger, and whilst acknowledging the differences in the proposals will comment universally on the applications, in tandem, as follows:

The applications were discussed at a Parish Council Meeting held on 12 December 2019. Members of the public also contributed to the points raised.

The comments and observations are based on the plans now being considered for reserved matters although there was still considerable concern raised as to the overall viability of the site for the building of the proposed number of homes. A question was asked as to whether an archaeological survey may be required to rule out any possible elimination of historical heritage? There were also concerns raised as to the requirement for a full independent ecological impact assessment to seek to protect the natural environment and indigenous wildlife.

Further topics raised were:

How does the development fit into the recently declared Climate Change Emergency policies?

- Because of the location there will necessarily be a high degree of car dependency – as current public transport provision is limited in the evenings and at weekends.
- There are questions around the measures of the use of green energy provision such as solar power generation, insulation and rain water harvesting. The Parish Council would like to see a commitment made to the use of as many green initiatives as practicable.
- The Secondary School and the Doctors Surgery are going to be largely dependent on vehicular usage for access.
- Is there a possibility for there to be charging points for electric vehicles, especially at the parking court for the apartments?
- Is the attenuation pond going to be effective and safe? How deep will it be? What happens when it reaches capacity? Has account been taken of the potential impact of hard surface gardens in calculations of potential flooding?

Impact on and availability of local services

Current provision of services is alleged to be sufficient, but there are capacity issues at Kingstone Surgery.

Management and adequacy of estate ground

Concerns were raised as to who will maintain the green spaces – will this be a Management Committee responsibility? How will standards be maintained? The Parish Council takes the view that it is vital that the site is properly managed and would seek assurance that this will be formally addressed by the owner of the development site.

The proposed play facilities do not look adequate for all age groups? Wooden equipment can perish quickly and may be more susceptible to damage.

Housing mix- range and suitability of accommodation

Following discussion it was agreed that it would be desirable to see an increased number of one bedroom homes on the development.

Concerns were raised about accessibility for disabled people? Is all of the accommodation "designed for life"

Is there scope for appropriately designed accommodation to be owner occupied?

Ecological impact

Has sufficient account been taken of preserving existing species? For example hedgehogs - close boarded fencing without gaps is not recommended.

The hedging at the front of the site is to be removed? What will replace this?

There are serious concerns about the possible use of herbicides and the potential leaching into Cagebrook SSSI. How will this be managed to safeguard the water courses? The Parish Council has considerable concern regarding the management of contamination so that it does not affect the water courses of the Cagebrook SSSI.

There are other species known to be on site, including the presence of a badgers sett. There are also Oak Trees of some age that need to be considered.

The Attenuation Pond and Sewerage disposal

Recent local flooding events have highlighted the pitfalls in relying on attenuation ponds to cope with the storage of floodwater. The site is steep in nature and there are concerns as to how the pond will be designed to cope with the water collected. There are also concerns for people's safety as the ponds are necessarily deep, steep sided and difficult to escape from. Will there be adequate fencing around the attenuation pond?

There have been neighbouring site issues regarding disposal of sewerage and waste with on site storage and tanker removal of waste being a daily necessity. The Parish Council would wish to see the necessary connections made to the disposal mechanism, before occupation of finished units commences, to avoid any repetition of what has proved to be an undesirable practice in terms of vehicle movements and odour nuisance.

It would be useful to have a greater understanding of how the pond will actually fit into the topography of the site as there are concerns as to how this will work, given the gradient.

Making site ready for construction to commence

It has been noted that there have been issues, at other sites, where the lack of off road delivery hard standing, with wheel washing, has caused considerable contamination of the highway, by mud, and the blocking of transport links by delivery vehicles and contractor vehicles. The Parish Council are minded to insist that the off road standing, for getting delivery traffic etc. off the main road, is constructed ahead of any attempt to start the actual house building on site. The road that the site is on is a main arterial road for the outlying villages going to and from the City and for this to be compromised is believed to be unacceptable. The Parish Council would also seek assurance that any necessary upgrade works to enable sewerage disposal are carried out ahead of any occupancy of the new homes. This being to prevent any storage of waste on site with tanker removal required.

There is also the overarching concern that any regulatory conditions, that are appended to the granting of reserved matters planning permission, should be monitored and enforced, if a breach should occur, to safeguard the community and the environment. The Parish Council would also seek assurance that the conservation area, as described in the reserved matters application, is indeed retained, as such, for posterity and does not provide the opportunity for further building at a later date. There is also a request for there to be a mixed tenure development with a mix of affordable, shared ownership and open market properties being available.

Thank you for your consideration of these comments.

5.1.1 **Clehonger Parish Council (amended)** (sent in respect of both this application and 193853/RM submitted by Gladman)

The Clehonger Parish Council has looked again at both applications for reserved matters, at the site in Clehonger, and would like to add the following additional comments to those already submitted please:

- 1) Recent weather events have seen trees in the vicinity of the site come down due to their root plates becoming loose - potentially because of the saturation of their habitat and high winds. The parish council members are concerned about the stability of the trees on and around the site.
- 2) The site itself is currently absorbing a lot of the excess surface water and there are concerns for the whole area, when the hard-standing of the development is built, that the site could become unstable in terms of heave and subsidence.
- 3) There does not appear to be mention made of the provision of land line telephony services for the proposed new homes. The Parish Council discussed this and believe that land line service provision is a factor that should be incorporated into the estate from the outset.

Thank you for your consideration of these additional points.

5.1.2 Clehonger Parish Council (amended)

In regard to the planning re-consultation 193878, the Parish Council posed a number of questions to the applicants during a Zoom Parish Council Meeting held on 12/11/20 and received some answers, thank you, but still wish to highlight the following concerns:

- 1) There is genuine and deep concern for the welfare of flora and fauna, plus the actual environment, within the Cage Brook SSSI. There are otters and other species living within the watercourse and there is doubt on the part of the residents, and the PC, that the effluent and contaminants produced by a large housing estate, in the close proximity, can be sufficiently managed so as not to affect the SSSI detrimentally.
- 2) There is disappointment on the part of the PC that some of the suggested measures of ecological merit are not being taken up (answer was that they were not permission critical). Such measures would include electric charging points for cars which are more difficult to retro-fit and solar panels for energy generation. It was hoped that as many eco-solutions as possible would be embraced to help go towards the Council carbon neutral by 2030 declaration.
- 3) The PC asked that more be made of the play area, in terms of available equipment, as the specified equipment ideas were not thought to be adequate for the likely take up of use.
- 4) Localised flooding and regular event severe flooding are of great concern and the methodology of basin/crates/ponds may not be able to cope with the type of weather events, and resultant flooding, such as have been recently experienced.
- 5) Consideration still needs to be given to the presence of toxic flora (Monkshood) in the vicinity. This subject was not answered by the applicants, as to safeguarding, in this regard.
- 6) Consideration needs to be given to hard surfacing and resultant impact to water absorption. Changes to garden design to be part of any tenancy agreement consideration.
- 7) Gaps under fences of at least 5 inches to be obligatory to help to safeguard the dwindling hedgehog numbers.
- 8) Consideration to be given for "lifetime home" standard in terms of disability access. Disability features in properties important.
- 9) Desirable to see commitment within the plans regarding the encouragement of sustainable transport initiatives.
- 10) Discussion points on making the site "construction ready" in terms of off road parking for contractors, and staff, plus a controlled delivery rota for materials is welcomed, and essential, for keeping the narrow roadway clear for through traffic.
- 11) Stated that no occupation of dwellings until connection to upgrading of sewerage system is complete. There to be no emptying of temporary sewerage arrangements by tanker.
- 12) Underground pumping arrangements not to be detrimental to neighbouring householders existing sewerage disposal facilities or to create any noise nuisance for neighbouring households.
- 13) In addition, it is hoped and anticipated that due respect will be given to neighbouring households in regard to any disruption and possible noise nuisance in terms of keeping to regulated working hours.

Thank you for your consideration of these comments and suggestions.

5.1.3 **Clehonger Parish Council (additional)**

Please see further comments put forward by members of the Clehonger Parish Council following the Government's 10 point energy green scheme announcement, made earlier today. These points may have missed the formal deadline but it would be appreciated if they could be considered nonetheless.

The Clehonger Parish Council were fundamentally dismayed at the meeting last week that the developer did not seem to be particularly embracing the green ideology and environmental considerations. The electric car charging port suggestion had been dismissed and so also had the solar energy generation methods.

There is also concern as to how the homes will be heated given that gas fired boilers will be phased out for new builds from 2023? The Parish Council believes that all building developments being progressed should be taking on board the green energy manifesto and making as many associated features as possible available in their projects.

5.1.4 **Clehonger Parish Council (further additional comments)**

It would appear to make absolute sense to put in the eco friendly options from word one rather than have the additional complications, and cost, attached to retrofitting. It would be sensible for the Planning Department to take this type of consideration on board when setting out the reserved matters t and c's.

5.2 **19 objections have been received in total** (13 to the original plans from 8 objectors and 2 action groups - Save Cage Brook Campaign Group and Clehonger Residents Group, and 6 subsequently from 3 objectors). In summary the points raised are:

Original plans

Principle/access

- Too many houses
- Adverse highway impacts from additional housing, plus air pollution
- Conditions on outline permission not yet discharged (drainage, travel plan, cycle storage, construction management) which should be addressed at RM stage
- Impact on bats, GCN and other protected species (submissions at outline stage were biased as paid for by applicant/developer so cannot be relied upon)
- Public Inquiry was misled – insufficient information about impact on Cagebrook SSSI
- Site boundary encroaches adjacent property and cess pit (Cagedale)
- Plans show a zebra crossing, not a controlled crossing as approved
- Footways needed to village facilities
- Impact on infrastructure – school and doctors

Drainage

- Insufficient foul drainage capacity at treatment works
- Uncertainty when treatment works will be upgraded
- Impact from unacceptable drainage on River Wye SAC and Cagebrook SSSI
- Surface water drainage unsuitable
- Concern that attenuation pond will be unsafe

Landscaping

- Concerns about hedgerow removal, fencing and walls

Other

- Climate emergency declared – better alternative energy production and electric car charging points should be included in the scheme
- Scheme is for mixed market and affordable housing, but Stonewater made it clear in meetings with the PC that it may be delivered as 100% AH, contrary to policy requirements for mixed housing
- Are house types flexible enough to accommodate different/changing needs
- Increase in 1 bed units and accessible units for disabled occupiers

Amended Plans

- Impact on cesspit and access thereto (Cagedale)
- Encroachment onto adjacent land (Cagedale)
- Surface water drainage queries – outfall design and management (outfall to Cagebrook is unacceptable as it floods (properties)
- Lack of foul drainage details, is pumping station for waste to be taken away from site at night?
- Conversion of housing association housing from gas boiler to heat pump costs £15k per property – cost to provide this initially would be cheaper

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=193878&search-term=193878

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

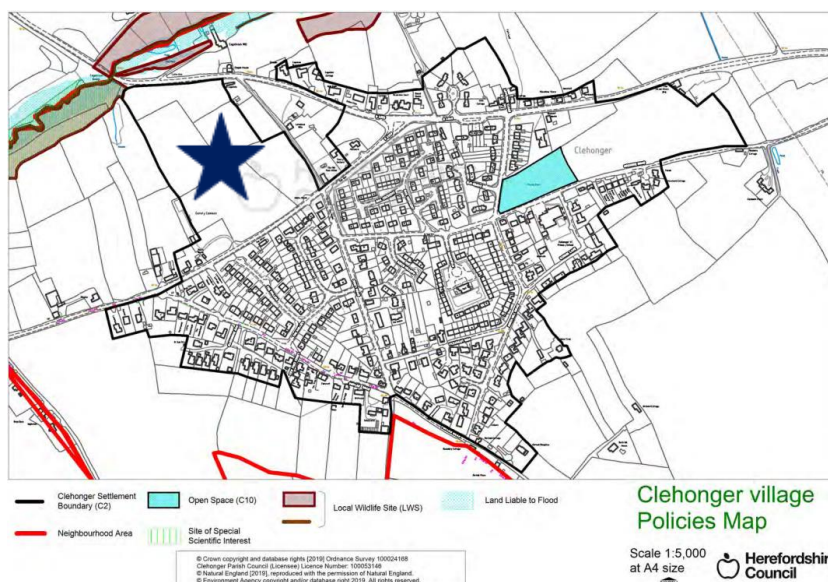
- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:
"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework (NPPF) requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The CS was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the CS was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the policies relevant to the determination of this application have been reviewed and are considered to remain entirely consistent with the NPPF and as such can be afforded significant weight.
- 6.3 The site falls within the Clehonger Neighbourhood Area, where following a draft Regulation 16 Neighbourhood Development Plan (dCNDP) submission and subsequent consultation (9 January 2020 to 20 February 2020) it was sent for examination (4 March 2020). The Examiner's Report was received on 4 September 2020. The Report confirms that it not necessary to recommend any modifications, a fact which the Examiner notes is unusual, even in the context of examining over 100 NDPs.
- 6.4 The dCNDP is a material planning consideration, but does not yet form part of the Development Plan. This is because it has not been the subject of a successful referendum. Consequently, the weight that can be afforded to it, as an 'emerging' plan, is to be determined by applying the criteria set out in paragraph 48 of the NPPF. This states as follows:


