

# Agenda

## Planning and regulatory committee

Date: **Tuesday 13 October 2020**

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Time: **10.30 am**

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Place: **Online meeting only**

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

For any further information please contact:

**Tim Brown, Democratic Services Officer**

Tel: 01432 260239

Email: [tbrown@herefordshire.gov.uk](mailto:tbrown@herefordshire.gov.uk)

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

# **Agenda for the meeting of the Planning and regulatory committee**

## **Membership**

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

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

## Agenda

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| <b>GUIDE TO THE COMMITTEE</b>   |  |           |
| <b>NOLAN PRINCIPLES</b>         |  |           |
| <b>1.</b>                       | <b>APOLOGIES FOR ABSENCE</b><br>To receive apologies for absence.  |           |
| <b>2.</b>                       | <b>NAMED SUBSTITUTES (IF ANY)</b><br>To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.   |           |
| <b>3.</b>                       | <b>DECLARATIONS OF INTEREST</b><br>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.   |           |
| <b>4.</b>                       | <b>MINUTES</b><br>To approve and sign the minutes of the meeting held on 30 September 2020.  | 13 - 26   |
| <b>5.</b>                       | <b>CHAIRPERSON'S ANNOUNCEMENTS</b><br>To receive any announcements from the Chairperson.   |           |
| <b>6.</b>                       | <b>201134 - LAND AT MERRIVALE LANE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5JL</b><br>Outline planning permission for 16 dwellings with all matters reserved except access.   | 27 - 68   |
| <b>7.</b>                       | <b>194418 - THE OLD HOPYARD, BLEATHWOOD, LUDLOW, SY8 4LP</b><br>Re-organisation and upgrade of the existing 'Bleathwood lodges country park' to include demolition of existing site buildings, the change of use of the on-site residential property for holiday let, the construction of a replacement facilities/meet and greet building, maintenance building, and the provision of accommodation in the form of 45 lodges, with associated access and parking. | 69 - 120  |
| <b>8.</b>                       | <b>200156 - LAND OFF MILL LANE, COLWALL, WORCESTERSHIRE</b><br>Outline planning application for a residential development with all matters reserved except for access for up to 37 dwellings.  | 121 - 166 |
| <b>9.</b>                       | <b>DATE OF NEXT MEETING</b><br>Date of next site inspection – 20 October 2020<br><br>Date of next meeting – 21 October 2020  |           |



## 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 Bernard Hunt                   | True Independents          |
| Councillor Terry James                    | Liberal Democrat           |
| Councillor Tony Johnson                   | Conservative               |
| 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 only on Wednesday 30 September 2020 at 10.30 am**

**Present:** Councillor John Hardwick (chairperson)

**Councillors:** Paul Andrews, Polly Andrews, Sebastian Bowen, Toni Fagan, Elizabeth Foxton, Bernard Hunt, Terry James, Tony Johnson, Mark Millmore, Jeremy Milln, Paul Rone, John Stone, David Summers and William Wilding

**In attendance:** Councillor Christy Bolderson

**1. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Graham Andrews and Seldon.

**2. NAMED SUBSTITUTES**

Councillor Bowen substituted for Councillor Graham Andrews and Councillor Summers for Councillor Seldon.

**3. DECLARATIONS OF INTEREST**

**Agenda item 6: 193747 – Land to the North of the B4328 Much Dewchurch**

Councillors Fagan and Milln declared other declarable interests because of a connection to the Steiner Academy.

**4. MINUTES**

**RESOLVED:** That the minutes of the meeting held on 26 August 2020 be approved as a correct record and signed by the Chairperson.

**5. CHAIRPERSON'S ANNOUNCEMENTS**

None.

**6. 193747 - LAND TO THE NORTH OF THE B4348, MUCH DEWCHURCH VILLAGE, HEREFORDSHIRE**

*(Outline application for a residential development of up to 4 dwellinghouses (all matters reserved.)*

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.

The Committee had deferred consideration of the application at its meeting on 26 August 2020.

In accordance with the criteria for public speaking, Mr A Helme, of Much Dewchurch Parish Council spoke in opposition to the scheme as a virtual attendee. Mrs R Craine, a local resident, submitted a written submission in objection to the application. This was read to the meeting. Mr P Staddon, the applicant's agent, submitted a written submission in support of the application. This was read to the meeting.

In accordance with the Council's Constitution, the local ward member, Councillor Bolderson, spoke on the application. She spoke in opposition to the scheme. She noted that a flood risk assessment had not been carried out by the applicant as the Committee had requested. There was evidence that the site flooded. She advanced a number of policy grounds for refusal.

The Committee discussed the application.

The Lead Development Manager commented that conditions provided for flooding concerns to be subject to detailed assessment at the reserved matters stage. However, it was open to the Committee to take the view that it had sufficient evidence to refuse the application on the grounds that the application site was at risk of flooding.

The local ward member was given the opportunity to close the debate. She reiterated her objection to the application. She added that there were other suitable sites for development in the parish.

The Lead Development Manager advised that any grounds for refusal should be restricted to the concerns about flood risk to the application site.

**RESOLVED: That planning permission be refused on the grounds that the application site was at risk of flooding and officers named in the Scheme of Delegation to officers be authorised to detail the conditions and reasons put forward for refusal by the committee.**

*(The meeting adjourned between 11.45 and 11.55.)*

**7. 194052 - LEMS FORD, BROAD OAK, HEREFORDSHIRE, HR2 8DZ**

*(Erection of one detached dwelling and two bungalows.)*

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

The Senior 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.

The Committee had deferred consideration of the application at its meeting on 24 June 2020. The application had at that time been recommended for approval. The updated report highlighted that the Garway Neighbourhood Development Plan had now passed through the independent examination stage and awaited a referendum. That Plan should now be attributed significant weight. This factor combined with the already identified adverse landscape character impact of the proposal had led to a change in recommendation. It was now recommended that the application be refused.

In accordance with the criteria for public speaking for virtual meetings, Mr E Partridge, the applicant's agent spoke in support of the application as a virtual attendee.

In accordance with the Council's Constitution, the local ward member, Councillor Fagan, spoke on the application. She supported the recommendation to refuse the application.

The Committee discussed the application.

The local ward member was given the opportunity to close the debate. She reiterated her support for refusal of the application.

**RESOLVED: That planning permission be refused for the following reason:**

1. **The application seeks approval for the erection of 3 dwellings in a location that is outside of the settlement boundary for Broad Oak, as defined in the Garway Neighbourhood Development Plan. Given the weight to be afforded to the Garway Neighbourhood Development Plan, the site is considered to be in the countryside and does not accord with the exceptions set out in paragraph 79 of the National Planning Policy Framework as required by policy GAR1 of the Garway Neighbourhood Development Plan. In undertaking the test set out in paragraph 11d)ii of the National Planning Policy Framework, in light of the Council's current housing land supply position, the following identified adverse impacts:**

- **Conflict with policy GAR1 of the Garway Neighbourhood Development Plan (post examination stage), which can be afforded significant weight.**
- **Landscape character harm arising from the erosion of the important rural gap between Broad Oak and the farm buildings at Caldicott Farm and the establishment of a harmful suburban linear development pattern, contrary to policies SS6, LD1 and RA2 of the Herefordshire Local Plan – Core Strategy and policy GAR4 of the Garway Neighbourhood Development Plan.**

**Which would significantly and demonstrably outweigh the benefits at a time when the supply of housing, in both the Parish of Garway and the wider Ross Housing Market Area, has exceeded the minimum growth targets. halfway through the plan period.**

**INFORMATIVES:**

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against local and national planning policy, including updating the applicant on the progress of the Garway Neighbourhood Development Plan (GNDP) and the implications of this, and any other material considerations. The applicant was advised of the implications of any conflict with the Development Plan and GNDP at both pre-application stage and during the consideration of this application. This is an issue of principle, such that it is not possible to negotiate a positive way forward.**

**8. 200680 - THE HAY MEADOW, PRESTON WYNNE, HEREFORD, HR1 3PE**

*(Erection of domestic outbuilding for purposes incidental to the enjoyment of the hay meadow, including associated extension to the residential planning unit.)*

*(Councillor Paul Andrews 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.

The Committee had deferred consideration of the application at its meeting on 24 June 2020

In accordance with the criteria for public speaking for virtual meetings, Mr K Hewison of Withington Group Parish Council spoke in opposition to the application as a virtual attendee. Mr F O'Neill, a local resident, submitted a written submission in objection to the application on behalf of himself and other residents. This was read to the meeting. Mr E Thomas, the applicant's agent spoke in support of the application as a virtual attendee.

In accordance with the Council's Constitution, the local ward member, Councillor Paul Andrews, spoke on the application. He opposed the application remarking on the scale and design of the proposed building and local opposition to it.

The Committee discussed the application.

The Lead Development Manager commented that the scale of the building, in comparison to permitted agricultural development, was relatively modest. He suggested that an additional condition on slab levels should be added. He noted the scope for the applicant to exercise permitted development rights if the application were refused.

The local ward member was given the opportunity to close the debate. He re-emphasised the local opposition to the application. He requested that, if the application were, however, to be approved the proposed conditions be enforced.

**RESOLVED: That planning permission be granted subject to the following conditions, the addition of a condition on slab levels, and any further conditions considered necessary by officers named in the scheme of delegation to officers:**

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

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

- 2 The development shall be carried out strictly in accordance with the following approved plans, Drawing Numbers:**

- Elevation and floor plans – 329 03 Rev A**
- Block plans – 329 02**
- Site location plan - 329 01**

**except where otherwise stipulated by conditions attached to this permission.**

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

- 3 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 walls, roofs and rainwater goods 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.**

- 4 The garage hereby permitted shall be used solely for the garaging of private vehicles and for purposes incidental to the enjoyment of the dwelling house as such and not for the carrying out of any trade or business.**

**Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 5 The outbuilding and access thereto must be reserved for the garaging or parking of private motor vehicles in the ownership of residents of the host dwelling and the garage shall at no time be converted to habitable accommodation.**

**Reason: To ensure adequate off street parking arrangements remain available at all times and to comply with Policy MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no garages shall be erected within the curtilage of the dwellinghouse other than those expressly authorised by this permission.**

**Reason. In the interests of the amenity of the development and to comply with the requirements of Policy SD1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 7 All surface water shall be managed through a soakaway system within the development boundary; unless otherwise agreed in writing by the Local Planning Authority.**

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

- 8 Within 3 months of completion of the works approved under this planning decision notice evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation within the site boundary of at least TWO Bat roosting enhancements and TWO bird nesting boxes should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No external lighting should illuminate any habitat enhancement, boundary feature or adjacent habitats.**

**Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), Habitat Regulations 2017, Core Strategy LD2, National Planning Policy Framework (2019), NERC Act 2006 and Dark Skies Guidance Defra/NPPF 2013/2019.**

- 9 All planting, approved scheme (Block plans – 329 02) shall be carried out in the first planting season following the first use of the building. Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans.

**Reason: To ensure implementation of the landscape scheme approved by local planning authority in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.**

**INFORMATIVES:**

1. IP2 Application Approved Following Revisions
2. The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special “protected species” such as Great Crested Newts and all Bat species that are present and widespread across the County and recorded in the wider locality around this application site. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained.

9. **202253 - 13 BACKBURY ROAD, HEREFORD, HEREFORDSHIRE, HR1 1SD**

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

The Planning Officer gave a presentation on the application. She reported that a response had recently been received from Hereford City Council stating that it had no objection to the application.

In accordance with the Council’s Constitution, the local ward member, Councillor Foxton, spoke on the application. 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. C01 – Time limit for commencement (full permission)
2. C07 – Development in accordance with approved plans and materials
3. CBK – Restriction of house during construction

**INFORMATIVES:**

1. **IP1 - Application Approved Without Amendment**

**10. DATE OF NEXT MEETING**

Noted.

**Appendix - Schedule of Updates**

The meeting ended at 1.30 pm

**Chairperson**



# PLANNING AND REGULATORY COMMITTEE

Date: 30 SEPTEMBER 2020

## 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

**193747 - OUTLINE APPLICATION FOR A RESIDENTIAL DEVELOPMENT OF UP TO 4 DWELLINGHOUSES (ALL MATTERS RESERVED) AT LAND TO THE NORTH OF THE B4348, MUCH DEWCHURCH VILLAGE, HEREFORDSHIRE**

**For: Hereford Diocesan Board of Finance per Mr Philip Staddon, 26 Lea Crescent, Longlevens, Gloucester, GL2 0DU**

## ADDITIONAL REPRESENTATIONS

On the 26<sup>th</sup> of September 2020 the following additional representation was received from the Parish Council:

*If I have missed anyone off I apologise and please could this be forwarded on to them. Much Dewchurch Parish Council would like you to view the attached photographs prior to your site visit on Tuesday and the committee meeting on Wednesday. The first four photos are of the ACTUAL proposed site, not the surrounding area, and the others are of the garden and setting of the Grade II listed Old Rectory situated directly opposite the proposed site.*



### **OFFICER COMMENTS**

The matter of flooding has been fully addressed in the Officer's Report, see paragraphs 6.19 – 6.26 and recommended conditions 12 and 13. As well as the latest technical response from the Council's consultant Land Drainage Engineer provided at paragraph 4.6 of the Officer's Report.

### **NO CHANGE TO RECOMMENDATION**

**194052 - SITE FOR THE ERECTION OF ONE DETACHED DWELLING AND TWO BUNGALOWS AT LEMS FORD, BROAD OAK, HEREFORDSHIRE, HR2 8DZ**

**For: Messrs Partridge per Mrs Julie Joseph, Trecorras Farm, Llangarron, Ross-On-Wye, Herefordshire HR9 6PG**

**ADDITIONAL REPRESENTATIONS**

On the 26<sup>th</sup> September 2020 the following five letters of objection were received from local residents:

- N Franklin:

*I am writing to you as a local resident who lives in close proximity to the above application site. The application is being reported to the Planning Committee this coming Wednesday with a recommendation for refusal.*

*I strongly urge you to follow the Officer recommendation and vote for the refusal of this application for the following summarised reasons:-*

*1) the application site lies outside of the settlement boundary of Broad Oak as set out in the Garway Neighbourhood Development Plan that has recently reached Regulation 16 Stage and that now carries significant weight following examination;*

*2) both Broad Oak itself and Garway Parish as a whole have already exceeded the 14 per cent proportional housing growth target for the period until 2031;*

*3) The proposal is the worst kind of unfettered ribbon development with resultant landscape harm; and*

*5) It would be travesty for the Broad Oak settlement boundary as set out in the Garway NDP to be breached on the very first occasion since it reached the stage whereby significant weight should be attached to it. The local community has worked tirelessly to progress the Garway Parish NDP and to undermine it at the earliest opportunity would undermine the very the democratic process that neighbourhood planning seeks to embody.*

*I trust that I can rely upon you to vote for the refusal of this application in accordance with your own Officer's professional recommendation.*

- J Harris:

*I am a local resident living close to the above application site. I understand that the application is being brought to the Planning Committee this week with a recommendation for refusal. I do hope that you follow the Officer's recommendation and vote for the refusal of this application. The reasons are as follows:*

*1) The application site lies outside of the settlement boundary of Broad Oak as set out in the Garway Neighbourhood Development Plan.*

*2) Broad Oak has already exceeded the 14 per cent proportional housing growth target for the period until 2031; the same applies to the Garway parish as a whole.*

*3) The proposal extends the ribbon development which is unsuitable for a narrow and rural country lane, and would lead to more landscape harm, in particular further loss of significant and ancient hedgerow.*

4) What is the point of the hours of work that have been put into the Garway Neighbourhood Development Plan if the Broad Oak settlement boundary is ignored at its first test? This would show a disdainful lack of respect for the local democratic process.

*I trust that you will vote against this application in accordance with your own Officer's professional recommendation.*

- C Adamson:

*I am writing to you as a local resident who lives in close proximity to the above application site. The application is being reported to the Planning Committee this coming Wednesday with a recommendation for refusal.*

*I strongly urge you to follow the Officer recommendation and vote for the refusal of this application for the following summarised reasons:-*

1). *The application site lies outside of the settlement boundary of Broad Oak as set out in the Garway Neighbourhood Development Plan that has recently reached Regulation 16 Stage and that now carries significant weight following examination. Should the Planning Committee decide to ignore the NDP by granting permission to this development then it begs the question as to why the local community has spent time and effort over several years in producing a plan that best fits the interests of the locality. Such a decision would be a travesty of the democratic process;*

2). *Garway Parish, which includes Broad Oak hamlet, has already exceeded the 14 per cent proportional housing growth target for the period until 2031;*

3). *This is yet another example of out of control ribbon development on farmland with resultant landscape and environmental harm. Already, recent unwelcome developments in the village have caused the removal of traditional, ancient field hedgerow bordering a country lane to be replaced with concrete kerb, tarmac, grassed suburban verges and urban road signage. Is this type of development really acceptable in the Herefordshire countryside? Our stunning landscape and rural setting - a draw for tourism to the county - will be forever marred by such developments.*

*I trust that I can rely upon you to vote for the refusal of this application in accordance with your own Officer's professional recommendation.*

- J Thorpe and T Fawkes:

*We are Broad Oak residents and understand that application 194052 is being reported to the Planning Committee this coming Wednesday with an Officer recommendation for refusal.*

*We are keen for you to follow the recommendation and vote for the refusal of this application based on the following considered rationale:-*

1) *the application site lies outside of the settlement boundary of Broad Oak set out in the Garway Neighbourhood Development Plan that has recently reached Regulation 16 Stage and that now carries significant weight following examination;*

2) *both Broad Oak and Garway have already exceeded the 14 per cent proportional housing growth target for the period in the parish until 2031;*

3) *in our opinion based on having lived here a number of years, this proposal spoils the particular character of the settlement of Broad Oak and surrounding countryside; and*

4) *We believe in the work put in to developing the Garway NDP and we believe that breaching the plan undermines the democracy that neighbourhood planning stands for.*

*We trust that we can rely upon your vote to refuse this application in accordance with your own Officer's professional recommendation.*

- J Blamey:

*I am writing to you as a local resident who lives in close proximity to the above application site. The application is being reported to the Planning Committee this coming Wednesday with a recommendation for refusal.*



*I strongly urge you to follow the Officer recommendation and vote for the refusal of this application for the following summarised reasons:-*

*1) the application site lies outside of the settlement boundary of Broad Oak as set out in the Garway Neighbourhood Development Plan that has recently reached Regulation 16 Stage and that now carries significant weight following examination;*

*2) both Broad Oak itself and Garway Parish as a whole have already exceeded the 14 per cent proportional housing growth target for the period until 2031;*

*3) The proposal is the worst kind of unfettered ribbon development with resultant landscape harm; and*

*4) It would be travesty for the Broad Oak settlement boundary as set out in the Garway NDP to be breached on the very first occasion since it reached the stage whereby significant weighting should be attached to it. The local community has worked tirelessly to progress the Garway Parish NDP and to breach it at the earliest opportunity would undermine very the democratic process that neighbourhood planning seeks to embody.*

*I trust that I can rely upon you to vote for the refusal of this application in accordance with your own Officer's professional recommendation.*

On the 28<sup>th</sup> September 2020 the following two letters of objection were received from local residents:

- **Katie Cripwell:**

*I am writing to you as a local resident who lives adjacent to the above application site. The application is being reported to the Planning Committee this coming Wednesday with a recommendation for refusal.*

*I strongly urge you to follow the Officer recommendation and vote for the refusal of this application for the following summarised reasons:-*

*1) the application site lies outside of the settlement boundary of Broad Oak as set out in the Garway Neighbourhood Development Plan that has recently reached Regulation 16 Stage and that now carries significant weight following examination;*

*2) both Broad Oak itself and Garway Parish as a whole have already exceeded the 14% proportional housing growth target for the period until 2031;*

*3) the proposal is the worst kind of unfettered ribbon development with resultant landscape harm;*

*4) it would be travesty for the Broad Oak settlement boundary as set out in the Garway NDP to be breached on the very first occasion since it reached the stage whereby significant weighting should be attached to it. The local community has worked tirelessly to progress the Garway Parish NDP and to breach it at the earliest opportunity would undermine very the democratic process that neighbourhood planning seeks to embody.*

*I trust that I can rely upon you to vote for the refusal of this application in accordance with your own Officer's professional recommendation.*

- **H Cripwell**

*As a neighbour of the applicant, I would like to re-iterate our objection to the Lemsford planning application.*

*1) The application site lies outside of the settlement boundary of Broad Oak as set out in the Garway Neighbourhood Development Plan that has recently reached Regulation 16 Stage and that now carries significant weight following examination; Broad Oak is already creeping outwards towards Welsh Newton with developments that have already been approved and this is very detrimental to the character of the hamlet of Broad Oak.*

2) *The Lemsford development will constitute over-development of Broad Oak. both Broad Oak itself and Garway Parish as a whole have already exceeded the 14% proportional housing growth target for the period until 2031;*

3) *The proposal is the worst kind of unfettered ribbon development with resultant landscape harm;*

4) *It would be a travesty for the Broad Oak settlement boundary as set out in the Garway NDP to be breached on the very first occasion since it reached the stage whereby significant weighting should be attached to it. The local community has worked tirelessly to progress the Garway Parish NDP and to breach it at the earliest opportunity would undermine very the democratic process that neighbourhood planning seeks to embody.*

5) *We are very concerned about all the run-off and drainage pipes from the developments already approved in Broad Oak, as well as from the Lemsford proposal. As you will see from the drainage schemes submitted with the applications below, the ultimate destination from these developments is down to Cwm Maddoc Farm, where it flows into a pond in our garden.*

*4 dwellings (P180061) Construction completed  
2 dwellings (183951) Construction commenced  
3 dwellings (194052) Lemsford*

*Recent flooding earlier this year shows clearly how the sewage and drainage systems put in place for these developments becomes completely overwhelmed in heavy rain.*

*I trust that I can rely upon you to vote for the refusal of this application in accordance with your own Officers' professional recommendation.*

## **OFFICER COMMENTS**

The above detailed representations, submitted following the publishing of the Officers Committee Report, do not raise any new material considerations.

## **NO CHANGE TO RECOMMENDATION**

|  |  |
|--|--|
| <b>MEETING:</b>  | <b>PLANNING AND REGULATORY COMMITTEE</b>   |
| <b>DATE:</b>   | <b>13 OCTOBER 2020</b>   |
| <b>TITLE OF REPORT:</b>  | <p><b>201134 - OUTLINE PLANNING PERMISSION FOR 16 DWELLINGS WITH ALL MATTERS RESERVED EXCEPT ACCESS AT LAND AT MERRIVALE LANE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5JL</b></p> <p><b>For: Ms E Wordsworth per Mr Nicholas Beddoe, York House, Blackbrook Business Park, Taunton, TA1 2PX</b></p> |
| <b>WEBSITE LINK:</b>   | <a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=201134&amp;search-term=201134">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=201134&amp;search-term=201134</a>        |
| <b>Reason Application submitted to Committee – Redirection</b> |  |

Date Received: 7 April 2020

Ward: Ross East

Grid Ref: 360120,223695

Expiry Date: 24 July 2020

Local Member: Councillor Paul Symonds

## 1. Site Description and Proposal

- 1.1 The site is located within an established residential area of Ross on Wye featuring a dwelling and its associated large curtilage totalling approximately 0.9ha. The site is, as is much of Ross on Wye, within the Wye Valley AONB. No heritage designations are on the site, however it is adjacent to a Conservation Area and unregistered historic park and garden. The existing dwelling, which is retained, is not considered to have any local heritage value.
- 1.2 The site is in, by Herefordshire standards, a highly sustainable location with employment, community and social facilities all within walking and cycling distance and the town centre equally accessible without use of a private motor vehicle.
- 1.3 The site comprises a paddock associated with no. 29 Merrivale Lane, a vacant bungalow, and is completely enclosed by chain link fencing, hedges and vegetation. There are no public rights of way across or within the site and the site is not publicly accessible. There is a public right of way adjoining the southern boundary, but this does not afford access on to the site. The site slopes gently to the east down towards Merrivale Lane.
- 1.4 The proposal is an outline application for 16 dwellings comprising 6 no. affordable units of which 3 no. are 2 bed and 3 no. are 3 bed units, and of the ten open market units, 3 no. 2 bed, 6 no. 3 bed and 1 no. 4 plus bed units with all matters reserved except access.

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

1.5 In addition to the application form, the application is supported by the following:

- Planning Statement dated March 2020 by Savills
- Drawing titled:
  - Site Location Plan, 1761 0100 Rev. C
  - Existing Site Layout, 1761 0901 Rev. B
  - Initial Proposed Site Layout, 455652/001 Rev. A
  - Indicative 3D Site Massing, 1761 0702 Rev. A
  - Site Development Diagrams, 1761 0202 Rev. A
  - Indicative Site Sections, 1761 0301 Rev. B
  - Indicative CGI View North, 1761 0701 Rev. B
- Preliminary Ecological Appraisal and separate Bat Roost Inspection Survey, both dated April 2018 by Keystone
- Phase 1 Habitat Survey Update dated 6 August 2020
- Flood Risk Assessment and Drainage Strategy by RMA Environmental dated 13 March 2020
- Utilities Map/ Plan
- Utilities Appraisal by RMA Environmental dated 19 October 2018
- Transport Statement by Simpson dated March 2020

1.6 For emphasis and clarity Members are reminded the application is an outline application with all matters reserved except access, the definitions of the components of reserved matters are as follows –

**Access:** *Access means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where “site” means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made;*

**Layout:** *Means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;*

**Scale:** *Except in the term ‘identified scale’, means the height, width and length of each building proposed within the development in relation to its surroundings;*

**Appearance:** *Means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;*

**Landscaping:** *In relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means 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.*

## 2. Policies

### 2.1 Herefordshire Core Strategy

|     |   |  |                            |
|-----|---|--|----------------------------|
| SS1 | - | Presumption in Favour of Sustainable development               | SS2 – Delivering new homes |
| SS3 | - | Releasing land for Residential Development                     |                            |
| SS4 | - | Movement and Transportation                                    |                            |
| SS6 | - | Environmental Quality and Local Distinctiveness                |                            |
| SS7 | - | Addressing Climate Change                                      |                            |
| RW1 | - | Development in Ross on Wye                                     |                            |
| H1  | - | Affordable Housing – Thresholds and Targets                    |                            |
| H3  | - | Ensuring an Appropriate Range and Mix of Housing               |                            |
| OS1 | - | Requirement for Open Space, Sport and Recreation               |                            |
| OS2 | - | Meeting Open Space, Sport and Recreation Needs                 |                            |
| MT1 | - | Traffic Management, Highway Safety and Promoting Active Travel |                            |
| LD1 | - | Landscape and Townscape  |                            |
| LD2 | - | Biodiversity and Geodiversity                                  |                            |
| LD3 | - | Green Infrastructure   |                            |
| LD4 | - | Historic Environment and Heritage Assets                       |                            |
| SD1 | - | Sustainable Design and Energy Efficiency                       |                            |
| SD3 | - | Sustainable Water Management and Water Resources               |                            |
| SD4 | - | Waste Water Treatment and River Water Quality                  |                            |

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

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

### 2.2 Neighbourhood Development Plan

The Ross-on-Wye Neighbourhood Development Plan was sent for examination on 14 October 2019, the examiner's report was received 30 January 2020 and Referendum was to be held on 2 April 2020. This has been postponed due to Covid19. However as set out in Paragraph 48 of the NPPF significant weight can be given to its policies.

The NDP and its relevant documents such as Examiners' Report and progress timeline can be viewed using the following link:-

<https://www.herefordshire.gov.uk/sitesearch?q=Ross+neighbourhood+plan>

Emerging NDP policies relevant to the application are considered to be –

- Policy EN1: Ross Design Policy
- Policy EN3: Settlement Boundary
- Policy A2: Walking and Cycling
- Policy A4: Provision of Electric Charging Points

### 2.3 National Planning Policy Framework – NPPF

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

- Chapter 2. Achieving sustainable development
- Chapter 5. Delivering a sufficient supply of homes

- Chapter 6. Building a strong, competitive economy
- Chapter 8 promoting healthy and safe communities
- Chapter 9 Promoting sustainable transport
- Chapter 11. Making effective use of land
- Chapter 12. Achieving well-designed places
- Chapter 14. Meeting the challenge of climate change, flooding and coastal change
- Chapter 15. Conserving and enhancing the natural environment
- Chapter 16. Conserving and enhancing the historic environment

## 2.4 Other Relevant Documents

Regard has also been had to the following documents –

- Wye Valley AONB Management Plan, which has statutory weight and forms part of the Local Plan
- Herefordshire Council's Landscape Character Assessment

## 3. Planning History

- 3.1 184150 – Outline planning permission for 10 dwellings with all matters reserved except access – Withdrawn.

The viability of the site was reviewed at the applicants request and cost by the District Valuer under application reference 184150. Upon the viability of the site to be developed for a higher quantum of development and provide affordable housing as part of an increased number of dwellings being proven, the application was withdrawn and following further discussions the application now before Members was submitted.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 **Environment Agency** has no objection to the proposed development and would offer the following comments for your consideration at this time.

*Pollution Prevention:* Published geological maps indicate the site is underlain by the Brownstone Formation, comprised of micaceous sandstone, which is classed as a Secondary A Aquifer. Secondary A aquifers are permeable strata capable of supporting water supplies at a local rather than strategic scale and in some cases forming an important source of base flow to rivers. No drift coverage is shown to be present at this location.

The site is located within Source Protection Zone 1 (inner protection zone) for a public supply borehole. Please refer to The Environment Agency's Groundwater Protection Position Statements for further guidance, particularly with regard to SPZ1.

<https://www.gov.uk/government/publications/groundwater-protection-position-statements>

The discharge of clean roof water to ground is acceptable both within and outside SPZ1 provided that all roof water down-pipes are sealed against pollutants entering the system from surface run-off, effluent disposal or other forms of discharge.

Soakaways should only be used in areas on site where they would not present a risk to groundwater. Developers should incorporate pollution prevention measures to protect ground and surface water.

- 4.2 **Herefordshire & Worcestershire Clinical Commissioning Group** comments *The existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development.* The development could generate an additional 38 residents and subsequently

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

increase demand upon existing constrained services. The development would have an impact on primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable. The proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.

A developer contribution will be required to mitigate the impact of this proposal. Herefordshire & Worcestershire CCG calculates the level of contribution required in this instance to be £6,000. Payment should be made available before the development commences. Herefordshire & Worcestershire CCG therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.

Assuming the above is considered in conjunction with the current application process, Herefordshire & Worcestershire CCG would not wish to raise an objection to the proposed development. Otherwise the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.

- 4.3 **Welsh Water** comments: We have reviewed the information submitted as part of this application with particular focus on the Flood risk Assessment and Drainage Strategy ref RMA-C1894 which provides high level principles for both foul and surface water. We have no objection to a foul water connection to the public sewer however encourage further investigations on the surface water to utilise sustainable drainage features or to drain to an existing watercourse. Therefore, if you are minded to grant planning permission we request that the following Conditions and Advisory Notes are included within any subsequent consent.

#### Conditions

No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system. Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

#### Internal Council Consultations

- 4.4 **Transportation Manager** has no objection and comments: The submitted site plan has included a number additions highlighted previously. Further changes need to be provided as part of the reserve matters stage is to provide a footway which meets HC standard around the radius of the kerb line adjacent to plot 12.

The changes around the PROW and other highways works will be covered by condition.

|     |   |  |
|-----|---|--|
| CAB | - | Visibility Splays 2.4 x 43             |
| CAE | - | Vehicular access construction          |
| CAH | - | Driveway gradient                      |
| CAI | - | Parking – single/shared private drives |
| CAP | - | Highways Improvement/off site works    |
| CAQ | - | On site roads - Submission of Details  |
| CAR | - | On site roads – phasing                |
| CAT | - | Construction Management Plan           |
| CAX | - | Direction of proposed lighting         |
| CB2 | - | Secure covered cycle parking provision |

4.5 **Principal Natural Environment Officer (Landscape)** comments: This is a desk based response. As stated in the previous application (184150) there is no landscape objection to the principal of residential development on this site, where the surrounding context is residential. If the application is to be approved then a condition should be added for a landscape scheme to be provided, including a survey and protection of existing boundary trees and hedgerows, together with proposed planting details and hard landscape details (surfaces, boundaries and other external structures). In reviewing the sketch layouts provided for guidance with this application the layout is unlikely to be acceptable. The following comments are offered:

- Existing and proposed levels are required and an evaluation of how the built form could better work with the existing slope. The planning statement includes that the larger properties are at the top of the hill, but these would be visually prominent and out of context with the adjoining bungalows on Princess Way and the existing site bungalow.
- The SUDs pond requires reviewing and enhancing. As previously stated it would be better integrated into a public open space, with additional biodiversity enhancement, making a positive contribution as an attractive site feature, rather than an engineered rectangle stuck in the corner of the site at the back of one house.
- The roadside boundary to Merrivale Lane will need careful consideration to create a new positive streetscene.
- The centre of the site is dominated by a large, blank area of hard surfacing (for the drop off bay, maintenance access, driveways for units 7 & 8 and car park) – this should be laid out as efficiently as possible to reduce hard surface, increasing soft landscape and reducing runoff.
- Units 8 – 12 do not sit comfortably stepping up the hillside and could benefit from a more organic layout that is interspersed with planting.
- For areas of public open space the intended use and layout should be clear and the long term management and maintenance set out.

4.6 **Principal Natural Environment Officer (Trees)** comments I have carried out a desk top survey, viewed the drawings and have the following comments regarding the outline planning application for 16 dwellings –

The indicative plan indicates that trees currently present will be retained. The Populus spp which jut into the middle of the site are the dominant trees and it's appreciated that they are to be retained. Elsewhere the site has a collection of trees of varying species and ages located on boundaries.

I don't feel that there are any contentious issues with this application and don't see a need for arboreal reports prior to reserved matters. However on account of potential development there will be a need for a tree report and soft landscaping plan at the reserved matters stage.

The tree report should be written using the guidance provided by BS5837:2012 Trees in relation to Design, Demolition and Construction. It shall contain:

- Tree survey
- Tree constraints plan
- Arboricultural Impact Assessment
- Tree Protection Plan

The Soft Landscape Plan shall consist of:

- Quantity
- Size
- Species
- Position or density of all trees to be planted
- Management Plans.



4.7 **Principal Natural Environment Officer (Ecology)** comments on receipt of further requested details: Thank you for the updated ecological walkover assessment (Keystone Ecology, dated August 2020), confirming conditions on the application site are as per the original ecological survey report (Keystone Ecology, dated April 2018), and there are no changes to the recommendations regarding site ecology.

As per my original comments, alongside conditioning the recommendations included with the bat survey reports and ecology report (Keystone Ecology 2018), the following items have been conditioned: an Ecological Working Method Statement (EWMS), Tree and Hedgerow Protection plan, and Biodiversity Enhancement Plan.

The recommendations from the ecology assessment emphasise the need for all vegetation clearance works to be supervised by an ecologist, should great crested newts or reptiles be found beneath suitable terrestrial refuges. Therefore prior to any works commencing, an Ecological Working Method Statement (EWMS) should be conditioned.

*Bat surveys:* The existing building on the site were surveyed in June 2018, and found not to support any roosting bats, although bat foraging and commuting, particularly on the western site boundary, was noted. It is likely that the trees and open grassland form important bat foraging and commuting habitat in the local area. Maintaining dark corridors along all boundaries (in particular the western boundary) and hedgerow links connecting this site to the local area should be maintained. No external lighting should illuminate any of the enhancements or boundary features and all lighting on the development should support the Dark Skies initiative.

*Tree and hedgerow protection:* It is proposed that the existing dwelling and mature trees will be retained within the development layout. All trees and hedgerows should be protected by appropriate Root Protection Zones, in accordance with BS5387: 2012 Trees in Relation to Construction.

Where appropriate, gapping up existing of hedgerows to enhance the existing onsite habitats should form part of the landscape management plan. All trees and shrubs used in the planting scheme should be locally characteristic, native species taking climate change and pest-pathogen resistance in to consideration. This planting/landscaping scheme should be supplied for approval as part of this application.

As per NPPF Guidance, NERC Act and Core Strategy LD2 all developments should show how they will enhance the local biodiversity (biodiversity net gain). A detailed biodiversity enhancement plan is requested, to include provision of bat roost features (eg. roof tiles, wall mounted or built-in roost boxes), and bird boxes, hedgehog homes and insect hotels.

The site falls within the River Wye SAC catchment and 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 foul water and surface water as ‘likely significant adverse effects’. The applicant has indicated in their application that foul water will discharge to mains sewer and surface water will outfall to SuDs (on site soakaway and attenuation feature). Subject to this mitigation being secured through a relevant condition a conclusion of ‘NO Likely Significant Effect’ has been returned by this LPA.

#### Condition Eco-04 – Nature Conservation – Ecology Protection and Mitigation

The ecological protection, mitigation, compensation and working methods scheme, as recommended in the reports by Keystone Ecology, including ecological assessment report (Keystone Ecology, dated April 2018), and bat survey reports, (Keystone Ecology Bat Roost Inspection Report, dated April 2018) and Keystone Ecology Bat Roost Characterisation Report,

dated June 2018) shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority.

*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*

#### Condition Eco 12 – Nature Conservation Ecological Working Methods

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 newt, reptiles and badgers. The approved EWMS shall be implemented in full unless otherwise agreed in writing by the planning authority.

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

#### Eco Condition - Nature Conservation -Tree & Hedgerow Protection

Prior to commencement of any site preparation or construction a retained tree and hedgerow protection scheme, based on BS5837:2012 shall be erected and hereafter maintained until all works have finished and spare materials and all equipment have been removed from site.

*Reason: To ensure that all trees, hedgerows and biodiversity features are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies LD1-3.*

Informative: For hedgerows the protection buffer should not be less than 2m from the woody stem of any hedgerow shrub or tree. No lengths of hedgerow or trees should be cut or removed during the bird nesting season (March-August inclusive) without a thorough check by a qualified ecologist no more than 48 hours prior work commencing. At all other times the applicant should be aware that any disturbance or damage to nesting birds and protected species is a criminal offence under wildlife legislation.

#### Condition Eco 11 – Nature Conservation Biodiversity Enhancement Plan (Net Gain)

Prior to commencement of development a fully detailed and specified Biodiversity Enhancement Plan including a relevant location plan that is appropriate with the scale, nature and location of the development including provision of fixed habitat features, such as hedgerow enhancement and attenuation pond shall be provided to the planning authority for approval. The approved scheme shall be implemented in full and hereafter maintained unless otherwise agreed in writing by the planning authority.

*Informative: Fixed habitat features include but are not restricted to features such as bat roosting opportunities, bird boxes, insect hotels/houses, hedgehog homes & hedgehog friendly boundary features and amphibian/reptile refugia. Habitat enhancement could include wildlife friendly SuDS, tree and shrub planting (usually locally characteristic or directly associated cultivars of native species), wildflower meadows and Traditional ('standard') Orchards. The applicant is advised to seek the advice of an ecological consultant when completing the Biodiversity Enhancement plan.*

#### Condition – Mains Sewer and Surface Water to Sustainable Urban Drainage

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

*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.*

4.8 **Principal Building Conservation Officer** comments: *Having looked through the documents provided, my initial thoughts are as follows:*

- The site is within an established residential area, and although currently undeveloped, on simply planning terms I can't see any over-riding argument why this is not suitable for some residential development
- With regard to any heritage impact, the site borders the Ross on Wye Conservation Area, but the nearest listed buildings are in Alton Street and are not visually linked to the site, so any development here will not impact on their setting
- There is potential for some below ground archaeology so if minded to support the proposal, a site evaluation needs to be carried out to support the application
- In terms of design, the most important area of the site will be that which borders onto Merivale Lane, so the houses in this location will require particularly careful detailing, but I would still expect the design of all the houses to be site specific, to reflect the prevailing character of the area in terms of scale, massing and materials, but to be of contemporary design.

4.9 **Archaeology Advisor** comments: *Having assessed the archaeological potential of the site, I am of the view that the interest is very limited. Accordingly I have no objections, and no further comments to make.*

4.10 **Environmental Health Service Manager (Noise / Nuisance)** comments with regard to potential noise and nuisance issues that might arise from development, From this perspective please be advised that we have no objections on noise and nuisance grounds to this proposal.

At any reserved matters application, please advise the application that we would expect a condition requiring a Construction Environmental Management Plan prior to the commencement of the development. This is to safeguard the amenity of neighbouring residential premises.

4.11 **Public Rights of Way Manager** Comments. The proposed development would not appear to obstruct public footpath ZK26. Any proposed hedges/shrubs etc along the boundary with the right of way must be kept well maintained by the occupiers to ensure they do not encroach onto the footpath.

4.12 The **Land Drainage Engineer** comments. The Applicant stated that two alternative options for surface water drainage strategy are considered – subject to the results of soil infiltration testing. The considered options are as follow:

- If infiltration is found to be feasible – roof runoff will be discharged to the ground via individual soakaways within private garden areas. Driveways, parking areas and the road could drain to the attenuation basin with eventual discharge to the watercourse or public combined sewer at a discharge rate of 2l/s. The Applicant also stated that the driveways and parking areas cover an area less than the roof areas (i.e. 760m<sup>2</sup> compared to 1200m<sup>2</sup> respectively) and therefore the attenuation basin would not need to be increased in sized compared to that currently shown, given that in this scenario roof runoff could utilise individual soakaways instead.

- If infiltration is found to be not feasible – driveways and parking areas could be constructed of permeable paving with a sub-base and impermeable lining. The sub-base would provide the appropriate attenuation for these areas and would have a controlled discharge to the attenuation basin, which in turn (together with the runoff from roofs and road) would discharge to the watercourse or the public combined sewer, with a discharge rate limited to 2l/s. Alternatively, the attenuation basin could be increased in size to accommodate the additional runoff from the driveways and car parking areas, which could be achieved if desired, given that the application is for outline permission and the layout (or the final impermeable area) is yet to be fixed.

The submitted statement provides satisfactory information on alternative surface water drainage strategy options.

### Overall Comment

We have no objection to the proposed development on the flood risk and drainage grounds. As advised in our previous response, it is recommended that the following information is submitted as part of a reserved matters application:

- Confirmed method of surface water disposal with detailed drawings of the proposed design that demonstrate the inclusion of SuDS, where appropriate, and location and size of key drainage features
- Detailed drawings of the surface water and foul water drainage strategies
- Detailed drawings of proposed features such as infiltration structures and attenuation features
- Results of infiltration testing in accordance with BRE365, undertaken at appropriate locations/depths
- Details of how surface water runoff from hard paved and vehicular surfaces will be prevented from entering the roof water attenuation basin
- 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. FEH 2013 rainfall data is expected
- 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. FEH 2013 rainfall data is expected
- Calculations that demonstrates that the proposed drainage system will have sufficient capacity to cater for up to the 1 in 100 year event and allowing for the potential effects of climate change. FEH 2013 rainfall data is expected
- Detailed calculations of proposed infiltration features informed by the results of infiltration testing. FEH 2013 rainfall data is expected
- Revised greenfield calculations for the intended non permeable area, using FEH methods and 2013 rainfall data
- Proposed discharge rates for the 1 in 1 year, Qbar, 1 in 30 year and 1 in 100 + CC events using FEH 2013 rainfall data, and demonstration of how runoff rates and volumes during smaller rainfall events have been reduced as far as practicable
- Confirmation that discharge to a public sewer has been agreed with the relevant sewerage authority
- Confirmation of maintenance arrangements for all drainage features.

If the results of infiltration testing indicate that infiltration will not provide a feasible means of managing surface water runoff, we highlight that discharge to a watercourse should be sought in the first instance. Best practice SUDS techniques should be considered and we promote the use of combined attenuation and infiltration features that maximise infiltration during smaller rainfall events.

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

#### 4.13 **Open Spaces Officer** comments:

##### Open Space Requirements

*Relevant Policies:* Residential development is required to provide open space in accordance with the following national and local planning policies and evidence bases.

##### *National Planning Policy Framework (NPPF):*

- Paragraph 96: Open Space and Recreation: provision of what open space, sports and recreational opportunities required in a local area should be based on robust assessments of need

##### *Core Strategy(CS)*

- OS1: Requirements for Open Space, Sports and Recreation Facilities
- OS2: Meeting Open Space and Recreation Needs

##### Evidence Base and Standards (off site)

##### *Children's Play:*

- Herefordshire Play Facilities Study and Investment Plan 2014
  - These recommends where future investment in formal play should be directed to maximise the benefits to the local community

##### *Outdoor Sports:*

- Playing Pitch Assessment 2012 and update 2014, Outdoor Sports Investment Plan 2019.
  - These recommends where future investment in outdoor sport should be directed to maximise the benefits to the local community

##### Off-site Contributions

The site location plan does not indicate any on-site POS or children's play. This is supported as the site is for 16 houses only and any on-site provision would provide little more than visual amenity value and potentially offer little in play or recreational value.

As such the Planning Statement includes details of off-site provision as set out in the Planning Obligations section: s.106 contributions arising from 10 x OMU (3 x 2 bed, 6 x 3 bed and 1 x 4 bed) and in particular:

- Open Space contribution: £14,954
- Outdoor Sports contribution: £10,820

Children's Play Facilities/Open Space contribution: £14,954: The open space contribution accords with the SPD on Planning Obligations for a development of this size and bed space as described above. The contribution is actually secured towards improvements to children's equipped play areas in the vicinity and in particular would be used towards play areas and open space at Dean Hill and Rope Walk, which are both neighbourhood play areas within acceptable thresholds of the development and in accordance with the Play Facilities Investment Plan both require investment.

Outdoor Sports Contribution: £10,820: The Herefordshire Outdoor Sports Investment Plan includes a list of priority projects for cricket, football, hockey rugby, tennis, bowling, cycling and athletics.

- It has been prepared by the Herefordshire Outdoor Sports Partnership including Sport England, National Governing Bodies (NGB) including the Football, Cricket, Hockey and Rugby and the County Sports Partnership.
- It is annually reviewed and provides up to date information on clubs and facilities in accordance with Sport England's requirements to review the Playing Pitch Assessment.
- It provides a list of priority projects for outdoor sports facilities which will address shortfalls in provision (quantity and quality) as identified in the Playing Pitch Assessment and subsequent reviews and as supported by the relevant NGB in both their regional and local facilities development plans.
- Projects are considered to be sustainable in helping to meet the needs of both the existing and future populations (future proofed to 2031)
- The methodology used to assess requirements arising from new development is considered to be CIL compliant.

As part of the annual review in April 2020, the Outdoor Sports Partnership agreed that additional projects for both tennis and hockey should be included in the investment plan for Ross. Details for cricket and in particular facilities at Ross Sports Centre are pending further information from Herefordshire Cricket Board who are currently reviewing their facilities development plan which should be complete later this year and in time for the October partnership meeting.

The inclusion of projects for tennis and hockey will increase the amount per OMU house that is asked for to £1,512 per unit from £1,082. This will need to be ratified by the Planning Obligations Manager. But if agreed for 10 OMU this equates to **£15,120**

The contribution would be used towards one of the following projects which support both existing and future requirements to support the growth of membership in each sport as summarised below:

- Football: Ross Football Club and other local clubs: Ross Sports Centre: improvements to existing grass pitches and additional junior pitches to meet identified deficiency
- Football: Ross Football Club and other local clubs Ross Sports Centre: extend the existing pavilion to accommodate and additional 2 x changing rooms
- Rugby: Ross Rugby Club at Greytrees. 2 x additional changing rooms and new club room
- Tennis: Ross Tennis Club: Upgrade facilities: Phase 1 Floodlights and resurfacing courts 3 and 4, Phase 2 Practice wall and car park, Phase 3: 2 new courts
- Hockey: Ross Hockey Club: upgrade sand based ATP at John Kylre High School

#### 4.14 **Strategic Housing Manager** *is in support of the delivery of 16 dwellings.*

Policy H3 ensures there is an appropriate mix of housing that will contribute to the creation of balanced and inclusive communities by providing housing to meet the needs of all households.

The Herefordshire Local Housing Market Assessment (LHMA) gives an indication of what unit sizes are required for both the open market and affordable housing and should be taken into account when planning a scheme.

The site sits within the HMA of Ross on Wye and the needs data indicates the greatest need is 2 and 3 bedroom accommodation. With that in mind, Strategic Housing is happy to support the proposed mix of mainly 2 and 3 bedroom properties and one 4 bedroom property.

In line with Policy H3, we would look to secure 40% of the site to be affordable housing as stipulated below:

- 3 x 3 bed - low cost market
- 3 x 2 bed - low cost market

4.15 **Education** comments. The educational facilities provided for this development site are Early Years, Ashfield Park Primary School, John Kyrle High School and Ross Youth.

Ashfield Park Primary School has a planned admission number of 60. As at the schools spring census 2020:-

- All year groups had spare capacity- no contribution requested

John Kyrle High School has a planned admission number of 210. As at the schools spring census 2020:-

- 4 year groups are at or over capacity- Y7=217, Y8=257, Y9=213, Y11=236

Approximately 1% of the population are affected by special educational needs and as such the Children and Families Directorate will allocate a proportion of the monies for Primary, Secondary and Post 16 education to schools within the special educational needs sector.

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

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

| Contribution by No of Bedrooms | Pre-School | Primary | Secondary | Post 16 | Youth  | SEN  | Total  |
|--------------------------------|------------|---------|-----------|---------|--------|------|--------|
| 2/3 bedroom house or bungalow  | £244       | £0      | £1,949    | £87     | £583   | £138 | £3,001 |
| 4+ bedroom house or bungalow   | £360       | £0      | £4,002    | £87     | £1,148 | £247 | £5,844 |

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

4.16 The **Planning Obligations Manager** has confirmed the Section 106 requirements to be secured should planning permission be granted. These are set out within paragraph 6.16 of the Report, below.

## 5. Representations

5.1 **Ross on Wye Town Council** has no objections providing the proposed conditions are met. The site is allocated for housing within the NDP subject to:

- existing hedgerows being retained and reinforced except where road and footpath access is required or frontage development is proposed
- a detailed arboricultural survey and site specific design considerations, the group of trees around the existing house and the trees in the upper garden are retained
- a desk based archaeological study to be undertaken
- road access to be off Merrivale Lane

- additional pedestrian access to be provided from the path to the north west In addition the comments of the Landscape Officer are supported. The vehicular access arrangements will need close attention to ensure road safety.

5.2 **Twenty letters of objection** have been received, comments are summarised as:

- Impact on and increase in traffic
- Highway safety
- Parking concerns
- Decision should be held until after Referendum on NDP and Town Council can hold public meetings
- Impact on adjoining amenity and privacy
- Loss of open space and green habitat
- Impact on ecology and protected species
- Concern regarding drainage and surface water

5.3 **West Mercia Police** comments they *do not wish to formally object to the proposals at this time*. However there are opportunities to design out crime and/or the fear of crime and to promote community safety. I note that this application does not make any specific reference to Secured by Design scheme or indeed any specific mention of Crime Prevention measures. There is a clear opportunity within the development to achieve the Secured by Design award scheme and by doing so address the Approved Document Q requirements.

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

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=201134&search-term=201134](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=201134&search-term=201134)

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

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

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

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

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

6.3 With regards to heritage, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the*



*Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

## **Herefordshire Core Strategy**

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

- improve accessibility within Ross-on-Wye by walking, cycling and public transport, particularly where they enhance connectivity with local facilities, the town centre and existing employment areas;
- contribute towards new or improved community facilities and/or allow for infrastructure improvements in the town to promote sustainable development;
- reflect and enhance the characteristic natural and built historic elements of Ross-on-Wye, such as its red sandstone and timber framed Tudor buildings and boundary walls, the medieval plan form, conservation area and natural setting overlooking the River Wye;
- enhance green infrastructure and biodiversity, particularly the Wye Valley Area of Outstanding Natural Beauty and the River Wye; and
- have demonstrated engagement and consultation with the community including the town/parish council.

Policy H3 – *Ensuring an appropriate range and mix of housing* requires Residential developments should provide a range and mix of housing units which can contribute to the creation of balanced and inclusive communities. Also, Policy H3 indicates that the latest *Local Housing Market Assessment* will provide evidence of the need for an appropriate mix and range of housing types and sizes. Whilst it is not in dispute these are policies for the supply of housing they also have wider implications in terms of ensuring the social benefits of providing a suitable mix of housing types.

The Herefordshire Local Housing Market Assessment (HLHMA) formed part of the evidence base for the CS, although it is now some five years old. However, it is specifically cited in CS Policy H3 and without any other substantive evidence in regard to housing need in this area significant weight is attached to this. For the Ross on Wye area the HLHMA indicated that the greatest demand was for two and three bedroom housing followed, which was estimated as providing 49.5% and 25% of housing needs, with four bedroom or larger housing providing only 20.1% of the estimated needs.

Core Strategy policy SS6 describes proposals *should conserve and enhance those environmental assets that contribute towards the county’s distinctiveness, in particular its settlement pattern, landscape, biodiversity and heritage assets and especially those with specific environmental designations.*

Policy SS6 then states in its list of criteria states *Development proposals should be shaped through an integrated approach and based upon sufficient information to determine the effect upon landscape, townscape and local distinctiveness, especially in Areas of Outstanding Natural Beauty.*

Core Strategy policy LD1 criteria requires new development must achieve the following:

- demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, including protection and enhancement of the setting of settlements and designated areas;
- conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including Areas of Outstanding Natural Beauty, through the protection of the area's character and by enabling appropriate uses, design and management

## Neighbourhood Plan

6.5 The Ross-on-Wye Neighbourhood Development Plan was sent for examination on 14 October 2019, the examiner's report was received 30 January 2020 and Referendum was due to be held on 2 April 2020. This has been postponed due to Covid19.

The site is within the proposed settlement boundary of Ross on Wye and forms, with additional land shown below, part of an allocated site for housing development.



The site is subject to Housing Allocation policy 5A.2 titled Merrivale Lane Allocation, which states:

*This site is allocated for housing and the following criteria would apply:*

- *Existing hedgerows to be retained and reinforced except where road and footpath access is required or frontage development is proposed.*
- *Subject to detailed arboricultural survey, and site-specific design considerations, the group of trees around the existing house and the trees in the upper garden to be retained.*
- *A desk-based archaeological study to be undertaken.*
- *Road access to be off Merrivale Lane.*
- *Additional pedestrian access to be provided from the path to the north west.*

## Design

*In line with the NPPF 2019 (para. 127) the design should be “sympathetic to local character and history”. The site is within Character Area 7. Plot sizes and shapes, direct access off the road frontage, the use of front gardens and building heights should therefore be consistent with that of the immediate local area. Proposals should show in particular their response to the Conservation Area context.*

The site could accommodate in the order of 20-25 houses.

Relevant topic based emerging policies include:

Policy EN1 – *Ross Design Policy* states All new development should be of good design and make a positive contribution to the character of Ross. Development should have regard to the Ross-on-Wye Character Assessment Portfolio (2017) and respond to its surroundings in terms of scale, materials, form, details, layout, public realm and historic character.

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

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

The current position of the NDP is:

- a) Referendum, which was to be held on 2 April 2020
- b) The Strategic Planning team as part of the Regulation 16 consultation have confirmed that the plan is in general conformity with the adopted Herefordshire Core Strategy and the National Planning Policy Framework. The Plan has been reviewed by an independent examiner.

At this stage, with regards to para 48 of the NPPF, significant weight can be attributed to the neighbourhood plan policies relevant to the application based upon the above stage the NDP is at.

It is further noted the Examiner’s Report endorses the site’s allocation for development and only makes minor text changes to the text. Similarly with regards policy EN1 minor text changes are recommended.

## **National Planning Policy Framework**

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

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

Paragraphs 7 and 8 set out and define sustainable development and the three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways, the social objective requires planning to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.

Paragraph 11 of the Framework sets out the presumption in favour of sustainable development. For decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies of the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 7 to Paragraph 11 states this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73). The local authority is currently failing to provide a 5 year Housing Land Supply, plus a buffer and as such Paragraph 11 is triggered due to conflict with the relevant requirements of NPPF chapter 5 *Delivering a sufficient supply of homes*.

Where the existence of a five year land supply cannot be demonstrated, there is presumption in favour of granting planning permission for new housing unless the development can be shown to cause demonstrable harm to other factors that outweigh the need for new housing. In reaching a decision upon new housing the housing land supply position will need to be balanced against other factors in the development plan and/or NPPF which could result in the refusal of planning permission. This site is therefore assessed and considered on its suitability as being sustainable in regards its location and material constraints and considerations.

Accordingly, the Council's housing land supply position vis-à-vis the NPPF does not result in the proposal being acceptable when there are both material considerations demonstrating the development should be refused or where, locally, housing supply targets can be demonstrated.

With particular reference to the matter of access, the NPPF sets out how transportation, highways impact and non-vehicular movement should be considered, assessed and supported in paragraphs 108 – 111, stating *In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 109 explicitly states *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*.

NPPF Paragraph 124 states: *The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make*

*development acceptable to communities.* Paragraph 127 outlines Planning decisions should ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies specific to protected landscapes (including AONBs) are detailed at paragraph 172 and states *Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty. The scale and extent of development within these designated areas should be limited.*

NPPF section 16 sets out the position regarding conserving and enhancing the historic environment. Specific principles and policies relating to the historic environment and heritage assets and development are found in paragraphs 184 – 202.

The NPPF sets out in paragraph 185 that there should be a positive strategy for the conservation of the historic environment and this should take into account of:

- the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;
- the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- the desirability of new development making a positive contribution to local character and distinctiveness; and
- opportunities to draw on the contribution made by the historic environment to the character of a place.

Paragraphs 189 – 192 set out what and how LPAs should consider in determining planning applications featuring heritage assets. This includes:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 advises that: *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is*

*irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

Paragraph 194 states: *Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

*a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*

*b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

Where a proposed development will lead to substantial harm to (or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 197 states *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

## **Wye Valley AONB Management Plan**

6.7 The Wye Valley AONB Management Plan is a material consideration in the assessment of this application. The following policies are particularly applicable:

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

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

## Assessment

### Principle of Development

- 6.8 For planning applications involving the provision of housing; if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites, then planning permission should be granted unless;
- a) the application of NPPF policies that protect areas or assets of particular importance provides clear reason for refusing the development proposed, or
  - b) any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF, taken as a whole.

Herefordshire Council's housing land supply figure, as at April 2020 is a supply of 3.69 years.

The NPPF's presumption in favour of sustainable development does not change the statutory status of the Development Plan (Core Strategy and Neighbourhood Plans) as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including NDPs), permission should not normally be granted. In this instance, the Core Strategy was adopted in 2015 and is in the early stages of undergoing a review and update. The Ross NDP has been examined and the inspector's report has been published, thus it carries significant weight, but is not yet a 'made' plan and therefore does not form part of the development plan.

Core Strategy policies refer to the need to provide 900 new dwellings in Ross up to 2031. Housing is to be delivered as described under Policy RW1 through development of a strategic location at Hildersley with the remainder delivered on sites allocated within a Neighbourhood Development Plan.

The site is denoted as an Allocated Site for residential development and within the proposed settlement boundary of the emerging Ross on Wye Neighbourhood Plan as shown above. The NDP is at Referendum stage. The NDP also contains further site allocations which total delivery of 73 dwellings. Therefore the proposal is considered to be in conformity with the Core Strategy and emerging Ross on Wye NDP.

### Housing Land Supply and Decision Making

- 6.9 NPPF paragraph 73 requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.

The Council has published its up to date housing land supply position (as of April 2020) and this is confirmed to be 3.69 years. As such the Council does not have an up to date 5 year supply of housing land as required by the NPPF. The Council's Housing Land Supply deficit means paragraph 11 of the National Planning Policy Framework (NPPF) is engaged in the assessment of housing proposals.

Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. It sets out that, for decision-taking, where the policies which are most important for determining the appeal are out of date, planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. This is commonly referred to as '*tilted balance*' and will form the conclusion of this report

Paragraph 12 is also relevant, stating that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making and officers have made a detailed assessment of the proposed development against the policies of the Development Plan – that being the Herefordshire Local Plan – Core Strategy. The Ross on Wye Neighbourhood Development Plan however is ‘only’ a material consideration until its referendum is complete, however as per the NPPF guidance, significant weight is given to its policy based on how far it has progressed.

As such the NDP, like the NPPF is a material consideration. The weight to which is attributed by the decision maker. In this instance, the starting point which is assessment against the local plan, reveals the proposal accords with the Herefordshire Core Strategy and emerging Ross on Wye NDP. As such development should be *approved without delay* unless material considerations indicate otherwise.

If Paragraph 11 of the NPPF was to be triggered as it was considered the proposal did not comply with the Development Plan then the tilted balance would be applied and the harm would have to outweigh the public benefit for development to be refused.

Material and technical considerations are therefore considered below –

### Highways

- 6.10 To enable access to the site it is proposed to create a new priority T-junction onto Merrivale Lane at the point shown below on Figure 4. The junction would incorporate dropped kerbs and tactile paving, and would achieve the appropriate visibility splays of 2.4m x 43m in line with the speed limit on Merrivale Lane.

The indicative site layout demonstrates parking for all dwellings can be provided on site in line with the council guidance. Overall as described above, the Transportation Manager has no objection to the access arrangements of impact on the local network hereabouts and their requested conditions are attached to the Recommendation at the foot of this Report.

It is noted Vehicular access serving the site from Merrivale Lane is required by the emerging NDP and provision of an additional pedestrian link from the site to the adjacent PRoW is also provided. Along with the specific site policy criteria, this also delivers on the aims of NDP Policy A2 which supports the protection and/or enhancement of the Neighbourhood Area’s public rights of way network and meets the requirements of CS policies SS4 and MT1 which seeks to promote active travel, encourage journeys by means other than the private car and provide new or improved existing non car connections.

On this basis and with regard to the Transportation Manager’s comments, the proposal addresses highway safety, has connectivity to local services and facilities so to offer sustainable transport options and no severe impact justifying refusal as set out within NPPF paragraph 109 is assessed to be created with regards additional vehicular movements associated with the proposals.

The proposal complies with CS policies SS4 and MT1, Herefordshire Council’s Highways Design Guide and the relevant aims and objectives of the NPPF.

### Design, Landscape and Amenity

- 6.11 Core Strategy policy SD1 requires that new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development, while making a positive contribution to the architectural diversity and character of the area including, where appropriate, through innovative design and safeguard residential amenity for existing and proposed residents.



As the application is in outline, matters of layout, scale and appearance will be the subject of a future reserved matters application. An indicative layout has been produced as part of this outline application, which demonstrates that the number of dwellings proposed could fit comfortably on

the site and would complement the locality in terms of general layout and density, in accordance with policy SD1 of the Core Strategy and policies of the emerging NDP.

The NDP policy for development of the site as an allocation sets a number of development requirements. The criteria state:

- *Existing hedgerows to be retained and reinforced except where road and footpath access is required or frontage development is proposed.*
- *Subject to detailed arboricultural survey, and site-specific design considerations, the group of trees around the existing house and the trees in the upper garden to be retained.*
- *A desk-based archaeological study to be undertaken.*
- *Road access to be off Merrivale Lane.*
- *Additional pedestrian access to be provided from the path to the north west.*

*Overall the design should be “sympathetic to local character and history”. Plot sizes and shapes, direct access off the road frontage, the use of front gardens and building heights should therefore be consistent with that of the immediate local area. Proposals should show in particular their response to the Conservation Area context.*

With regards the bullet points above, existing trees and hedgerows are protected by condition except those whose removal is necessary to facilitate vehicular and pedestrian access. Vehicular access is to be from Merrivale Lane as required by the NDP and an additional pedestrian link from the site to the adjacent PRow is provided. Along with the specific site policy criteria, this also delivers on the aims of NDP Policy A2 which supports the protection and/or enhancement of the Neighbourhood Area’s public rights of way network.

The further detailed design requirements will be a matter for future Reserved Matters application and compliance with the text above will be required to secure approval of any such application. It is noted however the proposal states existing trees within the site will be retained and the indicative layout supporting the application demonstrates this can be achieved as shown below. The position will also be protected by conditions as recommended by the Council’s Ecologist and Arboriculturalist.



With regards to amenity matters it is clear from the illustrative layout the density of development can be accommodate on site and provide adequate amenity for new residents whilst also, based on intervening distances, topography and landscaping ensure existing amenity is maintained. Detailed dwelling design along with layout and orientation will further ensure adequate amenity is retained and protected. This is a matter that will need to be carefully considered at Reserved Matters stage.

On the basis of the above and noting the functional requirements, CS policies RW1, LD1 and SD1, emerging policies of the NDP and the design aims and objectives of the NPPF are and can be satisfied.

Landscape is assessed in the context of policies RW1 and LD1 of the Core Strategy, policies of the emerging Ross Neighbourhood Development Plan, and NPPF to assess the proposals environmental impacts. CS policies RW1 and the wider economic development policies are underpinned by Policy LD1 of the Core Strategy Landscape and townscape. Development proposals need to demonstrate that features such as scale and site selection have been positively influenced by the character of the landscape and townscape, and that regard has also been had to the protection and enhancement of the setting of settlements. Development proposals should also conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including locally designated parks and gardens; and should incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings.

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

The principle of housing is considered acceptable in landscape terms due to the limited inherent landscape quality on the site itself, the fact the site is located within the town, surrounded by existing residential development.

In terms of the illustrative layout, this shows how future development could come forward, however as identified within the Landscape Officer's response this as shown above, would not be supported. However the built form taking account of topography and the existing slope, revisiting and changing the suggested approach where the larger properties are at the top of the hill, which would be visually prominent and out of context with the adjoining bungalows on Princess Way and the existing site bungalow, is recommended and can be addressed at Reserved Matters stage.

Members are reminded the proposal under this application is not considering design and layout and these comments are intended to inform all parties. Clearly an unacceptable layout at reserved matters stage (as shown) could and would be recommended to be refused.

The roadside boundary to Merrivale Lane will need careful consideration however in line with the NDP policy and criteria for development of the site, create a new positive streetscene. Hard surfacing should be laid out as efficiently as possible to reduce hard surface, increasing soft landscape and reducing surface water runoff.

Given all of the above no significant adverse landscape harm is identified by development of the site at the density proposed and furthermore on this basis, no harm is identified regarding the setting of the Wye Valley AONB.

It is also concluded that, the development of this site, in principle would be acceptable in landscape terms and with regards to the local landscape character and the character and accord to the requirements of policies LD1, SD1 and RW1 of the Herefordshire Local Plan – Core Strategy and landscape aims and objectives of the NPPF.

### Ecology and Arboriculture

- 6.12 Policy LD2 of the Herefordshire Local Plan - Core Strategy requires development proposals to conserve, restore and enhance biodiversity through the retention and enhancement of nature conservation site and habitats and important species. Policy LB2. This is also supplemented and underpinned by Core Strategy policies LD2 – *Biodiversity and geodiversity* and LD3 – *Green infrastructure*.

Policy LD2 states *Development proposals should conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire, through the:*

1. Retention and protection of nature conservation sites and habitats, and important species in accordance with their status.
2. Restoration and enhancement of existing biodiversity and geodiversity features on site and connectivity to wider ecological networks; and
3. Creation of new biodiversity features and wildlife habitats.

The advice in Chapter 15 of the NPPF, *Conserving and enhancing the natural environment*, reinforces this, stating *promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.*

The application submission has been supported by an Ecological Assessment in which extensive surveying and assessment has been undertaken. This has been supplemented by updates as

required and requested following amendments to the application and comments from the Council's Ecologist.

The site falls within the River Wye SAC catchment and 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 foul water and surface water as 'likely significant adverse effects'. The applicant has indicated in their application that foul water will discharge to mains sewer and surface water will outfall to SuDs (on site soakaway and attenuation feature). Subject to this mitigation being secured through a relevant condition a conclusion of 'NO Likely Significant Effect' has been returned by this LPA and as such the proposal demonstrates compliance with CS policy SD4 and LD2.

The comments of the Council's Arboriculturalist are noted. The picture below shows the site and important trees within it which contribute to the character and appearance of the locality and provide ecological benefits. It is noted these and boundary trees are to be retained.



### Heritage

- 6.13 Under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority is required, when considering development which affects a listed building or its setting:

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

When considering the impact of a development proposal upon the setting of a Heritage Asset, there are several stages. Firstly identifying those assets which may be affected and their significance. Then those aspects of their setting which contribute to the significance are identified and lastly the impact of the development upon this significance. It should be noted that a view to or from a Heritage Asset does not necessarily mean that a site is within that asset's setting, this depends upon whether that view contributes to the significance of the asset. Also a site can be within the setting of a heritage asset without their being a direct view under certain circumstances. The fundamental principle is whether or not a development affects the significance of a heritage asset, including those aspects of its setting which contribute to its significance.

Whilst there is no mention of the setting of Conservation Areas within the Act, subsequent case decisions and protection for setting of 'Heritage Assets' within the revised NPPF, support the protection of setting of conservation areas.

Section 189 of the NPPF requires applicants to describe the significance of heritage assets and the impact of proposals upon this.

Paragraphs 189 to 196 offer particular clarity about the assessment to be made of the significance of heritage assets.

Paragraph 192 outlines three criteria to be taken account of in the determination of planning applications. These are as follows:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness.

Section 193 of the NPPF states that great weight should be given to a Heritage asset's conservation.

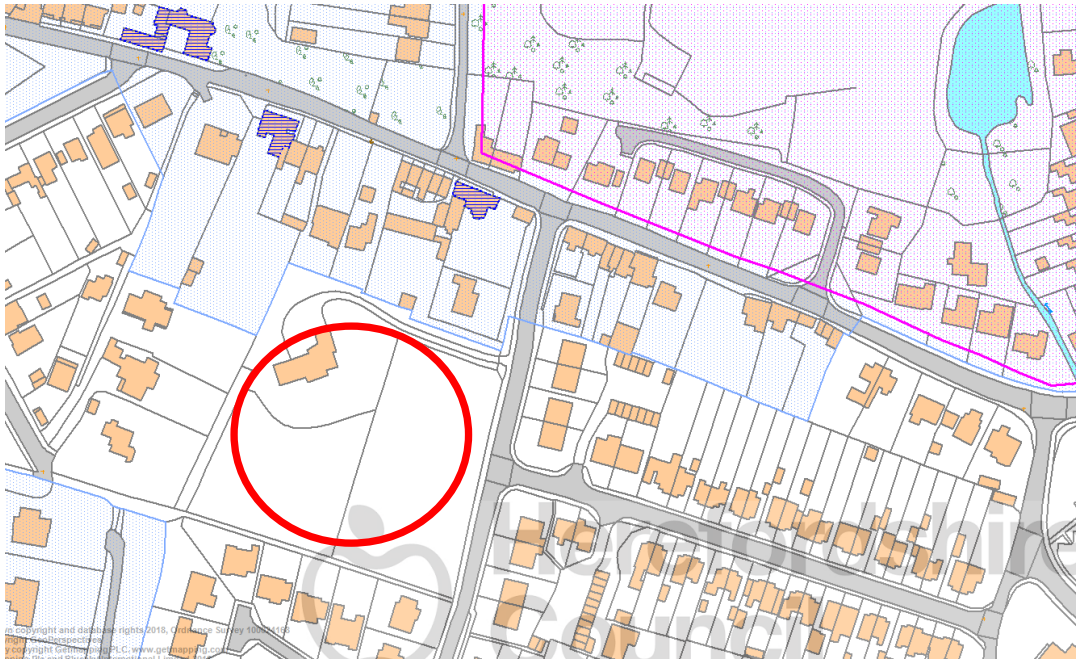
Section 196 of the NPPF states that where there is less than substantial harm to a heritage asset this should be weighed against the public benefits of the proposals. However it should be noted that mitigation should be considered initially.

The NPPF offers further guidance about heritage assets, recognising that they are irreplaceable resources that should be conserved; *'in a manner appropriate to their significance.'*

While Policy LD4 of the Core Strategy does require heritage assets to be protected, conserved and enhanced, and requires the scope of the work to ensure this to be proportionate to their significance, it does not include a mechanism for assessing how harm should be factored into the planning balance. As a result, and in order to properly consider the effects of development on heritage assets, recourse should be had to the NPPF in the first instance.

The site is bounded to the North and North West by the Ross Conservation Area and is characterised by mature, low density predominantly late Victorian and Edwardian housing. The conservation area extends around to the South West corner of the site. It is noted that the site was not included within the Conservation Area, one can conclude if it was considered of importance as an open space to the character and appearance of the area it would have been designated in some way. Whilst the open space makes a positive contribution to the experience of the southern edge of the Conservation Area, it is not included in the Conservation Area boundary and overall, the site relates more to the development that surrounds it to the South that is outside the conservation area. The property to be retained as part of the proposals within the North West corner, based on its design, dated as mid C20, does not have a strong relationship to its site context.

The site is shown ringed red, below, with conservation area edged blue, listed buildings edged and hatched dark blue and unregistered park and garden washed pink.



Conservation Areas do not have statutory protection for their setting, however where development on land outside the boundary is proposed which may affect the setting, this can be a planning consideration.

It is not considered that the proposals would affect the setting of nearby listed buildings shown above on account of intervening development, intervisibility and context.

The Chase Hotel was built as house for George Strong MD in 1818 and was converted to a hotel in 1927. The lake and stream through the grounds was originally associated with a Mill Leat. It is considered that development of the site would not adversely impact the character of this aspect of the conservation area or the un-registered Park and Garden, again on the basis of intervening development, intervisibility and context.

Having regard to the above, it is considered the site can accommodate the density of development proposed and heritage matters and their protective policies don't prevent this. No harm is identified to the setting of the heritage assets described above.

Whilst there would be some change to the setting of the adjacent conservation area, this will be viewed both from and to the conservation area in the context of the proposals being part of existing residential development and within an urban town setting. Sensitive design, layout and landscaping at Reserved Matters could result in neutral to less than substantial impact on the setting of the conservation area.

The Conservation Officer within their comments above has provided advice to help inform the detailed design which will come forward at Reserved Matters stage and it is noted they have no objection in principle to the proposal.

As such the proposals are considered to result in less than substantial or no impact on designated and non-designated heritage assets and accord with policies SS6 and LD4 of the Herefordshire Core Strategy or heritage aims and objectives of the NPPF.

### Drainage and Flood Risk

- 6.14 Policies SD3 and SD4 of the Core Strategy seek to ensure that matters of flood risk and drainage are considered. Welsh Water, as the statutory consultee have been consulted and, subject to a condition that ensures that a connection is made in a specific location and there being no surface or land drainage discharge to the mains system, they raise no objection. As such, whilst noting the concerns raised locally about capacity, officers conclude that the proposals comply with the requirements of policy SD4 of the Core Strategy.

Matters of flood risk and surface water drainage have also been carefully considered in the detailed response from the Land Drainage consultant as detailed at paragraph 4.12. It is noted the application was accompanied by what was described as a robust Flood Risk Assessment, which attracted no objection from the Environment Agency. Conditions are recommended to ensure that a final drainage strategy for the site is acceptable and on this basis there is no detected conflict with policy SD3.

### Affordable Housing and Housing Mix

- 6.15 Policy H1 – *Affordable housing – thresholds and targets* requires all new open market housing proposals on sites of more than 10 dwellings which have a maximum combined gross floor space of more than 1000sqm to contribute towards meeting affordable housing needs.

Affordable housing provided under the terms of policy H1 is expected to be available in perpetuity for those in local housing need, secured through a legal agreement. This and the requirements above are reflected and reinforced in Policy RW1.

The past delivery of affordable housing in Herefordshire has left the Council open to significant criticism at Planning Appeals, despite all the corporate policies seeking to delivery more and attempts to reduce levels of homelessness. A description of affordable housing delivery was described as *'pitiful'* at the recent Land to the North of the Viaduct, Ledbury Public Inquiry.

Considering, past delivery of only 1,063 dwellings between 2011/12 and 2018/19 there has been an accumulated shortfall of 4,604 affordable dwellings. This is an affordable housing shortfall of 81% since 2011/12 against a target of 5,667 during the same period; or, put another way, just 19% of need has been provided. The scale of this shortfall is enormous and equates to almost 600 affordable homes per annum that are not being provided.

The proposal is for 16 dwellings, of which six will be affordable. This proposed development provides additional much needed housing and represents an important contribution towards the Council rectifying its affordable housing supply shortfall and wider housing delivery targets. The proposal also still helps deliver a range of housing types and sizes which help meet local needs and assist in wider housing delivery including Herefordshire Council meeting its housing targets. An open market mix of 3 no. 2 bed units, 6 no. 3 bed units and 1 no. 4 bed unit is proposed and this mix is considered acceptable and relevant to addressing evidenced local need within Ross and the HMA. A condition to secure this agreed mix at Reserved Matters stage is recommended.

The comments of the Planning Obligations Manager and Strategic Housing are noted. The proposal will deliver an adequate suitable mix and numbers of housing compliant with Herefordshire Core Strategy policies SS2, SS3, H1 and H3 and as such represents development that meets with regards to housing, the social objectives of the NPPF.

As such Core Strategy policies SS3, H1 and H3 are satisfied along with the relevant aims and objectives of the NPPF which secure balanced mixed inclusive communities.

Section 106 Agreement

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

| <b>Community Infrastructure Type</b>   | <b>Contributions</b>   |
|--|--|
| Transport infrastructure to include improvements to the existing public right of way network and the provision of dropped crossings from the development site to the town centre and local schools | Contribution based on open market units; <ul style="list-style-type: none"> <li>• 1 bed flat £1,465.00</li> <li>• 2 bed dwelling £1,720.00</li> <li>• 3 bed dwelling £2,580.00</li> <li>• 4 + bed dwelling £3,440.00</li> </ul> (all to be index linked) |
| Education – Pre-school provision, John Kyrle High School, Post 16 provision, Youth provision and Special Education Needs   | Based on open market units; <ul style="list-style-type: none"> <li>• 2 bed dwelling £3,001.00</li> <li>• 3 bed dwelling £3,001.00</li> <li>• 4 bed dwelling £5,844.00</li> </ul> (all to be index linked)  |
| Play provision at Dean Hill and Rope Walk play areas   | £14,954.00 (to be index linked)  |
| Outdoor sports provision at Ross Football Club, Ross Rugby Club, Ross Tennis Club and Ross Hockey Club   | £15,120.00 (to be index linked)  |
| Waste and Recycling – 1 x black waste bin and 1 x green recycling bin per dwelling   | £80.00 per dwelling  |
| Library contributions towards Ross-on-Wye Library  | Based on open market units; <ul style="list-style-type: none"> <li>• 1 bed flat £120.00</li> <li>• 2 bed flat/dwelling £146.00</li> <li>• 3 bed dwelling £198.00</li> <li>• 4+ bed dwellings £241.00</li> </ul> (to be index linked)                     |
| Medical provision at Alton Street and Pendeen surgery  | £6,000.00 (to be index linked)   |
| Affordable Housing   | 40% to be delivered on site  |



The Affordable Housing Units will be allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of whom has:-

- a local connection with the parish of Ross
- in the event of there being no person with a local connection to Ross any other person ordinarily resident within the administrative area of the Council who is eligible under the allocation policies

For reference, 'local connection' means having a connection to Ross as specified above, means because that person is or in the past was normally resident there, is employed there; or has a family association there; or a proven need to give support to or receive support from family members; or because of special circumstances.

On the basis of the above and as confirmed by the Planning Obligations Manager, a policy compliant draft Heads of Terms can be agreed on the above basis. The recommendation reflects the requirement to complete a Section 106 Legal Agreement before the grant of Outline Planning Permission.