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

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)

- 6.5 Taking the criteria set out in paragraph 48 of the NPPF in turn:
- a) the Examiner's Report has been received and the dCNDP awaits referendum
 - b) following the Examiner's Report there are no longer any outstanding objections
 - c) the Examiner has confirmed that the dCNDP meets the basic conditions and is in general conformity the NPPF.
- 6.6 As a result, at this time, the policies in the dCNDP can be afforded significant weight. This is because there has been an independent assessment (examination and report), which concludes that no modifications are required to the dCNDP, such that there are no unresolved objections left remaining and it has been found to meet all the basic conditions and other matters that the Examiner is obliged to examine.
- 6.7 Typically, after receipt of an Examiner's Report with no modifications required the dCNDP would progress straight to referendum, however due to legal restrictions resulting from the current pandemic, the date of the referendum will be confirmed in the future. It is not until there has been a positive referendum vote (50% plus 1, with no minimum turnout required, therefore requiring a majority vote of those voting) that the dCNDP would be apportioned full weight and once the LPA confirms its adoption it becomes a 'made' plan and part of the Development Plan.
- 6.8 At the present time Regulations linked to the Coronavirus Act 2020 means that no elections or referendums can take place until 6 May 2021. This includes neighbourhood planning referendums. Government advice states that these provisions will be kept under review and may be amended or revoked in response to changing circumstances. The Coronavirus (COVID-19): planning update (13.5.2020) confirms that updated planning guidance (7 April 2020) set out that neighbourhood plans awaiting referendums can be given significant weight in decision-making.
- 6.9 At the time of the grant of OPP, on appeal, the dCNDP had not reached Regulation 14 stage. The application site is included in the dCNDP settlement boundary, due to it benefiting from OPP and being a committed development. The granted 90 dwellings (OPP) are included in the housing figures in the dCNDP. In principle dCNDP policy C2 (Clehonger settlement boundary) supports proposals for housing inside the settlement boundary, subject to compliance with other relevant policies.



dCNDP – Clehonger village Policies Map  = application site

- 6.10 The NPPF is also a significant material consideration. The policies that are relevant to the reserved matters will be considered in this report.
- 6.11 To conclude on the policy context the Development Plan is CS, with the dCNDP and NPPF being important material considerations that can be afforded significant weight. The principle of development for up to 90 dwellings and access thereto for this site was established by the grant of OPP (141964/O), which remains extant by virtue of the submission of the reserved matters application within the specified time period. Furthermore, the site lies within the Clehonger village settlement boundary as defined in the dCNDP, which can be afforded significant weight. Despite some objections suggesting otherwise, the passage of time since that grant of the OPP does not provide an opportunity to revisit the acceptability of the principle of development and access during the assessment of this RMs application.
- 6.12 The scope of this application, for the approval of RMs, relates to layout, scale, appearance and landscaping. It proposes a total of 90 dwellings, as per the OPP.

Layout

- 6.13 *'Layout' – 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.* (article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the NPPG).
- 6.14 CS policy LD1 requires proposals to demonstrate that the character of the landscape has positively influenced the design and scale of the development. CS policy SD1 states that developments should create safe, sustainable, well integrated environments for all members of the community and incorporate specified requirements, which amongst others includes:
- ensure that proposals make efficient use of land - taking into account the local context and site characteristics
 - 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

- utilise physical sustainability measures that include, in particular, orientation of buildings, the provision of water conservation measures, storage for bicycles and waste including provision for recycling, and enabling renewable energy and energy conservation infrastructure
- ensuring designs can be easily adapted and accommodate new technologies to meet changing needs throughout the lifetime of the development; and
- utilise sustainable construction methods which minimise the use of non-renewable resources and
- maximise the use of recycled and sustainably sourced materials

6.15 With regards the internal routes CS policy MT1 requires development to make provision for appropriate operational and manoeuvring space, accommodate all modes of transport and to have regard to both the Council's Highways Development Design Guide and cycle and vehicle parking standards.

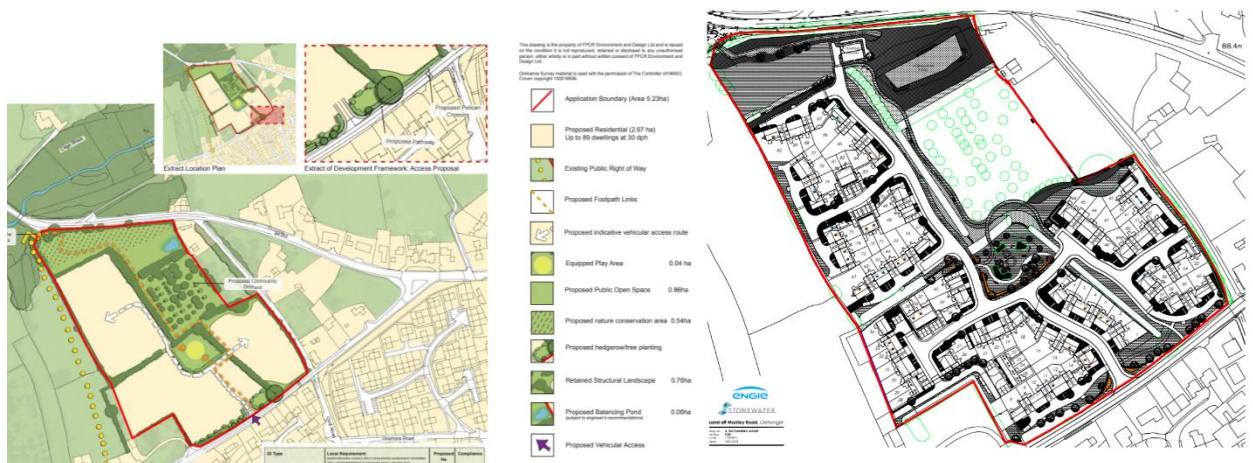
6.16 In addition policy C2 of the dCNDP states that proposals should accord with policy C6 on design, including in respect of the relationship to the character of adjoining development, settlement form and the wider landscape. C6 states as follows:

Development proposals should maintain and enhance the local distinctiveness of Clehonger Neighbourhood Area and achieve a high quality of design by:

1. *respecting and positively responding to the character of adjoining development, settlement form and the wider landscape, having regard to siting, scale, height, massing, detailing, materials and means of enclosure; and*
2. *incorporating sustainability measures to include building orientation and design, energy and water conservation, sustainable construction methods and materials, the generation of renewable energy, charging points for electric vehicles, and provision for the recycling of waste, cycle storage, communications and broadband technologies; and*
3. *in the case of proposals for new housing, incorporating private amenity space and sufficient off-road parking for vehicles and cycles commensurate with the size and type of property; and*
4. *being capable of being safely accessed from the local road network without undue local environmental impacts which cannot be mitigated. The arrangements for access should wherever practicable include provisions for pedestrians and cyclists to encourage active travel, and for powered disability vehicles; and*
5. *avoiding creating unacceptable impacts on residential amenity and tranquillity from noise, volume and nature of traffic generated, light, dust or odour; and*
6. *retaining and incorporating features of amenity and biodiversity value, such as mature trees, ponds and hedgerows, and incorporate new provision for wildlife; and*
7. *providing for new tree planting and other landscaping which is in keeping with the prevailing landscape character, uses locally appropriate and native species, integrates new buildings in their surroundings, and supports green infrastructure and the Herefordshire Ecological Network.*

Modern design approaches which take an innovative approach, including to energy efficiency and sustainability, will be welcomed where they make a positive contribution to the character of the area and contribute to local distinctiveness.

6.17 Firstly, it should be noted that condition 5 of the OPP stipulates that 'The development hereby permitted shall take place in accordance with the principles set out in the Development Framework plan no. 6137-L-02- M in so far as that plan indicates the developable areas, community orchard, play area, nature conservation area and public open space.' A copy is provided below with a copy of the proposed amended site layout for this RMs application alongside.



141964/O - Development Framework plan no. 6137-L-02- M 193878/RM – Amended Planning Layout A_102 PL20

6.18 The proposed amended layout is broadly reflective of the Development Framework Plan submitted with the OPP (141964/O) and incorporates the approved vehicular access off the B4349 and the footway on the northern side of the road to the controlled crossing (pelican) and associated dropped kerb and tactile paving features. In addition a further pedestrian link has been secured in the amended site layout to provide an improved desire line for those properties situated towards the eastern part of the site to reach the village facilities via the controlled crossing.



OPP approved access, footways and crossing C14193-003-Rev H RMs - A_118 Adoption Plan PL06

- 6.19 The layout makes provision for both footways alongside the internal roads and also recreational paths around and linking the public open spaces and play area. This means the routes within the site would provide good connectivity between the dwellings and open spaces within the site and also the village facilities, thereby encouraging non-motorised modes of travel.
- 6.20 The scheme does not include any garaging, with cycle storage provided in sheds to be located in the rear gardens. The absence is stated to be due to making efficient use of the site and reflecting local market and affordable housing demands.
- 6.21 The Area Engineer (Highways) has no overall objection to the layout, parking provision/cycle storage and pedestrian connectivity to the approved crossing facilities. A condition is recommended in respect of onsite road construction details, but this is unnecessary because condition 10 of the OPP already requires these details to be submitted. The Waste Operations Team Leader also has no objection to the proposed storage and collection points for waste and recycling bins, with a caveat to the developer if the roads are not adopted.

- 6.22 Concerns raised by some objectors in relation to construction traffic and travel plans to encourage future occupiers to make sustainable travel choices are controlled by conditions of the OPP. The applicant has confirmed that this details will be submitted for approval in due course, following the RMs approval. Procedurally this is acceptable, as there is no legal requirement or specific wording in these conditions requiring the details to be submitted with the RMs.
- 6.23 In broad terms the layout reflects the sensitivity of the northern part of the site, and locates development primarily to the south and the western part, as per the OPP Development Framework Plan. The density was set at OPP stage, with an upper limit of 90 dwellings. The internal layout, with pockets of development within the separate field parcels with their boundaries largely to remain intact, and including a simple hierarchy of street forms, descending from the primary internal road to secondary routes and finally 'lanes' and the roadside units set back from the highway beyond soft landscaped areas reflect the development pattern in the village. In addition the layout ensures that important trees are to be retained, which include some that have been subsequently been made the subject of a Tree Preservation Order (TPO 628/T3).
- 6.24 Opportunities for achieving the optimal orientation to maximise solar gain for as many dwellings as possible have been explored during the assessment of the application. The applicant has also confirmed that this was considered when the RMs scheme was prepared, however the site's constraints and need to adhere to the Development Framework Plan sets limitations. The subsequently submitted Climate Change Measures compliance checklist corroborates this and advises that the development would be built out to the latest sustainable standards set out in the Building Regulations, with a focus on the 'Fabric First' approach and low energy use. It also confirms that provision is made within the scheme for recycling/waste storage, cycle storage, electric vehicle charging points (68 plots) and notes that a travel plan is required by condition of the OPP.
- 6.25 The layout accommodates open space provision, which is secured through the s106 agreement signed at OPP stage, both in terms of the amount and timing of delivery. The site frontage includes landscaped open space, with a Local Equipped Area for Play (LEAP) towards the centre of the site and forming a focal point, and a community orchard (site of the Priority Habitat) and further open space to the north and finally a nature conservation area across the northern part of the site and adjacent to the drainage attenuation basin. The attenuation basin has been designed with sloping sides in line with CIRIA guidance, with gradients no steeper than 1 in 3 and it would only fill during extreme rainfall events, as described in the Drainage Strategy and shown on the drainage plans. For this reason, the basin is not proposed to be fenced off to the public and would therefore form part of the wider open space. As set out on the amended Public Open Space Plan there would be a total of some 2.2 hectares (of the 5.22 hectare site).
- 6.26 The play equipment would be timber and includes sculptural mounding. It is considered to be suitable for the 2 to 14+ years age range and of an acceptable value. To comply with the terms of the section 106 agreement it must be provided, along with the open space, before no more than 75% occupation of the site. In addition, the play equipment must not be used until a Royal Society for the Prevention of Accidents (or successor body/organisation) post installation inspection report, and evidence of manufacturers' warranties, of at least 5 years, have been provided to the Council.