### Other Matters

- 6.17 Local residents raise concerns regarding parking, particularly on street parking. The development, albeit an outline application, can clearly facilitate adequate off road parking to serve the proposed 16 dwellings within its site area at required standards and level of provision. As such there is no reason the development should exacerbate the situation. In considering the matter of layout at Reserved Matters Stage, officers, including the Area Engineer (Highways) will consider the parking provision within the site (per dwelling) to ensure compliance with policy.

With regards to the loss of open space development of the site would create, it is first noted the site is private land with no access rights and could lawfully be enclosed and made secure without planning permission. The site is, as detailed, an allocated site for development with the NDP which furthermore identifies and protects through its policies open spaces which are of high value. The site is clearly however not a protected open space within the emerging NDP.

Concern has been expressed regarding the impact of Covid 19, subsequent lockdown and accessibility of the Town Council's meetings and delay to the referendum on the NDP. The Government has been clear planning applications should not be held or unnecessarily delayed from determination and web based meetings, committees and appeal processes have been promoted, championed and advanced to 'keep Planning and the economy moving'.

As the NPPF sets out, weight can be given to an emerging NDP subject to its status in the process. As detailed significant weight can be given to the Ross NDP as it is post Examination and awaiting Referendum. Planning is 'dynamic' and there is no sound reason to delay determination based on the NDP's position.

The Town Council has returned comments as reported above at paragraph 5.1. Local residents voices are heard and have been carefully considered, with 20 people submitting representation as set out at 5.2 and by virtue of the level of public interest the application was redirected for the Planning and Regulatory Committee to determine. Consultation rights and the ability to comment on the application have been safeguarded and legislation complied with.

Despite the unprecedented circumstances it is considered no one has been prejudiced from commenting on the application with the application advertised by site notices around the application site and press advertisement within local newspapers.

### Summary and Planning Balance

- 6.18 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows “*If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.*” The development plan is the Herefordshire Core Strategy. The NPPF and the emerging Ross NDP are significant material considerations.

In accordance with s.38 (6) of the 2004 Act, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Core Strategy constitutes a spatial strategy and policies designed to achieve sustainable development under the three objectives; social, economic and environmental. As concluded above the proposals are considered to accord with the development plan through meeting the criteria of policy RW1 and emerging Ross on Wye NDP policies which apply to the site as a housing allocation. The NPPF, a material consideration, also seeks sustainable development through the economic, social and environmental objectives for planning. To enable a conclusion to be reached on whether the application proposals are in accordance with the development plan and to take account of material considerations, I now consider the benefits and impacts of the proposals against each of the three roles or dimensions of sustainable development in turn.

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

##### Economic Objective

- 6.19 A key aspect of the economic role played by the planning system is to ensure that sufficient land of the right type is available in the right places and at the right time to support growth.

In this context, the proposals score, in economic terms at least, positively. The proposal could help to support economic growth arising from:

- employment and supply of associated materials, goods and services in the construction phase
- support to local services and facilities arising from the new resident population
- economic benefits to the Council through the payment of New Homes Bonus

The positive economic benefits arising from the scheme will include direct economic betterment for local shops and businesses however are not unique to this proposal and apply to all such developments. On the basis of the scale and nature of the development I attach moderate weight to these benefits.

##### Social Objective

- 6.20 Planning’s social role incorporates providing support to strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment.

The proposal delivers a mix and range of housing, including affordable housing which helps meet identified local demand now and for the future. The delivery of these houses will also contribute to the social wellbeing of Ross through occupiers using and contributing to the town’s existing society and life. Furthermore the development represents a planned response to growth of the town as set out within Core Strategy policy RW1 and the Ross NDP as it is development of an allocated site. Furthermore, the proposal will make an important contribution to rectifying the Council’s affordable housing delivery and overall housing land supply position.

As such the *social* objective is considered to be satisfied and I attribute significant weight to the benefits in community terms, particularly to the delivery of affordable housing, establishing sustainable communities, employment opportunities and a sense of place the development will secure and delivering the planned growth of the town. The weight I attach is further increased due to the Council's lack of an up to date 5 year housing land supply.

### Environmental Objective

- 6.21 The environment objective requires consideration of how the development contributes to protecting and enhancing the natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution and mitigating climate change (low carbon economy).

The proposal will enable more sustainable patterns of activity through providing new housing located where the town centre and other services and facilities are accessible by foot or bicycle from the new houses.

At this outline stage, the Council's Building Conservation Officer has not identified any harm to the setting of designated heritage assets and therefore the proposal would comply with the requirements of policy LD4 of the Core Strategy. As detailed above the matter will require further consideration during any Reserved Matters applications.

Taking all of the above into account, officers consider that the public benefits arising from the scheme, as outlined above are positive. There is no evident harm arising in relation to other technical matters as discussed above. The proposal is considered to be compliant with the CS and with the policies of the emerging NDP, to which significant weight can be given.

The application delivers a sustainable infill residential development at Ross as directed by CS policy RW1 and the Ross NDP. As such I attach positive weight to the proposals as their delivery will also enable defence against unplanned speculative development in locations more harmful in environmental terms.

### Conclusions

- 6.22 Policy SS1 of the CS reflects the presumption in favour of sustainable development in national policy and provides that planning applications that accord with the policies in the Core Strategy will be approved unless material considerations indicate otherwise. Policy SS1 also aligns itself with NPPF paragraph 11 and as a matter of local plan policy states *Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the council will grant permission unless material considerations indicate otherwise.*

The NPPF paragraph 11 provides the mechanism for the determination of the application stating:

#### **For Decision Making**

- c) Approving development proposals that accord with an up-to-date development plan without delay; or
- d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

As detailed above there is conformity with the housing and sustainable development policies of the development plan which includes the Ross Neighbourhood Plan. These policies are consistent with the guidance contained within the NPPF. Further to the local plan policy compliance described, it is also noted the Council does not have an up to date 5 year supply of housing land and as such planning permission should be granted without delay. On the basis of the clear direction from NPPF paragraph 11, the local plan policy and NPPF aims and objectives compliance, and there being no technical reasons or demonstrable harm to dictate otherwise, approval is recommended as the proposal represents sustainable development.

## **RECOMMENDATION**

**That subject to the completion of a Section 106 Planning Obligation under the Town & Country Planning Act 1990 in accordance with the Heads of Terms stated in the report, officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any further conditions considered necessary by officers.**

### ***Regulatory Conditions***

- 1. An application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.**

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

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

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

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

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

- 4. The development shall be carried out strictly in accordance with the approved plans and supporting details:**

- Application Form for Outline Planning Permission With Some Matters Reserved**
- Planning Statement dated March 2020 by Savills**
- Drawing titled 'Site Location Plan', Drg No. 1761 0100 Rev. C**
- Preliminary Ecological Appraisal and separate Bat Roost Inspection Survey, both dated April 2018 by Keystone**
- Flood Risk Assessment and Drainage Strategy by RMA Environmental dated 13 March 2020**

**All Received 7 March 2020, and**

- Drawing titled 'Initial Proposed Site Layout', Drg No. 455652/001 Rev. A (as relates to vehicular and pedestrian access details), Received 22 July 2020, and**
- Phase 1 Habitat Survey Update dated 6 August 2020, Received 7 August 2020**

except where otherwise stipulated by conditions attached to this permission.

***Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy LB2 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.***

***Prior to Commencement Conditions***

5. Before any work, including any site clearance or demolition begin, or equipment or materials moved on to site, a Construction Environmental Management Plan (CEMP) including a full Ecological Working Method Statement and a specified 'responsible person', shall be supplied to the local planning authority for written approval. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have finally been removed; unless otherwise agreed in writing by the local planning authority.

The Construction Management Plan shall include, but is not limited to, the following matters:

- Site management arrangements, including on-site storage of materials, plant and machinery; temporary offices, contractors compounds and other facilities; on-site parking and turning provision for site operatives, visitors and construction vehicles (including cycle parking for staff and visitors); and provision for the loading/unloading of plant and materials within the site;
- Wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway;
- measures for managing access and routing for construction and delivery traffic;
- Hours during which construction work, including works of site clearance, and deliveries can take place;
- Tree/hedge protection plan for the phase of development;
- Construction Traffic Management Plan;;
- Ecological mitigation and protection for the construction phase of development

***Reason: In the interests of highway safety, in the interests of safeguarding adjoining amenity, To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies LD1-3 and to conform to the requirements of Policies.***

6. 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 newt, reptiles and badgers. 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 having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies SS6, LD1-3 and, Dark Skies initiative (DEFRA-NPPF 2013/18)***

7. Prior to commencement of any site preparation or construction a retained tree and hedgerow protection scheme, based on BS5837:2012 shall be erected and hereafter maintained until all works have finished and spare materials and all equipment have been removed from site.

***Reason: To ensure that all trees, hedgerows and biodiversity features are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species***

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

*Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies LD1-3.*

8. Prior to commencement of development a fully detailed and specified Biodiversity Enhancement Plan including a relevant location plan that is appropriate with the scale, nature and location of the development including provision of fixed habitat features, such as hedgerow enhancement and attenuation pond shall be provided to the planning authority for approval. The approved scheme shall be implemented in full and hereafter maintained unless otherwise agreed in writing by the planning authority.

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

9. Prior to commencement of the development the following drainage details shall be submitted to the Local Planning Authority for written approval:

- Confirmed method of surface water disposal with detailed drawings of the proposed design that demonstrate the inclusion of SuDS, where appropriate, and location and size of key drainage features
- Detailed drawings of the surface water and foul water drainage strategies
- Detailed drawings of proposed features such as infiltration structures and attenuation features
- Results of infiltration testing in accordance with BRE365, undertaken at appropriate locations/depths.
- Details of how surface water runoff from hard paved and vehicular surfaces will be prevented from entering the roof water attenuation basin
- 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. FEH 2013 rainfall data is expected
- 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. FEH 2013 rainfall data is expected
- Calculations that demonstrates that the proposed drainage system will have sufficient capacity to cater for up to the 1 in 100 year event and allowing for the potential effects of climate change. FEH 2013 rainfall data is expected
- Detailed calculations of proposed infiltration features informed by the results of infiltration testing. FEH 2013 rainfall data is expected
- Revised greenfield calculations for the intended non permeable area, using FEH methods and 2013 rainfall data
- Proposed discharge rates for the 1 in 1 year, Qbar, 1 in 30 year and 1 in 100 + CC events using FEH 2013 rainfall data, and demonstration of how runoff rates and volumes during smaller rainfall events have been reduced as far as practicable
- Confirmation that discharge to a public sewer has been agreed with the relevant sewerage authority
- Confirmation of maintenance arrangements for all drainage features

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

If the results of infiltration testing indicate that infiltration will not provide a feasible means of managing surface water runoff, we highlight that discharge to a watercourse should be sought in the first instance. Best practice SUDS techniques should be considered and we promote

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

the use of combined attenuation and infiltration features that maximise infiltration during smaller rainfall events.

*Reason: To ensure adequate drainage arrangements serve the development and to mitigate, prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution and prevent adverse impact on adjoining land and use and to comply with Herefordshire Core Strategy policies S3 and S4 and the emerging policies of the Ross on Wye Neighbourhood Plan.*

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

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

11. Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.5 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 43 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 with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, emerging Ross on Wye Neighbourhood Development Plan and the National Planning Policy Framework.*

12. Before any other works hereby approved are commenced, 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 with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.*

13. Development shall not begin in relation to the provision of road and drainage infrastructure until the engineering details and specification of the proposed roads and highway drains have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and completed prior to first occupation of the development hereby permitted.

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

14. The development shall not be first occupied until the roadworks necessary to provide access from Merrivale Lane, the publicly maintained highway, have been completed in accordance with details submitted to and approved in writing by the local planning authority.

*Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied and to conform with the requirements of Policy MT1 of*

**Pre Occupancy Conditions**

15. Prior to the first occupation of the development hereby permitted a scheme for the provision of covered and secure cycle parking on site and within the curtilage of each dwelling shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and the cycle facilities approved shall be made available for use prior to occupation of the dwelling it serves.

***Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy, Ross on Wye Neighbourhood Plan and the National Planning Policy Framework.***

16. Prior to the first occupation of any dwelling within any phase of residential development hereby permitted 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.***

17. Prior to the first occupation of any dwelling within any phase of residential development hereby permitted a scheme to enable the charging of plug in and other ultra low emission vehicles (e.g. provision of outside electric sockets ) to serve the occupants of the dwellings hereby approved shall be submitted to and approved in writing by the local planning authority.

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

18. Before any phase of the development is first occupied or brought into use, a schedule of landscape implementation and maintenance of non- private garden areas shall be submitted to and approved in writing by the local planning authority. Delivery and Maintenance shall be carried out in accordance with this approved schedule.

***Reason: To ensure the future establishment of the approved scheme, in order to protect and enhance the visual amenities of the area and setting of heritage assets hereabouts, to maintain and enhance the character and appearance of the location and setting of the Wye Valley AONB and adjoining conservation area and to ensure that the development complies with the requirements of Policy SS6, RW1,, RA1, LD1, LD4 and SD1 of the Herefordshire Local Plan – Core Strategy, the Ross on Wye Neighbourhood Development Plan, the Wye Valley AONB Management Plan and the design and environmental aims and objectives of the National Planning Policy Framework.***

19. Details regarding the storage and collection location of bins should be provided and approved in writing by the Local Planning Authority prior to occupation of any dwelling. Bin collection points would need to be provided for any plot located over a 25 metre walking distance from where the RCV can safely access.

***Reason: In the interests of highway safety, public health and amenity and to comply with Herefordshire Core Strategy policies LB1, LD1, MT1 and SD1.***



20. Prior to the first occupation of the dwellings hereby approved the driveway and/or vehicular turning area shall be consolidated and surfaced at a gradient not steeper than 1 in 8. Private drainage arrangements must be made to prevent run-off from the driveway discharging onto the highway. Details of the driveway, vehicular turning area and drainage arrangements shall be submitted to and approved in writing by the local planning authority prior to commencement of any works.

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

21. The pedestrian link from the site to the adjacent public right of way as shown on the plans listed under Condition 4 of this Decision Notice shall be made available use prior to the first occupation of the development hereby permitted.

*Reason: To ensure sustainable non vehicular modes of movement are available from first occupation, to promote sustainable travel, help reduce carbon emissions and to comply with Herefordshire Core Strategy policies SS6, MT and SD1 and emerging Ross on Wye Neighbourhood Development Plan and the relevant aims and objectives of the National Planning Policy Framework.*

#### **Compliance Conditions**

22. All foul water shall discharge through a connection to the local Mains Sewer network and surface water shall be managed through an SuDs system (onsite soakaways and attenuation feature) within the development boundary; unless otherwise agreed in writing by the Local Planning Authority.

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

23. The ecological protection, mitigation, compensation and working methods scheme, as recommended in the reports by Keystone Ecology, including ecological assessment report (Keystone Ecology, dated April 2018), and bat survey reports, (Keystone Ecology Bat Roost Inspection Report, dated April 2018) and Keystone Ecology Bat Roost Characterisation Report, dated June 2018) shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority.

*Reason: 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.*

24. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation and biodiversity enhancement features.

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

25. No more than 16 dwellings shall be constructed on the site.

***Reason: To regulate the development, and on the basis of the application has been assessed and approved on the basis of this quantum of development and its impacts and to comply with Herefordshire Core Strategy policies SS1, SS3, RW1, MT1, LD1, RW1, SD3 and SD4 and the emerging Ross on Wye Neighbourhood Development Plan.***

26. The market housing mix shall be as described under Section 15 of the Application Form accompanying the proposal as listed under Condition 4 of this Decision Notice.

***Reason: The permission is outline only and this condition is imposed to ensure the development meets the present and future housing needs of Ross on Wye by requiring delivery of the most appropriate size and type of additional housing in accordance with the requirements of policies H3 and RW1 of the Herefordshire Local Plan – Core Strategy and policies contained within the emerging Ross on Wye Neighbourhood Development Plan.***

#### **INFORMATIVES:**

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. Attention is drawn to the comments from Mandy Neill, Senior Landscape Officer, dated 8 May 2020. These should inform any future Reserved Matters details submitted.
3. For hedgerows the protection buffer should not be less than 2m from the woody stem of any hedgerow shrub or tree. No lengths of hedgerow or trees should be cut or removed during the bird nesting season (March-August inclusive) without a thorough check by a qualified ecologist no more than 48 hours prior work commencing. At all other times the applicant should be aware that any disturbance or damage to nesting birds and protected species is a criminal offence under wildlife legislation.
4. Fixed habitat features include but are not restricted to features such as bat roosting opportunities, bird boxes, insect hotels/houses, hedgehog homes & hedgehog friendly boundary features and amphibian/reptile refugia. Habitat enhancement could include wildlife friendly SuDS, tree and shrub planting (usually locally characteristic or directly associated cultivars of native species), wildflower meadows and Traditional ('standard') Orchards. The applicant is advised to seek the advice of an ecological consultant when completing the Biodiversity Enhancement plan.
5. The applicant/ developer may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

The applicant/ developer is also advised that some public sewers and lateral drains may not be recorded on Welsh Water's 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.

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

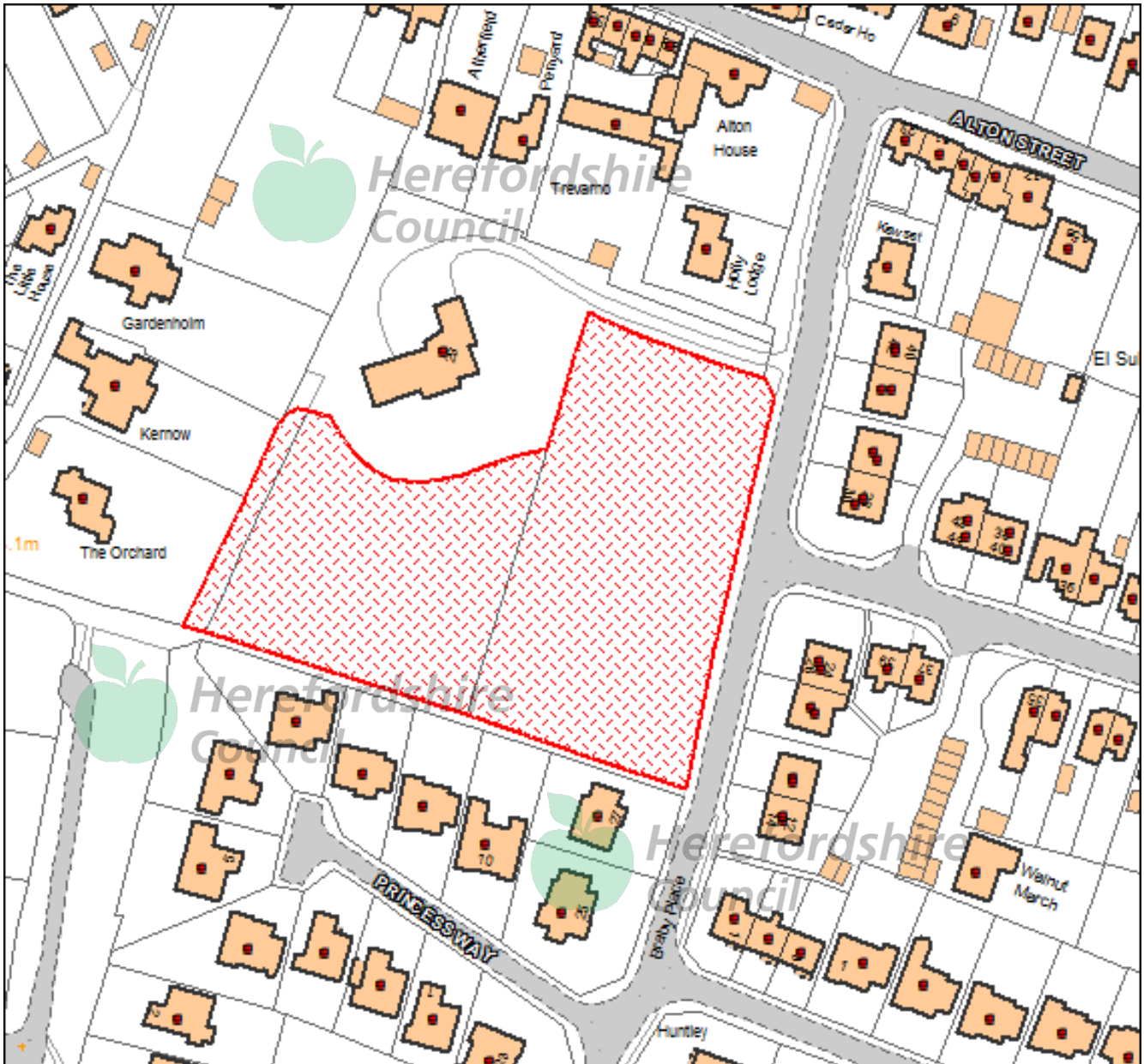
Decision: .....

Notes: .....

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### **Background Papers**

Internal departmental consultation replies.



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

**APPLICATION NO:** 201134

**SITE ADDRESS :** LAND AT MERRIVALE LANE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5JL

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

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|--|---|
| <b>MEETING:</b>  | <b>PLANNING AND REGULATORY COMMITTEE</b>  |
| <b>DATE:</b>   | <b>13 OCTOBER 2020</b>  |
| <b>TITLE OF REPORT:</b>  | <p><b>194418 - RE-ORGANISATION AND UPGRADE OF THE EXISTING 'BLEATHWOOD LODGES COUNTRY PARK' TO INCLUDE DEMOLITION OF EXISTING SITE BUILDINGS, THE CHANGE OF USE OF THE ON-SITE RESIDENTIAL PROPERTY FOR HOLIDAY LET, THE CONSTRUCTION OF A REPLACEMENT FACILITIES/MEET AND GREET BUILDING, MAINTENANCE BUILDING, AND THE PROVISION OF ACCOMMODATION IN THE FORM OF 45 LODGES, WITH ASSOCIATED ACCESS AND PARKING AT THE OLD HOPYARD, BLEATHWOOD, LUDLOW, SY8 4LP</b></p> <p><b>For: Mr Vail per Miss Elle Cass, Slr Consulting Limited, 2nd Floor Hermes House, Holsworth Park, Oxon Business Park, Shrewsbury, SY3 5HJ</b></p> |
| <b>WEBSITE LINK:</b>   | <a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=194418&amp;search-term=194418">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=194418&amp;search-term=194418</a>   |
| <b>Reason Application submitted to Committee – Redirection</b> |   |

**Date Received: 27 December 2019      Ward: Leominster      Grid Ref: 357086,268393**

**North & Rural**

**Expiry Date: 9 April 2020**

Local Member: Councillor John Stone

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

- 1.1 The application is located in an open countryside outside any market town or settlement listed under Herefordshire Core Strategy policy RA2 and is accessed from a rural lane which is accessed from the A465 between Little Hereford to the West and Tenbury to the East. The Site is located on the border of Shropshire and Herefordshire, located just within the northern boundary of Herefordshire.
- 1.2 The site's established access is from Bleathwood Lane, which adjoins the A456 approximately 50m to the south east of the site. The A456 connects the site to surrounding services and villages, such as the market town of Tenbury Wells, located approximately 2 miles away. Ludlow is also accessible via the A456 and A49, located approximately 8 miles away. Ludlow is the largest town in south Shropshire, and is home to a range of tourist attractions. The local road network and Public Rights of Way as they relate to the application site, filled red, are shown on the plan below
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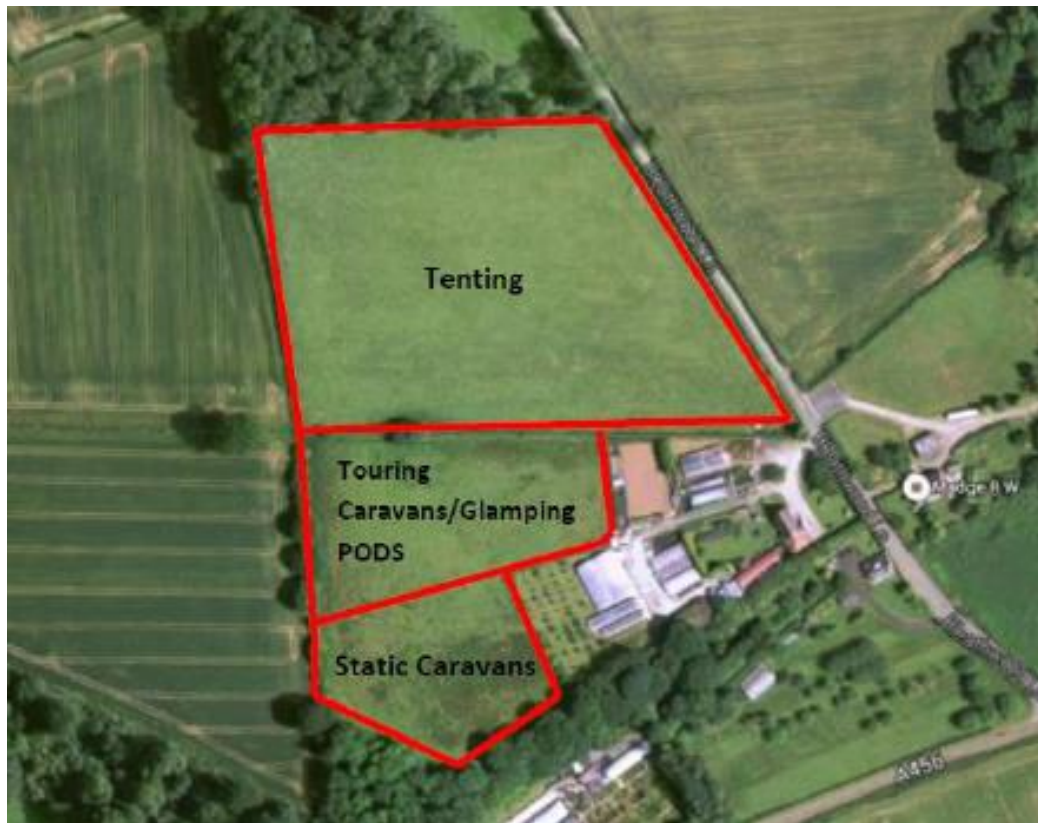
Further information on the subject of this report is available from Mr C Brace on 01432 261947



1.3 The Site is approximately 4.8 hectares, and comprises 2 large fields and a number of buildings that accommodate –

- the Owner's House & Annexe (a 3-bedroom, 1976 build, brick construction and externally rendered)
- Bar/Cafeteria which seats approx. 150
- Boxing Gym
- Toilet Block
- Associated nursery buildings, including
  - 1 industrial glass house which has been timber clad
  - 2 polytunnels
  - 2 greenhouses
  - 1 large industrial greenhouse/workshop, and
  - 1 corrugated, steel storage shed

1.4 The existing use is described as *Bleathwood Lodges Country Park and Boxing Gym*. The land use division vis-à-vis tourism activities approved under planning permission 153741 is shown below along with photographs of the site and existing development –



- 1.5 The Site benefits from planning consent for the accommodation/siting of 60 touring pitches, 100 tent pitches, 6 static caravan pitches and 8 glamping pods for holiday let only (all year round). It is therefore already considered to be a significant tourism site.
- 1.6 The site topography falls approximately 10m from the north west to the south east of the site and the fields are grassland surrounded by mature hedgerows with mature hedgerow trees to the north and south. A Public Right of way (PROW), bisects the site running east-west through the centre.
- 1.7 The site is not subject to or does it contain any nature conservation or heritage designations and is not within any nationally designated landscape areas.
- 1.8 The application was originally deposited, advertised and consulted on as *Re-organisation and upgrade of the existing 'Bleathwood Lodges Country Park' to include demolition of existing site buildings, the change of use of the on-site residential property for holiday let, the construction of a replacement facilities/meet and greet building, maintenance building, and the provision of accommodation in the form of 60 lodges, with associated access and parking.*

1.9 Further to comments received and review of the proposals, amended plans were submitted and a revision to the proposal made reducing the number of lodges to 45, a reduction of 25%. A full public re-consultation was carried out on that basis and it is that reduced quantum of development that is assessed and considered here and a Masterplan of the proposals is shown below –



1.10 Amended Plans have also been received which has resulted in changes to the proposed built-form, reducing the size of the meet-and-greet building by 27% and simplifying the housekeeping building. As part of that design review and comments received on the colour and architectural treatments of both buildings, further amendments have been made from the original submitted information. This is explored and assessed within the *Design* part of the report in section 6 below.

1.11 Along with application form, signed completed certificates and existing and proposed plans, the application is accompanied by the following documents –

- Planning Statement
- Design and Access Statement
- Landscape and Visual Impact Assessment
- Landscape Strategy
- Transport Assessment
- Travel Plan
- Arboricultural Survey
- Noise Management Plan
- Ground Risk Assessment
- Flood Risk Assessment
- Drainage Strategy
- Phase 1 Species and Habitat Survey
- Economic Statement

1.12 For clarity it is emphasised that all of the existing buildings on the park are to be removed/demolished apart from the house adjacent to the park entrance, which will be retained, and the use changed to a single unit holiday letting unit, with private garden areas.



- 1.13 The proposal for numerical comparison, is to replace the consented 6 lodges, 8 pods, and the touring (60) and camping fields (100), along with the Bluestone Centre (boxing and fitness centre) and 150 capacity bar/restaurant, with 45 static lodges and supporting infrastructure.

## **2. Policies**

### **2.1 Herefordshire Core Strategy**

SS1 – Presumption in favour of sustainable development  
SS2 – Delivering new homes  
SS3 – Releasing land for residential development  
SS4 – Movement and transportation  
SS6 – Environmental quality and local distinctiveness  
SS7 – Addressing climate change  
OS1 – Requirement for open space, sport and recreation  
OS2 – Meeting open space, sport and recreation needs  
MT1 – Traffic management, highway safety and promoting active travel  
LD1 – Landscape and townscape  
LD2 – Biodiversity and geodiversity  
LD3 – Green infrastructure  
LD4 – Historic environment and heritage assets  
SD1 – Sustainable design and energy efficiency  
SD3 – Sustainable water management and water resources  
SD4 – Waste water treatment and river water quality

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

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

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

### **2.4 Brimfield and Little Hereford Group Neighbourhood Development Plan**

The Neighbourhood Plan was made on 22 July 2016 and now forms part of the Development Plan.

The relevant policies of this plan are considered to be :

BLH8 – Building Design Principles  
BLH9 – Landscape Design Principles  
BLH12 – Water Management  
BLH13 – criteria for assessing the suitability of future potential development sites  
BLH15 – Design for Flood resilience and resistance  
BLH16 – Design to Reduce Surface water run off  
BLH18 – Developments Supporting Rural Enterprise

Link to NDP:

<https://www.herefordshire.gov.uk/directory-record/3039/brimfield-and-little-hereford-group-neighbourhood-development-plan-made-22-july-2016>

### 3. Planning History

- 3.1 **194095** – EIA Screening opinion for proposed re-organization and upgrade of the existing Bleathwood Lodges County Park to include demolition of existing site buildings, the conversion of the on-site residential property into holiday use, the construction of a replacement facilities/meet and greet building, and the provision of accommodation in the form of 60 lodges – Environmental Statement not required
- 3.2 **153741/F** – Change of use of land from agriculture to camping site (tents and eight glamping), touring caravan site and up to six holiday static caravans with associated electric hook ups and access drive – Approved w/conditions
- 3.3 **151995** – Proposed removal of condition 2 of planning permission 76/151 to remove agricultural tie – Approved w/conditions
- 3.4 **141227/F** – Extension to existing facilities – Approved w/conditions
- 3.5 **132315/F** – Development of site as boxing academy (Retrospective) – Approved w/conditions
- 3.6 **121005/F** – Re-development of site, increase in size of car park, nursery shop, cafeteria, and general improvements – Approved w/conditions

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 **Natural England** comments Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection. Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

#### *River Teme Site of Special Scientific Interest*

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.

#### *Local sites and priority habitats and species*

We note that within the proposal site there are several priority habitats: traditional orchards, hedgerows and deciduous woodland. You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of principle importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006.

- 4.2 **Forestry Commission** comments *I have reviewed the application and confirm the Forestry Commission has no comments on it.*
- 4.3 **Welsh Water** comment:s We note from the application that the proposed development does not intend to connect to the public sewer network. As the sewerage undertaker we have no further

comments to make. However, we recommend that a drainage strategy for the site be appropriately conditioned, implemented in full and retained for the lifetime of the development.

#### Internal Council Consultations

- 4.4 The **Council's Transportation Manager** comments: It is noted that the number of lodges on the site has been reduced from 60 No. to 45 No. as part of this review of the scheme. This has been supported with an Addendum to the original transport statement which also seeks to address some of the queries posed in the original highways consultation response.

The first consultation response made a request for further details around the suitability of the junction of the C1054 and the A456 for catering for the demands of the development. The addendum sets out both the existing 'permitted' development movements and also considers the revised masterplan with the reduction in units (and as a result the reduction in traffic movements).

This clarification is acceptable to the local highway authority, taking into account the content of the NPPF paragraph 109, and as a result there are no highways objections to the proposal as amended.

As set out in the previous response it is recommended that the following conditions are applied in the event that permission is granted:

- CAB – Visibility Splays (2.4m x 59m)
- CAT – Construction Management Plan
- CB2 – Provision of Secure Cycle Parking

- 4.5 The **Transportation Manager's** original (now superseded) comments are as follows:

The existing use of the site is set out in the transport statement. This sets out the two way traffic flow on the C1054 of 414 per day on a 5 day average, reducing to 371 per day over a 7 day average. The 85<sup>th</sup> percentile speeds recorded in the survey are 34mph northbound and 35.1 mph southbound. These two way flows equate to peaks of between 40 and 60 per hour. It is noted that the site is located in relatively close proximity (c150m along a C class route) to the A class road network in the north of the county.

The traffic flow on the A456 as recorded is relatively light for an A class road, and combined with the light flows on the C1054 it is clear that whilst the proposed development will lead to an increase in trips generated by the site these will not lead to a capacity issue that could be classed as severe as set out in the NPPF (Para. 109). This is further evidenced when considering the potential trip generation as a result of the existing use of the site.

The collision status of the junction of the A456 and the C1054 has been requested from Herefordshire Council's Accident Investigation section. This has confirmed that there are no (0) personal injury collisions in the most recent 5 years and this site has not been treated as an accident cluster site since the formation of Herefordshire Council. However whilst the visibility from this junction is set out in images in the TA in figures 4.3 and 4.4 the dimensions are not shown. There is concern that the visibility to the east is restricted by the alignment of the A456 and whilst there may be sufficient visibility for a vehicle to emerge safely from the junction, the risk of shunts as a result of a turning vehicle into the lane is likely to be exacerbated, particularly if longer touring caravans are to visit the site. The TA should address this safety concern robustly in the form of an addendum to the TS. This is particularly relevant because the proposed development will increase the movements at the junction, therefore increasing the potential conflict points.

The proposed site access is to be amended to accommodate a 2.4m x 59m splay in each direction as set out on drawing 406.08139.00005.H010.0. The hedgerows should be set back sufficiently

to allow for seasonal growth to not obscure the visibility line and in order to ensure this is delivered condition CAB should be applied in the event permission is granted.

The TA sets out amendments to the access to accommodate the increased traffic flows for future users and the construction phase traffic. This includes mention of the requirement to manage the construction phase so in the event that a 'temporary' access is required this should be set out so that it can be considered for its acceptability. Linked to this point it is felt that the conditioning of the Construction Management Plan would be beneficial to build on the content of section 7.1 of the TA and ensure that acceptable measures are put in place to appropriately mitigate the impact on the highway network. This should consider a before survey undertaken in conjunction with Herefordshire Council's Service Provider, BBLP to ensure that any exceptional damage as a result of the lodge importation is subject to appropriate remedial work.

The provision of the travel plan in section 7.2 is appropriate for this stage of the development. However to ensure that the travel plan is both implemented and developed in accordance with the undertaking set out here, it is recommended that condition CAT is applied in the event permission is granted.

In terms of sustainable travel options to the site, it is recognised that these are likely to be limited to recreational travel around the rural roads in the vicinity of the development. Whilst this is not ideal, it is clear that given the current land use at the site this is considered acceptable. The provision of secure cycle parking should be encouraged to allow for guests wishing to access the site, or the local area via cycle to securely store their bicycles. In the event that permission is granted condition CB2 is applied.

It is noted that parking around the site is dispersed with the exception of small car parks near to the key buildings. This level of parking is considered adequate to prevent parking being displaced onto the adjacent highway network and is therefore acceptable.

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

The proposed redevelopment of the existing Country Park development is broadly acceptable in highways terms, subject to updated detail around the suitability of the A456 J/W C1054 priority give way junction for accommodating the additional movements safely.

4.6 **Principal Natural Environment Officer (*Landscape*)** comments I have seen the amended drawings, LVIA addendum (including colour palette), sections and landscape management and maintenance plan.

The density of the development has been reduced from 60 to 45 and therefore offers additional area for landscape for mitigation and biodiversity enhancement. This has been addressed in the amended and additional information.

I am satisfied that many of the recommendations provided in previous landscape comments (i.e. colour, planting, impacts on the ground around the lodges has now been addressed.

A 10 year management and maintenance plan has been submitted fulfilling the requirements of the long term establishment and ongoing needs of the landscaping.

However, there is further detail to be provided in terms of hard and soft landscape and this can be conditioned. Although a management and maintenance plan has been provided, I ask for this

to be conditioned to ensure that it will be up to date with submitted drawings and written specifications.

### Conditions

#### CK6 – Landscape Scheme

- a) A plan showing existing and proposed finished levels or contours.
- b) A drawing detailing hard surfacing materials with details.
- c) Boundary treatments and means of enclosure.
- d) Artefacts and Structures e.g. street furniture, play equipment, water features.
- e) Vehicle parking layouts
- f) Lighting and CCTV
- g) Trees and hedgerow to be removed.
- h) Trees and hedgerow to be retained, setting out measures for their protection during construction, in accordance with BS5837:2012.
- i) All proposed planting, accompanied by a written specification setting out species, size, quantity, density and cultivation details.
- j) A plan detailing the water attenuation schemes, with detailed sections of edge conditions.

#### CK7 – Implementation

CK5 – Maintenance Plan (10 years)

CK8 – Management Plan (10 years)

And to confirm the final colour schemes

#### C13 Samples of external materials

Reason: To safeguard and enhance the character and amenity of the area in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework

- 4.7 **Principal Natural Environment Officer (Ecology)** comments on amended plans: *It is noted that the number of lodges on the site has been reduced from 60 No. to 45 No. as part of this review of the scheme and the amended and additional information furthermore offers additional area for landscape, mitigation and biodiversity enhancement.*

Previously there were no objections raised by Natural England and my colleague in Ecology who made reference to Natural England's comments and recommendations were made for suitable Biodiversity Conditions to secure the relevant mitigation for the development.

This amended proposal includes provisions for low-level lighting throughout the scheme and the reduction in building size and density will further reduce lighting for the site. The final approved lighting design will be secured through a relevant Lighting condition. Furthermore amendments from the original proposals to reduce the duration of evening entertainment and reduction in site accommodation will improve noise volumes, reduce public use and therefore achieving less ecological disturbance and in particular disturbance to nocturnal species.

The revised proposal includes a detailed Landscape Masterplan and 10 year management and maintenance plan. My colleague Nigel Koch, Senior Landscape Officer provided detailed comments dated: 05/06/2020 in regards to the revised proposals, Ecology fully supports his recommendations and suggested planning conditions.

From an Ecological perspective the suggested planning conditions (also suggested by the applicant's revised proposals) include reference to:

- The Landscape Masterplan and 10 year management and maintenance plan;

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

- Construction Environmental Management Plan;
- Sustainable Drainage strategy;
- Lighting Scheme;
- Tree Protection;
- retention and integration of existing habitats, and;
- the implementation of biodiversity net gain such as wetland and terrestrial habitats bird and bat boxes as a minimum requirement. All biodiversity net gain proposed within the supplied ecological reports should be conditioned and supported by a final submitted Ecological Clerk of Works Statement, inclusive of biodiversity net gain photographs, details of long-term aftercare for the lifetime of the development.

It is noted that a foul and surface water drainage strategy has not been fully detailed at this point in time however the applicant has indicated a sustainable drainage option with attenuation ponds within the red line boundary. Designed according to the relevant SuDs guidance and drainage specifications on-site SuDs drainage can secure additional biodiversity net gain enhance habitat connectivity and amenity value, whilst also reducing risks to local environments or maintenance or technical failure of unsustainable drainage design.

Objections to the application also raised potential drainage issues as a significant concern, and I draw the Case offices attention to this. From the advice provided by Natural England and my Ecology colleague, Drainage conditions will secure the appropriate mitigation. Prior to the commencement of the development details of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. Therefore it is recommended that the applicant provides final details of foul and surface water strategies at the earliest opportunity to avoid any identification of legal constraints or planning restrictions further into the planning process.

#### Original comments stated as follows –

It is noted in their response dated 13th February 2020 that Natural England have not raised any objection to this application in relation to the nearby River Teme SSSI or any other nationally important or designated nature conservation site. Reviewing the supplied information there is no reason for this LPA to arrive at a different conclusion in this regard.

Looking at available information and the supplied ecology report and associated Habitat Enhancement and Biodiversity Net Gain plan appear relevant and appropriate.

Given the extensive nature of the works proposed and the proximity to watercourses directly linking to the Teme SSSI, Priority Habitats (retained) on the site, potential presence of opportunistic/transitory species and possible effects of the wider landscaping and site ground works, use of machinery, material storage and similar it is appropriate and relevant that this LPA requires a detailed and comprehensive Construction Environmental Management Plan as a pre-commencement condition. This CEMP should clearly identify the 'responsible persons'.

#### Nature Conservation Protection

*Before any work, including any site clearance or demolition begins, equipment or materials moved on to site, a fully detailed Construction Environmental Management Plan (CEMP) and named 'responsible persons' shall be supplied to the local planning authority for written approval. The approved CEMP shall be implemented and remain in place until all work is completed on site and all equipment and spare materials have finally been removed.*

*Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), NPPF (2019) and Herefordshire Council Core Strategy (2015) policy SS6, LD2 and LD3*

The Ecological Enhancement and Mitigation Strategy by RPS Group dated December 2019 should be secured through a relevant condition on any consent granted.

#### Nature Conservation – Mitigation and Biodiversity Net Gain

*The Ecological Enhancement and Mitigation Strategy, by the RPS Group dated December 2019 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 having regard to the Wildlife and Countryside Act 1981 (as amended), the Habitats & Species Regulations 2017 (as amended), Policy LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006*

- 4.8 **Environmental Health Service Manager (Noise / Nuisance)** comments: Our department has been reconsulted with regard to this proposal. I have reviewed the information supplied with regard to noise and nuisance and advise that I have a couple of further comments to make. This it to recommend the following conditions:

The Noise Management Plan supplied with the application shall be subject to a documented review on at least a yearly basis and a copy supplied to the local authority on request.

The use of fireworks and Chinese lanterns shall not permitted on this site.

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.

Original comments stated *from a noise and nuisance perspective our department has no objections to this proposal.* The applicant has supplied a noise management plan as part of this application and we are of the opinion that this covers the essentials for noise control and minimisation of noise nuisance to neighbours.

We recommend a condition to limit the hours of demolition and construction on site:

*During the demolition and construction phases no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the hours of 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays. There shall be no such working on Sundays, Bank or Public Holidays.*

*Reason: 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*

- 4.9 **Environmental Health Service Manager (Contaminated Land)** comments: I refer to the above application and would make the following comments in relation to contaminated land and human health issues.

"Bleathwood Lodges. Phase 1 Environmental Site Assessment." Prepared by SLR Consulting, ref:406.08139.00005.003, Version 1.0, Dated: December 2019.

The report concludes by saying that the "Site is considered to pose no unacceptable environmental risks..." and "...no further action is necessary."

On this basis I'd recommend the following condition which covers the unforeseen be appended to any approval on a precautionary basis.

Recommended condition: *"If during the course of the development unexpected contamination not previously identified is found to be present at the site then the work shall be stopped and no further development shall be carried out unless or until the developer has submitted a written method statement to be approved in writing by the local planning authority. The method statement shall include details about how the unexpected contamination shall be dealt with. Thereafter the development of the site will be carried out in accordance with the appropriate method statement.*

Reason: *In the interests of human health."*

#### 4.10 **Public Rights of Way Manager** Comments on amended plans as follows –

Previous comments stand. Noted that the PROW will be accommodated and that hedge growth has been allowed for. No objection.

Previous comments stated *Public footpath LH15 crosses the site. Plans suggest that the additional hedges are to be planted to enclose the path. If this is the case the path must be given a full width of 2m and hedges must be well maintained to ensure that they do not grow and reduce this width.*

#### 4.11 The **Land Drainage Engineer** comments: We note that applicant is proposing a private foul pumping station and rising main using directional drilling. There are also proposals for a new sewer in the highway (at the connection point) that will be adopted by Severn Trent.

The surface water drainage calculations demonstrate that the surface water strategy is acceptable. We note that the cover level for the southern pond is shown as 67.70m, although local ground levels are approx. 67.03m. It should be possible to raise the ground locally, we note that the access road would also need to be raised up.

We hold no objections to the development and suggest that further information is requested as per the following conditions –

- A detailed design for the surface water drain below Bleathwood Lane shall be submitted. If a private drain is proposed then a NRSWA Section 50 notice shall be submitted
- A drawing showing proposed ground levels in the vicinity of the southern pond shall be issued, identifying the level of the proposed adjacent site road
- The foul pumping station shall be provided with a minimum of 24 hours storage above the high level pump start level (or more storage if a repair cannot be facilitated within the 24 hour time frame). The pumping station shall meet Type 1 design standards. An Operation and Maintenance plan shall be presented identifying a competent contractor that can repair the pumps within the specified time frame
- If existing tanks are to be re-used, hydraulic test results shall be presented to demonstrate the adequacy of on-line storage facilities for the storing sewage
- A NRSWA Section 50 will need to be submitted for the foul rising main

## 5. Representations

### 5.1 **Bleathwood and Little Hereford Parish Council** comments *The Parish Council reiterate their previous comments and still strongly object to this application, it does not adhere to policy BLH18 of the neighbourhood plan.*

The proposal is still disproportionate to the surroundings of the local rural area with 45 lodges proposed and will have an adverse affect on the surrounding infrastructure especially local road networks. The C1054 road leading from the A456 junction is in a bad state of repair, adding extra traffic onto this road would exacerbate the problem. Despite comments by Highways, the A456/C1054 junction is currently named an accident cluster site by Balfour Beatty in their weekly bulletin when work in that area is being done and is it regularly inspected. Although this may not be considered a permanent development, the effects will be the same, the amount of extra traffic

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generated, even with just one car allowed per lodge, will be worse than at present. There are no pavements and a car is needed due to its rural location. It is also proposed that all existing buildings bar one are to be demolished, policy BLH18 states that existing buildings should be re-used.

The applicant has not answered the concerns of the Drainage Engineer regarding the sewage system, we seek assurance that a sustainable drainage system to deal with foul water is submitted and not left as a condition of planning. We remain concerned regarding high levels of phosphates in the River Teme and for the Ledwyche Brook just over the border into Shropshire, any further surface water generated by extra hardstanding or an unsustainable drainage system would cause the A456 to become hazardous in bad weather at a spot where water regularly settles.

There are two caravan parks in Little Hereford and many similar businesses within a few miles of this location, along with various local B&B's and guest houses, the site is acceptable as a small rural business and should remain as it is. In addition there would be light and noise pollution for surrounding properties. It is for these reasons that this application should be rejected to avoid the immense ecological impact upon the rural area that this would have, and which should be respected.

Due to strong local feeling and the concerns mentioned above, we request this application be decided at a planning committee meeting.

Previous comments can be read at:

<https://myaccount.herefordshire.gov.uk/documents?id=1781a10d-4691-11ea-a15c-0050569f00ad>

5.2 **83 letters of objection** have been received, comments are summarised as –

- Density and scale of development is inappropriate
- Concern regarding light pollution
- Concern regarding noise pollution
- Concern regarding potential increased traffic on Bleathwood Lane
- No public transport serves the area
- Concern lodges would be sold of and used as dwellings
- Question the need for the development with reference to similar sites near Tenbury
- Adverse impact on biodiversity and habitats
- Number of lodges is excessive
- Carbon footprint of development
- Concern regarding highway safety
- There will be little benefit to the local economy
- Concern regarding drainage
- Impact on amenity
- Landscape impact
- Concern regarding phosphates and the River Teme SSSI

5.3 **119 letters of support** have been received, comments are summarised as –

- Proposal would be a boost to the local economy
- Employment opportunities and job creation
- Proposal suits its surroundings
- Will enable opportunity for people to enjoy the countryside, especially those from outside the county and cities
- Appears to be a co ordinated campaign against the proposals which is personal
- Proposal has an eco friendly approach
- Proposal is an upgrading and improvement of existing facilities
- Minimal disruption will result from the proposals
- The proposal would be an asset to the area and county
- Lodges in a landscaped setting is an improvement over caravans and tents

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

- Will promote UK tourism and holiday spend
- Access is from an A road so can accommodate traffic
- Existing issues in Bleathwood Lane do not arise from the site or will be increased by the proposal. Existing local traffic is the issue
- Proposal would end caravan movements to and from the site

5.4 **Herefordshire Ramblers Association** comments *This development clearly will affect existing footpath LH15, which runs through the middle of the site.* Provided this public right of way is kept open to foot traffic prior to, during and following the completion of the development, and any hedging boundary enables a full 2 metres width of path, we have no objection to the proposal. It is essential that a regular maintenance plan is put in place by the land owner and/or site manager to ensure that the hedging does not encroach significantly onto the path and impede passage. Suitable pedestrian gates should be installed at the ingress and exit of the footpath from the site.

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

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=194418&search-term=194418](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=194418&search-term=194418)

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.*" The development plan is the Herefordshire Core Strategy and Brimfield and Little Hereford Group Neighbourhood Development Plan.

6.2 With regards to heritage, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states "*In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*"

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

6.3 Core Strategy Policy SS4 – Movement and transportation states New developments should be designed and located to minimise the impacts on the transport network; ensuring that journey times and the efficient and safe operation of the network are not detrimentally impacted. Furthermore, where practicable, development proposals should be accessible by and facilitate a genuine choice of modes of travel including walking, cycling and public transport.

6.4 The policy sets out development proposals that will generate high journey numbers should be in sustainable locations, accessible by means other than private car. Alternatively, such developments will be required to demonstrate that they can be made sustainable by reducing unsustainable transport patterns and promoting travel by walking, cycling and public transport. Proposals to provide new and improved existing public transport, walking and cycling infrastructure will be supported. Where appropriate, land and routes will be safeguarded as required in future local or neighbourhood development plans and developer contributions, which meet the statutory tests, sought to assist with the delivery of new sustainable transport infrastructure, including that required for alternative energy cars.

- 6.5 Policy SS5 – *Employment provision* states: existing higher quality employment land countywide will be safeguarded from alternative uses...The continuing development of the more traditional employment sectors will be supported.
- 6.6 Core Strategy policy SS6 describes proposals *should conserve and enhance those environmental assets that contribute towards the county’s distinctiveness, in particular its settlement pattern, landscape, biodiversity and heritage assets and especially those with specific environmental designations.*
- 6.7 Policy SS6 then states in its list of criteria states *Development proposals should be shaped through an integrated approach and based upon sufficient information to determine the effect upon landscape, townscape and local distinctiveness, especially in Areas of Outstanding Natural Beauty.*
- 6.8 Core Strategy Policy SS7 – *Addressing climate change* states Development proposals will be required to include measures which will mitigate their impact on climate change. At a strategic level, this will include:
- focussing development to the most sustainable locations;
  - delivering development that seeks to reduce the need to travel by private car and which encourages sustainable travel options including walking, cycling and public transport;
  - designing developments to reduce carbon emissions and use resources more efficiently;
  - promoting the use of decentralised and renewable or low carbon energy where appropriate;
  - supporting affordable, local food production, processing and farming to reduce the county’s contribution to food miles\*;
  - protecting the best agricultural land where possible
- 6.9 Key considerations in terms of responses to climate change include:
- taking into account the known physical and environmental constraints when identifying locations for development;
  - ensuring design approaches are resilient to climate change impacts, including the use of passive solar design for heating and cooling and tree planting for shading;
  - minimising the risk of flooding and making use of sustainable drainage methods;
  - reducing heat island effects (for example through the provision of open space and water, planting and green roofs);
  - reduction, re-use and recycling of waste with particular emphasis on waste minimisation on development sites; and
  - developments must demonstrate water efficiency measures to reduce demand on water resources.
- 6.10 Policy E1 – *Employment provision* states; The focus for new employment provision in Herefordshire is to provide a range of locations, types and sizes of employment buildings, land and offices to meet the needs of the local economy. Larger employment proposals will be directed to the strategic employment sites of Hereford, the market towns and rural industrial estates where appropriate. Development proposals which enhance employment provision and help diversify the economy of Herefordshire will be encouraged where:
- the proposal is appropriate in terms of its connectivity, scale, design and size;
  - the proposal makes better use of previously developed land or buildings;
  - the proposal is an appropriate extension to strengthen or diversify an existing business operation;
  - the proposal provides for opportunities for new office development in appropriate locations.
- 6.11 Policy E2 – *Redevelopment of existing employment land and buildings* looks to safeguard important or valued employment land and buildings.

- 6.12 Policy E4 – *Tourism* states Herefordshire will be promoted as a destination for quality leisure visits and sustainable tourism by utilising, conserving and enhancing the county’s unique environmental and heritage assets and by recognising the intrinsic character and beauty of the countryside. In particular, the tourist industry will be supported by a number of measures including as relevant to this proposal from six listed criteria –
- the development of sustainable tourism opportunities, capitalising on assets such as the county’s landscape, rivers, other waterways and attractive rural settlements, where there is no detrimental impact on the county’s varied natural and heritage assets or on the overall character and quality of the environment. Particular regard will be had to conserving the landscape and scenic beauty in the Areas of Outstanding Natural Beauty
  - retaining and enhancing existing, and encouraging new, accommodation and attractions throughout the county, which will help to diversify the tourist provision, extend the tourist season and increase the number of visitors staying overnight
  - ensuring that cycling, walking and heritage tourism is encouraged by facilitating the development of long distance walking and cycling routes, food and drink trails and heritage trails, including improvements to public rights of way, whilst having special regard for the visual amenity of such routes and trails, and for the setting of heritage assets in their vicinity.
- 6.13 Core Strategy Policy RA6 – *Rural economy* emphasizes this sector will be strengthened by providing flexibility for new and expanding rural businesses and sets out a range of criteria that will need to be met to ensure that resulting developments are of an appropriate scale and location and do not significantly impact upon the environmental quality of the area. CS Policy RA6 also acknowledges Tourism plays a role within the rural economy. The varied tourism facilities enable existing farms and rural businesses to diversify as well as accommodating the needs of visitors. With a nod to the rural nature of much of the county, the policy also states *isolated employment sites may be appropriate for small extensions and/or redevelopment*, however will need to take into account other relevant policies within this plan. The policy states A range of economic activities will be supported, including proposals which:
- support and/or protect the vitality and viability of commercial facilities of an appropriate type and scale in rural areas, such as village shops, petrol filling stations, garden centres and public houses;
  - involve the small scale extension of existing businesses;
  - promote sustainable tourism proposals of an appropriate scale in accordance with Policy E4 - Tourism;
  - promote the sustainable use of the natural and historic environment as an asset which is valued, conserved and enhanced.
- 6.14 Planning applications which are submitted in order to diversify the rural economy will be permitted where they ensure that the development is of a scale which would be commensurate with its location and setting; do not cause unacceptable adverse impacts to the amenity of nearby residents by virtue of design and mass, noise and dust, lighting and smell; do not generate traffic movements that cannot safely be accommodated within the local road network and do not undermine the achievement of water quality targets in accordance with Policies SD3 and SD4.
- 6.15 Core Strategy Policy MT1 – *Traffic management, highway safety and promoting active travel* states Development proposals should incorporate the following principle requirements covering movement and transportation:
1. demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development;

2. promote and, where possible, incorporate integrated transport connections and supporting infrastructure (depending on the nature and location of the site), including access to services by means other than private motorised transport;
  3. encourage active travel behaviour to reduce numbers of short distance car journeys through the use of travel plans and other promotional and awareness raising activities;
  4. ensure that developments are designed and laid out to achieve safe entrance and exit, have appropriate operational and manoeuvring space, accommodate provision for all modes of transport, the needs of people with disabilities and provide safe access for the emergency services;
  5. protect existing local and long distance footways, cycleways and bridleways unless an alternative route of at least equal utility value can be used, and facilitate improvements to existing or provide new connections to these routes, especially where such schemes have been identified in the Local Transport Plan and/or Infrastructure Delivery Plan; and
  6. have regard to with both the council's Highways Development Design Guide and cycle and vehicle parking standards as prescribed in the Local Transport Plan - having regard to the location of the site and need to promote sustainable travel choices.
- 6.16 Where traffic management measures are introduced they should be designed in a way which respects the character of the surrounding area including its landscape character. Where appropriate, the principle of shared spaces will be encouraged.
- 6.17 Core Strategy policy LD1 – *Landscape and townscape* criteria requires new development must achieve the following:
- demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, including protection and enhancement of the setting of settlements and designated areas;
  - conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including Areas of Outstanding Natural Beauty, through the protection of the area's character and by enabling appropriate uses, design and management
- 6.18 Core Strategy Policy LD2 – *Biodiversity and geodiversity* states Development proposals should conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire, through the:
1. retention and protection of nature conservation sites and habitats, and important species in accordance with their status as follows:
    - a) Development that is likely to harm sites and species of European Importance will not be permitted;
    - b) Development that would be liable to harm Sites of Special Scientific Interest or nationally protected species will only be permitted if the conservation status of their habitat or important physical features can be protected by conditions or other material considerations are sufficient to outweigh nature conservation considerations
    - c) Development that would be liable to harm the nature conservation value of a site or species of local nature conservation interest will only be permitted if the importance of the development outweighs the local value of the site, habitat or physical feature that supports important species.
    - d) Development that will potentially reduce the coherence and effectiveness of the ecological network of sites will only be permitted where adequate compensatory measures are brought forward.
  2. restoration and enhancement of existing biodiversity and geodiversity features on site and connectivity to wider ecological networks; and
  3. creation of new biodiversity features and wildlife habitats.

6.19 Core Strategy policy LD4 – *Historic environment and heritage assets* sets out as relevant to this appeal that Development proposals affecting heritage assets and the wider historic environment should:

1. *Protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design, in particular emphasising the original form and function where possible*
2. *the conservation and enhancement of heritage assets and their settings through appropriate management, uses and sympathetic design. Where opportunities exist, contribute to the character and local distinctiveness of the townscape or wider environment, especially within conservation areas.*

6.20 Core Strategy Policy SD3 – *Sustainable water management and water resources* states Measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk; to avoid an adverse impact on water quantity; to protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation. This will be achieved by ensuring that:

1. *Development proposals are located in accordance with the Sequential Test and Exception Tests (where appropriate) and have regard to the SFRA 2009 for Herefordshire;*
2. *Development is designed to be safe, taking into account the lifetime of the development and the need to adapt to climate change by setting appropriate floor levels, providing safe pedestrian and vehicular access, where appropriate, implementing a flood evacuation management plan and avoiding areas identified as being subject to rapid inundation from a breach of a Flood Defence;*
3. *Where flooding is identified to be an issue, new development should reduce flood risk through the inclusion of flood storage compensation measures, or provide similar betterment to enhance the local flood risk regime;*
4. *Development will not result in the loss of open watercourses and culverts should be opened up where possible to improve drainage and flood flows. Proposals involving the creation of new culverts (unless essential to the provision of access) will not be permitted;*
5. *Development includes appropriate sustainable drainage systems (SuDS) to manage surface water appropriate to the hydrological setting of the site. Development should not result in an increase in run-off and should aim to achieve a reducing in the existing run-off rate and volumes where possible;*
6. *Water conservation and efficiency measures are included in all new developments, specifically:*
  - *Residential development should achieve Housing – Optional Technical Standards – Water efficiency measures. At the time of adoption the published water efficiency standards were 110 litres/person/day; or*
  - *Non-residential developments in excess of 1,000 m<sup>2</sup> gross floorspace to achieve the equivalent of BREEAM 3 credits for water consumption as a minimum;*
7. *The separation of foul and surface water on new developments is maximised;*
8. *Development proposals do not lead to deterioration of EU Water Framework Directive water body status;*
9. *Development should not cause an unacceptable risk to the availability or quality of water resources; and*

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10. *In particular, proposals do not adversely affect water quality, either directly through unacceptable pollution of surface water or groundwater, or indirectly through overloading of Wastewater Treatment Works.*

- 6.21 Development proposals should help to conserve and enhance watercourses and riverside habitats, where necessary through management and mitigation measures for the improvement and/or enhancement of water quality and habitat of the aquatic environment. Proposals which are specifically aimed at the sustainable management of the water environment will in particular be encouraged, including where they are required to support business needs such as for agriculture. Innovative measures such as water harvesting, winter water storage and active land use management will also be supported. In all instances it should be demonstrated that there will be no significant adverse landscape, biodiversity or visual impact.”
- 6.22 Core Strategy Policy SD4 – *Wastewater treatment and river water quality* states Development should not undermine the achievement of water quality targets for rivers within the county, in particular through the treatment of wastewater.
- 6.23 In the first instance developments should seek to connect to the existing mains wastewater infrastructure network. Where this option would result in nutrient levels exceeding conservation objectives targets, in particular additional phosphate loading within a SAC designated river, then proposals will need to fully mitigate the adverse effects of wastewater discharges into rivers caused by the development. This may involve:
- incorporating measures to achieve water efficiency and/or a reduction in surface water discharge to the mains sewer network, minimising the capacity required to accommodate the proposal, in accordance with policy SD3;
  - phasing or delaying development until further capacity is available;
  - the use of developer contributions/community infrastructure levy funds to contribute to improvements to waste water treatment works or other appropriate measures to release capacity to accommodate new development;
  - in the case of development which might lead to nutrient levels exceeding the limits for the target conservation objectives within a SAC river, planning permission will only be granted where it can be demonstrated that there will be no adverse effect on the integrity of the SAC in view of the site’s conservation objectives; and
  - where the nutrient levels set for conservation objectives are already exceeded, new development should not compromise the ability to reduce levels to those which are defined as favourable for the site.

### **Neighbourhood Plan**

- 6.24 The Brimfield and Little Hereford Neighbourhood Development Plan was made on 22 July 2016 and now forms part of the Development Plan.
- 6.25 The site is not within any defined settlement boundary within the NDP and as such is in a countryside location.
- 6.26 NDP policies which are relevant to the application are –
- 6.27 BLH8 – *Building Design Principles* which sets out new development must enhance and reinforce local distinctiveness and show how character, scale, mass and layout fits with the ‘grain’ of the surrounding area through a Design and Access Statement or similar. The policy directs new development to be of a scale, mass and form which responds to the characteristics of the site and its surroundings. Protection of visual amenities and impact on wider landscape views are prioritised within the policy and the impact on amenity should be minimised along with careful consideration to noise, odour and light. New buildings are required to follow a consistent design

approach in the use of materials and fenestration which should complement and add to the quality or character of the area.

- 6.28 BLH9 – *Landscape Design Principles* requires development must preserve or enhance the character of the area and local habitats and wildlife and protect mature and established trees. New locally relevant species planting is promoted and encouraged. All development must incorporate SuDS which are compliant with the most current standards.
- 6.29 BLH12 – *Water Management* requires new development to incorporate suitable sustainable drainage measures and where there are known surface water issues, appropriate mitigation and construction measures required.
- 6.30 BLH16 – *Design to Reduce Surface Water Runoff* requires the maximisation of surface water being retained on site with run off minimised with attenuation measures such as ponds provided within development sites where possible.
- 6.31 BLH18 – *Development Supporting Rural Enterprise* supports small scale development where it does not have a detrimental effect on the character of the landscape or adversely affect local infrastructure with particular regard to the local road network and local flooding problems. Proposals should also benefit the local community through employment opportunities, service provision and where feasible involves the re use of existing buildings or is part of a farm diversification scheme.

### **National Planning Policy Framework**

- 6.32 The NPPF has ‘sustainable development’ central to planning’s remit and objectives. The NPPF also seeks positive improvements in the quality of the built, natural and historic environment and in regards people’s quality of life. The National Planning Policy Framework has been considered in the assessment of this application. The following sections are considered particularly relevant:
- 2. Achieving sustainable development
  - 6. Building a strong, competitive economy
  - 8. Promoting healthy, safe communities
  - 11. Making effective use of land
  - 12. Achieving well-designed places
  - 15. Conserving and enhancing the natural environment
  - 16. Conserving and enhancing the historic environment
- 6.33 Paragraph 7 and 8 sets out and defines sustainable development and of the three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways, the social objective requires planning to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being.
- 6.34 Paragraph 11 of the Framework sets out the presumption in favour of sustainable development. For decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies of the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 6.35 Chapter 8 of the NPPF sets out how a strong, completeive economy will be delivered and assisted through the planning process. Paragraph 80 requires Planning policies and decisions should help

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create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

6.36 The rural economy and support of it is given specific coverage under paragraph 83 and 84, where it states Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the countryside;
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

6.37 Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

6.38 With particular reference to the matter of access, the NPPF sets out how transportation, highways impact and non-vehicular movement should be considered, assessed and supported in paragraphs 108 – 111, stating: *In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 109 explicitly states *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

6.39 NPPF Paragraph 124 states *The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*

6.40 Paragraph 127 outlines Planning decisions should ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

6.41 NPPF paragraph 180 states Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

6.42 NPPF section 16 sets out the position regarding conserving and enhancing the historic environment. Specific principles and policies relating to the historic environment and heritage assets and development are found in paragraphs 184 – 202.

## **Assessment**

### *Principle of Development*

6.43 The Core Strategy does not allocate land directly for tourism use, nor does the Neighbourhood Development Plan incorporate such allocations. Instead, the CS proposed broad strategic directions for growth in sustainable locations.

6.44 In accordance with the NPPF and Policy SS1 a *positive approach* must be taken by Herefordshire Council to reflect the presumption in favour of sustainable development. Furthermore the LPA through policy SS1 will be proactive wherever possible and to secure development that improves the social, economic and environmental conditions in Herefordshire.

6.45 The principle of development has been established by the site's alignment with the Core Strategy under policy RA6 and E4 as the site is already in an economic use with elements of those uses being tourism based.

6.46 The site has evolved over time and benefits from planning permission allowing the site to be used for 60 touring caravan pitches, 100 tent pitches, 6 static caravan pitches and 8 glamping pods all of which can be used all year round. The site also has café/ restaurant and boxing gym/ fitness centre and disused garden nursery buildings. As such there is a significant quantum of permitted lawful commercial use on the site, however in an uncoordinated manner with limited planning controls. The permitted uses on the site are a material consideration when assessing the proposals.

6.47 On that basis and having regard to the development proposed (which would supersede and extinguish those existing permitted lawful tourism and economic uses), that the proposal accords with the development plan means that by statute and by Section 38(6), there is a presumption in favour of approval (because there is a presumption in favour of the development plan) and having regard to paragraph 11; footnote 6, there are no restrictive policies that are applicable in this

instance. As such the acceptability of the proposals is based on the assessment of both material and technical considerations. These matters are considered in the Report below.

- 6.48 As such, in accordance with Local and National Planning policy approval should be given unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Sustainability and addressing Climate Change

- 6.49 Policy SS7 is a strategic policy requiring focus on measures to address climate change. Reducing carbon footprint and CO2 emissions has been at the forefront of recent political and media discourse, receiving rightful prominent coverage. Herefordshire Council's Core Strategy has been 'ahead of the curve' in that regard with Policy SS7 in place and a requirement to be satisfied by development since October 2015. Policy SD1 also seeks to secure this.
- 6.50 Sustainable tourism is promoted and supported by the Core Strategy with opportunities capitalising on assets such as the county's landscape, rivers, other waterways and attractive rural settlements supported where there is no detrimental impact on the county's varied natural and heritage assets or on the overall character and quality of the environment. The retention and enhancing of existing, and encouraging new accommodation and attractions throughout the county, which will help to diversify the tourist provision, extend the tourist season and increase the number of visitors staying overnight is supported under policy E4.
- 6.51 Government advice within the NPPF promotes within rural areas sustainable rural tourism and leisure developments which respect the character of the countryside. The NPPF requires decisions to recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it notes it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land is encouraged over greenfield development where suitable opportunities exist.
- 6.52 The proposed built structures, i.e. the Meet and Greet Building and the Maintenance Building, adopt a simple design, representing a contemporary version of a single story agricultural barn reflective of the site's rural context. The Meet and Greet building will use air source heat pumps to generate low temperature hot water for underfloor heating. The building will be insulated above levels required under building regulations and an air pressure test will be carried out prior to completion to ensure that the building is sealed to prevent unwanted air leakage. Both buildings will be naturally ventilated by means of opening windows. The shallow depth of the Meet and Greet building means that during the day it can be naturally lit throughout, and the artificial lighting system will have daylight control sensors that will automatically adjust to suit the natural lighting levels. All lighting within any 'internal rooms' (such as stores etc.) will be linked to Passive Infra Red (PIR) movement control.
- 6.53 It is proposed that the Maintenance Building will include Photovoltaic Panels on the southerly roof pitch, linked back into the mains. Due to the function of this building the doors tend to be open regularly. Heating is therefore to be via radiant panels, which heat the individuals working within the space rather than the air. The building is to be naturally ventilated and will incorporate roof lights to allow natural light into the deep plan spaces. All rainwater run-off will be direct to soakaways, as outlined in the Drainage Report.
- 6.54 Other sustainable build details and energy efficiency measures to be used are –
- Opening windows to provide natural ventilation to avoid need for air conditioning
  - Highly insulated external walls, 150mm thick rockwool between external framing system and 50mm dense phenolic foam board to outer face of weather defence board to achieve a 'U' value below that required by Building Regulations

- Buildings lined, taped and sealed to prevent unwanted convection heat loss
- Low temperature hot water underfloor heating set within screed
- Hot water provided via Air Source Heat Pumps
- Air Source Heat Pumps located within an external enclosed compound

- 6.55 The holiday lodges are not permanent buildings, but are capable of being moved from one place to another, and therefore fall within the definition of caravans under the 'Caravan Sites and Control of Development Act 1960.' Although falling under the technical description of 'caravans', the applicant treat the design of their lodges with just as much importance as the permanent structures, both internally and externally. Each of the lodges will be designed specifically for the site, rather than standard 'off the shelf models.
- 6.56 Further to the above and as detailed within the Landscape and Ecology sections of this report, there will be significant enhancements and gains to the character and appearance of the locality, biodiversity value and establishment of habitats.
- 6.57 The Core Strategy notes both the importance of tourism to the economy and its support to local services and facilities and furthermore accepts the location of much tourism activities and accommodation will be within rural locations to enjoy the landscape, scenic beauty and recreational opportunities such a location enables. The site is located short distance off the A465, an important 60 km long East West route linking across the county linking from the A49 at Woolferton to the East (and providing connectivity from the Hereford/ S. Wales/ Shrewsbury/ Mid Wales corridor) to Central Birmingham and Kidderminster at the West. The reality is Herefordshire has four train stations (Hereford, Leominster, Ledbury and Colwall) and a limited public transport service. Whilst most visitors are likely to arrive by private vehicle these trips would be made using major roads and routes.
- 6.58 Officers are also mindful of potential environmental benefits of British residents holidaying within the UK as opposed flying to continental Europe or further on account of COVID19, uncertainty over post Brexit travel and people being more conscious to avoid unnecessary flights and personal CO2 emissions. The 'staycation' and non overseas holiday market is likely to increase and expand and it is noted Herefordshire actively wants to increase its offer, profile, quality of stay and ultimately increase the visitor numbers, draw and expenditure within the county and especially overnight stays. The economic assessment is considered further in the report below however it is noted many of the letters of support raise both the local economic benefits of the proposal along with referencing a desire to visit and explore Herefordshire's countryside for leisure and recreation purposes.
- 6.59 On assessment of the proposals both in terms of their built form and land uses, having regard to extant lawful uses and scrutiny of Core Strategy policies which actively seek to increase tourism to the county and considering both the location and reality of public transport options across the county the proposal is considered to, in principle, represent sustainable development and as such CS policy SS7 and SD1 are satisfied.

### Economic Development

- 6.60 By encouraging more overnight stays and associated increased expenditure, there is potential for revenue from tourism to make a greater contribution to the county's economic well-being. The provision of new accommodation and the enhancement of existing accommodation will help achieve this goal. Many visitors to the county come to enjoy the beautiful countryside and there is likely to be a demand for new facilities and accommodations associated with this. Whilst small scale tourism associated development may be appropriate in rural areas it should maximise sustainable transport opportunities and to protect environmental amenity.
- 6.61 Tourism was at the start of the Plan period calculated to be worth £469m to the county's local economy with Over 4.7 million visitors to the county per year. These are and were mainly for short

stays to take advantage of the outstanding countryside, rich heritage and cultural offer. This sector in 2011 supported 8,480 jobs. "Visit Herefordshire" is the agency in the county that promotes tourism and alongside the council works to develop it as a visitor destination. The combination of Brexit, and British enforced holidays due to COVID19 offer opportunities for the growth of the tourism sector.

- 6.62 The delivery of high quality tourist, cultural and leisure development is supported in the county where it capitalises on existing assets, develops sustainable walking, cycling or heritage routes, benefits local communities and the economy and is sensitive to Herefordshire's natural and built environmental qualities and heritage assets.
- 6.63 These proposal will help to satisfy demand for UK based tourism which is likely to become the preferred holiday choice for many for the foreseeable future once lockdown is lifted and during the Covid era. This form of accommodation also offers opportunities for people to holiday while maintaining social distancing and is therefore likely to make an important contribution to attracting tourists to the County. The economic stimulus and employment which this will consequently create will be essential in helping to return some normality to everyone's lives.
- 6.64 Core Strategy Policy E4 recognises the contribution that tourism makes to the Herefordshire economy and seeks to ensure that this continues and is enhanced through new developments which are of an appropriate scale, type and location. Policy RA6 emphasises the rural economy will be strengthened by providing flexibility for new and expanding rural businesses and sets out a range of criteria that will need to be met to ensure that resulting developments are of an appropriate scale and location and do not significantly impact upon the environmental quality of the area. CS Policy RA6 also acknowledges Tourism plays a role within the rural economy. The varied tourism facilities enable existing farms and rural businesses to diversify as well as accommodating the needs of visitors. With a nod to the rural nature of much of the county, the policy also states *Isolated employment sites may be appropriate for small extensions and/or redevelopment*, however will need to take into account other relevant policies within this plan.
- 6.65 The site already benefits from planning permission allowing the site to be used for 60 touring caravan pitches, 100 tent pitches, 6 static caravan pitches and 8 glamping pods all of which can be used all year round. The site also has café/ restaurant and boxing gym/ fitness centre and disused garden nursery buildings. As such there is a significant quantum of permitted lawful economic use on the site, however in an uncoordinated manner with limited planning controls.
- 6.66 It is anticipated the proposals will employ around 20 members of staff in permanent, year-round roles. At present there are only 2 staff members, employed seasonally. It is the applicants' preference to employ locally, which is common within the sector, and to invest and train staff from junior to senior positions. The redevelopment of the site represents a capital investment of around £7 million into Herefordshire.
- 6.67 The average total spend in the local economy per visitor trip for off-park spending is predicted to be approximately £467 for lodge. From the applicants ten year experience of owning and running similar sites, visitor trips and rental units will be more beneficial for the local economy when compared with existing on site tourism model, which is characterised by visitors who generally bring provisions with them. Visitors will be attracted to the proposal which offers high quality, luxury lodges suitable for year-round use, attracting customers who are likely to spend more money within the local economy.
- 6.68 Total Anticipated Revenue Generated in Local Economy Per Annum is £866,021.37 compared with the current £90,377 Based on 70% average annual occupancy rate for new Lodge Park and 50% occupancy for existing tenting and touring park as calculated using British Holiday & Home Parks Association / Visit Wales Economic Impact Assessment of the Holiday Park Industry in Wales. This represents a significant positive contribution to the local economy arising from the development.

- 6.69 Further to those direct benefits, the proposals by their nature and use year round will provide a continuity of positive economic impact and local spend to the area and not just during peak holiday times.
- 6.70 Having regard to CS policies E4 and RA6 and NPPF paragraph 83 and 84, the proposal is considered to comply with the economic aims and objectives of these policies and is a wholly suitable and sustainable form of rural economic development having regard to both the site's location and taking account of existing lawful uses on the site and its redevelopment. Furthermore as detailed above, the proposal address the technical requirements as relates to highways, design, landscape, ecology and amenity required by CS policies E4 and RA6, Bleathwood and Little Hereford NDP policies BLH18 and the NPPF as a whole.

### Highways

- 6.71 It is noted one of the most significant matters of public concern, as shown within representations received, relates to highway safety.
- 6.72 Whilst the concern of the local community is noted, as set out above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states *"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."* The development plan is the Herefordshire Core Strategy and the most relevant policies on the matter are SS4, MT1, RA6, E4 and BLH18 of the NDP.
- 6.73 As such, lawful assessment and acceptability of the proposed access arrangements must be made against these policies. Further to this, the NPPF is a material consideration and paragraphs 108 – 111 most relevant, with paragraph 109 stating *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*
- 6.74 It is noted that the number of lodges on the site has been reduced from 60 to 45 and inevitably as a consequence this will reduce movements to and from the site and over the local road network. The number of vehicle movements expected to be made by the lodge accommodation during a changeover day (07:00-19:00) and modelled 'worst case scenario' is 207 movements, with 101 arrivals and 106 departures.
- 6.75 The existing Bleathwood Lodges and The Bluestone Centre generate, on a typical weekday, some 186 vehicle movements. Furthermore, the existing consents and permissions for the site would allow a very significant uplift in the accommodation on offer at the site, and therefore the traffic generation associated with these uses would also increase. The consented number of touring pitches in particular would in turn increase the number of larger vehicles involved, including tourers and caravans accessing and egressing the site and Bleathwood Lane.
- 6.76 It is acknowledged the most recent previous permission was assessed by the local authority and the same means of access to be utilised here by the proposals were considered to be acceptable. This position would have taken into account existing uses and trip rates generated on and from the site.
- 6.77 Further to the above the two way traffic flow on the C1054 is recorded as 414 movements per day on a 5 day average, reducing to 371 per day over a 7 day average. The 85th percentile speeds recorded in the survey are 34mph northbound and 35.1 mph southbound. These two way flows equate to peaks of between 40 and 60 per hour. It is noted that the site is located in relatively close proximity (c150m along a C class route) to the A class road network in the north of the county.

- 6.78 The traffic flow on the A456 as recorded is relatively light for an A class road, and combined with the light flows on the C1054 it is clear that whilst the proposed development will lead to an increase in trips generated by the site these will not lead to a capacity issue that could be classed as severe as set out in the NPPF (Para. 109). This is further evidenced when considering the potential trip generation as a result of the existing use of the site.
- 6.79 The main area of clarification has been addressed by further details regarding the suitability of the junction of the C1054 and the A456, shown below, for catering for the demands of the development. A transport addendum has been provided which sets out both the existing 'permitted' development movements and also considers the revised masterplan with the reduction in units (and as a result the reduction in traffic movements). It is noted there are no personal injury accidents which occurred within the 5 year period to date on Bleathwood Lane or at the above junction of Bleathwood Lane with the A456.