- 6.27 The Open Space Planning Officer has no objections to the proposed open space and play equipment. The scheme therefore accords with the OPP requirements and CS policies OS1 and OS2, together with the objectives of the dCNDP and the requirements of the NPPF.
- 6.28 The submission has been supported by a Tree Survey and includes an Arboricultural Impact Assessment and Method Statement. During the assessment of the application a Tree Preservation Order (TPO 628), covering three English Oak trees on site, has been made. Following negotiations the amended scheme addresses the Tree Officer's initial concerns with regards the impact of the proposed layout on the root protection areas of some trees, including those now protected by the TPO.
- 6.29 CS policy SD1 requires development to safeguard residential amenity for existing and proposed residents. Criterion 5 of dCNDP policy C6 states that developments should avoid creating unacceptable impacts on residential amenity. The NPPF requires developments to provide safe and healthy living conditions (para 117) 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 (para 127f).
- 6.30 Firstly, with regards the impact of the development on the amenity of neighbouring dwellings, by virtue of the distance separation between the proposed dwellings and the neighbouring properties there would be no direct impact from their layout. It is appreciated that use of the open space and community orchard would introduce activity into the site where currently it has no public access. This could lead to a diminished tranquillity enjoyed by neighbouring properties near to the site's perimeter, however the principle of development and layout framework has already been established through the OPP, such that this impact has been considered already.
- 6.31 Secondly, turning to the amenity of future residents the application was supported by an environmental noise assessment, which notes that road traffic from the adjacent 'B' roads is the dominant noise source. The assessment concludes that none of the proposed properties would fall in the high risk category and the Environmental Health Officer has no objections. The layout would provide for an acceptable relationship between properties. Gardens are proportionate for the size of dwellings and are commensurate with the more recent housing stock in the village. In addition, the scheme provides for easily accessible open space and there is a network of Public Rights of Way in the vicinity for residents to access the countryside.
- 6.32 As set out in paragraph 1.7 above the applicant recognises the need to discharge the drainage conditions, amongst other, on the OPP and has confirmed that this will be dealt with following the approval of the RMs. For the purposes of ensuring that the layout submitted for this RMs application can accommodate a suitable strategy protracted discussions have taken place between the applicant's drainage consultant and the Council's Land Drainage Engineer. These have resulted in the amendment of the originally submitted layout plans to resite the attenuation

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

basin to the northeast of the site, as per the Development Framework Plan, rather than the northwest as originally shown. The drawings are supported by a Drainage Strategy. In summary, the strategy is for a mains foul connection, with pumping station provided within the site. Surface water would discharge to cellular crates beneath an attenuation basin, which would include a hydrobrake and together with the crates this would control and manage the discharge via a meandering ditch to the Cage Brook. The Drainage Strategy includes Microdrainage calculations. The Land Drainage Engineer has no objections. Welsh Water do not object to the strategy, but highlight the requirement, through the discharge of drainage conditions, to upgrade the treatment works. The submitted details confirm that the layout would accommodate an acceptable drainage strategy and consequently would not give rise to any conflicts when the drainage conditions of the OPP are sought to be discharged.

- 6.33 Taking all of the above into account it is considered that the layout is acceptable in terms of its context, routes for all modes of transport, cycle/waste/recycling storage and collection, EV charging points, open space provision, protection of trees, the relationship for existing residents and the amenity of future residents and makes suitable provision for foul and surface water drainage.

Scale

- 6.34 ‘Scale’ – *the height, width and length of each building proposed within the development in relation to its surroundings.* (article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the NPPG).
- 6.35 The scheme proposes predominantly two storey dwellings, with 6 x 1 & ½ storey units (open market one bed units) and includes detached, semi-detached and terraced units. The proportions of the dwellings are appropriate for this rural location, with the span of the units being 6.7m or less and heights typically of 7.75-7.9 metres to ridge and 4.9 metres to eaves, with the exception of house type H.



House type H – 1 bed unit

House type S – 3 bed unit

House type A – 4 bed unit

- 6.36 Taking the site’s context and mixed housing stock in the village into account, it is considered that the proposed scale is appropriate, in accordance with CS policies SD1 and LD1 and addresses the design requirements in the dCNDP and NPPF.

Appearance

- 6.37 ‘Appearance’ – *the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.* (article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the NPPG)

6.38 CS policies LD1 and SD1 states that development proposals should demonstrate that the character of the townscape has positively influenced their design and scale and new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and should respect the 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, amongst other things. The requirement of the dCNDP policy C6 are set out in full in paragraph 6.16. In summary, relative to 'appearance' it requires that schemes respect and positively respond to the character of adjoining development, settlement form and the wider landscape, having regard to siting, scale, height, massing, detailing, materials and means of enclosure. The NPPF promotes well-designed places and at para 127 states that decisions should ensure that developments:

- a) *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;*
- b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) *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);*
- d) *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;*
- e) *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,*
- f) *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.*

6.39 The proposed development would not be read closely in conjunction with the existing housing, being a greenfield site, with limited immediately neighbouring development. The proposed dwellings at the southern part of the site, facing towards the road, would be setback from the road, whilst the existing dwellings on the opposite side of the road are orientated so that their back gardens front the road. The applicant's asserted design approach is stated to be that the dwellings should not seek to recreate or generate a pastiche, but rather provide a contemporary design solution that would integrate within the fabric of the village by referencing materials, layout and street hierarchy. Overall the approach is simple, vernacular design that respects the scale of the buildings. Variety is introduced to the 8 house types through different versions with alternative roof orientations and by incorporating different materials and porch styles. The fenestration, predominantly two light casement windows, some with arched solid courses above the ground floor windows, also positively contributes to their appearance and provides a coherent design approach across the site. The same house types are used for both OM and AH units, such that they would be indistinguishable from one another.

6.40 A range of traditional building materials are proposed, such as brick, render and stone (reconstituted – forticrete), to reflect the mix across the village. Roof tiles would be either red/brown or slate grey. Porches of differing designs are included, together with brick detailing. The applicant advises that chimneys are not included on the basis that there is no need to replicate existing housing stock, and presumably also because there is no functional requirement for them. External materials samples can be a conditional requirement of the RMs approval.



- 6.41 Any street lighting would be determined at the local level through the section 38 application process, with the Parish Council being consulted. Details of highway infrastructure are required to be submitted to and approved by condition 10 of the OPP.
- 6.42 To conclude on this reserved matter it is considered that the scheme accords with CS policies LD1 and SD1, dCNDP policy C6 and the NPPF in terms of appearance.

Landscaping

- 6.43 *'Landscaping' – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features.* (article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the NPPG).
- 6.44 CS policies SS6, LD1 and LD2 apply. In summary they state that proposals should conserve and enhance those environmental assets that contribute towards the county's distinctiveness, which includes landscape and biodiversity, incorporate new landscape schemes and management thereof to ensure the proposal integrates into its surroundings, maintain and extend tree cover and new green infrastructure and protect, restore and enhance existing biodiversity, whilst creating new biodiversity features and wildlife habitats. dCNDP policy C1 states that, amongst other things, sustainable development seeks taking all opportunities to conserve and enhance the natural environment and avoid undue impacts on landscape character and biodiversity. This policy recognises that these objectives are to be sought and balanced as relevant. C4 states that

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developments should promote conservation, restoration and enhancement of sites of biodiversity interest in accordance with their status and maintain, restore and where possible enhance the contribution of habitats to the coherence and connectivity of the ecological network and their role as green infrastructure. These policies reflect the contents of chapter 15 of the NPPF.

- 6.45 As a result of negotiations amendments have been made to ensure the landscaping complies with the above policy requirements. In particular, the entrance to the site, where the roadside hedgerow needs to be displaced to facilitate the approved visibility splays. OPP condition 17 stipulates that the landscaping should include either translocation and augmentation or replanting of the hedgerow forming the boundary with the B4349. The amendments provide for removal of a section of hedgerow to facilitate the visibility splays, with replacement native species hedgerow, and supplementary planting to fill gaps in the existing, and to be retained, sections of hedgerow. In addition tree planting is incorporated beyond the hedgerow, together with understorey native bulbs planting. The inclusion of new oak trees across the site and protection and management of the orchard also ensures continuity with existing trees of value and the ecological/landscape benefits they offer.
- 6.46 To the eastern perimeter of the site existing gaps, and those created following ivy removal will be supplemented with appropriate, native species planting. Similarly the north and west boundary hedges will be retained and supplemented as necessary and the section of the west boundary to the rear of plots 28-34 would have a cleft chestnut type fence. Within the site the existing subdividing hedgerows have been retained so far as is possible, to maintain the existing field pattern. Privacy and security between plots would be achieved with 1.8m high close boarded timber fencing. Brick walls are used to demark roadside boundaries to corner plots.
- 6.47 The proposed landscaped boundaries and open spaces would ensure that the development assimilates into its context, overtime, and also would provide a range of public areas for the benefit of the community.
- 6.48 The soft landscaping has been amended, in conjunction with biodiversity net gains, and would largely result in an enhancement of the existing hedgerows and orchard, whilst providing an opportunity for social interaction, and enjoyment of quality outdoor spaces that would provide a sense of place to the benefit of the health and well-being of future occupiers and also the residents of the existing housing in the village.
- 6.49 The amended landscaping scheme fully addresses the Landscape, Tree, Ecology and Open Spaces Officer's comments and accords with the CS, dCNDP and NPPF requirements.

Others Matter Housing Mix

- 6.50 CS policy H3 requires schemes to provide a range and mix of housing units, to help the creation of the balanced and inclusive communities. On larger sites, more than 50 dwellings, it is expected that schemes will provide a range and size to meet the needs of all households, including properties capable of being adapted for those with additional needs and for the elderly and bungalows where appropriate. It confirms that the latest LHMA provides the evidence of need for the mix and range of housing types and sizes. dCNDP policy C3 housing mix states that housing proposals should be able to demonstrate that they are of a type and size that positively contribute to meeting the latest assessment of housing needs, particularly for smaller properties. It expounds this point stating that smaller 2 or 3-bedroom property will be encouraged, as well as schemes designed to meet the needs of older people, first-time buyers and young families. In addition C3 requires the affordable housing element of any scheme to be distributed across the site and be designed to be indistinguishable from the open market units. The NPPF requires developments to be inclusive and fundamentally as part of the Government's objective of significantly boosting the supply of homes the needs of groups with specific housing requirements

should be addressed. In addition planning policies and decisions should aim to achieve healthy, inclusive and safe places.

- 6.51 The scheme provides for 90 dwellings and the submitted details, including the Planning Layout Plan, confirm that of these there would be 35% affordable units, which accords with both CS policy H1 and condition 7 of the OPP. This equates to 32 affordable units and 58 open market. The affordable housing tenure mix is 10 shared ownership and 22 affordable rent.

ACCOMMODATION SCHEDULE						
Unit Name	Beds	Area Sq M (G/F)		No. Rented	No. Shared	Sub Total
A	4B6P	97	5	3	0	8
H	1B2P	46	6	0	0	6
J	2B4P	74	7	1	3	11
M	2B4P	74	5	7	4	16
P	3B5P	87	14	7	0	21
R1	3B5P	86	4	1	2	7
R2	3B5P	86	3	1	1	5
S	3B5P	86	14	2	0	16
TOTAL			58	22	10	90
% of Tenure			64.4%	24.4%	11.1%	100.0%
% Of Affordable			35.6%			

A_102 Planning Layout Revision PL20 - Accommodation Schedule

- 6.52 The Planning Layout Plan identifies the siting of the affordable housing plots. These are well distributed across the entire site and are indistinguishable from the open market house types, because they would share some of the same house types.
- 6.53 Condition 7 of the OPP requires the submission of details in respect of the phasing of delivery of the affordable units, their transfer to a registered provider, provision for retaining affordability in perpetuity and the occupancy criteria for identifying future occupiers and how this would be enforced. These matters will need to be discharged by way of a legal agreement, which can be addressed subsequently to the determination of this RMs application, but before the commencement of development, as per the wording of the condition. The applicant is aware and is progressing this matter.
- 6.54 Of the 32 affordable dwellings there would be 8 x 2 bedroom (Rented), 21 x 3 bedroom (11 rented and 10 shared ownership) and 3 x 4 bedroom (Rented). Compared to the published GL Hearn Housing Needs Assessment, there is an under provision of 1 bed units, which results in a general overprovision of 2 - 4 bed units. Nevertheless, the Strategic Housing Manager supports the scheme, in terms of unit sizes and tenure. The remaining open market dwellings, 58 in number, would provide 6 x 1 bedroom, 12 x 2 bedroom, 35 x 3 bedroom and 5 x 4 bedroom units. The number of open market 4 bedroomed units (5 units) would be less than the 17.5% (10 units) required, as set out in the GL Hearn Housing Needs Assessment and there would be more 1 bed units (6) than is required (3). There would be an approximately compliant number of 2 and 3 bed units. In terms of justification for the under provision of 4 bed units the applicant notes that the percentage requirements in the GL Hearn Assessment cover the rural part of the Hereford Housing Market Area (HMA) as a whole and are not specific to Clehonger, where the 'Seven Stars' (Persimmon) development to the east of the village includes some 20 x 4 bedroom units of its total 52 open market units (38%). It is therefore suggested that an under provision of larger units on the application site would counter the over provision delivered elsewhere in the village.
- 6.55 The house types proposed have floor areas from 45.9m² (1 bed open market units), 74.1/71.5m² (2 bed units), 86.4/86.8m² (3 bed units) and 106.6m² (4 bed units). Compared to other volume housebuilders' house types these are comparatively smaller, meaning that they would not just provide houses with the requisite number of bedrooms, but would actually deliver the smaller properties that the dCNDP seeks to achieve. No single storey properties are proposed, either for the affordable housing or open market. The applicant suggests that although there may be anecdotal support for single storey dwellings, there is no identified need or specific policy

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requirement. CS policy H3 expects larger schemes to provide a range of house types, to address the needs of younger, single people, as well as those of the elderly population, and include where appropriate bungalow accommodation.

- 6.56 To conclude, the open market and affordable housing proposed accords with policy requirements in respect of the proportions of each and their size. There is a degree of conflict in terms of the absence of single storey dwellings. The phasing and control of the affordable housing is suitably controlled by the OPP and the subsequent need to discharge condition 7.

Drainage/ Habitat Regulation Assessment (HRA) / AA

- 6.57 The foul water drainage remains as previously proposed under the OPP, to be connected to the mains sewer managed through the Clehonger Waste Water Treatment Works (WWTW), which has a final discharge to the River Wye. Condition 18 of the OPP controls this and would have to be discharged prior to the commencement of development. As this condition controls drainage the Ecologist has confirmed that a Habitat Regulations assessment is not required for this RMs application, as it will be undertaken prior to the discharge of this condition. The purpose of the drainage information being submitted with this RMs application is only to demonstrate that the layout and landscaping (RMs) accommodate a suitable drainage strategy. The Land Drainage Engineer has confirmed that the amended technical drainage details submitted with this RMs application are acceptable, and are in fact from their perspective as Lead Local Flood Authority (LLFA) are also sufficient for the purposes of discharging the OPP conditions. Nevertheless, this RMs application does not discharge condition 18, because Welsh Water need to approve the WWTW upgrade first and the applicant is fully aware of this. They have confirmed that early discussions have commenced with Welsh Water in respect of the upgrade of the WWTW and that an application for approval of details reserved by conditions will be submitted after the approval of the RMs. Once the upgraded scheme has been agreed condition 18 prevents occupation of any dwelling until the agreed scheme has been completed.
- 6.58 It can therefore be concluded that the layout and landscaping considerations for this RMs application facilitate an appropriate drainage strategy.
- 6.59 An HRA AA has been carried out in respect of the construction impacts of the development, because this was not carried out at OPP stage due a different regime being in place at that time, and for surface water. The HRA AA does not include the impacts of the foul drainage, for the reasons set out above, and Natural England have confirmed that they concur with this approach. The HRA AA concludes that there are no likely significant impacts on protected areas, subject to compliance with the approved plans.

Biodiversity Enhancement

- 6.60 The application site has been subject to appropriate ecology surveys (updated) and the RMs scheme includes biodiversity enhancement. The Biodiversity and Ecology Measures Compliance Checklist has been provided and subsequent responses by the applicant to local queries confirm the following:
- grassland habitat and orchard retained, enhanced and managed (circa 7,299m²)
 - creation and enhancement of wildflower meadow (circa 4,989m²) – foraging opportunities for birds and other wildlife
 - retention, protection and long term management of retained hedgerows and creation of new hedgerows (192m²)
 - new native planting areas – including ecological buffers and network of green infrastructure (ensuring integrity of offsite habitat features, including Cage Brook SSSI)
 - 73m² of new shrubs & 202m² of new bulb planting – promoting pollinating insects
 - 71 new trees to be planted

- Sustainable drainage attenuation basin (1,178m²) designed to accommodate native species planting that is of foraging value to wildlife, such as bats, birds, reptiles and invertebrates
- Provision of bird and bat boxes, retention of dead wood and gaps beneath fences to facilitate hedgehog dispersal

- 6.61 The Council's Ecologist has confirmed that the Ecological Management Plan (EMP) and supporting plans clearly demonstrate that the development would achieve a net gain for local biodiversity and habitats over that of the existing site. In response to the Parish Council and local concerns the agent has clarified that c. 20% of boundary fences will include suitable gaps to allow hedgehog movement and during construction processes will also provide appropriate safeguards. Furthermore, the EMP also clearly defines initial management and monitoring of the new ecological features and subsequent management is secured through relevant legal agreements. The EMP confirms that bird and bat boxes etc. would be provided and the submitted External Works Plan demarks their location. For a site of this size and for the quantum of housing proposed, it is considered to be insufficient. As a result a condition is recommended to require these details, of siting and number, to be submitted and approved.
- 6.62 With regards the raised concerns about toxic flora (Monkhood – *Aconitum nappellus*) being on site it is advised that the neither of the extended phase 1 habitat surveys (original 2014 and update during 2018) identified its presence. It is noted that it is associated with the habitat provided in the Cage Brook SSSI, so consequently it is likely that it will be found there where the habitat is more suitable. Nevertheless, the site is subject to habitat management and this covers removal of any undesirable species.

Sustainability and climate change

- 6.63 CS policy SS7 seeks to address climate change and at a strategic level this includes designing developments to reduce carbon emissions and sets out key considerations, which include ensuring design approaches are resilient to climate change impacts, and demonstrating water efficiency measures to reduce demand on water resources, amongst other things. Policy SD1 – Sustainable design and energy efficiency, also sets out that developments should utilise physical sustainability measures, such as orientation of buildings, water conservation measures, storage for bicycles, recycling and waste, and sustainable construction methods amongst other things.
- 6.64 A Sustainability Credentials Statement was submitted to support the application. It advises that the scheme adopts a 'fabric first' approach, thereby reducing energy consumption and maximising the performance of the materials and other components, before using mechanical or electrical building service systems. It states that building orientation has been a key design feature, but as expressed in other documents this is, in part, restricted due to site constraints. The lack of onsite renewable energy generation is acknowledged, however the applicant asserts that this does not render the scheme at odds with the policy when taken as a whole. Across the site there are opportunities for future occupiers to install solar panels. External electric charging points have been provided for those units with an external wall alongside the associated parking spaces. Cycle storage is to be provided in dedicated in plot sheds. The requirement to provide such storage before occupation of the dwelling to which it relates is controlled by condition 12 of the OPP, so does not need to be repeated. In addition the requirement for a travel plan will provide the opportunity to inform and incentivise future occupiers to make sustainable travel choices. Typically travel plans include incentives and information for the future occupiers to utilise sustainable modes of travel, e.g. vouchers towards bicycle purchase/bus passes and timetable leaflets.
- 6.65 The Parish Council have queried the type of heating system to be installed and the applicant has confirmed that they would be gas combi boilers, which would conform to current standards. It is appreciated that to address climate change alternative systems are preferred, with an expected ban in 2025, however at this time there is no legal or policy moratorium on the proposed heating

system. The applicant (agent's email dated 16.12.2020) has also confirmed that each dwelling would have a suitable broadband connection point prior to first occupation.

- 6.66 Water efficiency can be secured, as per the requirements of CS policy SD3(6), by condition. The policy requirement presently is higher than Building Regulations standards.

Conclusion

- 6.67 This RMs scheme is considered to provide an efficient use of land, of the density approved in the OPP and delivering a policy and OPP compliant provision of affordable housing, which would relate well to its context in terms of layout, scale, appearance and landscaping. It would incorporate quality and a variety of open space, biodiversity enhancement, whilst protecting the amenity of neighbouring residents and providing a good standard of living for future residents. The absence of bungalows results in tension with CS policy H3, but overall the housing mix is considered to be acceptable.
- 6.68 In overall terms the scheme accords with the Development Plan taken as a whole, so applying the NPPF paragraph 11c) approach to decision-taking 'approving development proposals that accord with an up-to-date development plan without delay', means that approval for these RMs should be given without delay. It is recognised that the Development Plan cannot, at this time, be taken to be 'up to date' due to the failure to complete the CS review in the requisite period. Nonetheless, this application is for the RMs of an OPP, such that the principle of development, and access thereto, has been established. The remaining relevant CS policies can be afforded significant weight by virtue of their consistency with the NPPF.
- 6.69 The dCNDP makes provision, within its settlement boundary and housing figures, for the site being delivered for 90 dwellings. This RMs scheme achieves that whilst also according with the policies as a whole. The expectations for greater green energy provision is understood, however neither CS policy SD1 nor dCNDP policy C6 direct refusal if a scheme does not deliver all the mentioned sustainability measures.
- 6.70 As set out above, at this juncture the HRA AA only needs to relate to construction impacts and surface water. The HRA AA concludes that there are no likely significant impacts, subject to conditions, and Natural England concur. The drainage impacts of the scheme are controlled by conditions of the OPP and consequently a further HRA AA would be required prior to the approval of details reserved by those conditions and again Natural England would be a consultee. For the purposes of this application, it is concluded that there would be no unmitigated impact on a protected area (SSSI/SAC), accordingly there is no clear reason to refuse and paragraph 11d)i) is not engaged.
- 6.71 Paragraph 38 of the NPPF asserts that '*Decision-makers at every level should seek to approve applications for sustainable development where possible.*' and later, at paragraph 59, that to support the objective of significantly boosting the supply of homes, including those with a specific housing requirement, means that land with permission is developed without unnecessary delay. The approval of the RMs would facilitate the delivery of a significant number of houses, helping to address the current deficit.
- 6.72 To conclude, it is considered that the proposal constitutes sustainable development and RMs approval should be given.