- 6.80 With regards to the ability of Bleathwood Lane to accommodate any additional traffic flow from the site, in any of the development scenarios an assessment of operational capacity and performance of Bleathwood Lane and the A456 has been undertaken. The spare capacity was calculated as 98% spare capacity on Bleathwood Lane and as such the road can support a considerably higher amount of traffic than exists now or is proposed by the development. Furthermore, the development proposals will not significantly or materially increase the level of traffic using the junction, and will remove from the junction, tourers and caravans that presently access the site in its existing, permitted use.
- 6.81 This clarification has been assessed by the Transportation Manager and it is concluded the proposal is acceptable to the local highway authority, taking into account the content of the NPPF paragraph 109, and as a result there are no highways objections to the proposal as amended.
- 6.82 The proposed site access accommodates a 2.4m x 59m splay in each direction as set out on the submitted plans. The hedgerows should be set back sufficiently to allow for seasonal growth to not obscure the visibility line and in order to ensure this is delivered an appropriate condition securing the implementation and retention of the splay is recommended.

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- 6.83 The Transport Assessment sets out amendments to the access to accommodate the increased traffic flows for future users and the construction phase traffic. This includes mention of the requirement to manage the construction phase so in the event that a 'temporary' access is required this should be set out so that it can be considered for its acceptability. Linked to this point it is felt that the conditioning of the Construction Management Plan would be beneficial to build on the content of section 7.1 of the TA and ensure that acceptable measures are put in place to appropriately mitigate the impact on the highway network. This should consider a before survey undertaken in conjunction with Herefordshire Council's Service Provider, BBLP to ensure that any exceptional damage as a result of the lodge importation is subject to appropriate remedial work.
- 6.84 The provision and content of the travel plan submitted is appropriate for this stage of the development. However to ensure that the travel plan is both implemented and developed in accordance with the undertaking set out here, it is recommended that an appropriate condition is applied and which will include monitoring of and as appropriate, updating of the Travel Plan over the developments' lifetime.
- 6.85 In terms of sustainable travel options to the site, it is recognised that these are likely to be limited to recreational travel around the rural roads in the vicinity of the development. Whilst this is not ideal, it is clear that given the current land use at the site this is considered acceptable. The provision of secure cycle parking should be encouraged to allow for guests wishing to access the site, or the local area via cycle to securely store their bicycles and charging points for electric vehicles also provided.
- 6.86 It is however also worth noting visitors will have ready and immediate Access onto the PROW network as a PRow intersects the site and in turn links up with other routes and walks. Neither The Ramblers' Association of the Council's PRow Officer raises any in principle objection to the proposals.
- 6.87 It is noted that parking around the site is dispersed with the exception of small car parks near to the key buildings. This level of parking is considered adequate to prevent parking being displaced onto the adjacent highway network and is therefore acceptable.
- 6.88 It has been demonstrated that a satisfactory access strategy can be provided. The proposals therefore meet the objectives of Policy SS4, MT1, E4 and RA6 and Bleathwood and Little Hereford NDP policies BLH18 to a sufficient or appropriate level. Furthermore the requirements of NPPF paragraphs 108 – 111 are also satisfied as assessed above. The highways network can accommodate the development without an unacceptable impact on highway safety and the impact on the road network is not severe.
- 6.89 With the proposed appropriate mitigation measures, it has been demonstrated that the local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network and that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impact from the development.
- 6.90 Given the additional information that has been provided by the applicant, the access and movement arrangements within the submitted application are considered to be acceptable. The highway authority therefore has no objections to the application. There are, as explicitly directed by NPPF paragraph 109, no technical or policy reasons to refuse the application on highway grounds.

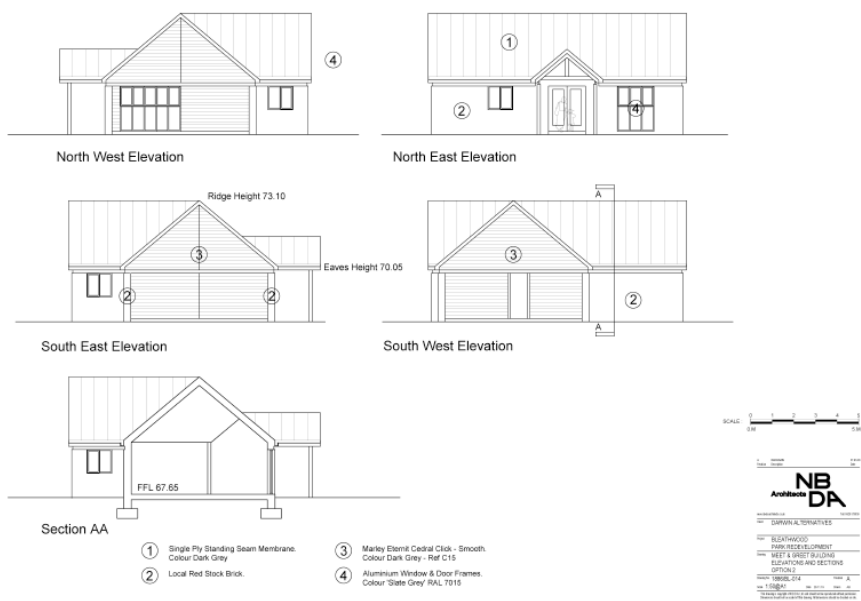
### Design

- 6.91 Notwithstanding the landscape assessment, CS policy SD1 requires that new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development,



While making a positive contribution to the architectural diversity and character of the area including, where appropriate, through innovative design and safeguard residential amenity for existing and proposed residents.

- 6.92 To replace demolished structures and upgrade the facilities and experience on offer a number of new buildings are proposed. Amended Plans received in response to comments has resulted in significant changes to the proposed built-form, reducing the size of the meet-and-greet building by 27% and simplifying the housekeeping building. As part of that design review and comments received on the colour and architectural treatments of both buildings, further amendments have been made from the original submitted information.
- 6.93 A new Meet & Greet Reception building is proposed which is a simple single storey pitched structure (Eaves Height 7.05metres, Ridge Height 7.31metres) and will contain and be used for Reception / Check-in and Administration functions. It is emphasised the originally proposed Café and Convenience Shop have been removed (and not replaced elsewhere on site) as part of the amended plans received and the buildings' reduction in size.
- 6.94 The proposed building is shown below and has a gross external area of 98 sq. m. The design of the building is a contemporary version of a simple single storey barn. The side walls are finished with an orange/red stock brick laid in a natural mortar. The gable ends are slightly recessed and will be finished in either black Marley eternity Cedral 'Click' weatherboarding or glazing in black powder coated aluminium frames. Either approach represents an appropriate response to context in both material, colour and appearance. The pitched roof is finished in a dark grey single ply membrane with an applied standing seam, which again is appropriate in landscape terms. The ridge height of the proposed building is significantly less than that of the existing retained house (which is 7.529metres).



- 6.95 The meet-and-greet building has been as stated, reduced in size since the original submission and the materials selected reflect the local vernacular with contrasting local red brick and dark grey cladding and roofing. As the building is reduced in size and set back in a landscape setting, the contrasting materials and high quality finishes will provide an appropriate sense of arrival for guests, representing a significant improvement over the existing built-form it replaces.

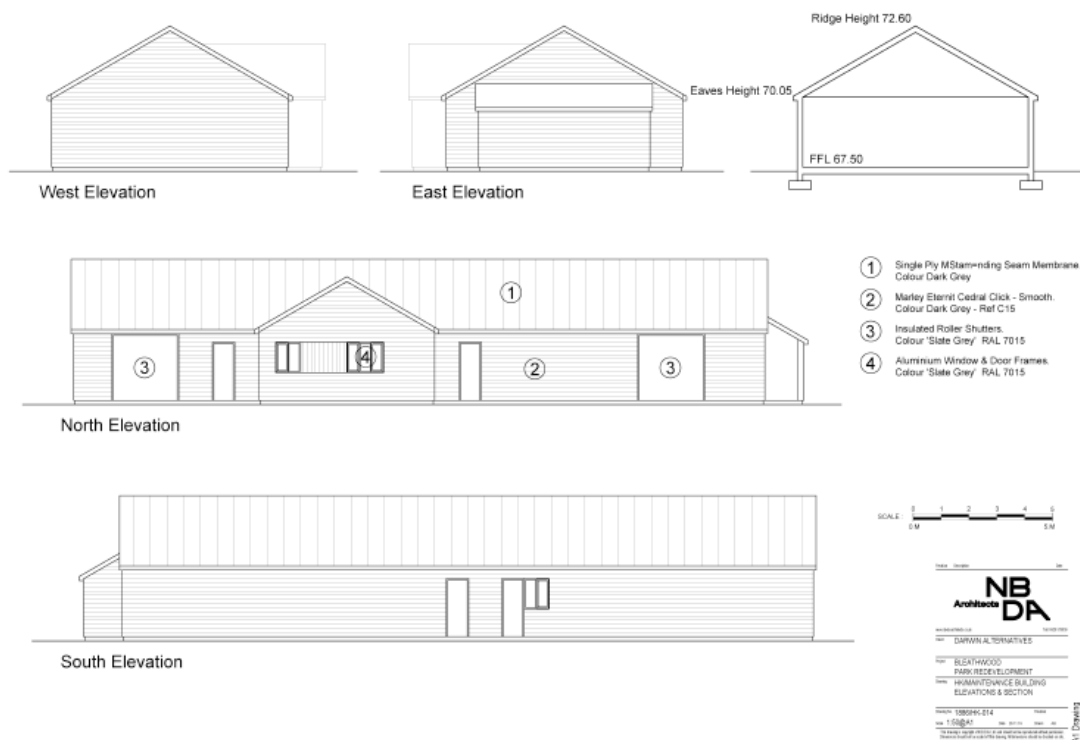
- 6.96 The operation of the site requires a maintenance and housekeeping building the gross external area of which is 227 sqm. The proposed building contains:

- Covered area for Equipment / Vehicle and Buggy Storage

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

- Repairs Workshop
- Maintenance Office
- Laundry and Inventory Store
- Housekeeping Office
- Shared Staff Room
- Toilets and Shower
- Covered area for Dirty Linen Racks

6.97 The building is a simple single storey pitched roof construction, with an eaves height of 70.05 and ridge height of 72.60. The proposal again is influenced and based on agricultural barn and clad the roof in a grey single ply membrane with applied standing seam, and the walls in black Marley eternity Cedral 'Click' weatherboarding, as shown above, to create commonality with the other new Building.



6.98 The housekeeping building northern elevation has been simplified so the building is more akin to a barn and the colour and materials sensitively revised to 'tone' rather than contrast with each other. Colour choice has also been considered in the context of some of the meet-and-greet finishes and the desired lodge colour range. As such it now represents an appropriate design and landscape response to its setting and location.

6.99 The holiday accommodation Although "lodges," with the external appearance being that of timber cladding, all of these lodge units are caravans by definition under the Caravan Sites and Development Act 1960, which are manufactured and delivered to the site either in single units or in 2 halves for the larger ones. The latter are assembled on each plot.

6.100 Each of the lodges is to be designed specifically for the Applicant rather than "off the shelf" designs to ensure that aspects of quality and individual design requirements are incorporated. This has been achieved successfully on other similar holiday parks in the ownership of the Applicant in The Lake District National Park and on the Isle of Wight.

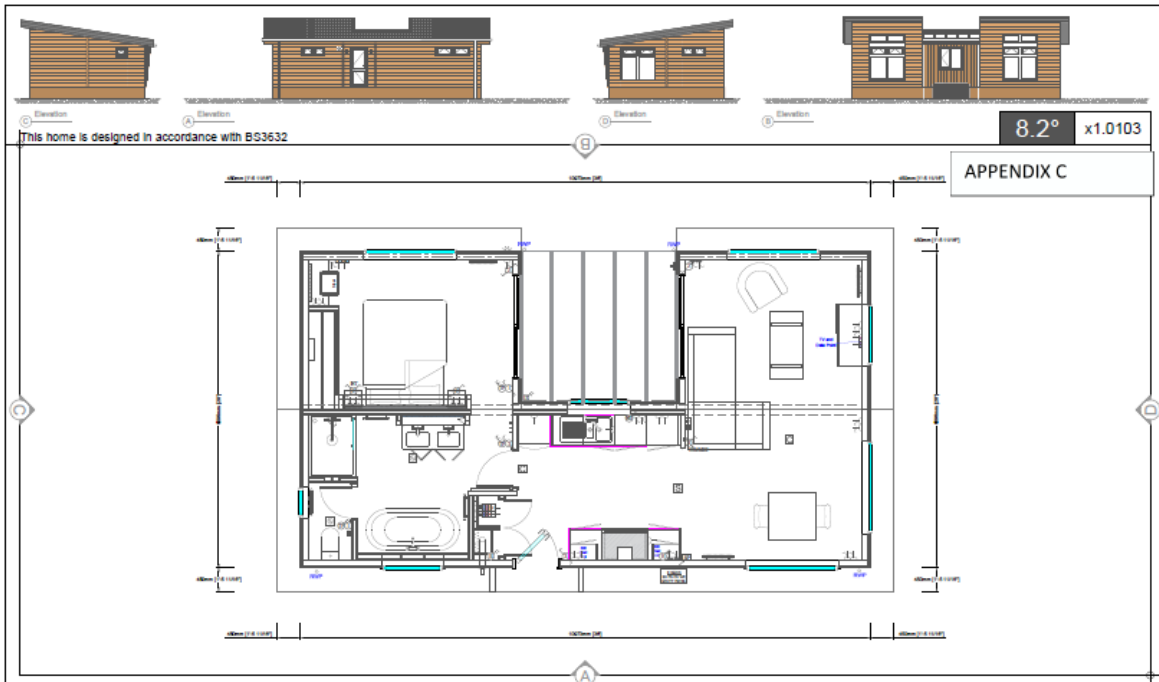
6.101 The lodges will be 1, 2, 3, 4 or 5 bedroom units to offer a choice of accommodation sizes to suit various tourist needs. The mix is as follows;

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- 9 No x 1 bed lodges
- 12 No x 2 bed lodges
- 16 No x 3 bed lodges
- 6 No x 4 bed lodges
- 2 No x 5 bed lodges

6.102 The interior design will be influenced by the local environment in terms of appointment, material and furnishing choices. A one bed and a three bed unit are shown below –



6.103 Externally, the lodges will be clad in a timber effect cladding with subtle colour choices to work with the local environment and to respect aspects of visual impact from outside the site. Choices of external colour will be sensitively made to work with the Local Environment and to reduce visual impact.

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- 6.104 The lodge twin units are of varying size. The twin unit lodges are split length ways to produce individual units of 3.05m or 3.35m wide or less for transportation. All units have shallow pitched roofs with a central ridge running along the length of the roof.
- 6.105 On the basis of the above and noting the functional requirements, CS policies RA6, LD1 and SD1, relevant policies of the Brimfield and Little Hereford NDP and the design aims and objectives of the NPPF are satisfied.

### Landscape

- 6.106 Landscape is assessed in the context of policies RW1 and LD1 of the Core Strategy, Brimfield Neighbourhood Development Plan, and NPPF to assess the proposals environmental impacts. CS policies RA6 and the wider economic development policies are underpinned by Policy LD1 of the Core Strategy Landscape and townscape. Development proposals need to demonstrate that features such as scale and site selection have been positively influenced by the character of the landscape and townscape, and that regard has also been had to the protection and enhancement of the setting of settlements. Development proposals should also conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including locally designated parks and gardens; and should incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings.
- 6.107 Core Strategy policy SD1 (Sustainable Design and Energy Efficiency) also seeks to secure high quality design and well planned development, that contributes positively to the character of the area and that development successfully integrates into the existing built, natural and historic environment.
- 6.108 The application and proposal itself is underpinned by a Landscape and Visual Impact Assessment, which has assessed the direct effects of the proposal on landscape resources, and indirect effects on public perception of landscape arising from change to landscape character or as a result of visual impacts. The LVIA has assessed the impact of the development one year and ten years after construction, with the latter taking account of landscaping and mitigation planting becoming established. Day and night time effects have also been considered.
- 6.109 The site has been assessed from nine viewpoints as shown on the plan below to assess and illustrate the potential extent of inter-visibility between the site and the wider landscape. The site is edged and filled red, the zone of visual influence is washed purple and viewpoints are denoted by the white circles. There are many areas of 'visual shadow' where there is no inter-visibility as a result of intervening landscape and vegetation. The strong boundary vegetation and sloping site essentially limit views from receptors to the east of the site, as experienced on views from public vantage points. A view East and West over the site from the PRoW which intersects the site is shown below –



- 6.110 Pedestrians in the study area will essentially be using the local footpath network in the immediate environs of the site and Footpath 15 which crosses the site. Residential receptors that may be affected are essentially homes to the east on higher ground looking back westwards towards the site. There are a limited number of houses visible, nestled in existing tree groups.
- 6.111 Motorists using the A456 will have very limited views into the site as the road corridor is at a lower level and the valley floor well vegetated. Travelling east, there are only views to the built southern boundary available and these would be experienced obliquely at speed and through an existing orchard. Travelling west, there is more of an opportunity to take in the southern boundary, however this is experienced at speed with intervening vegetation.
- 6.112 Motorists will also use Bleathwood Lane if they turn off the A456 and head north and whilst alongside the eastern boundary, will have views into the site. The same views will be available descending Bleathwood Lane travelling south, for the limited section that follows the site

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boundary. Of course this section is already experienced with views of the existing development on the site.

- 6.113 Overall, within the wider landscape and visual envelope, there are very few locations where views are available from the local road network as lanes are narrow with tall-sided hedgerows. If there are any glimpsed views they are experienced obliquely, at speed and mindful of oncoming traffic.
- 6.114 Potential receptor impacts which are predominantly from local footpaths in a non-designated landscape. There are no long-distance or national footpaths which might increase the value of the views experienced. The above viewpoints which have been assessed in detail are considered reflective of important experiences one would reasonably encounter of the site.
- 6.115 Overall, the LVIA assessment identified from six of the viewpoints there would be impact on visual amenity and no impact at all from one view point. From two viewpoints there would be a minor adverse to negligible impact during the operational period of the development. Six of those viewpoints were very restricted, predominantly towards existing boundary vegetation, but in some instances viewpoints are towards areas where the extant permission would see static caravans and touring caravans with no provision for landscaping. In one location no view was available and in the remaining two instances, views were less restricted where larger areas of the site were visible.
- 6.116 The majority of the viewpoints were experienced by sensitive receptors but from local public footpaths in a non-designated landscape and hence the value of the views is limited in this respect as there will be fewer receptors experiencing the view, albeit from open countryside.
- 6.117 NDP policy BLH9 – *Landscape Design Principles* seeks to protect a number of specific important identified views however none of these apply or are affected by the proposals.
- 6.118 The density of the development has been reduced from 60 to 45 and therefore offers additional area for landscape for mitigation and biodiversity enhancement and by the very nature of such a reduction in numbers (and therefore associated use) further reduces its landscape impact.
- 6.119 Many of the recommendations provided in previous comments by Officers (i.e. colour, planting, impacts on the ground around the lodges have been addressed within amended plans. both layout and design being influenced by and being a response to the site's context and location. The resultant *Landscape Proposals Masterplan* is shown below –



**LEGEND**

- Site Boundary
- Buildings
- Existing Trees to be Removed
- Existing Trees
- Proposed Trees
- Proposed Amenity Planting
- Proposed Structure Planting
- Proposed Native Hedge
- Proposed Wildflower Grass
- Proposed Bat and Bird Boxes
- Proposed Aquatic Planting
- Lodges With Monopitch Roof, Rush Deck / Patio
- Lodges with Twin Pitched roof and Conventional Deck

**Structure and Tree Planting:**

- Acer campestre
- Crataegus monogyna
- Corylus avellana
- Fagus sylvatica
- Prunus spinosa
- Betula pendula
- Alnus glutinosa
- Quercus robur
- Sorbus aucuparia

**Amenity Planting:**

- Buddleja davidii
- Carex comans 'Amazon Mist'
- Ceanothus thyrsiflorus
- Chiosya temata
- Crocosmia Lucifer
- Hebe 'Midsummer Beauty'
- Hydrangea macrophylla
- Lavandula x intermedia
- Miscanthus sinensis
- Pennisetum alopecuroides
- Philadelphus 'Belk Etoile'
- Rubbeckia 'Goldsturm'
- Verbena bonariensis

**Hedgerow Planting:**

- Acer campestre
- Crataegus monogyna
- Corylus avellana
- Comus sanguinea
- Euonymus europaeus
- Ilex aquifolium
- Prunus spinosa
- Rosa canina
- Viburnum opulus

**Wildflower Grass:**

- WFG 4 seed mix
- WFG 9 seed mix (around pond)

To be read in conjunction with ecological management recommendations report.

**PLANNING ISSUE**

**LANDSCAPE ARCHITECTS**

**Sketch Design**

**BLEATHWOOD LODGES COUNTRY PARK LANDSCAPE PROPOSALS**

1500 @ A1 TH  
Dec 2019 SJL  
W2366 SKQ1

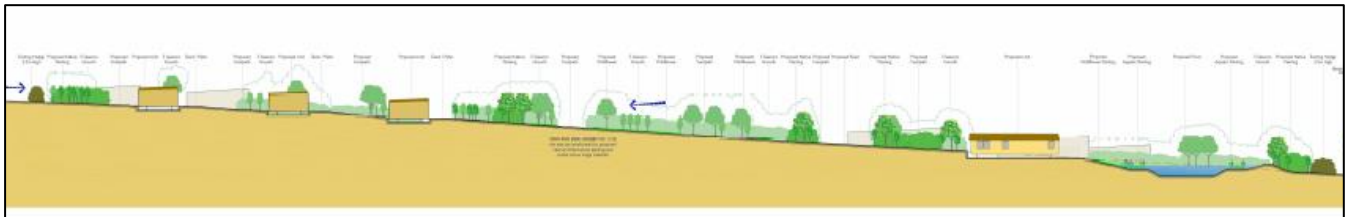
6.120 The revised layout has reduced the number of lodges in the scheme significantly and introduced more open space and native infrastructure planting within the development. There are benefits for visual amenity in terms of retaining some of the grass open slope visible from local footpaths to the east and benefits for ecology in terms of significant areas of meadow linking to the perimeter buffer zones of the original scheme. There is a benefit for lodge customers with added amenity/low-key recreational space.

6.121 The incorporation of additional space within the development has created additional opportunities for extra native planting and small copse areas and ensured that significant areas of the site will remain largely intact and touched 'lightly' with only cultivation required to diversify/introduce

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wildflower meadow areas. The introduction of open space centrally to Field A has also facilitated a more relaxed layout and road alignment that can be more easily integrated with the proposed planting by minimizing impacts further on visual amenity from the east.

- 6.122 The siting of the lodges has been carefully considered and will work closely with existing contours to balance cut-and-fill to ensure lodge units are bedded down into the landscape. In the upper sections of Field A, these lodges have been set into the landscape to allow for level access front and rear, married into the slope to pre-empt the need for retaining walls or deck balustrades to be on view from the east. The extract from the revised sections drawing shown below illustrates how lodges can be sensitively bedded into the slope with minimal earthworks so they will sit comfortably on existing slopes within an extensive native landscape infrastructure.



- 6.123 The levels will be designed to minimise cut-and-fill where possible to maintain the even fall of the existing sloping field, with resultant spoil spread evenly at nominal levels internally to ensure very discrete changes in slope. Through such sensitive introduction of the Lodges into the existing slope, this will minimise any perceptible change in contours from the wider landscape.
- 6.124 The landscape design intent for the planting scheme is to absorb the development into a wooded slope of predominantly native, natural looking planting. Infrastructure planting throughout the application site will provide a long-term setting for development, ameliorating views and providing connectivity for wildlife between woodland on the northern and southern boundaries. The visual and physical link will be further strengthened by the introduction of small areas of woodland copses located selectively within the development and the use of climax species such as oak within planting areas.
- 6.125 The native character of the planting through the majority of the development will provide a high quality environment for lodge customers and be beneficial in terms of visual amenity and net biodiversity gain over the existing baseline. There will be further benefits in terms of visual amenity and biodiversity by the extension of the wildflower grass areas throughout the site over the submitted scheme. The landscape masterplan incorporates a significant area of new wildflower grassland which will provide a physical link between the perimeter ecological buffer zones.
- 6.126 A 10 year management and maintenance plan has been submitted fulfilling the requirements of the long term establishment and ongoing needs of the landscaping.
- 6.127 Overall, the proposed development will result in some minor adverse impacts as a result of the construction process and during the first few years of the operational period in the short Term. However, the sensitive site layout which works within the established landscape boundaries and appropriate landscape treatments, in conjunction with ecological management targets, will ensure there are no significant residual effects in the medium to long term.
- 6.128 The proposed development occupies a relatively small part of a wider wooded, rolling landscape that will now have a well designed, sustainable leisure use all year round rather than the current leisure use of mixed quality with no requirement for landscape mitigation, ecological management or improvement for tourists.
- 6.129 As such in terms of overall impact, the development proposals will not be significant and, as planting matures, the development will sit comfortably in the wider, well-wooded landscape. It



also considered there would be net betterment in landscape (and ecological) terms over the existing situation.

- 6.130 It is concluded that, the development of this site in the form proposed would be acceptable in landscape terms and with regards to the local landscape character and the character and accord to the requirements of policies LD1 and SD1 of the Herefordshire Local Plan – Core Strategy, Bleathwood and Little Hereford NDP policies BLH8, 9 and 18 and landscape aims and objectives of the NPPF.

#### Amenity, Noise and Light Pollution

- 6.131 The Core Strategy notes the protection of residential and local amenity is essential to ensuring local communities are and remain sustainable. Amenity considerations include such issues as noise. Policy SD1, within its list of criteria for sustainable design requires new development does not contribute to, or suffer from, adverse impacts arising from noise.
- 6.132 The NPPF paragraph 170 (e) requires the decision making process should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution. Paragraph 180 requires development should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 6.133 Currently the services on offer at The Bluestone Centre and Boxing and Fitness Centre are run in conjunction with Bleathwood Lodges and its large Restaurant/Bar (circa 150 capacity that is proposed to be demolished as part of these proposals) attract a broad range of visitors, at varying hours of the day and evening. The proposals include only a small Meet & Greet Building with, as detailed on amended plans, no café facility which is now removed to further reduce the size of the proposals.
- 6.134 Furthermore a number of actions and policies would be implemented by the applicants, and visitors would be informed of these via welcome and information packs. Visitors will be required to keep noise to a minimum between the hours of 20:00 and 09:00, with the site operating a no noise policy after 23:00. The site will also commit to working with their suppliers to encourage them to avoid deliveries / waste collection before 08:00 and after 20:00 and a condition to this effect is recommended by Officers and is not dissimilar to conditions used on A1 foodstores in or adjoining residential areas. A complaints procedure will also be maintained by the site for the duration of the site's operation, ensuring that any complaints relating to noise are recorded and investigated, as appropriate. The site's general manager will also actively engage with the local community and be readily available to receive feedback about the operation of the site.
- 6.135 Such requirements and 'site rules' are common on such accommodation facilities where the USP is a tranquil relaxing stay in a countryside location. It is noted none of these restrictions are currently in place and therefore the proposals offer the opportunity to deliver these further improvements which benefit the amenity of the area.
- 6.136 A Noise Impact Assessment was submitted with the application and this and the proposals have been assessed by the Council's relevant Environmental Health Officers who advise from a noise and nuisance perspective our department has no objections to this proposal. The supplied noise management plan as part of the application is considered to cover the essentials for noise control and minimisation of noise nuisance to neighbours. Having regard to the rural nature of the location, a condition preventing the use of fireworks and Chinese lanterns on the site is recommended for both amenity and ecological reasons.
- 6.137 To ensure in the longer term, adjoining residential amenity, a condition for The Noise Management Plan supplied to be subject to a documented review on at least a yearly basis is

recommended so to ensure its anticipated suitability remains and it actively does what it is supposed to do.

- 6.138 The proposed development is likely to generate significant impacts during its construction phase as a result of noise and vibration. There would also be increased traffic movements associated with the construction phase. Both construction traffic and noise/vibration would be temporary and shall be controlled through best practice guidelines which includes conditions securing agreement of a *Construction and Environmental Management Plan* to cover the build phase and will detail amongst other matters, permitted hours of construction and other such protection to local residents and environment. This approach is supported by Environmental Health colleagues with regards to protecting adjoining residential amenity.
- 6.139 In terms of traffic movement during operation, the site benefits from consent for a touring caravan and camping site. The proposed use would represent an intensification of that use, but it is not likely to be significant from a noise perspective and it is noted the cessation of caravanning pitches on the site would be advantageous in terms of reduced impacts on the local road network (eg reversing, holding up traffic, etc).
- 6.140 There is the potential for light pollution as a result of the proposals. This however is to be managed through a sensitively designed lighting scheme controlled by condition and is not considered to present significant effects on the surrounding environment. A Lighting Plan would detail luminosity levels and include the lighting specification and indicative gradient of light illuminance, which would be required to deliver and demonstrate minimum light spillage. Low level lighting bollards are used across the site as is common on such developments, and are fitted with low energy soft LED light fittings. Subject to precise specification these will be acceptable in principle with regards to ecology as demonstrated on other developments around the county and as agreed and supported by the Council's Ecologist. It is again noted no such lighting controls cover the site and as such there will be further betterment from the proposal with regards to this aspect.
- 6.141 The amended proposal includes the reduction in building size and density, which will further reduce lighting for the site. Furthermore amendments from the original proposals to reduce the duration of evening entertainment and reduction in site accommodation will improve noise volumes, reduce public use and therefore achieving less amenity impact and ecological disturbance, in particular disturbance to nocturnal species.
- 6.142 The nearest residential receptor (Lock Cottage) is approximately 30m south east of the site. Park Villa is also approximately 50 metres to the east beyond Bleathwood Lane. Overall it is considered the proposal will have no significant impact on amenity of adjoining residents or the locality. The proposals represent improvement in amenity through the consolidation and regulation of uses and activities of the site which will be subject to operational and planning controls, along with a reduction in the activities on the site. As such CS policy SD1 is satisfied along with Bleathwood and Little Hereford NDP policies BLH8, 9 and 18 and the relevant requirements of NPPF paragraph 127 and 180.

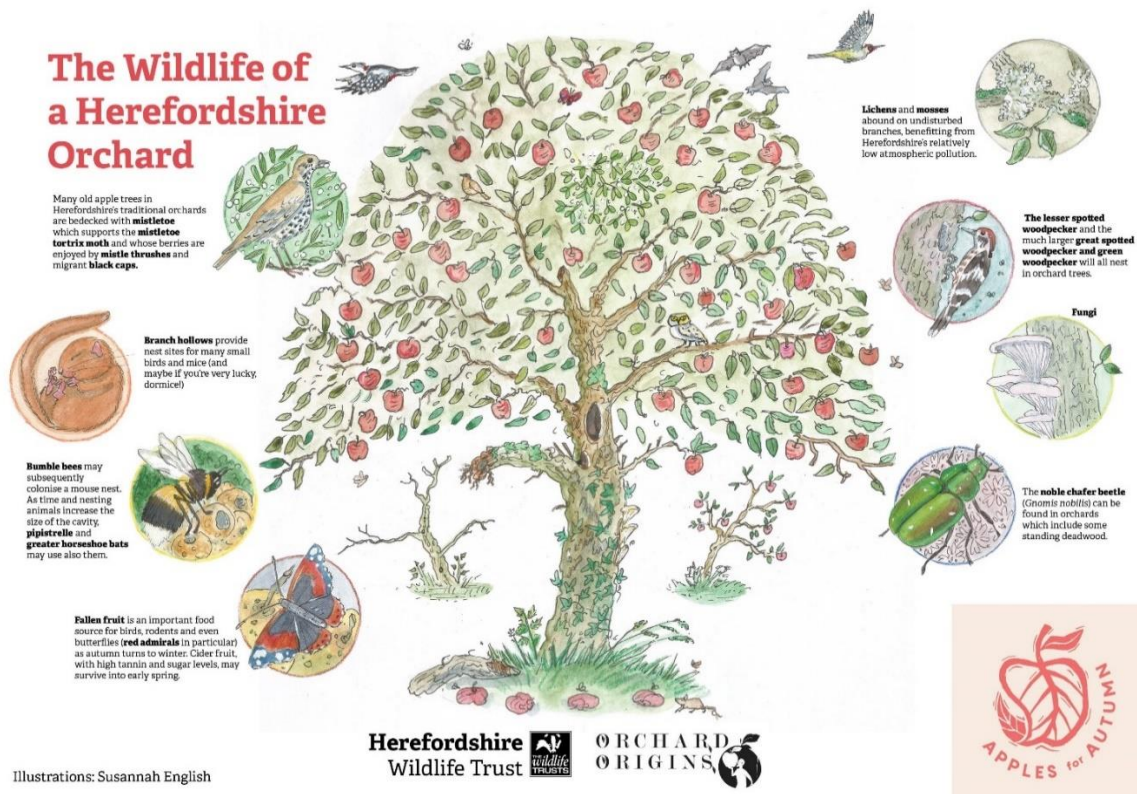
### Ecology

- 6.143 Policy LD2 of the Herefordshire Local Plan - Core Strategy requires development proposals to conserve, restore and enhance biodiversity through the retention and enhancement of nature conservation site and habitats and important species. Policy LB2. This is also supplemented and underpinned by Core Strategy policies LD2 – *Biodiversity and geodiversity* and LD3 – *Green infrastructure*.
- 6.144 Policy LD2 states *Development proposals should conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire, through the:*

1. retention and protection of nature conservation sites and habitats, and important species in accordance with their status
2. restoration and enhancement of existing biodiversity and geodiversity features on site and connectivity to wider ecological networks; and
3. creation of new biodiversity features and wildlife habitats.

- 6.145 The advice in Chapter 15 of the NPPF, *Conserving and enhancing the natural environment*, reinforces this, stating *promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.*
- 6.146 The application submission has been supported by an Ecological Assessment in which extensive surveying and assessment has been undertaken. An Arboricultural Assessment was also submitted. The Ecological Enhancement and Mitigation Strategy proposed is supported by the Council's Ecologist.
- 6.147 The application site comprises largely of two improved grassland fields, with an orchard, hardstanding, buildings, a pond, a series of hedgerows and ruderal vegetation and scattered scrub. The majority of the development site is currently considered to be of low ecological value, However there are some features of high ecological value such as the boundary hedgerows and longer grassland features, which are to be retained and protected within the proposed redevelopment of the site.
- 6.148 Currently, pre development, there is a total of seven hedgerows across the site of mixed species value. This habitat type is listed on Section 41 of the Natural Environment and Rural Communities Act (NERC) 2006 as a habitat of principal importance to the conservation of biodiversity in England. All the existing hedgerows are to be protected and retained and enhanced as necessary within the redevelopment of the site and a series of new native and species rich hedgerows will be planted across the site; with the most significant of these planted alongside the Public Right of Way (PRoW) running east-west across the site.
- 6.149 An orchard is present towards the south of the site, which is to be retained, protected and enhanced. This comprised five lines of planted fruit trees, spaced circa 5 m apart. The planted trees included apple, pear, blackthorn and cherry. Orchards are listed as a BAP habitat, and so this will be retained, protected and enhanced through the redevelopment of the site. The ecological and habitat value of orchards are well known and promoted by this Council and the Herefordshire Wildlife Trust diagram *The Wildlife of a Herefordshire Orchard* below, pictorialises this very well –

## The Wildlife of a Herefordshire Orchard



- 6.150 The site has a small area of woodland present towards the south-west corner of the site; which is dominated by single stem sycamore. The understorey is sparse and dominated by nettles and ground elder. A number of the sycamore trees present within this woodland are failing, and so recommendations have been made to coppice / remove select trees to ensure that the woodland copse remains viable in the longer term and new native tree and woodland planting will be included within the scheme, to strengthen the existing site boundaries, and to provide further green corridors of movement across the site. The planting of new tree and woodland habitat will also provide new habitat on site for a range of species, such as dormice and bats.
- 6.151 Along with the substantial new planting proposed as detailed within the *Landscape* section of this Report, the retention and integration of existing on site habitats with these proposals underpins the site wide landscape and ecological strategy. Targeted habitat enhancement is proposed for dormouse, bat, bird and badger species. It is noted there is no objection from Natural England and the Council's Ecologist's comments have been addressed and recommended conditions attached to the recommendation below.
- 6.152 Amendments secured by Officers from the original proposals to reduce the duration of evening entertainment and reduction in site accommodation will improve noise volumes, reduce public use and therefore achieving less ecological disturbance and in particular disturbance to nocturnal species.
- 6.153 Natural England has no objection and with specific regard to the River Teme Site of Special Scientific Interest, 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. Both Natural England and the Council's Ecologists are extremely mindful of the phosphates issue within Herefordshire and upon review of the application, neither raise this matter as a concern here.
- 6.154 Objections to the application also raised potential drainage issues as a significant concern. From the advice provided by Natural England and my Ecology colleagues, Drainage conditions will secure the appropriate mitigation. Prior to the commencement of the development details of the

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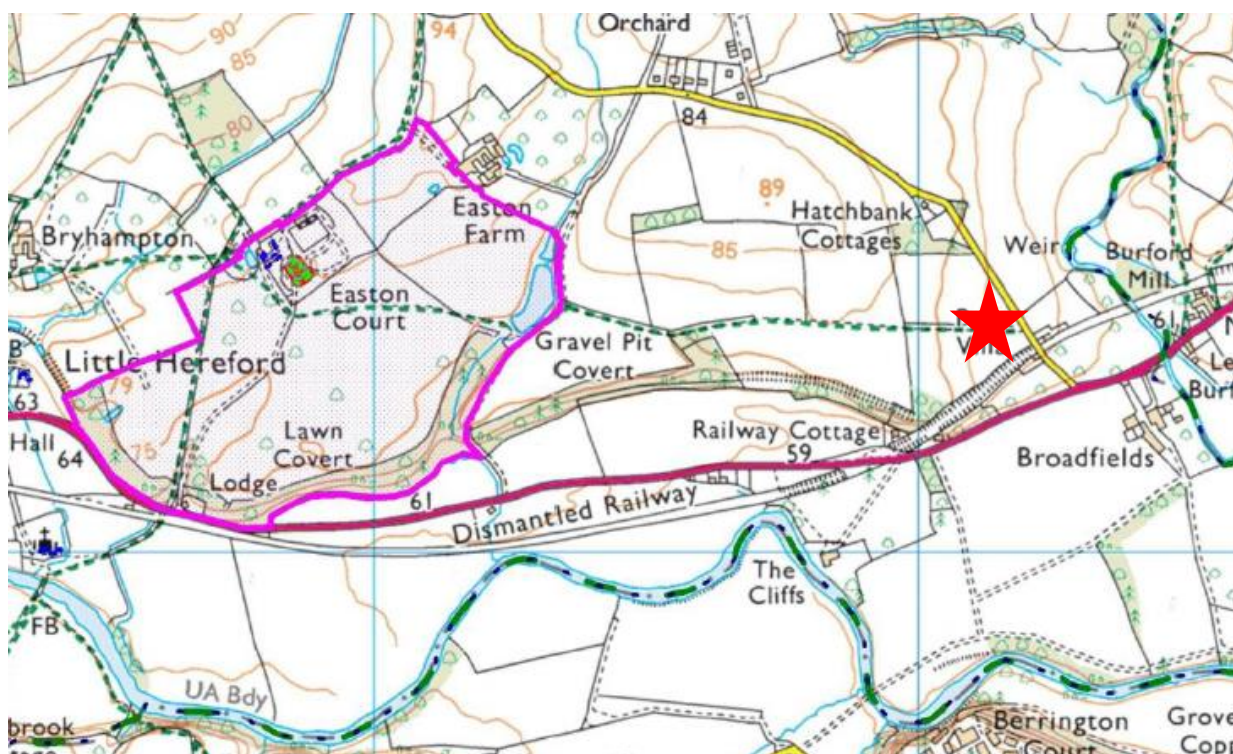
proposed foul and surface water drainage arrangements are required be submitted to and approved in writing by the local planning authority.