RECOMMENDATION

Approval of the reserved matters. subject to the following conditions and any further conditions considered necessary by officers named in the scheme of delegation to officers:

1. The development hereby approved shall be carried out strictly in accordance with the approved plans and documents:

Drawings:

A_100 Location Plan Revision PL02
A_102 Planning Layout Revision PL20
A_103 Materials Key Plan Revision PL13
A_104 Fences and Enclosures Key Plan Revision PL11
A_105 External Works Layout Revision PL12
A_105.3_Proposed_Street_Scene_1_2_&_3 Revision PL05
A_105.4_Proposed_Street_Scene_4_5_&_6 Revision PL05

A_116 Waste Collection Strategy Revision PL08
A_117 Public Open Space Plan Revision PL07
A_118 Adoption Plan Revision PL06
A_119 Parking Plan Revision PL02
A_250_Cycle Storage Details Revision PL01

SK_10 Materials and Details Palette Revision PL02
SK 200 Revision P6 – Proposed Levels – Sheet 1
SK 201 Revision P6 – Proposed Levels - Sheet 2
SK 202 Revision P6 – Proposed Levels - Sheet 3
SK200129 Revision P1 – Pumping Station Layout and Tracking

500 – Section 278 Highway Works Layout Revision P2
501 – Section 278 Levels and Setting Out
502- Section 278 Kerb Layout
503 – Section 278 combined Services Layout
504 – Section 278 Land Dedication Plan
505 - Section 278 Signing and Lining
510 – Section 278 Construction Details

P18-1455_02H Detailed POS Proposals (sheet 1 of 4)
P18-1455_03F Detailed POS Proposals (sheet 2 of 4)
P18-1455_04F Detailed POS Proposals (sheet 3 of 4)
P18-1455_05D Detailed LEAP Proposals (sheet 4 of 4)
P18-1455_06C Detailed Landscape Proposals (sheet 1 of 5)
P18-1455_07C Detailed Landscape Proposals (sheet 2 of 5)
P18-1455_08C Detailed Landscape Proposals (sheet 3 of 5)
P18-1455_09C Detailed Landscape Proposals (sheet 4 of 5)
P18-1455_10C Detailed Landscape Proposals (sheet 5 of 5)
P18-1455_11A Illustrative Landscape Sections)
P18-1455_13A Trees and Hedgerows Plan

House types:

A_121.1_House_Type_A_Plans Revision PL03
A_121.2_House_Type_A_Elevations_Render_V1 Revision PL02
A_121.3_House_Type_A_Elevations_Render_V2 Revision PL02
A_121.4_House_Type_A_Elevations_Brick Revision PL03
A_121.5_House_Type_A_Elevations_Brick Revision PL02

A_122.1_House_Type_H_Plans Revision PL02
A_122.2_House_Type_H_Elevations Revision PL02

A_123.1_House_Type_J_Plans Revision PL03
A_123.2_House_Type_J_Elevations_Brick Revision PL04

A_123.3_House_Type_J_Elevations_Render Revision PL04

A_123.4_House_Type_J_Elevations_Stone Revision PL03

A_124.1_House_Type_M_Plans Revision PL05

A_124.2_House_Type_M_Elevations_Render Revision PL03

A_125.1_House_Type_P_Plans Revision PL05

A_125.2_House_Type_P_Elevations_Stone & Render Revision PL02

A_125.3_House_Type_P_Elevations_Brick Revision PL02

A_126.1_House_Type_S_Plans Revision PL02

A_126.2_House_Type_S_Elevations_Render Revision PL02

A_126.3_House_Type_S_Elevations_Render_V2 Revision PL02

A_126.4_House_Type_S_Elevations_Render_V3 Revision PL02

A_126.5_House_Type_S_Elevations_Brick Revision PL02

A_126.6_House_Type_S_Elevations_Brick_V2 Revision PL02

A_127.1_House_Type_R1_Plans Revision PL04

A_127.2_House_Type_R1_Elevations_Render_V1 Revision PL03

A_127.3_House_Type_R1_Elevations_Brick Revision PL02

A_127.4_House_Type_R1_Elevations_Render_V2 Revision PL03

A_127.5_House_Type_R1_Elevations_Stone and Brick Revision PL02

A_128.1_House_Type_R2_Plans Revision PL03

A_128.2_House_Type_R2_Elevations_Render_V1 Revision PL02

A_128.3_House_Type_R2_Elevations_Render_V2 Revision PL03

A_128.4_House_Type_R2_Elevations_Stone Revision PL02

A_128.5_House_Type_R2_Elevations_Stone Revision PL02

A_128.6_House_Type_R2_Elevations_Brick Revision PL02

Arboricultural Impact Assessment Plans (Treescene Arboricultural Consultants)

Tree Protection Plan (Treescene Arboricultural Consultants)

Tree Retention/Removal Plan

Diagram 1. No dig construction method

Documents

Arboricultural Impact Assessment and Arboricultural Method Statement for Land off Madley Road, Clehonger Hereford (Treescene Arboricultural Consultants).

Ecological Management Plan (The Environmental Dimension Partnership Ltd – October 2020, reference edp5751_r002b)

A_310_PL01_Parking Schedule

unless amendments are first submitted to and approved in writing by the local planning authority.

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policies LD1 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

2. **Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan:**

Arboricultural Impact Assessment and Arboricultural Method Statement for Land off Madley Road, Clehonger Hereford (Treescene Arboricultural Consultants).

Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

3. **No development shall take place until a scheme of supervision by the appointed arboriculturist for the works specified in the method statement approved under condition 2 has been submitted to and approved in writing by the local planning authority. The approved scheme shall be followed for the duration of the construction phase or in accordance with a timescale to be agreed with the local planning authority.**

Reason: To ensure all retained trees are safeguarded during development works and to ensure that that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

4. **With the exception of any site clearance and groundwork, no further development shall take place until details or samples of materials to be used externally on wall, roofs and all fenestration have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

5. **Prior to their construction elevations of the approved boundary walls shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure that the boundary treatments harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

6. **Prior to the first occupation of the dwelling to which it relates provision for the charging of plug in and other ultra-low emission vehicles (e.g. provision of electric sockets) to serve the occupants shall be installed and made ready for use in accordance with the approved External Works Layout plan (A_105 External works Layout revision PL12), or an alternative scheme that has first been submitted to and approved in writing by the local planning authority.**

Reason: To address the requirements in relation to climate change as set out in policies SS7 and SD1 of the Herefordshire Local Plan - Core Strategy and the guidance contained within the National Planning Policy Framework.

7. **Prior to the first occupation of the development a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 of the Herefordshire Local Plan Core Strategy shall be submitted to and approved in writing by the local planning authority and implemented as approved.**

Reason: To ensure compliance with Policies SD3 and SD4 of the Hereford Local Plan – Core Strategy and the National Planning Policy Framework.

8. **The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity Enhancements, as recommended in the Ecological Management Plan (EDP Ltd, dated October 2020, reference edp5751_r002b) and approved, supporting plans for Public Open Space, Landscaping and Lighting Strategy, together with a plan (notwithstanding the details shown on the approved External Works Layout plan - A_105 External works Layout revision PL12), identifying the siting and total number of bird and bat boxes, hedgehog homes, pollinating insect hotels, hibernacula and refugia and timescale for their provision on site, which shall have first been submitted to and approved in writing by the local planning authority, and shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation and biodiversity enhancement features.**

Reason: In order to comply Herefordshire Local Plan - Core Strategy policies LD2, SD3 and SD4, the National Planning Policy Framework and with the Conservation of Habitats and Species Regulations (2017) as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 and the Natural Environment and Rural Communities Act (2006).

INFORMATIVES:

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
2. **The outline planning permission (reference 141964/O) to which this reserved matters approval relates is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990. Condition 7 of the outline planning permission will need to be discharged by way of a legal agreement.**
3. **The approval of these reserved matters does not approve the drainage conditions imposed on the outline planning permission. These conditions, along with any other outstanding conditions, need to be discharged in accordance with the timescales set out within each condition.**
4. **The applicant is strongly advised to engage with Welsh Water at the earliest opportunity in order to commission the reinforcement works at the receiving Waste Water Treatment Works.**

5. In the event that the roads within this development do not become adopted by Herefordshire Council, the Council will only agree to travel private roads for the purposes of waste collection if:

The council and its contractors determine that collections can be carried out safely; and

The council receive written confirmation from the landowner/developer that the roads over which the refuse collection vehicle (RCV) will travel are built to a suitable specification for a 26 tonne RCV to travel over on a frequent basis; and

The council and its contractor(s) are indemnified against damage to property and general wear and tear, other than that caused through negligence.

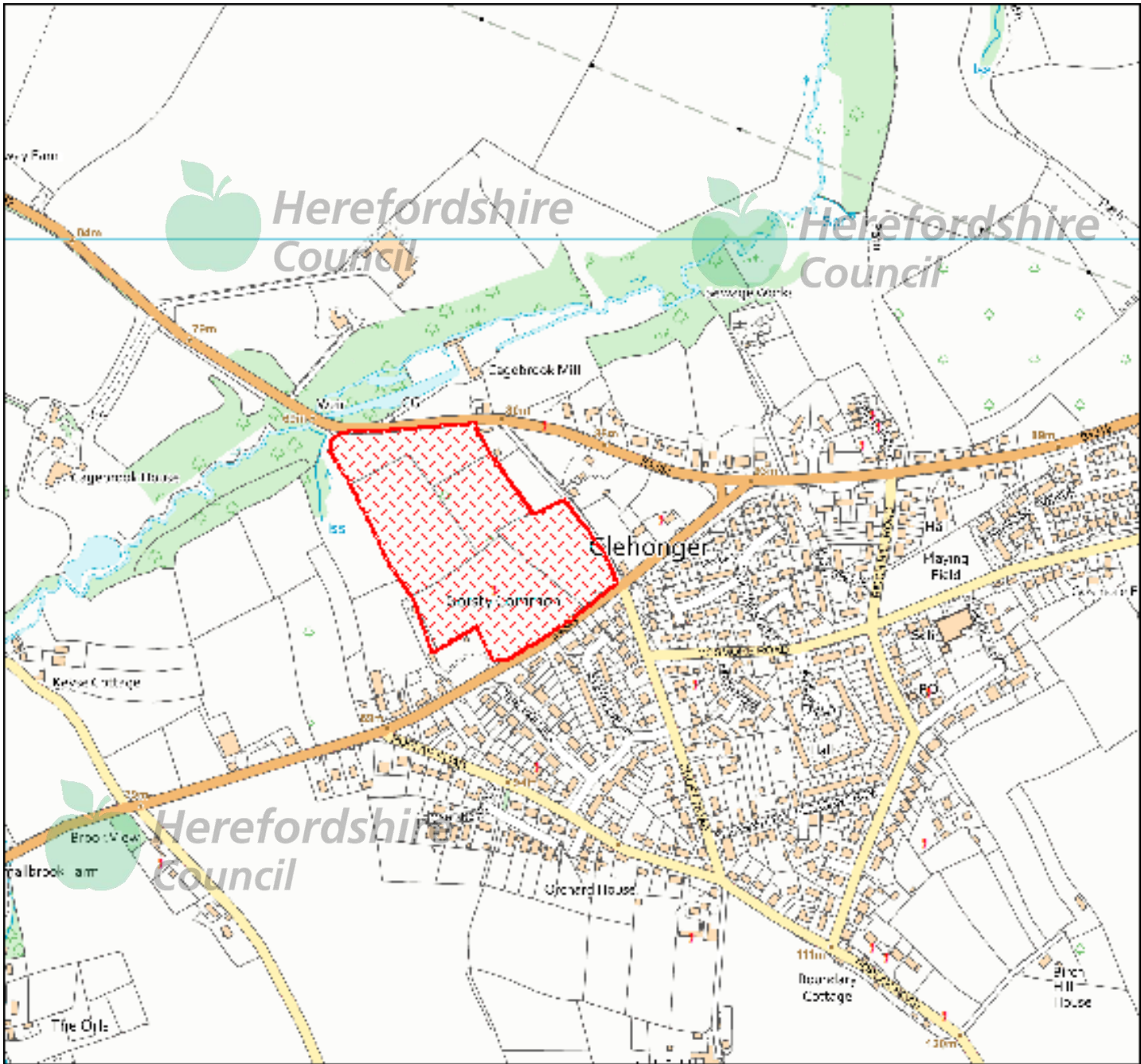
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 193878

SITE ADDRESS : LAND OFF, KINGSTONE ROAD, CLEHONGER, HEREFORDSHIRE

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

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	3 FEBRUARY 2021
TITLE OF REPORT:	202687 - PROPOSED TWO BED DWELLING AT LAND AT AMYAND DRIVE, GARDEN OF 187 WHITECROSS ROAD, HEREFORD, HR4 0LU For: Ms Little per Mr Lee Greening, 2nd Floor Offices, 46 Bridge Street, Hereford, HR4 9DG
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=202687&search-term=202687
Reason Application submitted to Committee – Member of staff	

Date Received: 17 August 2020

Ward: Whitecross

Grid Ref: 349615,240434

Expiry Date: 17 November 2020

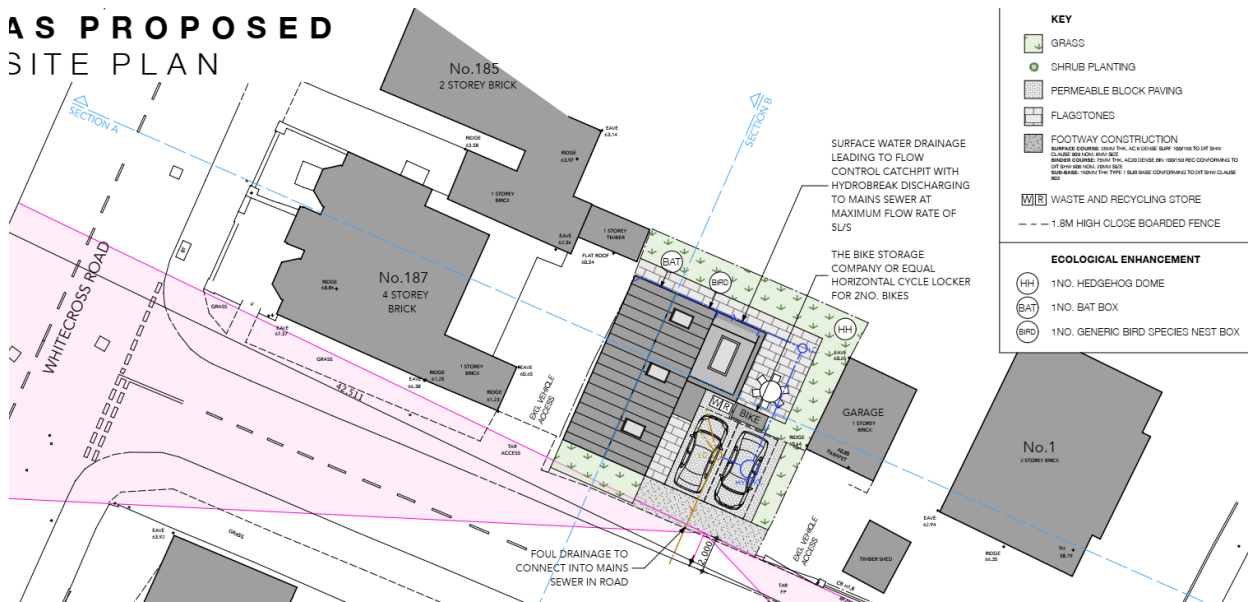
Local Member: Councillor Dave Boulter

1. Site Description and Proposal

- 1.1 The application site is an area of untidy overgrown land located to the rear of 187 Whitecross Road and although unused as garden it forms part of the curtilage of this property which has been converted to flats. The site is open and accessible from Amyand Drive which skirts along the western boundary of the site. To the south is the fenced boundary with 1 Amyand Drive which has a detached garage close to the boundary. Amyand Drive is a cul-de-sac of some 22 properties. To the east is the fenced boundary with 185 Whitecross Road which has a characteristic long, narrow garden plot.
- 1.2 Planning permission is sought for a 2 bedroom dwelling which would be sited on the edge of the existing hardstanding area serving 187 Whitecross Road. It has a floor area 10 metres by 5 metres with an additional small flat roofed element forming an L-shape on the plot. It would be 5.9 metres to the ridge and 3.3 metres to eaves. The bedrooms would be accommodated within the roof and would be served by 3 rooflights and windows in the front and rear gables. The window in the rear elevation facing the garden of 185 Whitecross Road would be obscure glazed. The cills of the rooflights have been set at 1.7 metres above the internal first floor level.
- 1.3 The building would be positioned some 2.8 metres from the fenced boundary with 185 Whitecross Road and 4.8 metres from the boundary with 1 Amyand Drive. Parking for 2 cars is available and an outdoor seating area is identified.
- 1.4 The Site Plan and streetscene/front elevation are provided for reference below.
- 1.5 The application as supported by a Design and Access Statement and an Ecological Statement and a Climate Change compliance checklist has also been submitted.

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

AS PROPOSED SITE PLAN



AS PROPOSED ELEVATIONS



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

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
HD1	-	Hereford
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
SD1	-	Sustainable Design and Energy Efficiency

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

- SD3 - Sustainable Water Management and Water Resources
- SD4 - Wastewater Treatment and River Water Quality

2.2 The Hereford Area Plan (HAP) is at the drafting stage and as such cannot be afforded weight in decision-making

2.3 National Planning Policy Framework (NPPF)

The following chapters of the NPPF are considered to be pertinent to this application:

1. Introduction
2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well designed places
14. Meeting the challenge of climate change, flooding and coastal change

2.4 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9 November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application and a review of the relevant policies has identified that they remain consistent with the NPPF and as such can continue to be given significant weight.

3. Planning History

3.1 The following history is relevant to the application site

HC960274PF Proposed development for 2 residential dwellings. Refused 30/9/96

HC950454PF Proposed development for 2 residential dwellings. Refused 22/2/96

4. Consultation Summary

4.1 Statutory Consultees

Welsh Water

We note that the application specifies the proposed method of surface water disposal will be via a main sewer. However, there is no justification within the application submitted investigating sustainable methods of surface water drainage. In the absence of this information and to ensure there is no detriment to the public sewerage system we request that should you be minded to grant planning permission the following **Condition and Advisory Notes** are included.
SEWERAGE

Condition

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

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

4.2 Internal Council Consultations

Area Engineer Team Leader

The local highway authority (LHA) has no objection to the proposals set out on plans P100 rev B and P101 rev B

(Note: comments made in relation to the extent of the highway across the frontage of the site have now been addressed through revisions to the proposed site layout)

5. Representations

5.1 Hereford City Council

Hereford City Council Planning Committee objected to Planning Application 202687. Councillors agree with Welsh Water's comments, as well as Highways England, in that there is a prevalent parking issue that has not been addressed. The proposed dwelling is cramped and does not offer future residents much access to outside space.

5.2 Third Party Representations

A total of 5 individual objections and a petition of 18 signatories have been submitted. The concerns can be summarised as follows:

- Loss of privacy
- Loss of daylight
- Additional noise
- Existing parking issue in Amyand Drive
- Significant disruption to access and existing on street parking in Amyand Drive during construction
- Proposal does not enhance look or function of Amyand Drive

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=202687&search-term=202687

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 CS Policy SS1 sets out the presumption in favour of sustainable development, which is reflective of the positive presumption enshrined by the current NPPF as a golden thread running through plan-making and decision-taking. Policy SS1 also confirms that proposals which accord with the policies of the Core Strategy (and, where relevant, other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise. Again, this is broadly reflective of Paragraph 11 of the current NPPF.
- 6.4 Policy SS2 of the CS confirms that Hereford is the main focus for new housing development in the county, followed by the five market towns in the tier below. In rural areas new housing will be acceptable where ‘it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community’. Similarly, at paragraph 78 the current NPPF advises that to promote sustainable development housing should be located where it will enhance or maintain the vitality of rural settlements.
- 6.5 The application at this time must be considered in the context of the Council being unable to identify a five year supply of deliverable housing sites or demonstrate it can meet the housing deliverability test. At paragraph 11, the framework confirms that when making decisions the ‘presumption in favour of sustainable development’ should be applied. It goes on to set out at 11 (d) that where the policies most important for determining the application are ‘out-of-date’ planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or the application of the policies in the framework provides a clear reason for refusing the proposal. At footnote 7, it is confirmed that a failure to demonstrate a five year supply of housing and requisite buffer in accordance with paragraph 73 will render relevant policies to delivering housing out-of-date.
- 6.6 It is acknowledged that, at this point in the time, the Council is unable to demonstrate a five year supply of deliverable housing sites. A supply statement has recently been published which outlines that at 1st April 2020, the supply position in Herefordshire stands at 3.69 years. As a result, the presumption in favour of sustainable development set out under paragraph 11 of the Framework is fully engaged. Permission should be granted, therefore, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the current framework as a whole, or if specific policies in the current framework indicate development should be restricted.
- 6.7 CS Policy HD1 identifies that Hereford will accommodate a minimum of 6500 homes with 3200 dwellings to be provided partly through windfall development and non-strategic sites.
- 6.8 The site is patently within the settlement of Hereford and is well located in terms of offering access to a range of services and facilities on foot and by other active means of travel. In this regard, it is considered to accord with the development plan in spatial terms.

Residential Amenity

- 6.9 It is recognised that the proposal has the potential to affect the living conditions of existing occupiers of neighbouring properties and a number of objections have raised concerns in relation to the loss of privacy and daylight. CS policy SD1 in part seeks to safeguard residential amenity for existing and proposed residents.
- 6.10 Visits have been conducted within the gardens and properties of both 185 Whitecross Road and 1 Amyand Drive which are considered to be the most affected properties. In relation to 185 Whitecross Road, there will be some loss of outlook from the ground floor kitchen window and the private seating area immediately to the rear of the property. The presence of the proposed

dwelling will also be felt within the garden more generally. However, taking into account the modest height of the dwelling (5.8 metres) and the 2.8 metres set back from the boundary it is not considered that there will be a significant overbearing impact. I have also had regard to the relative orientation of the application site with 185 Whitecross Road and consider that it will continue to receive sunlight through the majority of the day with some overshadowing arising in the late afternoon. This impact would be limited in my view and whilst acknowledging the concerns raised by the neighbour, it is not considered that the impact would be at a level where the refusal of permission was warranted.

- 6.11 In addition, the application has been amended such that the gable window serving the first floor bedroom would be obscure glazed and as such it would not result in a loss of privacy beyond that which is currently enjoyed bearing in mind it is overlooked to some extent by existing houses in the locality.
- 6.12 The impact on 1 and 3 Amyand Drive is of less concern in my view by reason of the relative distance of the side elevation of the dwelling to these properties. The flat roofed element of the dwelling would be some 12.5 metres from the nearest windows in 1 Amyand Drive with an existing detached garage providing a buffer. The first floor windows would be approximately 17.3 metres distant and the application has been amended such that the lower eaves of these rooflights would be 1.7 metres above the internal finished floor level so as to avoid direct overlooking.
- 6.13 The increased distance and orientation is such that there would be no direct impact on the living conditions of 1 and 3 Amyand Drive in your officers view.
- 6.14 It is acknowledged that there would be some disturbance during the construction phase and in this regard, a condition controlling when work can take place is considered reasonable and necessary

Access and Highway Safety

- 6.15 The NPPF sets out (at paragraph 108) that applications for development should ensure opportunities to promote sustainable transport have been taken, safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network or highway safety can be mitigated. CS Policy MT1 is reflective of this approach, as it seeks to promote active travel and development that does not adversely affect the safe and effective flow of traffic on the highway network. Further at paragraph 109 the framework sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe. A number of local concerns arise from existing on-street parking pressure and the potential impact of construction traffic.
- 6.16 It does appear to me that cars are regularly parked on the roadside opposite the site and this certainly limits the width of the carriageway. In this regard, I have no doubt that there will likely be disruption when deliveries are made to the site and when for example utility companies are making connections. This disruption would not in my view result in any serious highway safety concerns and whilst inconvenient would be a temporary disruption that would not result in any overriding impact on amenity that would justify withholding planning permission. I do consider that it would be reasonable to secure details of how deliveries and on site storage of materials would be organised in order to minimise disruption.
- 6.17 The Area Engineer has considered the suitability of the proposed access and parking arrangement and considers this to be acceptable and recommends conditions to secure provision of this as well as details of the proposed cycle storage identified on the layout plan.
- 6.18 In the context of this, whilst the concerns of the local residents and the City Council are noted, many of the issues raised are existing problems that will not be made significantly worse with the

introduction of one small dwelling. The proposal confirms sufficient parking can be provided within the curtilage of the new dwelling to prevent indiscriminate parking in the area and as such CS policy MT1 is satisfied

Design and Visual Impact

- 6.19 The site itself does not contribute in a particularly positive way to the character of the locality and whilst its undeveloped nature does reinforce the space between the older more substantial dwellings that front Whitecross Road and the later two storey development in Amyand Drive, it is not considered that the introduction of the proposed dwelling would be detrimental. In some senses the dwelling would read like an outbuilding due to its simple design and modest height and it is considered that it would represent a beneficial use of the former garden of 187 Whitecross Road, which is no longer functionally required by reason of the subdivision of the property into flats served by a smaller communal area of hardstanding.
- 6.20 The design of this 2 bed dwelling is considered appropriate, exhibiting an understated contemporary aesthetic, and its “end on” orientation and limited height make it materially very different from the two storey dwelling proposals that were refused in 1995 and 1996. This approach is considered to respond positively to the site and surroundings in a manner that accords with CS policies LD1 and SD1

Biodiversity and Drainage

- 6.21 The site has no inherent biodiversity value and no harm to protected species has been identified. In accordance with CS policy LD2 there would be an opportunity to secure some biodiversity gain and this is recommended by way of condition.
- 6.22 The application site lies within the catchment for the River Wye, which comprises part of the River Wye Special Area of Conservation (SAC), a European site covered under the Habitats Directive & the Conservation of Habitats and Species Regulations 2017). The River Wye SAC is an internationally important conservation site which has been designated for its special features of ecological and biodiversity value.
- 6.23 The application proposes to connect to the mains sewer discharging to the Eign treatment works and then to the River Wye and there is not considered to be the possibility of a likely significant effect on the Special Area of Conservation at the point of consideration, thus the development is considered to be acceptable from a HRA perspective and accords with the provisions of CS policies LD2 and SD4. Further the provisions of paragraph 177 of the NPPF are not considered to be triggered in this regard, as the application is screened out.
- 6.24 The comments from Welsh Water are noted in relation to the potential for additional surface water to discharge to the combined sewer and a condition to prevent this without the prior agreement with the statutory undertaker is considered reasonably and appropriate in order to secure compliance with CS policy SD3.