6.155 Overall it is considered the development provides additional biodiversity net gain through enhanced habitat provision and connectivity, which in turn has an increased amenity value, whilst also reducing risks to local environments through matters such as lighting and noise controls secured by condition. As such CS policies LD2, LD3 and SD4 and Bleathwood and Little Hereford NDP policies BLH9 and 12 are satisfied.

### Heritage

6.156 When considering the impact of a development proposal upon the setting of a Heritage Asset, there are several stages. Firstly identifying those assets which may be affected and their significance. Then those aspects of their setting which contribute to the significance are identified and lastly the impact of the development upon this significance. It should be noted that a view to or from a Heritage Asset does not necessarily mean that a site is within that assets setting, this depends upon whether that view contributes to the significance of the asset. Also a site can be within the setting of a heritage asset without their being a direct view under certain circumstances. The fundamental principle is whether or not a development affects the significance of a heritage asset, including those aspects of its setting which contribute to its significance.

6.157 The site is not within a conservation area nor does it contain or adjoin any designated heritage assets. The nearest heritage assets are the Grade II Easton Court and its associated Grade II stable buildings to the East which are within an unregistered park and garden of which that area is over 800 metres away to the West and its nearest point. These assets and their relationship with the application site, denoted with the red star, are shown below, with the extent of the unregistered park and garden outlined in purple –



6.158 On the basis of the intervening distances and topography and also taking into account the design of the proposals and mitigation proposed it is considered there is no new or detrimental impact on the character, appearance or setting of designated heritage assets from the proposal. As such CS policy LD4 and the conservation aims and objectives of the NPPF are satisfied.

### Drainage and Flood risk

- 6.159 The nearest watercourse is Ledwyche Brook which is located approximately 150 m east of the Site. Ledwyche Brook is an Ordinary Watercourse and flows in southerly direction before discharging into the River Teme approximately 1 km south east of the Site. The River Teme is defined by the Environment Agency as a Main River and is located approximately 300 m south west of the Site at its nearest point. The Teme flows in a south easterly direction within the vicinity of the Site.
- 6.160 The Environment Agency's Flood Map for Planning indicates the Site is wholly located within Flood Zone 1 whereby the land is classified as having a less than 1 in 1,000. The Site is shown to have a 'Very Low' risk of surface water flooding, that is flooding occurring as a result of rainfall with less than 1 in 1,000 chance in any given year.
- 6.161 Relevant records indicate there are no boreholes within or immediately surrounding the Site and the Site is not located within a groundwater Source Protection Zone.
- 6.162 Policies SD3 and SD4 of the Core Strategy seek to ensure that matters of flood risk and drainage are considered. Welsh Water, as the statutory consultee have been consulted and, subject to a condition that ensures that a connection is made in a specific location and there being no surface or land drainage discharge to the mains system, they raise no objection. As such, whilst noting the concerns raised locally about capacity, officers conclude that the proposals comply with the requirements of policy SD4 of the Core Strategy.
- 6.163 Matters of flood risk and surface water drainage have also been carefully considered against the above policies and NDP policies BLH12 and 16 in the detailed response from the Land Drainage consultant as detailed at paragraph 4.11 of the Report. The drainage submission has been assessed in significant detail following concerns raised through the consultation process, with the applicant providing further assessment and details to the eventual satisfaction of the Council's qualified Drainage Engineers.
- 6.164 The applicant is proposing a private foul pumping station and rising main using directional drilling. There are also proposals for a new sewer in the highway (at the connection point) that will be adopted by Severn Trent.
- 6.165 Each holiday lodge is a caravan by definition and in accordance with BS3632. The Water Regulations require that all calculations for water consumption and sewage disposal are based on the single criteria of 4 persons at 150 litres per second per caravan per day. This amounts to 600 litres per caravan per day. It should be noted beyond the Meet and Greet facilities there is no other facilities. The rate of sewage generated as a maximum for the development is therefore 45 lodges at 600 litres per unit per day amounts to 27,000 litres per day maximum.
- 6.166 Severn Trent Water Authority has confirmed connection to the adopted sewer network is permissible and the nearest foul manhole to the site is 2km to the east along the A456. a private foul pump station and rising main along the A456 to this manhole under a Section 50 Highways License will be used and all the foul sewage from this proposal is discharged directly to main sewer rather than utilising an onsite treatment system. The approach accords with the preferences of CS policy SD3 and NDP policy BLH12.
- 6.167 The surface water drainage calculations demonstrate that the surface water strategy, which includes the use of two on site ponds, is acceptable and as such there are no objections to the development on drainage grounds. Recommended conditions secure drainage matters further. As such CS policies SD3 and SD4 and Bleathwood and Little Hereford NDP policies BLH12 and 16 are satisfied.

### Other Matters

- 6.168 **Loss of Boxing and other facilities** – The boxing facility is well regarded and has benefited many youngster from difficult backgrounds. Indeed it is through this and other work the current site owner has been honoured by this country with an MBE. The loss of this facility however must be balanced against the overall planning benefits, which as detailed above are wide ranging and significant. Even if one was to conclude there was harm in the planning balance from this loss, it is considered that harm is significantly outweighed by the benefits which include social, economic and environmental betterment to the site and area. It is also noted he existing site and facilities are not explicitly protected within the Neighbourhood Development Plan.
- 6.169 It is also noted the boxing facility could relocated with relative ease to, if within Herefordshire, Leominster or any one of the sustainable settlements listed under CS policy RA2 or come forward in a barn conversion scheme. Availability of alternative and even better sites for this use will be more widespread than suitable sites for the tourism proposal assessed here.
- 6.170 **Demolition of Existing Buildings** – As part of the Parish Council objection they state *all existing buildings bar one are to be demolished, policy BLH18 states that existing buildings should be re-used*. The actual policy states 'Where feasible, the development involves the re use of existing buildings'.
- 6.171 There is nothing within the policy to compel a developer or development that it must re-use existing buildings. With regards to the proposal, those existing buildings to be demolished and replaced have no designated or local heritage value (they are not identified within the NDP as local undesignated heritage assets) and furthermore can be considered detrimental to the character and appearance of the area and unsuitable and insufficient for conversion to the proposed uses.

### Environmental Impact Assessment

- 6.172 Officers have undertaken a Screening Opinion on the application and concluded an Environmental Statement is not required. The application site does not contain any 'sensitive areas' as defined by Part 1 of the Regulations. The nearest 'sensitive areas' are the River Teme is a SSSI which lies approximately 360 metres south and an Ancient Woodland which is approximately 360 metres west.
- 6.173 The Local Planning Authority and that of its officers through internal consultation would agree with the submitted details in regards that the potential the greatest impacts arising from the development might be the visual impact as some however the harm would be localised and not be at a 'significant' level upon the landscape and in regards to traffic and transport. The cumulative effect of introducing a holiday lodge proposal of this scale will impact the area in terms of increased traffic movements, visual landscape impact and ecology, however it is not considered that impact would be significant, particularly through suitable mitigation proposals.
- 6.174 Having had regard to the characteristics, scale and potential impacts of the development, the likelihood of significant adverse environmental effects is considered to be low risk.

### **ADOPTED SCREENING OPINION**

It is the opinion of Herefordshire Council as Local Planning Authority that the proposal set out above **is not** an EIA development under Schedule 2 and the indicative criteria/thresholds in the National Planning Practice Guidance **Therefore an Environmental Statement will not be required.**

The development is considered to be listed in Schedule 2 but falls below all the thresholds and is not within a sensitive area.

### Summary and planning balance

- 6.175 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows “*If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.*” The development plan is the Herefordshire Core Strategy and Brimfield Neighbourhood development plan.
- 6.176 In accordance with s.38 (6) of the 2004 Act, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Core Strategy constitutes a spatial strategy and policies designed to achieve sustainable development under the three objectives; social, economic and environmental. As concluded above the proposals are considered to accord with the development plan through meeting the criteria of relevant plan policies. This includes the policies of the Neighbourhood Development Plan. The NPPF, a material consideration, also seeks sustainable development through the economic, social and environmental objectives for planning. To enable a conclusion to be reached on whether the application proposals are in accordance with the development plan and to take account of material considerations, I now consider the benefits and impacts of the proposals against each of the three roles or dimensions of sustainable development in turn.

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

#### *Economic Objective*

- 6.177 A key aspect of the economic role played by the planning system is to ensure that sufficient land of the right type is available in the right places and at the right time to support growth.
- 6.178 In this context, the proposals score, in economic terms at least, positively. The proposal could help to support economic growth arising from:
- employment and supply of associated materials, goods and services in the construction phase
  - support to local services and facilities arising from the users of the site
  - employment and supply chain opportunities from the local area
- 6.179 The positive economic benefits arising from the scheme are significant, and will include direct economic betterment for local shops and businesses along with employment opportunities. On the basis of the scale and nature of the development I attach significant weight to these benefits noting the limited opportunities there are in such an area for such substantial inward investment.

#### *Social Objective*

- 6.180 Planning’s social role incorporates providing support to strong, vibrant and healthy communities, by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well being.
- 6.181 The proposal delivers upgraded tourism facilities which helps meet demand now and for the future. The delivery and use of the development will contribute to the social wellbeing of the area through occupiers using and contributing to the areas existing social life and supporting facilities, events and services. Furthermore the development represents a planned response to tourism through the significant upgrading of an existing site which has lawful tourism related uses.
- 6.182 As such the *social* objective is considered to be satisfied and I attribute significant weight to the benefits in community terms, particularly to the support of sustainable communities, employment



opportunities and a sense of place the development will secure and delivering the planned economic growth of the area.

#### *Environmental objective*

- 6.183 The environment objective requires consideration of how the development contributes to protecting and enhancing the natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution and mitigating climate change (low carbon economy).
- 6.184 The proposal will enable more sustainable patterns of activity through providing tourism facilities that enable use and enjoyment of the countryside as a resource through being located in an undesignated landscape area, with no impact on heritage assets, and with ready access onto an A class road. The proposal forms redevelopment of an existing brownfield site which features unrestricted tourism and other facilities and as such enables controls to be brought in which represent enhancement to amenity. The significant landscape planting represents landscape and biodiversity and habitat gains which are significant and beneficial over the existing situation.
- 6.185 Taking all of the above into account, officers consider that the public benefits arising from the scheme, as outlined above are positive. There is no evident harm arising in relation to other technical matters as discussed above, and officers do not feel that the impacts of the development should tip the planning balance in favour of refusal. As such I attach positive weight to the proposals as their delivery will also enable defence against the existing and potential future on site development and land uses and activities that would be or is harmful in environmental terms.

#### *Conclusions*

- 6.186 Policy SS1 of the CS reflects the presumption in favour of sustainable development in national policy and provides that planning applications that accord with the policies in the Core Strategy will be approved unless material considerations indicate otherwise. Policy SS1 also aligns itself with NPPF paragraph 11 and as a matter of local plan policy states *Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the council will grant permission unless material considerations indicate otherwise.*
- 6.187 The NPPF paragraph 11 provides the mechanism for the determination of the application stating:

#### **For decision Making**

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 6.188 As detailed above there is conformity with the relevant policies of the development plan which includes the Brimfield and Little Hereford Neighbourhood Plan. These policies are consistent with the guidance contained within the NPPF.

- 6.189 The proposal also offers, if approved, the following opportunities which are all material considerations –

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

- Introduce more control over the site's use, which is absent under the current permissions
- Manage how people access the site, which does not currently occur
- Deliver a more unified accommodation model
- Limit the range of facilities and remove 'entertainment' uses
- Remove the range of disparate buildings which have developed in a piecemeal fashion and detract from the rural setting
- Enhance visitor spend in the wider area and secure new employment opportunities
- Deliver significant landscape and biodiversity enhancements
- Make use of sustainable building design

6.190 On the basis of the clear direction from NPPF paragraph 11, the local plan policy and NPPF aims and objectives compliance, and there being no technical reasons or demonstrable harm to dictate otherwise, approval is recommended as the proposal represents sustainable development.

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

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

2. **The development hereby approved shall be carried out strictly in accordance with the approved plans and supporting details and the schedule of materials indicated thereon unless other conditions of this Decision Notice dictate otherwise.**

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

### ***Pre Commencement Conditions***

3. **No development shall commence until a fully detailed Construction Environmental Management Plan (CEMP) and named 'responsible persons' shall be supplied to the local planning authority for written approval. The approved CEMP shall be implemented and remain in place until all work is completed on site and all equipment and spare materials have finally been removed. The Construction Management Plan shall include, but is not limited to, the following matters:**

- **site management arrangements, including on-site storage of materials, plant and machinery; temporary offices, contractors compounds and other facilities; on-site parking and turning provision for site operatives, visitors and construction vehicles (including cycle parking for staff and visitors); and provision for the loading/unloading of plant and materials within the site**
- **wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway;**
- **measures for managing access and routing for construction and delivery traffic**
- **hours during which construction work, including works of site clearance, and deliveries can take place**
- **Tree / hedge protection plan for the phase of development**
- **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 safeguarding adjoining amenity and uses and to safeguard protected species, wildlife and habitats and to conform to the requirements of Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), NPPF (2019) and Herefordshire Council Core Strategy (2015) policy SS6, LD2 and LD3 Policies SD1, LD2, and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy.

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 walls and roofs and for landscape surfacing (non grass areas, eg paths and tracks) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and thereafter be maintained as such.

Reason: To ensure that the materials harmonise with the surroundings, maintain and enhance the character and appearance of the locality and countryside so as to ensure that the development complies with the requirements of Policy RA6, E4, LD1 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

5. Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 59 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 with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

*Prior to First use or occupancy Conditions*

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

Reason: In order to maintain the visual amenities of the area and to conform with Policy E4, RA6 and LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

7. Prior to the first use of the development to which this permission relates the car parking shall be laid out in accordance with the details shown on the approved plans listed under Condition 2 of this Decision Notice and shall be properly consolidated, surfaced and drained, in accordance with details to be submitted to and approved in writing by the local planning authority and those areas shall not thereafter be used for any other purpose than the parking of vehicles.

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

8. Prior to the first use of the development hereby permitted full details of a scheme for the provision of covered and secure cycle parking facilities for visitors and staff shall be submitted to the Local Planning Authority for their written approval. The covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the first use of the development hereby permitted. Thereafter these facilities shall be maintained as approved.

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.

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

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

10. Prior to the first use of the development hereby permitted a scheme to enable the charging of plug in and other ultra low emission vehicles (e.g. provision of outside electric sockets) to serve the staff and visitors of the building hereby permitted shall be submitted and approved in writing by the local planning authority. The scheme shall be completed in accordance with the approved details and provision retained and kept available for use thereafter.

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

11. Prior to any construction, a detailed scheme and annotated location plan for proposed biodiversity net gain enhancement features including significant provision for bat roosting, bird nesting, hedgehog homes and movement corridors across the site, ecological hibernacula, including dead wood and pollinating insect ‘nesting’ opportunities should be supplied to and acknowledged by the local authority and then implemented in full. The approved scheme shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No external lighting should illuminate any ecologically sensitive habitats on or off the site, boundary features, watercourses or biodiversity net gain features.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), Habitat Regulations 2017, Core Strategy SS6, LD2, National Planning Policy Framework (2019), NERC Act 2006 and Dark Skies Guidance Defra/NPPF 2013/2019.

### ***Compliance Conditions***

12. The soft landscaping scheme approved under condition 2 shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 10 years. During this time, any trees, shrubs or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period. The hard landscaping shall be completed prior to the first use of the development hereby permitted

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

13. No individual shall reside on site in any accommodation hereby permitted for more than 28 consecutive days and no more than for a total of 140 days in any calendar year.

Reason: The local planning authority wish to control the specific use of the land/premises for tourism use and not to introduce permanent residential accommodation within the units hereby permitted or over the site, in the interest of highway safety, sustainability, local amenity and environmental considerations and to comply with Policy SS1, SS6, RA2, RA3, RA6, E4, LD1, LD2, LD3 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

14. If during the course of the development unexpected contamination not previously identified is found to be present at the site then the work shall be stopped and no further development shall be carried out unless or until the developer has submitted a written method statement to be approved in writing by the local planning authority. The method statement shall include details about how the unexpected contamination shall be dealt with. Thereafter the development of the site will be carried out in accordance with the appropriate method statement.

Reason: In the interests of human health and to comply with Herefordshire Core Strategy policy SD1 and the relevant aims and objectives of the National Planning Policy Framework.

15. The Ecological Enhancement and Mitigation Strategy, by the RPS Group dated December 2019 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 having regard to the Wildlife and Countryside Act 1981 (as amended), the Habitats & Species Regulations 2017 (as amended), Policy LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006.

16. The Noise Management Plan supplied with the application and as referenced under Condition 2 of this Decision Notice shall be subject to a documented review on at least a yearly basis and a copy supplied to the local authority on request.

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 and paragraph 180 of the National Planning Policy Framework.

17. The use of fireworks and Chinese lanterns shall not permitted on this site.

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 and paragraph 180 of the National Planning Policy Framework.

18. No more than 45 units conforming to the legal definition of a caravan shall be situated on the site subject to this planning permission at any time.

Reason: On the basis of the quantum of development that has been assessed as acceptable with regards to highway safety, impact on amenity, the character and appearance of the locality and impact upon wildlife and so the Local Planning Authority can regulate the density of use and o comply with Herefordshire Core Strategy policies SS1, RA6, E4, LD1, LD2, LD3 and MT1.

19. Prior to the bringing on site and installation of the tourism accommodation hereby permitted, namely the 45 no. cabins as shown on the approved plans listed under Condition 2 of this Decision Notice, the following shall be submitted to the Local Planning Authority for written approval –

- A detailed design for the surface water drain below Bleathwood Lane shall be submitted
- A drawing showing proposed ground levels in the vicinity of the southern pond shall be issued, identifying the level of the proposed adjacent site road
- The foul pumping station shall be provided with a minimum of 24 hours storage above the high level pump start level and the lowest onsite lateral connection. The pumping station shall meet Building Regulations standards Part H
- If existing tanks are to be re-used, hydraulic test results shall be presented to demonstrate the adequacy of on-line storage facilities for the storing sewage

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

Reason: To ensure adequate drainage arrangements serve the site, to prevent drainage from the development affecting adjoining land uses and to comply with Herefordshire Core Strategy policies SD3 and SD4 and Brimfield and Little Hereford Neighbourhood Development Plan policies BLH12 and BLH16

**Informatives**

1. Public footpath LH15 crosses the site. The path must be given a full width of 2m and hedges adjoining the public footpath must be well maintained to ensure that they do not grow and reduce this width.
2. 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.

Decision: .....

Notes: .....

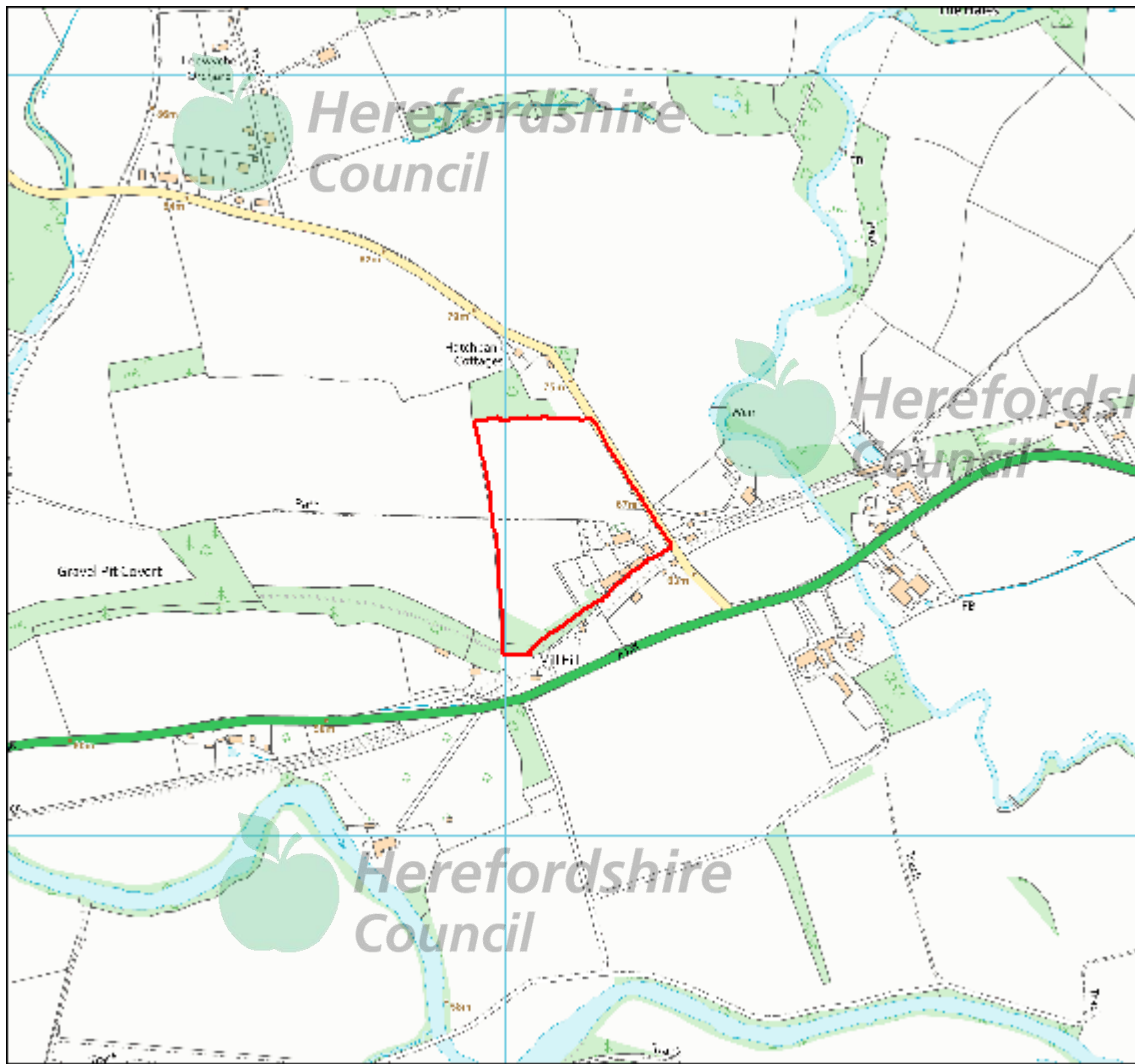
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Further information on the subject of this report is available from Mr C Brace on 01432 261947

## **Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 194418

**SITE ADDRESS :** THE OLD HOPYARD, BLEATHWOOD, LUDLOW, HEREFORDSHIRE, SY8 4LP

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



|  |   |
|--|---|
| <b>MEETING:</b>  | <b>PLANNING AND REGULATORY COMMITTEE</b>  |
| <b>DATE:</b>   | <b>13 OCTOBER 2020</b>  |
| <b>TITLE OF REPORT:</b>  | <p><b>200156 - OUTLINE PLANNING APPLICATION FOR A RESIDENTIAL DEVELOPMENT WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS FOR UP TO 37 DWELLINGS AT LAND OFF MILL LANE, COLWALL, WORCESTERSHIRE</b></p> <p><b>For: Mr Cockayne per Mr Andrew Cockayne, Westhill House, Hagley Road, Stormbridge, West Midlands, DY8 1RD</b></p> |
| <b>WEBSITE LINK:</b>   | <a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=200156&amp;search=200156">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=200156&amp;search=200156</a>   |
| <b>Reason Application submitted to Committee – Re-directon</b> |   |

Date Received: 20 January 2020

Ward: Hope End

Grid Ref: 374946,242178

Expiry Date: 22 April 2020

Local Members: Cllr AW Johnson

## 1. Site Description and Proposal

- 1.1 The site is a broadly square parcel of agricultural land approximately 2.7 hectares in extent, located to the West of Colwall as shown below. An ordinary watercourse passes by the northern corner of the site. The topography of the site slopes from the south to the north, falling from a level of approximately 118.9mAOD in the south to approximately 112.4mAOD in the northern corner.




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

- 1.2 The site, as is the whole of Colwall and surrounding area, falls within the Malvern Hills Area of Outstanding Natural Beauty. The landscape character type is Principal timbered farmlands. The site is an almost square field located on the south west edge of Colwall. The south west boundary is a mixed native hedgerow to the edge of Mill Lane, with an existing field gate and two oak trees that are distinctive landscape features. Access is proposed from Mill Lane. The north east boundary is a well vegetated stream line, beyond which is a small parcel of residential open space and agricultural land. The north west boundary is formed by a newly planted hedgerow that splits the larger field in two, beyond which is open countryside typical of the landscape character type. The south east boundary is also a newly planted hedgerow adjacent to the new Primary School and village hall beyond that.
- 1.3 The proposal is an outline application for the erection of 37 dwellings with all matters reserved except access, which would be from Mill Lane. To address consultation comments and technical matters identified by Officers, amended plans and updated supporting details have been received relating to highways, landscape, drainage and affordable housing. These documents have been considered and assessed within the Report, below.
- 1.4 It is for emphasis and clarity reminded to Members the application is an outline application with all matters reserved except access, the definitions of the components of reserved matters are as follows –

**Access:** *Access means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where “site” means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made;*

Matters for future consideration would be :

**Layout:** *Means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;*

**Scale:** *Except in the term ‘identified scale’, means the height, width and length of each building proposed within the development in relation to its surroundings;*

**Appearance:** *Means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;*

**Landscaping:** *In relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means 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.*

## 2. Policies

### 2.1 Herefordshire Local Plan - Core Strategy

|     |   |  |
|-----|---|--|
| SS1 | - | Presumption in Favour of Sustainable Development               |
| SS2 | - | Delivering New Homes   |
| SS3 | - | Releasing Land for Residential Development                     |
| SS4 | - | Movement and Transportation                                    |
| SS6 | - | Environmental Quality and Local Distinctiveness                |
| SS7 | - | Addressing Climate Change                                      |
| RA2 | - | Housing 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, Sport and Recreation               |
| OS2 | - | Meeting Open Space, Sport and Recreation Needs                 |
| MT1 | - | Traffic Management, Highway Safety and Promoting Active Travel |
| LD1 | - | Landscape and Townscape  |
| LD2 | - | Biodiversity and Geodiversity                                  |
| LD3 | - | Green Infrastructure   |
| LD4 | - | Historic Environment and Heritage Assets                       |
| SD1 | - | Sustainable Design and Energy Efficiency                       |
| SD3 | - | Sustainable Water Management and Water Resources               |
| SD4 | - | Waste Water Treatment and River Water Quality                  |

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

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

### Neighbourhood Development Plan

- 2.2 The Colwall Neighbourhood Development Plan is at Examination stage. The NDP was sent for examination on 17 April 2020 and the Report is awaited.

Relevant emerging policies are –  
Policy CSB1 Colwall Settlement Boundary  
Policy CD1 Protecting Exceptional Key Views  
Policy CD4 Site 2 Grovesend Farm  
Policy CD5 General Design Principles for Development in the Wider Countryside  
Policy CH1 Range and Mix of Housing

The NDP and its relevant documents such as Examiners' Report and progress timeline can be viewed using the following link:-

<https://www.herefordshire.gov.uk/directory-record/3046/colwall-neighbourhood-development-plan>

### National Planning Policy Framework – NPPF

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

- Chapter 2. Achieving sustainable development
- Chapter 5. Delivering a sufficient supply of homes

- Chapter 6. Building a strong, competitive economy
- Chapter 8. Promoting healthy and safe communities
- Chapter 9. Promoting sustainable transport
- Chapter 11. Making effective use of land
- Chapter 12. Achieving well-designed places
- Chapter 14. Meeting the challenge of climate change, flooding and coastal change
- Chapter 15. Conserving and enhancing the natural environment
- Chapter 16. Conserving and enhancing the historic environment

### Other Relevant Documents

2.4 Regard has also been had to the following documents –

- Malvern Hills AONB Management Plan, which has statutory weight and forms part of the Local Plan
- Herefordshire Council's Landscape Character Assessment

### 3. Planning History

- 3.1 **161407** – Proposed 1 form entry primary school with nursery and parking provision – Approved w/conditions
- 3.2 **162507** – Proposed non-material amendment to application 161407 (Proposed 1 form entry primary school with nursery and parking provision) – enlargement of field gate, field gate to be re-instated and 2no. post and wire fencing – Approved

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 **Severn Trent Water** comments As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

#### External Consultation Responses

- 4.2 **Herefordshire Clinical Care Commissioning Group** comments The existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate an additional 89 residents and subsequently increase demand upon existing constrained services. The development would have an impact on primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable. The proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.

A developer contribution will be required to mitigate the impact of this proposal. Herefordshire CCG calculates the level of contribution required in this instance to be £14,000. Payment should be made available before the development commences. Herefordshire CCG therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.

- 4.3 **Wye Valley NHS Trust** comments the Trust is currently operating at full capacity in the provision of acute and planned healthcare. It is further demonstrated that although the Trust has plans to cater for the known population growth, it cannot plan for unanticipated additional growth in the short to medium term. The contribution is being sought not to support a government body but rather to enable that body to provide services needed by the occupants of the new

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

development, and the funding for which cannot be sourced from elsewhere. The development directly affects the ability to provide the health service required to those who live in the development and the community at large. Without contributions to maintain the delivery of health care services at the required quality, constitutional and regulatory standards and to secure adequate health care for the locality, the proposed development will put too much strain on the said services, putting people at significant risk. Such an outcome is not sustainable.

The contribution in the amount £23,332.57 sought will go towards the gap in the funding created by each potential patient from this development. The detailed explanation and calculation have been provided within a separate document.

Without the requested contribution, the access to adequate health services is rendered more vulnerable thereby undermining the sustainability credentials of the proposed development due to conflict with NPPF and Local Development Plan policies. The Trust's request for a contribution is not only necessary to make the development acceptable in planning terms it is directly related to the development; and fairly and reasonably related in scale and kind to the development. The contribution will ensure that Health services are maintained for current and future generations and that way make the development sustainable.

#### Internal Council Consultations

4.4 The **Council's Transportation Manager** commented on 10 March 2020 *Having reviewed the information provided and undertaken a site visit the local highway authority (LHA) has no 'in principle' objection to the proposed development, however, the following information/amendments should be made before the LHA could fully support the application:*

- A plan demonstrating the swept path of a large refuse vehicle turning into and out of the access to/from Mill Lane should be provided.
- Mill Lane between the village hall and the proposed access should be made a consistent width of 4.1m with a kerbed 2m footway on the north-eastern side. The carriageway does not need to be kerbed on the south-western side.
- A section of the PROW to the rear of the site has been upgraded from Walwyn Road by the school and a further section is due to be upgraded as a result of the adjacent development. In order to enhance connectivity to the site it would be necessary to upgrade the remaining section to the proposed development so that the PROW is 3m in width and tarmacked.
- It would be beneficial if a link from the proposed development into the school could be explored with the school.
- A Travel Plan should be provided

4.5 Following receipt of amended plans and further details commented on 24 June 2020 *The vehicle tracking and amended access details are now considered to be acceptable, however, the following points still haven't been addressed:*

- The access plan shows a 2m footway along Mill Lane, however, the plan does not extend to the existing footway by the village hall as requested, the revised plan just mentions that the extent would be agreed at the S278 stage. For clarity the full extent should be demonstrated on a plan.
- The plans mention a hard surfaced connection to the existing PROW to the north of the site, however, they do not mention the upgrade of the PROW as requested in our first set of comments (please see section in italics below). This should be demonstrated on the plan.

*A section of the PROW to the rear of the site has been upgraded from Walwyn Road by the school and a further section is due to be upgraded as a result of the adjacent development.*

*In order to enhance connectivity to the site it would be necessary to upgrade the remaining section to the proposed development so that the PROW is 3m in width and tarmacked.*

The PROW upgrade is essential to provide good pedestrian and cycle connectivity to and from the site and the rest of the village.

- A Travel Plan should be submitted. A Travel Plan will form one of the conditions should planning consent be granted, however, it would be beneficial for an Outline Travel Plan to be agreed at this stage

4.6 Further to yet further amended and updated plans, the **Transportation Manager** was able to confirm on 28 July 2020 the development it *is acceptable now* in highway terms subject to requested conditions (CAB (2.4m x 59m), CAE, CAF (Mill Lane), CAP (PROW Upgrade and highway/footway improvements along Mill Lane), CAT and CB3) being attached on any grant of permission.

4.7 The **Council's Principal Natural Environment Officer (Landscape)** in response to amended plans and rebuttal of original comments by the applicant –

*I have reviewed the latest layout (Kendrick Homes, 371-01-01 Rev C) and entrance layout (Kendrick Homes, 371-01-700, P4), together with the landscape response text from the Richards Partnership (April 2020).*

*I maintain my landscape objection. My previous comments stand (response dated 13/02/2020). In addition I offer the following:*

- The new development of Colwall Gardens and Brookside cul-de-sacs are much smaller than the proposed site and offer a mix of building design types. They are also essentially accessed from the main Walwyn Road.
- I maintain that the approach to the village along Mill Lane would be significantly altered by the introduction of new houses and particularly the infrastructure of the new entrance as shown in drawing 371-01-700, P4.
- The three new dwellings opposite do not provide a new footpath or a turning radii for a refuse vehicle. Their design is completely different to the large number of houses with brick walls and slate / clay roofs proposed on this site (subject to further discussion).
- In summary the landscape harm will come from loss of open space farmland that will harm the setting of the settlement, a new development that does not follow the settlement pattern and altering the approach to the village along Mill Lane. These negative impacts do not conserve the AONB and it will not bring any enhancements to the landscape of the AONB.
- In accordance with the NPPF, para 172, "Great weight should be given to conserving and enhancing landscape and scenic beauty in ... Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues." The application proposals do not accord with this policy.
- The application proposals are contrary to Core Strategy Policy LD1. They do not conserve and enhance the natural, historic and scenic beauty of important landscape features, including Areas of Outstanding Natural Beauty. The proposal for up to 35 houses outside of the settlement pattern does not fit with the area's character or represent an appropriate use or design.
- It is accepted that the local community have mixed views in respect of residential development at this site and that the Colwall NDP is not yet adopted.

4.8 Original comments from the **Council's Principal Natural Environment Officer (Landscape)** were an objection, commenting *The development proposal is an outline application for residential building of up 37 dwellings*. A Landscape and Visual Appraisal (LVA, doc. No. 19-40-CR01) has been provided with the application, which is welcome and follows recommended

guidelines. The Proposed Site Layout and perspective view drawings are also very useful. Below I offer a summary of the landscape character and visual effects.

### Landscape character

In terms of local landscape character areas (Figure 5 of the LVA) the site is open rural farmland. It is adjacent to 'Link junctions mixed features', which are characterised by lots of different building styles and ages. In particular existing development on Mill Lane is generally low density, low level sustainable buildings either individual residential buildings or community land use. This creates a suitable transition zone between the built up settlement and the open countryside. In particular the school was carefully designed to provide an enhanced interface between the rural landscape and the suburban village.

The development of a new mini-suburb of up to 37 houses is not considered to be in keeping with the local scale and pattern of development. Looking at the local character areas identified in the submitted LVA (fig 5) the proposed site is entirely separate from Colwall Stone residential area and the Brookside Cul de Sacs, both of which follow the linear pattern of development created along Walwyn Road.

The proposed development will also create a new entrance within the existing boundary hedgerow. There will be a widening of the lane at the new entrance together with infrastructure impacts of new footpaths that will further encroach and erode the rural feature of the edge of the village. This incremental and cumulative urbanisation will alter the experience as you arrive and leave the village. It is noted that the Site Access Arrangement (dwg no 37-01-700) shows a limited amount of hedgerow removal and retention of the feature trees. However it does not show a paved footway link that would likely be required to the school, construction of which appears as though it would be against the trunk of the highest quality oak tree.

### Visual impact

The proposed site is located on an important visual corridor and gateway into the village. Views are currently of rural features, hedgerows, trees and glimpses of the field. Views 4, 5 and 6 within the LVA show the enclosed, rural nature of Mill Lane, the dense hedgerow and the distant background of the Malvern Hills forming the skyline. There are barely any glimpses of built development in this approach to the village, until you get very close to the new school. I suggest that the effect of development on the site has been downplayed in the LVA and that the introduction of residential development on the site would intrude into these views, introducing a suburban appearance of upper floors and roofs interrupting the existing rural setting.

There would be significant alteration in views for users of the nearest public footpaths (CW29C and CW30B) where the proposals would cause a substantial permanent loss and alteration to the view as it changes from an agricultural field to being blocked by residential development. It would significantly extend the urbanised village edge into the whole of the view.

In the other medium distance views there will be a permanent alteration to a proportion of the view, which may be seen as an extension of the built form – but will be of a completely different type in terms of many residential units rather than low density community use buildings.

In the view from Pinnacle Hill the proposed development will not be in keeping with the scale, pattern and existing village context as it will be visually separated from the other existing residential areas.

### Conclusion

The principle of residential development on this site is contrary to Core Strategy Policy LD1 because it does not conserve and enhance the natural and scenic beauty of the Malvern Hills AONB. It does not protect or enhance the setting of the settlement as a residential development of this scale is not in-keeping with the important transition zone between the rural landscapes to

the west and the village to the east. The site selection does not demonstrate that the context and pattern of the settlement has been considered as it is not linked to any existing residential development.

The site is outside of the settlement boundary (Map 5 Policies Map) and is contrary to the ambitions of the local community as set out in the Colwall Draft Neighbourhood Development Plan 2011-2031 (dated Jan 2018). The aims of the NDP include to preserve and enhance the landscape setting and to minimise the visual impact of new development. Map 3 of the NDP defines the site (reference no. 9) as having a low capacity for development on the grounds that it would have an unacceptable impact on this highly sensitive landscape. See below for the relevant extracts of the landscape and visual documents that were produced to support the NDP.

#### Comments on illustrative site layout

If the site is deemed suitable for development in other considerations, then I offer the following comments in relation to the illustrative design and layout provided:

- The amount of green space and the landscape led approach is welcome.
- Plot 17 and 18 interrupt the green corridor along the northern boundary, particularly the links to the pond within the school grounds and the residential balancing ponds to the north east. Plot 18 is particularly close to the retained trees along the stream corridor and public footpath route.
- The plots along the school boundary appear particularly squashed in with narrow gardens and side entrances that will be overgrown with hedgerow.
- As previously mentioned construction of the new footpath link along Mill Lane to the school is particularly close to the feature oak tree and could put its survival at risk.

#### Relevant extracts from the published Colwall NDP supporting information

##### 1) *Colwall Neighbourhood Plan Settlement Boundary Landscape Sensitivity and Capacity Assessment (Jan 2018)*

The purpose of the appraisal was to identify areas outside the current settlement boundary where future residential development could be sited without giving rise to unacceptable levels of adverse effects on landscape character and visual amenity. The findings would be used to inform and guide the preparation of Colwall's NDP, in particular decisions about where to draw the line of the future settlement boundary. The process began in early 2013, but was updated in 2018 ahead of the Regulation 14 consultation period.

The site is covered by *Area 9*. Overall Sensitivity is High. Overall capacity shown on the updated Landscape Capacity Plan (Figure 1 within the above document) is Low. The document describes the value as:

#### Landscape Value: High to Moderate.

Function / Context / Comment: An important village gateway on Mill Lane marking clear point where W side of village ends, site forms integral part of good quality rural, open countryside beyond. Strong tree-lined hedged boundary at W edge settlement (new primary school). Well-used local public footpaths and visual amenity. [Note that a public footpath is shown S of the village hall in old maps but presumably since diverted to E?] Development of this area would give rise to significant adverse effects on the character of the village and landscape, and on visual amenity especially in terms of views from the Malvern Hills. Capacity level decreased to Low (compared to the 2013 study) to link Low capacity Areas 11 and 8 and reinforce belt along W side of village.