Climate Change

- 6.25 CS policy SS7 requires focus on measures to address the impact that new development in Herefordshire has on climate change, outlining how development proposals should include measures which will mitigate their impact on climate change, with policy SD1 also seeking to support these measures. Herefordshire Council has unanimously passed a motion declaring a Climate Emergency, signalling a commitment to ensuring that the council considers tackling Climate Change in its decision-making, with this resolution came a countywide aspiration to be zero carbon by 2030; and a Climate Change Checklist to aid the consideration of development proposals.

- 6.26 Proposals for residential development are considered by the council to need to help redress the climate emergency, and so notwithstanding the sustainable location of the development thus reducing the need to travel for services, the proposal is considered to need to include measures to support low-carbon ways of living & sustainable transport modes (as defined by the framework). The NPPF sets out at paragraph 108 that LPAs in assessing sites for specific applications for development should ensure that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up. Further to this paragraph 110 sets out that developments should be designed to enable the charging of plug-in and other ultra-low emission vehicles, with such vehicles contributing to the objectives of reducing reliance on fossil fuels and so climate change.
- 6.27 The application has been accompanied by a checklist and this identifies that the orientation whilst somewhat constrained does maximise passive solar gain through the use of thermally efficient glazing on the south and west facing elevations. Space is identified for secure cycle storage and refuse and recycling provision is also noted on the submitted plans. In other respects, the application makes no specific commitments although identifies that the building is capable of accommodating a MVHR system or other low carbon system, an air source heat pump, solar panels and car charging points should future occupiers wish. In line with the provision of car charging points, the government has reaffirmed by way of a Written Ministerial Statement on 18 November 2020 (Statement UIN HCWS586), the commitment to electric vehicles by seeking to “accelerate the transition to electric vehicles, and transforming our national infrastructure to better support electric vehicles” as it has announced the ban on the sale of new fossil fuel reliant vehicles by 2030, thus the need for the provision of electric vehicle charging points is amplified; it follows that to make the decision acceptable given the above material planning considerations, a condition for electric vehicle charging points is recommended to require such provisions are available for future residents.

Conclusion and Planning Balance

- 6.28 The NPPF has at its heart a presumption in favour of sustainable development which is echoed in CS policy SS1. Sustainable development is considered to consist of three key elements, 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 different objectives):
- a) An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - b) A social objective – 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; and
 - c) An environmental objective – to contribute to protecting and enhancing our 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 and adapting.
- 6.29 The three objectives of sustainable development are not criteria against which every decision can or should be judged as decisions should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 6.30 Development proposals that are considered to represent sustainable development and meet the first test benefit from a presumption in favour of the development. The second half of Paragraph

11 of the NPPF applies to the presumption in-favour of sustainable development for decision-making; 11 c) outlines that development proposals in accordance with an up-to-date development plan should be approved without delay; 11 d) outlines that where the development plan is silent or the policies most relevant for the determination of the application are out-of-date (those being the housing polices), permission should be granted unless either of the following criteria are met.

- 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.

6.31 The restrictive policies set out at Paragraph 11 are set out at Footnote 6 of the framework, they include protected areas or assets such as Special Areas of Conservation, Sites of Special Scientific Interest, Local Green Space, Areas of Outstanding Natural Beauty, designated heritage assets or areas at risk of flooding. None are considered to apply in this instance.

6.32 The application is considered to constitute a sustainable form of development. The proposed development is considered to accord with the policies and provisions of the development plan, which carries a statutory presumption and the proposal would bring some economic benefits to the area from capital investment in the development as well as contributing to the housing supply for the area in a modest manner; further there are no adverse impact of granting planning permission that would significantly and demonstrably outweigh the benefits when assessed against the provisions of the framework as a whole. Therefore the application is accordingly recommended for approval as per the recommendation set out below

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. **C01 Time limit for commencement (full permission)**
2. **C06 (drawing nos. P003 D, 100 B, 101 B, 200 E, 201 A)**
3. **C13 Samples of external materials**
4. **CE6 Efficient use of water**
5. **With the exception of any site clearance and groundworks; written and illustrative details of the number, type/specification and location of at least one electric vehicle charging point, shall be submitted to and approved in writing by the local planning authority. The electric vehicle charging points shall be installed prior to first occupation and be maintained and kept in good working order thereafter as specified by the manufacturer.**

Reason: To address the requirements policies in relation to climate change SS7, MT1 and SD1 of the Herefordshire Local Plan Core Strategy, to assist in redressing the Climate Emergency declared by Herefordshire Council and to accord with the provisions at paragraphs 108 and 110 of the National Planning Policy Framework.

6. **CB2 Secure covered cycle parking provision**
7. **C65 Removal of permitted development rights**

- 8. **C68 Obscure glazing to windows (top hung obscure glazed window and rooflights at 1.7 metres above the internal finished floor level)**
- 9. **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
- 10. **CAQ On site roads - submission of details**
- 11. **CAI Parking - single/shared private drives**
- 12. **CAT Construction Management Plan**
- 13. **CBK Restriction of hours during construction**

INFORMATIVES:

- 1. **IP2 Application Approved Following Revisions**
- 2. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

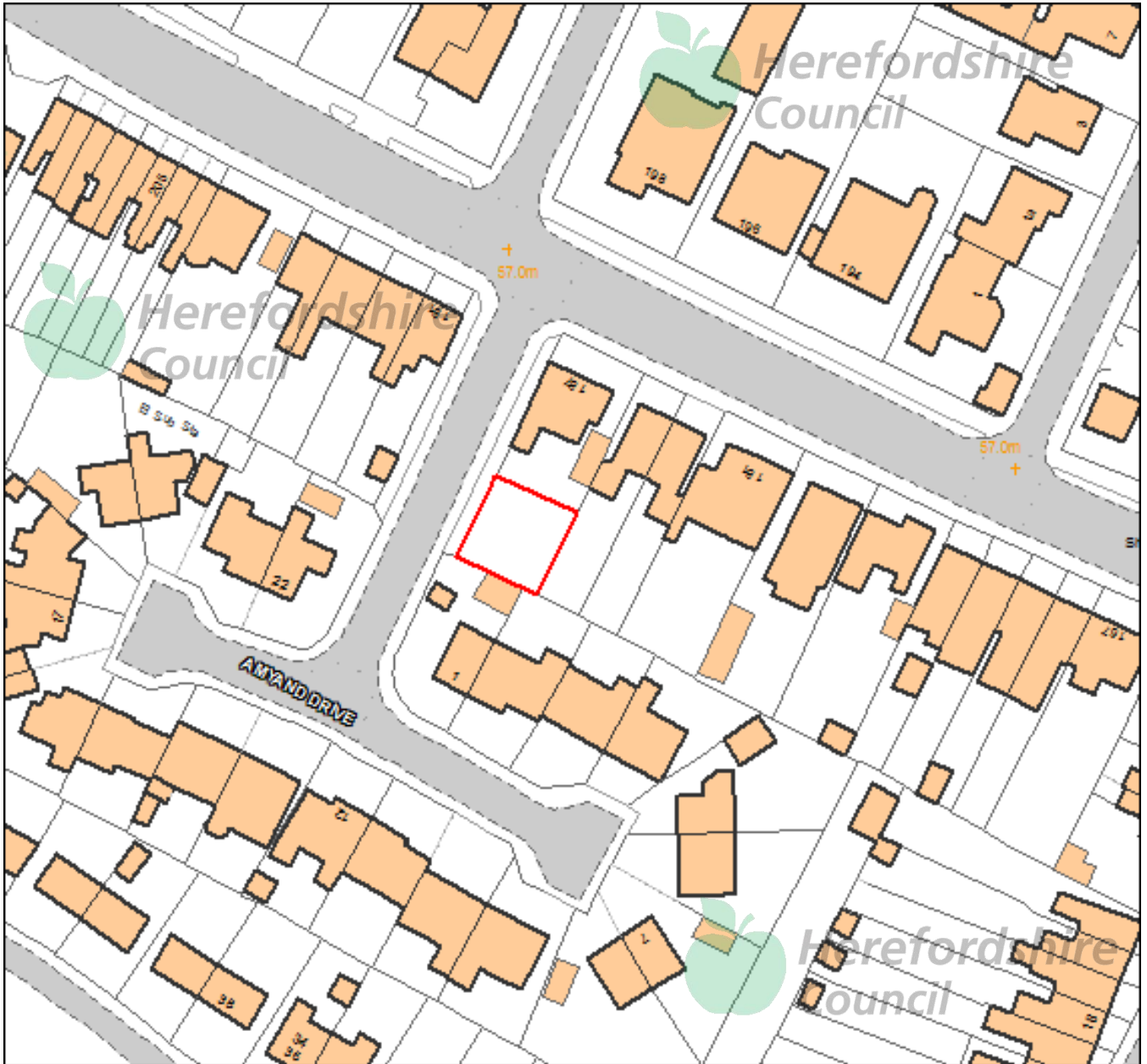
The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water industries Act 1991. Any alterations to existing premises resulting in the creation of additional premises or merging of existing premises must also be constructed so that each is separately connected to the Company's water main and can be separately metered. Please contact our new connections team on 0800 917 2652 for further information on water and sewerage connections.

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 202687

SITE ADDRESS : LAND AT AMYAND DRIVE, GARDEN OF 187 WHITECROSS ROAD, HEREFORD, HR4 0LU

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

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	3 FEBRUARY 2021
TITLE OF REPORT:	201996 - PROPOSED CHANGE OF USE OF LAND FOR THE PERMANENT SITING OF AND THE SALE OF HOT TAKEAWAY FOOD FROM A FOOD TRAILER AT 8 BELMONT ROAD, HEREFORD, HEREFORDSHIRE, HR2 7JE For: Mr D Marin, 8 Belmont Road, Hereford, HR2 7JE
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=201996&search-term=201996
Reason Application submitted to Committee – Redirection - Public Interest	

Date Received: 25 June 2020

Ward: Hinton &
Hunderton

Grid Ref: 350692,239221

Expiry Date: 25 October 2020

Local Member: Councillor Kevin Tillet

1. Site Description and Proposal

- 1.1 Number 8 Belmont Road is situated to the north west of the A49 junction with the A465 (Asda Roundabout). The property is currently utilised as a retail food store to the front of the property, a flat above and yard to the rear. The proposed location of the hot food take away is in the rear yard with access immediately off the slip road to the Asda supermarket.
- 1.2 The proposal is for a change of use of land for the permanent siting of and the sale of hot takeaway food from a food trailer. With proposed trading hours of 12:00pm to 22:00pm

Site Plan - site outlined in red



Further information on the subject of this report is available from Mr Clive Lloyd on 01432 383403

2. Policies

Herefordshire Local Plan – Core Strategy

2.1 The following policies are considered relevant to this application:

LD1	–	Landscape and Townscape
SD1	–	Sustainable Design and Energy Efficiency
MT1	–	Traffic Management Highway Safety & Active Travel
SD3	–	Sustainable water management and water resources

2.2 The Hereford Area Plan is at drafting stage and therefore is considered to carry no weight in decision making at this juncture.