2) *Colwall NDP Visual Study Important Views: Schedules January 2019*  
*Carly Tinkler BA CMLI FRSA MIALE 18*

The study was to form part of the evidence-base required for Colwall's emerging Neighbourhood Development Plan (NDP), and the findings would guide and inform a new NDP 'views' policy. Aim 4 of the 'Vision for Colwall' set out in the January 2018 draft version of the NDP is 'to minimise the visual impact of new development when seen from the Malvern Hills, and to protect local views including from the village up towards the Malvern Hills and Oyster Hill – the intention of the new policy would therefore be to protect the most important views from unacceptable changes. The site is particularly covered by Approach 4, Gateway 4 and Viewpoint 12. The details for VP12 are as follows:

VP12: Important view into village

Location / Direction:

On western edge of central part of village. Along Mill Lane, north west of new primary school, looking north east to south east.

High Visual Value Factors and Attributes:

Fine panoramic view of Hills' profile across good quality open countryside. Both lowland and hill landscapes make highly important to village's context and setting, and are very good representations of area's NCAs and LCTs. Note that 2001 view has changed due to presence, in foreground of view, of Colwall's new primary school (opened January 2018) (see photos below). Previously, houses and gardens east of school formed village edge.

However, 2019 study concluded that new built form does not reduce high visual value of view due to a) high quality of school buildings and grounds, and b) fact that buildings are low and do not break skyline. Apart from short section west of village between Lugg's Mill Farm and Upper Mill, Mill Lane is important historic approach to village (Approach 4). Lane is characteristically rural, bound by native hedges and mature escaped trees. Some domestication along frontages nearer village but otherwise landscapes in good condition.

VP is just west of Gateway 4, which is marked by maturing 'village boundary' oak tree near entrance to school. Tree is highly important local feature (visible in second photo).

Conclusions / Comments: This is still an Important view.

- 4.9 The **Council's Principal Natural Environment Officer (Tree Officer)** has no objection suggesting a number of conditions if approval is granted, commenting –

Footway – The proposal to link the new footway to the existing one will require entering the root protection area RPA of the mature Oak trees, T1 & T2, as described in the accompanying tree report. Despite the proximity of the footway to the trees a detailed methodology should be able to overcome the issue. If the footway is ill conceived and results in root severance the tree could be impacted detrimentally.

SUDS – the final setting and shape of the attenuation ponds can be dealt with at the reserved matters. On the northern edge of the site there a number of mature trees, important the landscape. The indicative plans do not make it clear what the proximity is to trees and whilst I'm of the opinion the trees are not under immediate threat a closer examination of ensuring impacts to trees is reduced will be required at reserved matters.

Tree Planting – No trees have been identified for removal and the proposed new planting shall enhance the site and help to soften the impact of the development. The finer details of species locations and protective measures can be dealt with at reserved matters.

Proposed TPO – whilst I am in agreement that the two oak trees located near to the proposed access are fine specimens I'm of the opinion that serving a preservation order is necessary. Both trees are to be retained and any potential threats via the development will need to be addressed at reserved matters.

### Conditions

#### CKC – Method Statement

Prior to the commencement of any works a method statement for no dig where the footway enters rooting areas of trees on the southern boundary, must be submitted and approved by the local planning authority and the development shall be carried out in accordance with the approved method statement.

Reason: To safeguard the character and amenity of the area 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.

#### CKA – Retention of Trees

#### CKF – Specifications of Tree Planting

#### CKH (5yrs) – Maintenance Plans

- 4.10 The **Council's Public Rights of Way Manager** comments *Public footpath CW29C has been integrated into plans*. Providing the footpath remains open and unobstructed PROW will not object to the application. Any adjoining hedges or shrubs must be well maintained to ensure they do not encroach onto the path.
- 4.11 The **Council's Drainage Engineer** comments *This response is in regard to flood risk and drainage aspects. We previously responded to this planning Application in April 2020*. In this response we recommend that the following information was provided prior to the Council granting planning permission:
- Further review of proposed discharge rates to limit these to a rate more comparable with the pre-development greenfield discharge rates for the site, noting that only impermeable areas should be considered in the drainage calculations
  - Further consideration of the viability of connecting to the public foul sewerage network noting that this would be the preferred approach and, if deemed to be practicable:
    - submission of a revised drainage strategy
    - clarification of any third-party land access requirements and agreement in principle.

If discharge to the public foul sewer cannot be progressed, submission of a completed Foul Drainage Assessment Form, as well as an assessment of the suitability and sensitivity of the receiving watercourse.

The Applicant has submitted a revised Site Specific Flood Risk Assessment and Drainage Strategy (Rev 2, dated May 2020) to address these points.

### Comments

#### Further review of proposed discharge rates

The Applicant has reduced their proposed surface water discharge rate to 1.5 l/s and has increased the volume of their proposed attenuation basins. The Applicant notes that they will explore discharge rates of up to 3 l/s as part of the detailed design (in line with our previous planning response). We agree with this approach in principle and stress that the use of vegetated SuDS is promoted to promote infiltration and evapotranspiration in upper soil layers to reduce runoff during smaller events.

We note that, to control blockage risks, the orifice size at the flow control should be no less than 75mm. The 1.5 l/s Hydrobrake proposed by the applicant has a 60mm orifice size but this is dependent on the design head as well as the design flow rate.

A detailed drainage design and supporting calculations (using FEH 2013 rainfall data) will be required to support the reserved matters application.

#### Further consideration of the viability of connecting to the public foul sewerage network

The Applicant has revised their foul drainage strategy to use pumping to discharge to an existing foul sewer, rather than on-site treatment with discharge to a watercourse. The Applicant proposes to explore the route of the proposed rising main during detailed design. We agree with this approach in principle and highlight that a detailed drainage design and agreement in principle for any third party land access will be required to support the reserved matters application. The pumping station must not be located on private land and must be accessible for maintenance.

#### Overall Comment

The applicant has submitted sufficient information to address our previous concerns and we agree with the proposed development in principle. Should the Council be minded to grant planning permission, we recommend that the following information is included within any reserved matters application:

- Demonstration that proposed drainage ponds are located a minimum of 500mm above the likely height of the 1 in 1000 year flood level
- Results of infiltration testing, undertaken in accordance with BRE Digest 365 methodology, and confirmation of groundwater levels
- Detailed drawings of the proposed surface water drainage strategy that demonstrate the inclusion of SuDS, where appropriate, and location and size of key drainage features, noting that opportunities to maximise infiltration (including in the upstream drainage catchment) should be promoted
- Detailed drawings of the proposed foul water drainage strategy, including the proposed connection and route to the public sewerage network
- Detailed drawings of proposed features such as attenuation features, pumping stations and outfall structures
- 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. FEH 2013 rainfall data is expected
- 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. FEH 2013 rainfall data is expected
- Calculations that demonstrates that the proposed surface water drainage system will have sufficient capacity to cater for up to the 1 in 100 year event and allowing for the potential effects of climate change. FEH 2013 rainfall data is expected
- Consideration of the risk of water backing up the surface water drainage system from the proposed outfall and how this risk will be managed without increasing flood risk to the site or to people, property and infrastructure elsewhere, noting that this also includes failure of flap valves
- Description and drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system
- If access or works to third party land is required, details of these works and agreement in principal with necessary landowners/consenting authorities to cross third party land and/or make a connection to the proposed sewer

- Confirmation of agreement in principle of proposed adoption and maintenance arrangements for the surface water and foul water drainage system
- Operational and maintenance manual for all proposed drainage features that are to be adopted and maintained by a third party management company
- Demonstration that appropriate access is available to maintain drainage features, including pumping stations.

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

4.12 The **Council's Environmental Health Manager – Contaminated Land** comments According to our records, there is a stream channel which has at some stage filled in and is recorded as an area of 'unknown filled ground'. Because of this and with consideration of the development I would recommend conditions be appended to any approval.

4.13 The **Council's Strategic Housing Manager** comments I refer to the email received from the applicant dated 15th April 2020 in relation to my comments dated 25th February 2020. In this email the applicant confirms that the affordable housing element will be 40% with a tenure split of 55% for social rent and 45% as intermediate tenure. In light of these comments I can now confirm that I fully support this application and would look for the following

- 40% affordable housing
- Tenure split 55% social rent and 45% intermediate
- Exact mix and positioning to be agreed prior to submission of RM application for both affordable and open market
- Bungalows as well as houses would be required
- Some affordable units would need to be built to wheelchair accessible and adaptable standard to meet an identified need
- Local connection to Herefordshire.
- S106 required to secure affordable housing element

4.14 The **Council's Education directorate** comments The educational facilities provided for this development site are Colwall C of E Primary School and John Masefield High School

Colwall C of E Primary School has a planned admission number of 28. As at the schools Autumn census 2019:-

- 2 year groups are at or over capacity- Y4=31, Y6=32

John Masefield Secondary School has a planned admission number of 150. As at the schools Autumn census 2019:-

- year groups are at or over capacity- Y7=158, Y9=155, Y10=170, Y11=175

Approximately 1% of the population are affected by special educational needs and as such the Children and Families Directorate will allocate a proportion of the monies for Primary, Secondary and Post 16 education to schools within the special educational needs sector.

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

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

| Contribution by No of Bedrooms | Pre-School | Primary | Secondary | Post 16 | Youth  | SEN  | Total  |
|--------------------------------|------------|---------|-----------|---------|--------|------|--------|
| 2+bedroom apartment            | £117       | £1,084  | £1,036    | £87     | £432   | £89  | £2,845 |
| 2/3 bedroom house or bungalow  | £244       | £1,899  | £1,949    | £87     | £583   | £138 | £4,900 |
| 4+ bedroom house or bungalow   | £360       | £3,111  | £4,002    | £87     | £1,148 | £247 | £8,955 |

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

4.15 The Council's Planning Officer – Open Spaces comments as follows –

Open Space Requirements.

Relevant Policies:

National Planning Policy Framework (NPPF):

- Paragraph 96: Open Space and Recreation: provision of what open space, sports and recreational opportunities required in a local area should be based on robust assessments of need

Core Strategy(CS)

- OS1: Requirements for Open Space, Sports and Recreation Facilities
- OS2: Meeting Open Space and Recreation Needs

**Colwall Neighbourhood Development Plans (NDP) Reg 16**

- 6.7 Protecting local facilities and services and supporting sports and recreation development: existing community facilities in the village include football and cricket pitches and children's play areas and are highly valued by local people. The Parish Plan identified there was a demand for a range of facilities including a skate board park, youth sport and more space for ball games. Provision of new facilities is therefore supported in the Neighbourhood Plan.

Evidence Base and standards (on and off site)

- Local Evidence: Herefordshire Open Space Study 2006 (data for amenity public open space has not changed significantly and it is still considered to be accurate).
  - This recommends POS should be at a rate of 0.4ha per 1000 population.
- Local Evidence: Herefordshire Play Facilities Study and Investment Plan 2014 and National Evidence: Fields in Trust Guidance:
  - These recommend children's play at a rate of 0.8ha per 1000 population.
  - Of this 0.25ha per 1000 population should be formal equipped play.

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

- Local: Playing Pitch Assessment 2012 and update 2014, Outdoor Sports Investment Plan 2019 and National Evidence: Fields in Trust Guidance.
  - These recommends outdoors sports provision of between 1.4 and 1.6ha per 1000 population and where future investment in outdoor sport should be directed to maximise the benefits to the local community.

On/Off site POS Standard Requirements:

The proposed site layout includes approximately 40% POS to include green avenues, SUDS, ecological enhancements, community orchards and a village green. The quantum of usable POS excluding SUDs has not been provided and the applicant will need to demonstrate that the minimum quantum of provision as described below has been met.

Given the size and location the development will require both on and off-site provision in accordance with evidence bases as described above

On-site: For 37 houses at an occupancy of 2.3 (total population 85.1) the following is required:

- The developer provides a *minimum* of 0.102 ha (1020sq m) of on-site green infrastructure comprising;
  - 0.034ha (340sqm) of Public Open Space (@ 0.4ha per 1000 population)
  - 0.068ha (680sq m) of Children's Play (@ 0.8ha per 1000 population)
  - Of which 0.02 ha (200sq m) should be formal children's play. (@ 0.25ha per 1000 population).
- Off-site: Alternatively, should the Parish Council prefer an off-site contribution could be sought towards formal children's play. The site is in the vicinity of a number of play areas notably Humphry Library Walwyn Road, Brookmill Close and Colwall Green all of which have been identified as in need of improvement in the Play Facilities Investment Plan and the Parish Council has a rolling programme of works to all its play areas. This approach is also supported in the Colwall NDP with particular reference to teenage provision.
- A contribution would be sought in consultation with the Parish Council towards facilities in the village. An off-site contribution would be sought in accordance with the SPD on Planning Obligations and from market housing only as follows:
  - 2 bed: £965
  - 3 bed: £1640
  - 4+ bed: £2219

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

- 0.11ha (1100sq m) of Outdoor sports @ 1.4ha per 1000 population:

Detail set out below.

Indicative On-site POS: Planning for healthier spaces is good practice and any on site provision should be well designed and of a usable size to offer a range of recreation opportunities and experiences appropriate to the site and location. Safe and accessible networks of green spaces should incorporate both walking and cycling opportunities where possible. The proposed site layout looks be able to achieve this.

SUDs: The SuDs attenuation basins can be included as additional open space to that required by policy if designed accordingly to take account of health and safety and standing water issues. It is acknowledged that these areas can provide good opportunities for informal recreation and natural play along with being areas suitable for biodiversity and wildlife. The landscape aspects of SUDs and appropriate gradients for SUDs on areas of POS should be designed in accordance with the Councils SuDS Handbook which provides advice and guidance on the inclusion of SuDs on new development. Plans submitted as part of the landscape scheme should demonstrate that appropriate gradients can be achieved where appropriate.

If it is not possible for health and safety reasons for the area to be incorporated it should be fenced off.

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

Off-Site Outdoor Sports Contribution: An off-site contribution will be sort in accordance with the following evidence bases:

- Ledbury Area Playing Pitch Assessment 2012
- Outdoor Sports Investment Plan 2019 (updated annually)

The Outdoor Sports Investment Plan is annually reviewed and provides up to date information on clubs and facilities in accordance with Sport England's requirements to review the Playing Pitch Assessment. It provides a list of priority projects for outdoor sports facilities including football, cricket, hockey, rugby, tennis, cycling and athletics which will address shortfalls in provision (quantity and quality) as identified in the Playing Pitch Assessment and subsequent reviews. It is supported by an Outdoor Sports Partnership including Sport England, National Governing Bodies (NGB) including the Football, Cricket, Hockey and Rugby and the County Sports Partnership.

Projects are considered to be sustainable in helping to meet the needs of both the existing and future populations (future proofed to 2031) and have the support of the relevant NGB in both their regional and local facilities development plans.

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

- A square meter rate of £27.28 is used in rural areas. This is based on the figure used to inform both the SPD planning obligations and the Infrastructure Delivery Plan for the Core Strategy.
- A 35% reduction is made as off- site contributions are based on market housing only:
- For this application in accordance with the policy requirements, provision should be equivalent to 0.11ha (1100sq m) based on 1.4ha per 1000 population.
- Using the rate of £27.28 and based on market housing (at 65%) only this equates to **£19,502**
- Subject to variation of affordable housing rate

Summary of projects in Colwall:

Colwall Football Club: Facility improvements: new changing provision and improved drainage/new maintenance equipment.

Colwall Cricket Club: Facility Improvements: including rebuild/new build pavilion. Drainage improvements to grounds and new maintenance equipment. Some recent s.106 investment to improve facilities.

- 4.16 The **Planning Obligations Manager** has confirmed the section 106 requirements to be secured should planning permission be granted. These are set out within section 6 of the Report, below.

## 5. Representations

### 5.1 Colwall Parish Council *strongly objects* to this application for the following reasons –

Colwalls' Neighbourhood Development Plan has been submitted to Herefordshire Council for Regulation 15/Regulation 16, this application contravenes the Neighbourhood Development Plan as it is outside the proposed settlement boundary and the area is considered to be unsuitable for development.

Please refer to the following link in which the documents referred to below are included as part of the Regulation 15/16 submission –

<http://www.colwallneighbourhoodplan.org.uk/Reg15Submission.html>

The planning application is sited at Area 9 of the Landscape Sensitivity and Capacity Assessment (LSCA), within the emerging Colwall Neighbourhood Development Plan (NDP). In September 2013, Area 9 was assessed as having 'Low to Medium' capacity i.e. the 6th of 8 categories. Only two categories have less capacity.

Subsequent development in the village required reassessments of the LSCA (2017 -2019). Both capacity levels and the settlement boundary were adjusted accordingly.

In terms of the application site, the studies concluded that levels of value and susceptibility to change had risen since 2013 due to factors such as an increase in the importance of the land's function in landscape, visual and other terms. The recommendation was therefore for the existing 'strong' boundary to other parts of the western edge of the settlement to be reinforced by joining up the 'Low' capacity areas north and south of Area 9. This was agreed with Colwall PC, and Area 9 was revised to 'Low' capacity i.e. the category with the least capacity for development, and so is the last place development should take place.

This latest assessment has been adopted into:

- LSCA – 2019
- Visual Study Report – 2019
- NDP Registration 15 submission – As per public presentation, January 2020
  - Capacity – Area 9 defined as 'Low'
  - Policies - Area 9 defined as 'Open Space', and outside the Settlement Boundary

Further, the National Planning Policy Framework (NPPF) says 'great weight' should be given to 'conserving and enhancing' the AONB and therefore using this "lowest category" this application cannot possibly be seen as conserving and enhancing the Malvern Hills AONB.

### 5.2 26 letters of **objection** have been received, comments are summarised as:

- Proposal is contrary to the Colwall Neighbourhood Development Plan
- Proposal is contrary to the Landscape Capacity Assessment
- Proposal would neither conserve or enhance the AONB
- Contrary to the NPPF regarding development in an AONB
- Approval would 'make a mockery' of the NDP process and Localism Act 2011
- Proposal would create an adverse landscape impact
- Concern regarding increased traffic
- Consistency of decision making should mean it is refused
- Outside the settlement boundary
- Does not integrate with the scale and mass of the village
- Impact on views of Colwall and British Camp
- Impact on PRow CW29



- Noise
- Development would be out of character with the area
- Concern regarding drainage
- Lack of infrastructure hereabouts
- Precedent if development is approved
- Statements within the application submission challenged
- The indicative layout is not binding
- Loss of agricultural land and open space
- Impact on habitats
- Effect on listed buildings and the conservation area
- Agree with the Council's Landscape Officers' objection and comments
- Proposal is Major Development within an AONB and should be refused

5.3 **76** letters of **support** have been received, comments are summarised as:

- There is a national and local housing shortage
- Proposal will help meet county and Colwall's housing targets
- Proposal is adjacent to key facilities – Primary School, Village Hall and Scout hut
- Good access
- Provides needed affordable housing
- Site is not within a conservation area
- Council previously identified the site as 'highly suitable' for housing
- Response to NDP consultation process shows the site is supported
- Will encourage walking to School and other facilities
- Sustainable location
- Would not impact views to or from the Malvern Hills
- Better site than the NDP allocation at Grovesend Farm
- Natural point to development of the village
- The Landscape Capacity Assessment should be ignored
- The NDP approach and consultation process is challenged
- The new School shows development here can be acceptable
- The proposal is sympathetic
- Accessibility to train station
- Encourages walking and cycling to use and access facilities
- Less drainage issues around this part of Colwall
- Infrastructure such as sewerage already in place
- Housing mix will help local people stay or return to Colwall

5.4 The **Malvern Hills AONB Office** objects and comments *This application lies within the boundaries of the Malvern Hills Area of Outstanding Natural Beauty (AONB)*. The AONB is an area designated for its national landscape importance. The Malvern Hills AONB Unit seeks to encourage high quality developments and to protect and enhance the local landscape.

The AONB Unit objects to this development on the basis that it conflicts with national and Local Plan policy and with the Malvern Hills AONB Management Plan (2019-2024).

#### The policy context

##### 1. National Planning Policy Framework

Paragraph 172 of the NPPF requires "great weight" to be given to conserving and enhancing the landscape and scenic beauty of the AONB.

##### 2. Herefordshire Local Plan

Policy SS6 "Environmental quality and local distinctiveness" of the local plan states that:

'Development proposals should conserve and enhance those environmental aspects that contribute towards the county's distinctiveness, in particular its settlement pattern, landscape, biodiversity and heritage assets and especially those with specific environmental designations.... Development proposals should be shaped through an integrated approach to planning the following environmental components from the outset, and based on sufficient information to determine the effect upon each where they are relevant:

- landscape, townscape and local distinctiveness, especially in Areas of Outstanding Natural Beauty;...'

'The management plans and conservation objectives of the county's international and nationally important features and areas will be material to the determination of future development proposals. Furthermore assessments of local features, areas and sites, defining local distinctiveness in other development plan documents, neighbourhood development plans and supplementary planning documents should inform decisions upon proposals.'

Para 3.99 of the Local Plan also states that "Management Plans have been prepared for both the Wye Valley and Malvern Hills Areas of Outstanding Beauty. These documents will be relevant to the assessment of the effects of development upon these important assets. The most rigorous approaches to assessing the effect of development should be taken for those areas with international and national designations, including proposals outside but having an effect upon them, in accordance with the protection afforded to such areas in the National Planning Policy Framework.

Policy LD1 – Landscape and Townscape states that development proposals should:

- demonstrate that the character of landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas;
- conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including Areas of Outstanding Natural Beauty, nationally and locally designated parks and gardens and conservation areas; through the protection of the area's character and by enabling appropriate uses, design and management;
- incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings; and
- maintain and extend tree cover where important to amenity, through the retention of important trees, appropriate replacement trees lost through development and new planting to support green infrastructure."

Policy H1 - Affordable housing

All new open market housing proposals on sites of more than 10 dwellings which have a maximum combined gross floor space of more than 1000m<sup>2</sup> will be expected to contribute towards meeting affordable housing needs.

The amount and mix of affordable housing including those on strategic housing sites will vary depending on evidence of housing need as identified through the latest housing market assessment, and, an assessment of the viability of the development.

Any affordable housing provided under the terms of this policy will be expected to be available in perpetuity for those in local housing need.

### 3. Malvern Hills AONB Management Plan (2019-24)

The AONB Management Plan (2019-24), a material consideration in relation to planning, contains a number of relevant policies including:

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

BDP1 – Allocations of land for development in the AONB and its setting should be informed by Landscape Sensitivity and Capacity Assessments and/or Landscape and Visual (Impact) Assessments, as appropriate.

BDP2 - Development in the AONB and its setting should be in accordance with good practice guidance including that produced by the AONB Partnership.

BDP3 – Development in the AONB should be based on convincing evidence of local need. Priority should be given to the provision of affordable housing and enhancing local services.

BDP4 - Development proposals that may affect land in the AONB, including those in its setting, should protect and/or enhance key views and landscape character. AONB guidance relating to views and development in views should be used where relevant.

BDP13 The cumulative impact of small-scale change and development will be monitored. Data gathered will be used to inform decisions and to revise and/or develop policy.

LP1 Manage the landscape of the AONB in accordance with key documents such as the AONB Landscape Strategy, Landscape Character Assessments, Historic Landscape Characterizations and other guidance documents.

LP3 Promote positive landscape change to landowners, managers, developers, government and all those with an influence over land.

LWP4 Support the provision of a variety of housing that is appropriate to the character of the area and meets local community needs.

### Principle of development

The site lies outside of the village and proposed settlement boundary and has not been recognised as a site suitable for development under Policy CSB1 of the draft Colwall Neighbourhood Plan 2011-2031 Regulation 15. In fact, the Landscape Sensitivity and Capacity Assessment (LSCA) that informs and underpins the Neighbourhood Plan records this site as having high sensitivity and low capacity for development. 1

The low capacity of the site to accept the form of development proposed stems both from its landscape character and visual sensitivity, as documented in the LSCA itself. For example, the site lies at an important village gateway on Mill Lane, marking a break in character between the western edge of the village and good quality rural, open countryside beyond. This gateway location is also significant visually since it helps to ‘advertise’ what the village has to offer and reflects how it sees itself especially in terms of local character and distinctiveness. The application site is clearly visible from local viewpoints, including those categorised as Exceptional (at British Camp) in work commissioned by the Malvern Hills AONB Partnership and those which figure in the Visual Study (January 2019) prepared as the evidence base to support the Colwall Neighbourhood Plan.

The Unit understands that the current levels of sensitivity and capacity given in the Reg 15 NDP are accurate and reflect recent changes in the local baseline, including the construction of the primary school.

The AONB Unit considers that the proposed development would be highly likely to give rise to adverse and irreversible effects on the Malvern Hills AONB which could not be satisfactorily mitigated. In so doing it would appear to contrary to national and local policy, for example, para 172 of the NPPF and policy BDP1 of the Malvern Hills AONB Management Plan.

### Housing supply and need

The AONB Unit notes that Herefordshire does not currently have a 5 Year Housing Land Supply. It also recognises that the Colwall NDP has not yet been made. However, a Regulation 16 Plan does now exist which makes provision for sufficient housing development elsewhere in the parish and the Unit hopes that this can be afforded some weight. In any case, the Unit does not consider it acceptable to use sensitive sites in nationally designated landscapes to help

meet a county wide shortfall in housing supply. This would appear to be contrary, inter alia, to para 11, footnote 6 of the NPPF.

### Housing mix

The AONB Unit recognises that a shortage of affordable housing can be an issue in National Landscapes and Policy BDP3 of the AONB Management Plan states that priority should be given to affordable housing. The proposal to provide just 35% affordable housing on site does not even appear to be in line with indicative targets set out in Policy H1 of the Local Plan – let alone with the focus on affordable housing contained within the AONB Management Plan. In any case, the Unit contends that other sites would be more appropriate to meet identified local need for such provision, in line with the LSCA and Neighbourhood Plan.

### Settlement pattern and density

The AONB Unit considers that the proposed layout and density would urbanise this location and would fail to respect the patterns and forms of development which exist around the edges of the village and in this particular locality. As such, the development appears to be contrary to policy BDP2 of the Malvern Hills AONB Management Plan.

- 5.5 The **Ramblers' Association** comments *Public footpath CW29C runs adjacent to the site and has been shown on the plans with bordering hedges and shrubs*. The footpath is a well-used path and is not very wide in places so providing the path is not encroached upon then no objection.
- 5.6 **Ledbury Area Cycle Forum** objects to the proposals on grounds of highway safety and impact on vulnerable road users, impact from road users from the development on the tranquillity of the AONB and associated impact on eco tourism. The proposal is also in conflict with Herefordshire Council's climate emergency policy.
- 5.7 The consultation responses can be viewed on the Council's website by using the following link:-  
[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=200156&search=200156](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=200156&search=200156)

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

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

## 6. Officer's Appraisal

### ***Policy context and Principle of Development***

#### **Legislation**

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows *"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."* The development plan is the Herefordshire Core Strategy.
- 6.2 With regards to heritage, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*
- 6.3 The legal framework for AONBs in England and Wales is provided by the Countryside and Rights of Way Act (CROW) 2000 which reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty, and sets out responsibilities for their management. In particular relevance to the proposal is following section –

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

6.4 Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty; Section 84 confirms the powers of local authorities to take appropriate action to conserve and enhance the natural beauty of AONB and Section 85 places a duty on all public bodies and statutory undertakers to 'have regard' to the 'purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

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

6.5 Core Strategy Policy SS1 echoes the NPPF's presumption in favour of sustainable development. Setting out the strategy for delivery of new homes, CS Policy SS2 provides that the majority of housing is directed to Hereford city or one of the five market towns and in the rural areas, housing will be acceptable within identified settlements listed under CS Policy RA2.

6.6 One hundred and nineteen settlements have been identified under policy RA2 across the county to be the main focus of proportionate housing development in the rural areas. Residential development is to be located within or adjacent to the main built up area(s) of the named settlements. This is to ensure that unnecessary isolated, non-characteristic and discordant dwellings do not arise which would adversely affect the character and setting of a settlement and its local environment. Outside of Hereford city, the market towns and such settlements listed under RA2 (and their settlement boundaries defined within Neighbourhood Development Plans), sites are considered to be within a countryside location and residential development strictly controlled and limited to exceptions listed under CS Policy RA3.

6.7 Outside of the main built form of Ledbury and the main built form of any of the 119 settlements listed under Core Strategy policy RA2 sites are considered to be in an open countryside location. Core Strategy policies RA3 restricts residential development within the open countryside to exception criteria as follows –

- meets an agricultural or forestry need or other farm diversification enterprise for a worker to live permanently at or near their place of work and complies with Policy RA4; or
- accompanies and is necessary to the establishment or growth of a rural enterprise, and complies with Policy RA4; or
- involves the replacement of an existing dwelling (with a lawful residential use) that is comparable in size and scale with, and is located in the lawful domestic curtilage, of the existing dwelling; or
- would result in the sustainable re-use of a redundant or disused building(s) where it complies with Policy RA5 and leads to an enhancement of its immediate setting; or
- is rural exception housing in accordance with Policy H2; or
- is of exceptional quality and innovative design satisfying the design criteria set out in Paragraph 55 of the National Planning Policy Framework and achieves sustainable standards of design and construction; or
- is a site providing for the needs of gypsies or other travellers in accordance with Policy H4.

6.8 Core Strategy policy SS6 describes proposals *should conserve and enhance those environmental assets that contribute towards the county's distinctiveness, in particular its settlement pattern, landscape, biodiversity and heritage assets and especially those with specific environmental designations.* Policy SS6 then states in its list of criteria states *Development proposals should be shaped through an integrated approach and based upon sufficient information to determine the effect upon landscape, townscape and local distinctiveness, especially in Areas of Outstanding Natural Beauty.*

6.9 Core Strategy policy SS7 – *Addressing climate change* describes how development will be required to mitigate their impact on climate change, and strategically, this includes:

- focussing development to the most sustainable locations
- delivering development that reduces the need to travel by private car and encourages sustainable travel options including walking, cycling and public transport

6.10 Core Strategy policy RA1 – Rural housing distribution sets out the strategic way housing is to be provided within rural Herefordshire and to deliver a minimum 5,600 dwellings. Herefordshire is divided into seven Housing Market Areas (HMAs) in order to respond to the differing housing needs, requirements and spatial matters across the county.

6.11 Core Strategy policy RA2 – *Housing outside Hereford and the market towns* identifies the settlements in each HMA area where both the main focus of proportionate housing development will be directed, along with other settlements where proportionate housing growth is appropriate. Colwall is one of these settlements and is within the Ledbury HMA. Policy RA2 sets Housing proposals will be permitted in the identified settlements where the following criteria are met:

1. Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area;
2. Their locations make best and full use of suitable brownfield sites wherever possible;
3. They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting; and
4. They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlements, reflecting local demand.

6.12 Core Strategy policy LD1 criteria requires new development must achieve the following:

- demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, including protection and enhancement of the setting of settlements and designated areas;
- conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including Areas of Outstanding Natural Beauty, through the protection of the area's character and by enabling appropriate uses, design and management

6.13 Core Strategy Policy LD2 – Biodiversity and geodiversity states Development proposals should conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire, through the:

1. retention and protection of nature conservation sites and habitats, and important species in accordance with their status as follows:
  - a) Development that is likely to harm sites and species of European Importance will not be permitted
  - b) Development that would be liable to harm Sites of Special Scientific Interest or nationally protected species will only be permitted if the conservation status of their habitat or important physical features can be protected by conditions or other material considerations are sufficient to outweigh nature conservation considerations
  - c) Development that would be liable to harm the nature conservation value of a site or species of local nature conservation interest will only be permitted if the importance of the development outweighs the local value of the site, habitat or physical feature that supports important species
  - d) Development that will potentially reduce the coherence and effectiveness of the ecological network of sites will only be permitted where adequate compensatory measures are brought forward.

2. restoration and enhancement of existing biodiversity and geodiversity features on site and connectivity to wider ecological networks; and
3. creation of new biodiversity features and wildlife habitats.

6.14 Core Strategy policy LD4 – Historic environment and heritage assets sets out as relevant to this appeal that Development proposals affecting heritage assets and the wider historic environment should:

1. *Protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design, in particular emphasising the original form and function where possible*
2. *the conservation and enhancement of heritage assets and their settings through appropriate management, uses and sympathetic design. Where opportunities exist, contribute to the character and local distinctiveness of the townscape or wider environment, especially within conservation areas.*

6.15 Core Strategy Policy SD3 – *Sustainable water management and water resources* states Measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk; to avoid an adverse impact on water quantity; to protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation. This will be achieved by ensuring that:

1. *Development proposals are located in accordance with the Sequential Test and Exception Tests (where appropriate) and have regard to the SFRA 2009 for Herefordshire;*
2. *Development is designed to be safe, taking into account the lifetime of the development and the need to adapt to climate change by setting appropriate floor levels, providing safe pedestrian and vehicular access, where appropriate, implementing a flood evacuation management plan and avoiding areas identified as being subject to rapid inundation from a breach of a Flood Defence;*
3. *Where flooding is identified to be an issue, new development should reduce flood risk through the inclusion of flood storage compensation measures, or provide similar betterment to enhance the local flood risk regime;*
4. *Development will not result in the loss of open watercourses and culverts should be opened up where possible to improve drainage and flood flows. Proposals involving the creation of new culverts (unless essential to the provision of access) will not be permitted;*
5. *Development includes appropriate sustainable drainage systems (SuDS) to manage surface water appropriate to the hydrological setting of the site. Development should not result in an increase in run-off and should aim to achieve a reducing in the existing run-off rate and volumes where possible;*
6. *Water conservation and efficiency measures are included in all new developments, specifically:*
  - *Residential development should achieve Housing – Optional Technical Standards – Water efficiency measures. At the time of adoption the published water efficiency standards were 110 litres/person/day; or*
  - *Non-residential developments in excess of 1,000 m<sup>2</sup> gross floorspace to achieve the equivalent of BREEAM 3 credits for water consumption as a minimum;*
7. *The separation of foul and surface water on new developments is maximised;*

8. *Development proposals do not lead to deterioration of EU Water Framework Directive water body status;*

9. *Development should not cause an unacceptable risk to the availability or quality of water resources; and*

10. *In particular, proposals do not adversely affect water quality, either directly through unacceptable pollution of surface water or groundwater, or indirectly through overloading of Wastewater Treatment Works.*

- 6.16 Development proposals should help to conserve and enhance watercourses and riverside habitats, where necessary through management and mitigation measures for the improvement and/or enhancement of water quality and habitat of the aquatic environment. Proposals which are specifically aimed at the sustainable management of the water environment will in particular be encouraged, including where they are required to support business needs such as for agriculture. Innovative measures such as water harvesting, winter water storage and active land use management will also be supported. In all instances it should be demonstrated that there will be no significant adverse landscape, biodiversity or visual impact.”
- 6.17 Core Strategy Policy SD4 – *Wastewater treatment and river water quality* states Development should not undermine the achievement of water quality targets for rivers within the county, in particular through the treatment of wastewater.
- 6.18 In the first instance developments should seek to connect to the existing mains wastewater infrastructure network. Where this option would result in nutrient levels exceeding conservation objectives targets, in particular additional phosphate loading within a SAC designated river, then proposals will need to fully mitigate the adverse effects of wastewater discharges into rivers caused by the development. This may involve:
- incorporating measures to achieve water efficiency and/or a reduction in surface water discharge to the mains sewer network, minimising the capacity required to accommodate the proposal, in accordance with policy SD3;
  - phasing or delaying development until further capacity is available;
  - the use of developer contributions/community infrastructure levy funds to contribute to improvements to waste water treatment works or other appropriate measures to release capacity to accommodate new development;
  - in the case of development which might lead to nutrient levels exceeding the limits for the target conservation objectives within a SAC river, planning permission will only be granted where it can be demonstrated that there will be no adverse effect on the integrity of the SAC in view of the site’s conservation objectives; and
  - where the nutrient levels set for conservation objectives are already exceeded, new development should not compromise the ability to reduce levels to those which are defined as favourable for the site.

### **Draft Colwall Neighbourhood Development Plan**

- 6.19 NPPF paragraph 48 sets out the weight which can be attributed to NDPs and indicates The Local Planning Authority may give weight to relevant policies in emerging plans according to:
- a) The stage the preparation of the emerging plan
  - b) The extent to which there are unresolved objections
  - c) The degree of consistence of relevant policies in the merging plan to this framework

The Neighbourhood Development Plan is at the Examination stage and is being reviewed and assessed by the appointed Examiner, whose Report is awaited. Colwall Parish Council



submitted their draft Neighbourhood Development Plan to Herefordshire Council on 31 January 2018. The consultation ran from 1 February to 15 March 2018.

- 6.20 66 local resident representations and a joint representation from 28 residents have been received. The vast majority of these were objecting to the site allocation at Grovesend Farm. Many consider that the site is unsuitable due to access and heritage issues and are suggesting Mill Lane as a preferable allocation site. The level of objection to the site and the grounds for objection raises concerns that if the Grovesend Farm site is not deliverable then the plan would not meet its proportional growth requirements and ultimately not be in conformity with the Core Strategy. As at April 2019 the proportional growth for the parish was indicating that 53 dwellings would be required.
- 6.21 Two planning consultants have made representations on behalf of landowners – one for an additional site to be included within the settlement boundary and the other regarding Grovesend Farm. It was considered that these issues would not prevent the plan being recommended for examination and the outstanding issues and concerns regarding the Grovesend site should be subject to the examination process.
- 6.22 The Strategic Planning team as part of the Progression to Examination Decision Document have confirmed that the plan is in general conformity with the adopted Herefordshire Core Strategy.
- 6.23 At this time the policies in the NDP can be afforded moderate weight as set out in paragraph 48 of the National Planning Policy Framework, which itself is a significant material consideration. Policies and proposals with no or minor objections however can be given more weight.
- 6.24 The NPPF also advises that the refusal of planning permission on the grounds of prematurity are unlikely to be justified other than in limited circumstances as follows –
- a) The development proposal is so substantial, or its cumulative effect would be so significant, that to grant planning permission would undermine the plan making process by predetermining decisions about the scale, location or phasing of new development that are central to the emerging plan.
  - b) The emerging plan is at an advance stage but is not yet formally part of the development plan.
- 6.25 Notwithstanding the weight that can be applied to the emerging NDP policies, it is as a document underpinned by a comprehensive Landscape Sensitivity and Capacity Assessment (LSCA) and a Visual Study, both produced by a suitably qualified and experienced practitioner. These documents as a technical pieces of work are of value as standalone pieces of evidence and can be accessed here <http://www.colwallneighbourhoodplan.org.uk/current.html>

### **Malvern Hills AONB Management Plan**

- 6.26 The Malvern Hills AONB Management Plan is a material consideration in the assessment of planning applications within its area. The following policies are of particular relevance –
- *BDP1 – Allocations of land for development in the AONB and its setting should be informed by Landscape Sensitivity and Capacity Assessments and/or Landscape and Visual (Impact) Assessments, as appropriate.*
  - *BDP2 – Development in the AONB and its setting should be in accordance with good practice guidance including that produced by the AONB Partnership.*

- *BDP3 – Development in the AONB should be based on convincing evidence of local need. Priority should be given to the provision of affordable housing and enhancing local services.*
- *BDP4 – Development proposals that may affect land in the AONB, including those in its setting, should protect and/or enhance key views and landscape character. AONB guidance relating to views and development in views should be used where relevant.*
- *BDP13 – The cumulative impact of small-scale change and development will be monitored. Data gathered will be used to inform decisions and to revise and/or develop policy.*
- *LP1 – Manage the landscape of the AONB in accordance with key documents such as the AONB Landscape Strategy, Landscape Character Assessments, Historic Landscape Characterizations and other guidance documents.*
- *LP3 – Promote positive landscape change to landowners, managers, developers, government and all those with an influence over land.*
- *LWP4 – Support the provision of a variety of housing that is appropriate to the character of the area and meets local community needs.*

### **National Planning Policy Framework**

- 6.27 The NPPF has ‘sustainable development’ central to planning’s remit and objectives. The NPPF also seeks positive improvements in the quality of the built, natural and historic environment and in regards people’s quality of life.
- 6.28 Paragraph 7 sets out and defines sustainable development and of the three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways, the social objective requires planning to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being.
- 6.29 Paragraph 11 of the Framework sets out the presumption in favour of sustainable development. For decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless (having regard to footnote 6) the application of policies of the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 6.30 Footnote 7 to Paragraph 11 states this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73). The local authority is currently failing to provide a 5 year Housing Land Supply, plus a buffer and as such Paragraph 11 is triggered due to conflict with the relevant requirements of NPPF chapter 5 *Delivering a sufficient supply of homes*.
- 6.31 Where the existence of a five year land supply cannot be demonstrated, there is presumption in favour of granting planning permission for new housing unless the development can be shown to cause demonstrable harm to other factors that outweigh the need for new housing. In reaching a decision upon new housing the housing land supply position will need to be

balanced against other factors in the development plan and/or NPPF which could result in the refusal of planning permission. This site is therefore assessed and considered on its suitability as being sustainable in regards its location and material constraints and considerations.