2.3 NPPG (National Planning Policy Framework)

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

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

Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework (NPPF) require a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The CS was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the CS was made on 9 November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application.

3. Planning History

3.1 P193239/F – Proposed Shisha Bar – refused 31/10/2019

4. Consultation Summary

Statutory consultation summary

4.1 Highways England - no objection

4.2 Transportation Manager– no objection

4.3 Environmental Health – Noise/odour

My comments are with regard to potential noise and nuisance issues that might arise from development.

At the request of colleagues in our Street Trading and Licensing department and in response to a number of objections raised by neighbours I visited the site on 10th December and the trader on 11th December. On 12th January 2021 I undertook a further site visit.

The site visit on 10th December found the extract flue to the trailer had been extended so as to point in an easterly direction away from the closest flats – and therefore the most likely to be impacted flats at Belmont Square which I identified as being nos 13 to 18 inclusive. Almost all of the remaining flats are screened by these flats from the trailer and are significantly further away. I was not able to inspect the trailer in operation as there was no electricity supply. I could observe where cooking would take place and the odour abatement present inside the trailer and discussed

Further information on the subject of this report is available from Mr Clive Lloyd on 01432 383403

with Mr Marin his cooking processes. I noted that the most likely affected flats are to the south west and west of the trailer i.e. away from the prevailing south west wind direction. I noted that the windows to the rear eastern ground and first floor elevation to flats 15 and 16 are the closest at approximately 17m from the flue outlet. These flats also have a side elevation windows at ground and first floor of approximately 18m. All other flat windows are more than 20m away from the flue.

I visited the applicant Mr Marin who was trading in High Town in Hereford on 11th December. He had a very small deep fat fryer for chips and was cooking chicken. The stall was open sided on 2 sides and there was no odour abatement. Odour from the cooking I found to be detectable at 5m in one direction and very barely at 10m in another.

I take the view that odour from the cooking process might occasionally be faintly detectable if the wind was blowing in a north easterly direction and/or if the door to the mobile trailer was open. I do not believe it would have adverse impacts on any residents save potentially those closest I am of the opinion that odour is not likely to have significant adverse impacts if the door to the trailer is kept closed during the duration of the cooking process.

I do not anticipate that there would be street noise in the form of voices arising from the trailer as it is not intended to trade late into the night. I would recommend that no amplified music be played from the trailer. I revisited the site on 12th January when a temporary electricity supply was connected to the trailer so that I could listen to the noise generated from the internal fan serving the extract ventilation system. At this visit I noted that the fan noise was not audible to the rear of the trailer.

Our department has revisited this site and/or operation as a result of concerns raised by local residents. We take the view that providing that the following conditions are met there should be minimal, if any, adverse impacts on the very closest local residents and therefore do not object to this proposal. (In the light of equipment for example being defective or other behaviours not anticipated, our department retains legal powers and duties to investigate potential claims of Statutory Nuisance under the Environmental Protection Act 1990 which includes noise and odour).

The following conditions are:

- The access door to the mobile trailer shall be kept closed during the hours of cooking save for being used for the accessing of raw materials or disposal of waste.
- There shall be no amplified music from the trailer which is audible beyond the boundary of no 8 Belmont Road.
- Trading from the trailer shall not be outside the hours of 10.00 to 22.00 Monday to Sunday.

Please note that I have extended the trading hours from what is in the street trading licence from 10.00 to 22.00 – I have only done this because I think it was be an unreasonable condition in planning terms to specify any later

Reasons: In order to protect the amenity of occupiers of nearby properties so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-31.

5. Representations

- 5.1 Hereford City Council objected to Planning Application 201996. Councillors felt that the proposed location of the food wagon is in very close proximity to the existing dwellings of Belmont Square and would cause unacceptable noise, odours and disturbance to the local residents.

- 5.2 Seventeen objections were submitted by residents of Belmont Square, which is situated immediately behind the proposed site. A further five objections were received from residents of Belmont Road and one from a resident of Myra Villas.

All objections received raised concerns in respect of noise and smell.

- 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=201996&search-term=201996

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

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

- 5.4 A petition of support with 343 supporters was also received. However, due to General Data Protection Regulations 2018 we were unable to accept the petition.

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 The issues to be considered with this application are highway safety, principle of development in this location, residential amenity and impact on the conservation area.
- 6.4 Principle of development – Paragraph 117 of the NPPF states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other use, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 6.5 Policy LD1 of the Core Strategy states that proposals should demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection.
- 6.6 The location of the proposed development would sit to the rear of a small retail unit and in close proximity to the location of a large supermarket and petrol station. There are residential properties to the rear (western side) of the proposal. The area as a whole is a mix of retail, social (Welsh Club to the south east), and residential. The proposal is for a use that could be considered as a facility that would increase the variety of services offered to residents in the area. There would be no loss of an existing unit and it would be utilising the underused rear yard of 8 Belmont Road. Although the site is located outside the city area, the principle of this use in the location would be acceptable due to the existing mix of uses surrounding the site and sustainable transport links.
- 6.7 Highway Safety – CS Strategy MT1, states that proposals should demonstrate that the local and strategic highway network can absorb traffic impacts without adversely affecting the safe and efficient flow of traffic on the network, or that any impact can be managed to acceptable levels.
- 6.8 There is a small parking area directly adjacent to the site accessed off the slip road to Asda supermarket. In addition there are car parks within the vicinity. There are also alternative methods of transport available to the site, including walking cycling and bus stops nearby along Belmont Road and Ross Road.

Further information on the subject of this report is available from Mr Clive Lloyd on 01432 383403

- 6.9 It is noted that that neither the Highways Area Engineer nor Highways England have submitted any objections to the proposal.
- 6.10 It is considered the proposal would not impact upon the road network and therefore complies with CS policy MT1.
- 6.11 Residential Amenity – CS Policy SD1 requires that development should respect surrounding development and uses, whilst safeguarding good standards of amenity for both existing and proposed residents, and to ensure development does not contribute to adverse impacts arising from noise, light, or air contamination.
- 6.12 Given that the area has an existing mix of retail uses with their individual operating hours, close proximity to the A49/A465 junction, the proposed operating times of 10:00am to 22:00pm and that it is the opinion of Environmental Health that any possible disturbance arising from either noise or smell can be managed satisfactorily by the imposition of operating conditions, it is considered that the proposal would not have any unacceptable adverse amenity impact on residents residing in the immediate vicinity and therefore complies with CS policy SD1 and the NPPF.

Other Considerations

- 6.13 Flooding – The site is identified as being located within Flood Zone 3, and the agent has submitted a flood risk assessment.
- 6.14 It is not considered that the proposal would be unacceptable in flood risk terms, given that the area benefits from flood defences and having due regard to CS policy SD3.
- 6.15 Air Quality – The site is located on the edge of the Air Quality Management Area, however, given that no objections have been submitted by Environmental Health, it is not considered that there would be any impact on air quality to residents.
- 6.16 A street trading licence has been granted in respect of the operation for an initial period of 6 months only, to allow for monitoring and evaluation. With the following conditions;

Trading days/hours: Monday to Sunday - Not before: 1200hrs - Not later than: 2200hrs

Representations raised through the consultation process are noted and dealt with through the imposition of an initial consent period of 6 months and specific conditions (in addition to standard terms and conditions) as follows:

- The access door to the mobile trailer shall be kept closed during the hours of cooking, save for being used for the accessing of raw materials
- There shall be no amplified music from the trailer which is audible beyond the boundary of no 8 Belmont Road.

Conclusion

- 6.17 The proposed change of use in this location is acceptable and complies with all relevant policies of the Core Strategy , and therefore, this application is recommended for approval.

RECOMMENDATION

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

1. C54 (Restriction on hours of opening)

The use hereby permitted shall not be open to customers outside the hours of 10:00hrs and 22:00hrs Monday to Sunday.

Reason: In the interests of the amenities of adjoining residential amenity in the locality and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and National Planning Policy Framework.

2. The access door to the mobile trailer shall be kept closed during the hours of cooking, save for being used for the accessing of raw materials.

Reasons: In order to protect the amenity of nearby properties so as to comply with Policy SD1 of the Herefordshire Local Plan Core Strategy and NPPF

3. There shall be no amplified music played from the trailer.

Reasons: In order to protect the amenity of nearby properties so as to comply with Policy SD1 of the Herefordshire Local Plan Core Strategy and NPPF.

INFORMATIVE:

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

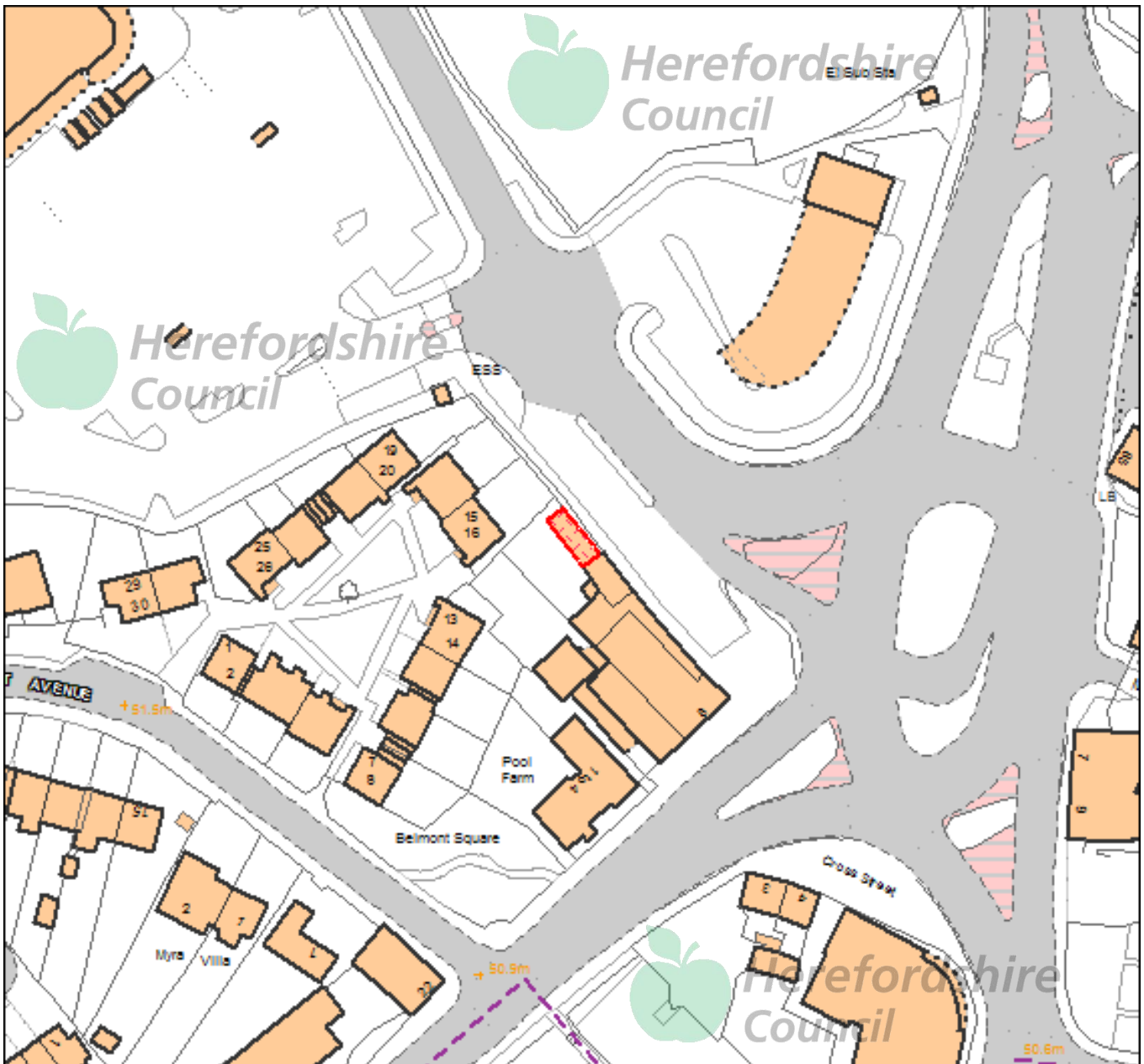
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 201996

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