6.32 This position was crystallised at the Appeal Court prior to the NPPF 2018 coming into effect and the implications of this position following the *Suffolk Coastal DC v Hopkins Homes & SSCLG* and *Richborough Estates v Cheshire East BC & SSCLG*[2016] EWCA Civ 168 were described by the Court thus *We must emphasize here that the policies of the NPPF do not make "out-of-date" policies for the supply of housing irrelevant in the determination of a planning application or appeal. Weight is, as ever, a matter for the decision-maker (as described the speech of Lord Hoffmann in Tesco Stores Ltd. v Secretary of State for the Environment [1995] 1 W.L.R. 759, at p.780F-H).*

6.33 Accordingly, the Council's housing land supply position vis-à-vis the NPPF does not result in the proposal being acceptable when there are both material considerations demonstrating the development should be refused or where for instance locally, housing supply targets can be demonstrated.

6.34 With particular reference to the matter of access, the NPPF sets out how transportation, highways impact and non-vehicular movement should be considered, assessed and supported in paragraphs 108 – 111, stating –

*In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

6.35 Paragraph 109 explicitly states *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

6.36 NPPF Paragraph 124 states *The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.* Paragraph 127 outlines Planning decisions should ensure that developments:

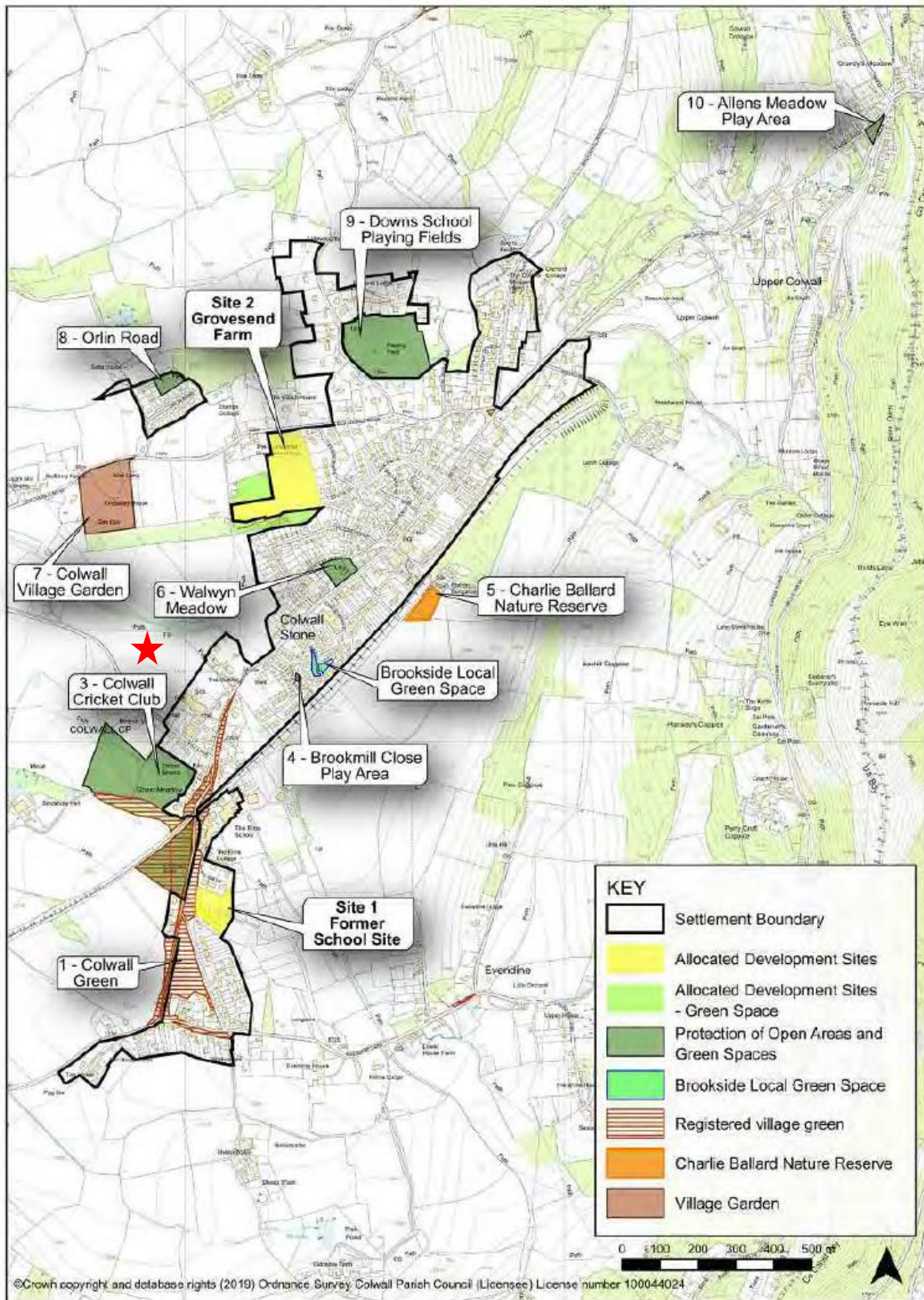
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 6.37 Policies specific to protected landscapes (including AONBs) are detailed at paragraph 172 and states *Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty. The scale and extent of development within these designated areas should be limited.*
- 6.38 NPPF section 16 sets out the position regarding conserving and enhancing the historic environment. Specific principles and policies relating to the historic environment and heritage assets and development are found in paragraphs 184 – 202.
- 6.39 Paragraph 193 advises that *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*
- 6.40 Paragraph 197 states *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

#### **Assessment**

- 6.41 The site adjoins the main built form of Colwall as required by CS policy RA2 and as defined in the emerging NDP, adjacent to the proposed settlement boundary.
- 6.42 Further to the proposed settlement boundary for Colwall, emerging Policy CSB1 *Colwall Settlement Boundary* states The provision of at least 70 new houses over the Plan period will be supported on sites within the identified Colwall settlement boundary (shown above). Residential development will be permitted on both identified areas and windfall sites within the settlement boundary where proposals are in accordance with other policies this Plan. Where possible, built form should respect and continue the existing building line and not build up to the edge of the identified settlement boundary.
- 6.43 As directed by NPPF paragraph 48, the NDP has moderate weight. The site location is donated with a red star on the referenced emerging NDP proposals map, below –



6.44 Core Strategy policies SS2 and H3, along with in this instance CS policy RA2, are considered to be in clear conformity with the NPPF and its social objective, which as one of the three pillars of the NPPF, underpins sustainable development, along with paragraphs 60 and 61 where the needs of all groups within the community should be assessed and inform local policies. Notwithstanding the Council’s housing land position and CS policies H3 and RA2 do not restrict

development in this instance and as such are not considered out of date and as such are afforded significant weight in the determination of this application.

- 6.45 The Core Strategy, in line with national guidance, emphasises the importance of not promoting unsustainable patterns of development and advises within the preamble to the policy (para 4.8.23) that where appropriate, settlement boundaries will be defined by the NDP's and that where these are in place new housing will be restricted to avoid unsustainable patterns of development.
- 6.46 Core Strategy policy RA2, details that the mechanism to meet minimum growth targets in each Housing Market area is through the allocation of land for new housing with Neighbourhood Plans. Until such time that an NDP forms part of the development plan (after referendum) they remain a material consideration in the decision making process. As clarified, the Colwall NDP can be attributed moderate weight at this time.
- 6.47 For decision making therefore, we must return to the development Plan in the first instance and in particular to policy RA2 that states that with regards to new development:
1. Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area;
  2. Their locations make best and full use of suitable brownfield sites wherever possible;
  3. They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting; and
  4. They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlements, reflecting local demand.
- 6.48 Officers conclude, when assessed against criteria 1 above the site clearly lies adjacent the main built form of the settlement. The site adjoins the new primary School and village hall and is within walking distance to numerous other services and facilities. Taking this and all of the above into account, it is officers' opinion that the site is appropriate for residential development in locational terms.
- 6.49 Criteria 3 of CS policy RA2 is also critical here as this requires that proposals are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting.
- 6.50 This application site lies on the edge of the settlement and both are located wholly within an Area of Outstanding Natural Beauty. The NPPF directs, at paragraph 172 that great weight should be given to conserving and enhancing landscaping and scenic beauty in Areas of Outstanding Natural Beauty.
- 6.51 This is also key when applying the requirements of paragraph 11 of the NPPF that relates to decision taking as this states:

*Where there are no relevant development plan policies, or the policies which are most important for determining the applications are out of date granting planning permission unless:*

- i. the application of policies in this framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; 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.

- 6.52 Footnote 6 is key here as this clarifies that Areas of Outstanding Natural Beauty are to be considered as a protected area.
- 6.53 As such officers recognise the need to carefully consider the proposal in respect of material considerations which include landscape impact, given its AONB location, balanced with the site's close relationship to the settlement, and the NPPF guidance in respect of the weight that NDPs. These matters are explored and assessed further, as below:

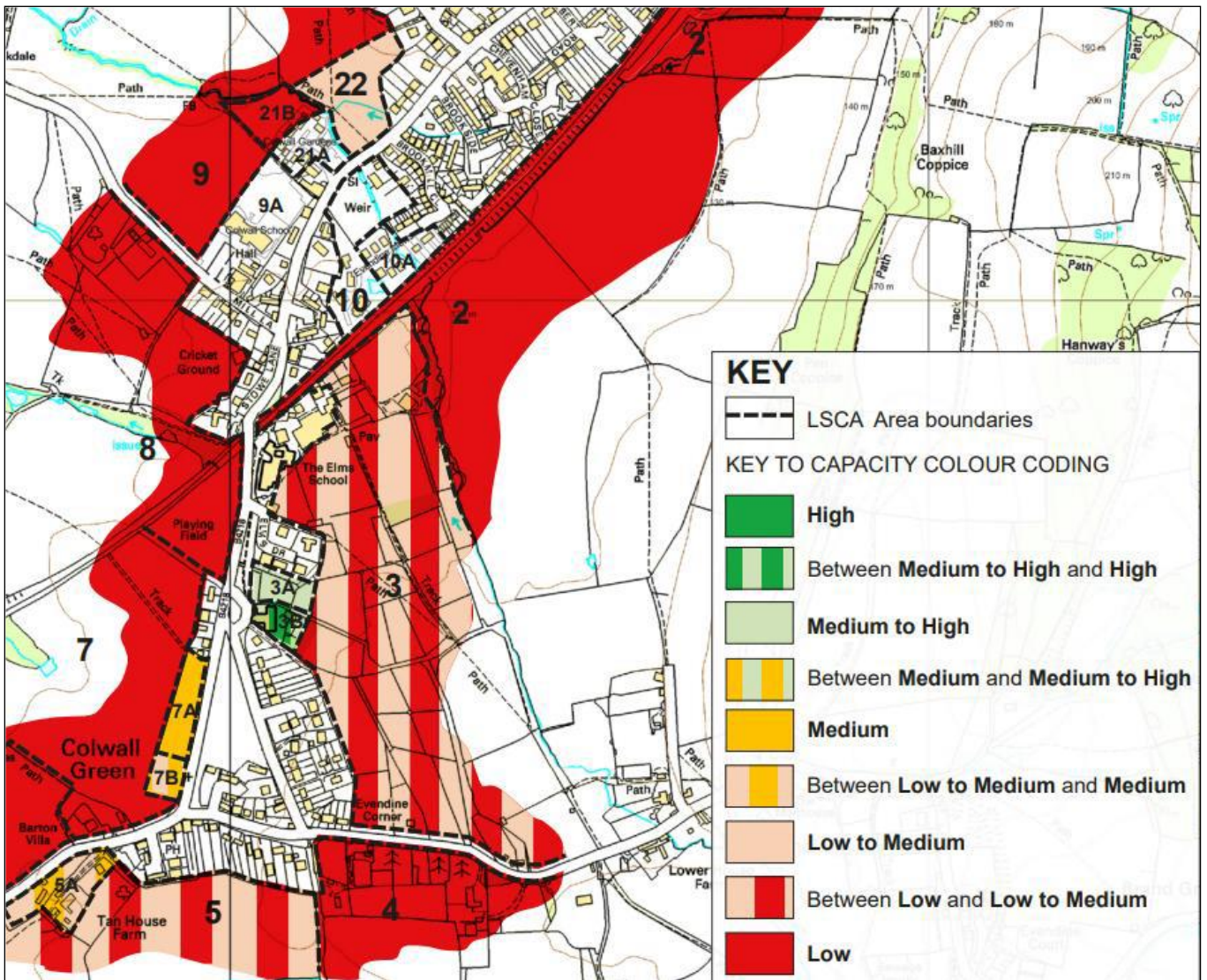
Landscape

- 6.54 Both policies RA2 and the NDP housing supply policies are underpinned by Policy LD1 of the Core Strategy – Landscape and townscape. Development proposals need to demonstrate that features such as scale and site selection have been positively influenced by the character of the landscape and townscape, and that regard has also been had to the protection and enhancement of the setting of settlements. Development proposals should also conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including locally designated parks and gardens; and should incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings.
- 6.55 The site is within the Malvern Hills AONB. Colwall benefits from numerous viewpoints into its built environment from the surrounding countryside, public rights of way and of course, elevated points on the Hills themselves. Recognition of these views is reflected within the emerging NDP where Policy CD1 - *Protecting Exceptional Key Views* requires development proposal lies within sight of an identified Exceptional Key View, and/or could affect it, a Landscape and Visual Impact Assessment or similar study should be carried out to demonstrate that levels of effects are acceptable, and that the scheme has been sited and designed sensitively and appropriately, reflecting, respecting, and where possible, enhancing the landscape context within which it is situated. Development proposals which have a high degree of adverse effect on one or more of the Exceptional Key Views will be refused.
- 6.56 From wider viewpoints in the landscape Colwall is appreciated as an attractive village set in a protected designated landscape.
- 6.57 Core Strategy policy SD1 (Sustainable Design and Energy Efficiency) also seeks to secure high quality design and well planned development, that contributes positively to the character of the area and that development successfully integrates into the existing built, natural and historic environment. Regard is also had to both the AONB and built environment location.

The technical assessments underpinning the emerging NDP includes a detailed Landscape Sensitivity and Capacity Assessment. This assessment has surveyed, assessed and considered the landscape sensitivity of land around the village and its landscape capacity with regards accommodating new development. The LSCA, with regards to the site returns the following overall detailed assessment –

Landscape Sensitivity – *High to moderate*  
 Visual Sensitivity – *High*  
 Overall Sensitivity – *High*  
 Landscape Value – *High to moderate*  
 Overall Capacity – *Low*

- 6.58 The assessment findings have been visualised on a colour coded plan as shown below which illustrates Capacity. The application site is Area 9 on the plan below which has defined the site's capacity to accommodate development as 'Low'.



- 6.59 The site is as referenced outside the proposed settlement boundary of Colwall as illustrated within the emerging NDP as shown above.
- 6.60 The proposed site is located on an important visual corridor and gateway into the village. Views are currently of rural features, hedgerows, trees and glimpses of the field. Views of the area show the enclosed, rural nature of Mill Lane, the dense hedgerow and the distant background of the Malvern Hills forming the skyline. There are barely any glimpses of built development in this approach to the village, until you get very close to the new school. It is considered the effect of development on the site has been downplayed in the submitted LVA and that the introduction of residential development on the site would intrude into these views, introducing a suburban appearance of upper floors and roofs interrupting the existing rural setting.
- 6.61 There would be significant alteration in views for users of the nearest public footpaths (CW29C and CW30B) where the proposals would cause a substantial permanent loss and alteration to the view as it changes from an agricultural field to being blocked by residential development. It would significantly extend the urbanised village edge into the whole of the view.
- 6.62 In the other medium distance views there will be a permanent alteration to a proportion of the view, which may be seen as an extension of the built form – but will be of a completely different type in terms of many residential units rather than low density community use buildings.
- 6.63 The site is readily visible from the Malvern Hills AONB. The picture below from Pinnacle Hill shows how the site sits outside the built form of Colwall and how development hereabouts

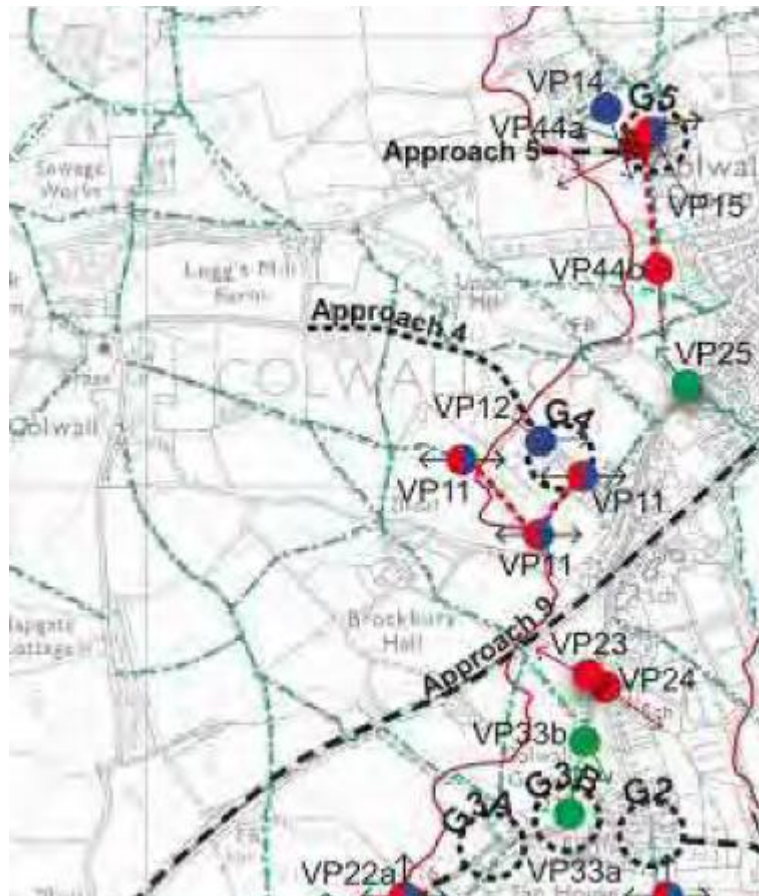
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follows Walwyn Road in a linear settlement pattern. Encroachment along Mill Lane will clearly and markedly alter the setting of Colwall and the character and appearance of the AONB. The view from Pinnacle Hill demonstrates the proposed development will not be in keeping with the scale, pattern and existing village context as it will be visually separated from the other existing residential areas.



- 6.64 The site is particularly covered within the emerging NDP Policy CD1 *Protecting Exceptional Key Views* by *Approach 4*, *Gateway 4* and *Viewpoint 12* as shown on the extract from NDP Map 7 below –



- 6.65 VP12 is an identified important view into village of Gateway 4 which is located on the western edge of central part of the village, Along Mill Lane north west of new primary school, looking north east to south east.
- 6.66 VP12 and approach 4 heading South East offer fine panoramic view of Hills' profile across good quality open countryside. Both lowland and hill landscapes make highly important to village's context and setting, and are very good representations of area's NCAs and LCTs. Note that 2001 view has changed due to presence, in foreground of view, of Colwall's new primary school, which opened January 2018. Previously, houses and gardens east of school formed village edge.
- 6.67 The 2019 study concluded that new built form does not reduce high visual value of view due to a) high quality of school buildings and grounds, and b) fact that buildings are low and do not break skyline.
- 6.68 Apart from short section west of village between Lugg's Mill Farm and Upper Mill, Mill Lane is important historic approach to village (Approach 4). Lane is characteristically rural, bound by native hedges and mature escaped trees. Some domestication along frontages nearer village but otherwise landscapes in good condition.
- 6.69 It is concluded that the development of this site would represent a form of development that would neither improve nor maintain the local landscape character and the character and setting of the settlement, and as such are contrary to the requirements of policies LD1, SD1 and RA2 of the Herefordshire Local Plan – Core Strategy, emerging policies of the Colwall NDP. Conflict is also found not only with NPPF aims and objectives regarding landscape however also Paragraph 11 as well and the requirements of the CRoW Act.

## Design and Amenity

- 6.70 CS policy SD1 and RA2 criteria 3 requires that new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development. While making a positive contribution to the architectural diversity and character of the area including, where appropriate, through innovative design and safeguard residential amenity for existing and proposed residents. Development should be appropriate to its context and make a positive contribution to its landscape setting.
- 6.71 The indicative layout is shown on the plan, below –



- 6.72 The amount of green space and the landscape led approach is welcome and notwithstanding this is an outline application with all matters reserved except access, the indicative layout as shown has been amended to reflect comments received from Officers. It is accepted the site could accommodate the quantum of development proposed and ensure no unacceptable impact results on existing important green infrastructure and important trees and hedgerows from siting of dwellings or delivery of internal access and pedestrian routes out of and along the site boundaries.
- 6.73 As such in design terms an appropriate and informed response to context which safeguards existing and new residential amenity to meet the relevant criteria of CS policies SS6, RA2 and LD1 and the design aims and objectives of the NPPF could be delivered on the site.

## Heritage

- 6.74 When considering the impact of a development proposal upon the setting of a Heritage Asset, there are several stages. Firstly identifying those assets which may be affected and their significance. Then those aspects of their setting which contribute to the significance are

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identified and lastly the impact of the development upon this significance. It should be noted that a view to or from a Heritage Asset does not necessarily mean that a site is within that assets setting, this depends upon whether that view contributes to the significance of the asset. Also a site can be within the setting of a heritage asset without their being a direct view under certain circumstances. The fundamental principle is whether or not a development affects the significance of a heritage asset, including those aspects of its setting which contribute to its significance.

- 6.75 The site is not within a conservation area nor does it contain or adjoin any designated heritage assets. The nearest heritage assets are the Grade II Brockbury Hall over 500 metres to the South West, the Grade II Joyces and Hope Pole Cottage around 240 metres to the South and Grade II\* Brook House 190 metres East on the other side of existing built development. Grade II Peattys Cottage and Mapleton are over 450 metres away to the North.
- 6.76 These assets are hatched blue and their relationship with the application site, denoted with the red star, are shown on the map below, with the extent of the nearest part of Colwall conservation area edged and washed light blue –

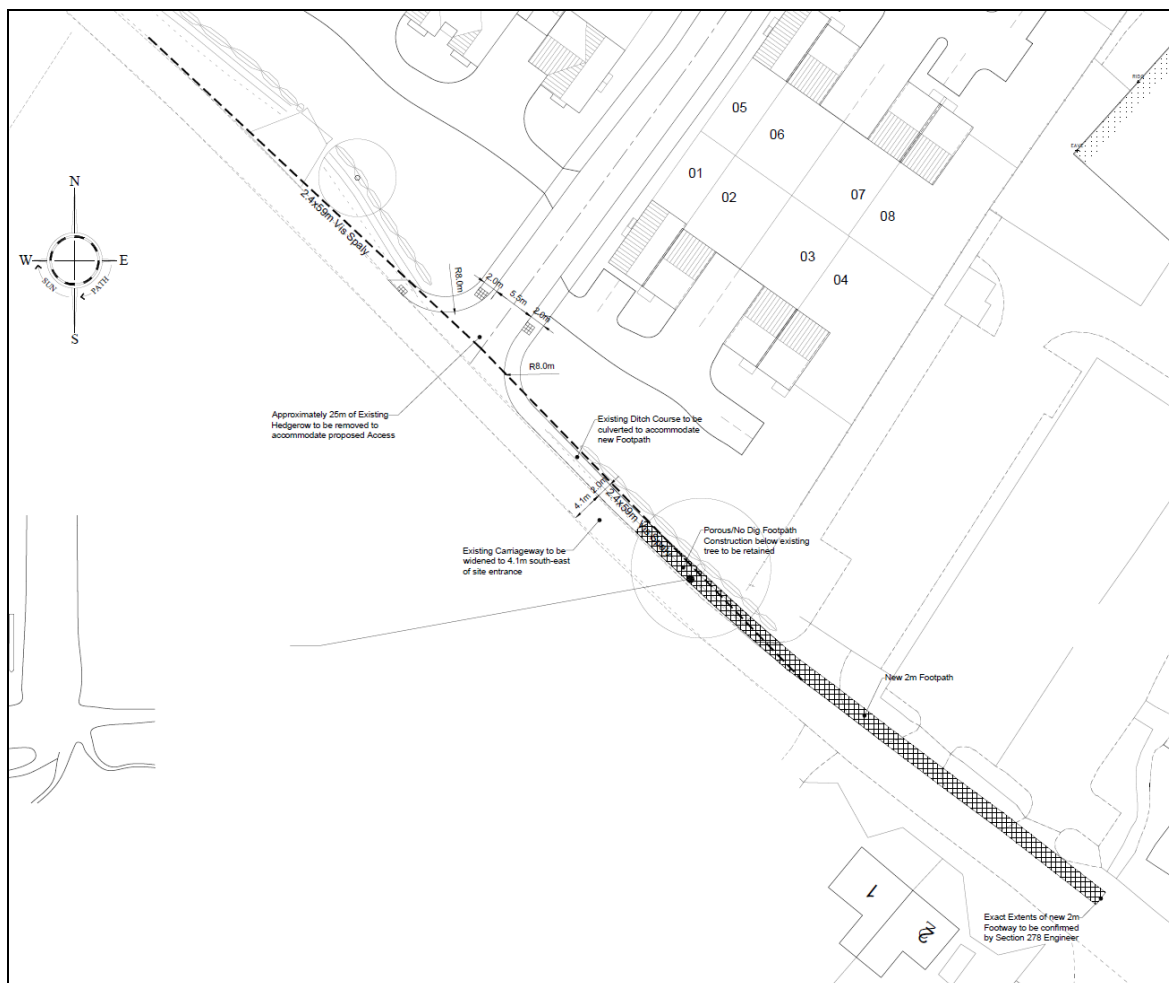


- 6.77 As noted above and from assessment on the ground, the application site is some distance from the Conservation Area and the nearest listed buildings. It is concluded therefore, the proposals will not harm or adversely affect the character, appearance or setting of the conservation area or the nearest listed buildings hereabouts due to intervening distances, topography and existing

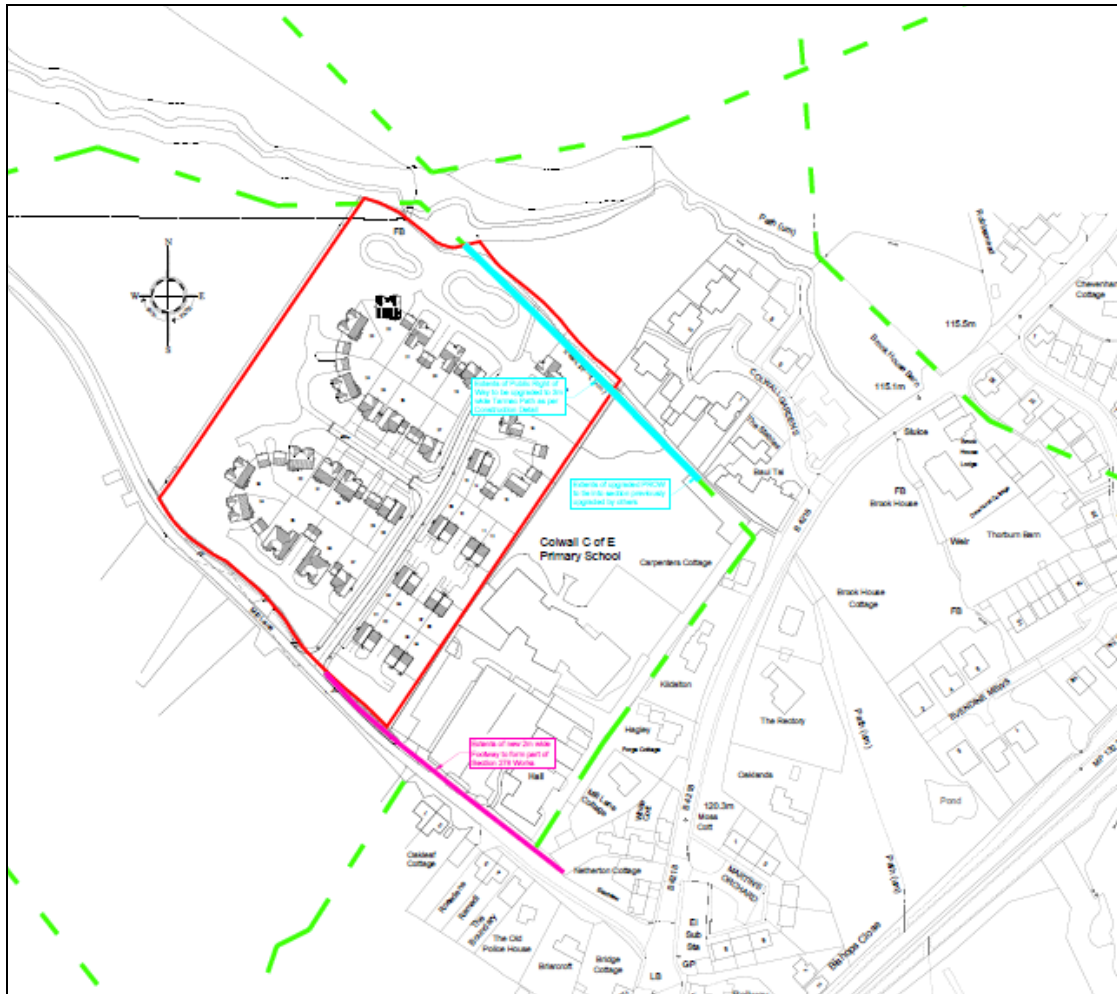
built form and infrastructure. As such the proposals are found to accord with policies SS6 and LD4 of the Herefordshire Core Strategy and the heritage aims and objectives of the NPPF.

### Highways

- 6.78 Access arrangements serving the proposal have been demonstrated achieve relevant technical standards and required visibility splays to the satisfaction of the Transportation Manager. Within these works the existing carriageway is to be widened to 4.1m south-east of site entrance and existing ditch course to be culverted to accommodate a new 2 metre wide footpath from the entrance to the site to link with existing extents of the footpath towards the junction of Mill Lane and Walwyn Road. The access arrangements are shown below –



- 6.79 The plan below shows the application site edged red and access and connectivity proposals relating to it. The green line shows existing PRoWs around the site with the turquoise showing an area of the PRoW which adjoins the site would be upgraded to be 3 metres in width and surfaced in tarmac. This in turn would link to the existing upgraded PRoW to the South East.
- 6.80 As shown in purple, below, a new 2 metres wide footpath would be provided from the site's vehicular access to extend past the School and Village Hall and link up with the existing footpath around Netherton Cottage on Mill Lane. Both of these new and upgraded pedestrian linkages provide good accessibility and desirable routes from the site to Colwall's many services and facilities or open countryside beyond.



- 6.81 On this basis and with regards to the Transportation Managers' comments, the proposal addresses highway safety, has connectivity to local services and facilities so to offer sustainable transport options and no severe impact justifying refusal as set out within NPPF paragraph 109 is assessed to be created with regards additional vehicular movements associated with the proposals.
- 6.82 The proposal complies with CS policies SS4 and MT1, Herefordshire Council's Highways Design Guide and the relevant aims and objectives of the NPPF.

Drainage

- 6.83 Review of the Environment Agency's Flood Map for Planning and the submitted Flood Risk Assessment indicates that the site is located in Flood Zone 1. Given the steep nature of the topography in the area and the constrained extent of the flooding indicated by the mapping, it is not expected that the potential effects of climate change would put the site at further risk of fluvial flooding. The EA's long term flood risk mapping indicates that the site is at very low risk of flooding from surface water. There are no main rivers in close proximity to the site. An ordinary watercourse passes by the northern corner of the site, running along the site boundary for a short distance.
- 6.84 The comments of the Council's Drainage Engineer are noted, along with correspondence between the applicant and Severn Trent Water and the latter's final position of no objection subject to requested conditions being imposed being recorded. As such CS policies SD3 and SD4 are satisfied.

Section 106 Agreement / Planning Obligations

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

| <b>Infrastructure to be delivered from contributions</b>   | <b>Contribution amount</b>  |
|--|---|
| Transport infrastructure to provide sustainable active travel measures from the development site to facilities within the village and wider area to include footpath, cycle and bus infrastructure improvements  | <ul style="list-style-type: none"> <li>• 2 bed dwelling £1,966.00</li> <li>• 3 bed dwelling £2,949.00</li> <li>• 4 + bed dwelling £4,915.00</li> </ul> (all to be index linked)                                     |
| Education – Pre-school provision, Colwall Primary School, John Masefield High School, Post 16 provision, Youth provision and Special Education Needs   | <ul style="list-style-type: none"> <li>• 2+ bed apartment £2,845.00</li> <li>• 2 bed dwelling £4,900.00</li> <li>• 3 bed dwelling £4,900.00</li> <li>• 4 bed dwelling £5,844.00</li> </ul> (all to be index linked) |
| Waste and recycling – provision of 1 x black waste bin and 1 x green recycling bin   | <ul style="list-style-type: none"> <li>• £80.00 per dwelling</li> </ul>   |
| Library provision  | <ul style="list-style-type: none"> <li>• 1 bed flat £120.00</li> <li>• 2 bed flat/dwelling £146.00</li> <li>• 3 bed dwelling £198.00</li> <li>• 4+ bed dwellings £241.00</li> </ul> (to be index linked)            |
| A minimum of 0.102ha (1020sqm) of on-site green infrastructure comprising;<br>0.034ha (340sqm) of Public Open Space<br>0.68 ha (680sqm) of children’s play of which 0.02ha (200sqm) should be formal children’s play<br><b>ALTERNATIVELY</b><br>The formal children’s formal play could be delivered off-site at Humphry Library Walwyn Road, Broomill Close, Colwall Green with financial contributions to be spent in consultation with the parish council | 2 bed dwelling £965.00<br>3 bed dwelling £1,640.00<br>4 bed dwelling £2,219.00<br>(all to be index linked)  |
| Outdoor sports provision at Colwall Football and Cricket Club  | £19,502.00 (to be index linked)   |
| Medical provision at Colwall surgery   | £14,000.00 (to be index linked)   |
| Medical Services at Hereford Hospital  | £23,332.57 (to be index linked)   |
| Affordable Housing   | 40% to be delivered on site   |

6.86 The Affordable Housing Units will be allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of whom has a local connection to Herefordshire.

6.87 For reference, ‘local connection’ means having a connection to Herefordshire as specified above, means because that person is or in the past was normally resident there, is employed there; or has a family association there; or a proven need to give support to or receive support from family members; or because of special circumstances.

6.88 On the basis of the above and as confirmed by the Planning Obligations Manager, a policy compliant draft Heads of Terms can be agreed on the above basis however it is noted the proposal has not been accompanied with a Draft Heads of Terms and as such the proposal is contrary to policy ID1 of the Herefordshire Core Strategy. It is acknowledged this can be easily

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rectified should Planning Committee approve the application subject to the agreement of a Heads of Terms on the above basis, or if the application is refused in line with the recommendation, as part of appeal submissions if the applicant challenges the decision.

### Housing Mix

- 6.89 Policy H1 – *Affordable housing – thresholds and targets* requires all new open market housing proposals on sites of more than 10 dwellings which have a maximum combined gross floor space of more than 1000sqm to contribute towards meeting affordable housing needs.
- 6.90 Affordable housing provided under the terms of policy H1 is expected to be available in perpetuity for those in local housing need, secured through a legal agreement.
- 6.91 Policy RA2 (4) seeks to ensure that schemes generate the size, type, tenure and range of housing that is required in particular settlements, reflecting local demand. Policy H3 builds on this, requiring residential developments to provide a range and mix of housing.
- 6.92 The Herefordshire Local Housing Market Assessment produced by GL Hearn consultants, which forms part of the evidence base for the Core Strategy, provides a further insight into local housing needs in terms of tenure and size for the period 2011-31.
- 6.93 The past delivery of affordable housing in Herefordshire has left the Council open to significant criticism at Planning Appeals, despite all the corporate policies seeking to delivery more and attempts to reduce levels of homelessness. A description of affordable housing delivery was described as *'pitiful'* at the recent Land to the North of the Viaduct, Ledbury Public Inquiry.
- 6.94 Considering, past delivery of only 1,063 dwellings between 2011/12 and 2018/19 there has been an accumulated shortfall of 4,604 affordable dwellings. This is an affordable housing shortfall of 81% since 2011/12 against a target of 5,667 during the same period; or, put another way, just 19% of need has been provided. The scale of this shortfall is enormous and equates to almost 600 affordable homes per annum that are not being provided.
- 6.95 The comments of the Planning Obligations Manager and Strategic Housing are noted. The proposal would with a suitable housing mix condition related to the open market housing, deliver an adequate suitable mix and numbers of housing compliant with Herefordshire Core Strategy policies SS2, SS3, H1, H3 and RA2 and as such represents development that meets with regards to housing, affordable housing and the social objectives of the NPPF which secure balanced mixed inclusive communities.

### Other Matters

- 6.96 The application is not a mechanism to challenge or scrutinise the emerging NDP or the processes that led to the Plans' current position. These matters will be assessed by the NDP Examiner. There is a suggestion the proposal is being supported as a mechanism, if it were to be approved, the allocated site at Grovesend Farm would not come forward either itself or through the NDP.
- 6.97 The correct forum for the debate on NDP allocations is and was the Neighbourhood Plan preparation and consultation process. The application assessed here has no material bearing on the status of the proposed allocated site. The Mill Lane application is assessed here on its own merits against the Development Plan and other material considerations.
- 6.98 Approval or refusal of this application has no bearing on what happens at the Grovesend Farm site.



### Summary and planning balance

- 6.99 In accordance with s.38 (6) of the 2004 Act, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Core Strategy constitutes a spatial strategy and policies designed to achieve sustainable development under the three objectives; social, economic and environmental. The NPPF, a material consideration, also seeks sustainable development through the economic, social and environmental objectives for planning. To enable a conclusion to be reached on whether the application proposals are in accordance with the development plan and to take account of material considerations, I now consider the conflicts with the development plan alongside the benefits and impacts of the proposals against each of the three roles or dimensions of sustainable development in turn.
- 6.100 The proposal is for 37 dwellings on a greenfield site which is adjacent to the main built form of a settlement identified under CS policy RA2, where the Local Plan directs development proposals which are outside Hereford city and the market towns. The site is however outside the defined settlement boundary proposed in an emerging Neighbourhood Development Plan which is at Examination stage and furthermore is wholly within an Area of Outstanding Natural Beauty.
- 6.101 The NPPF at paragraph 172 is explicit that Great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.
- 6.102 The NPPF sets out the scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:
- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
  - b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
  - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated
- 6.103 For the purposes of the above paragraphs, the NPPF (footnote 55) is clear whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.
- 6.104 Given the quantum of and nature of development and further to the visual landscape impact and harm identified above, such a proposal would result through the associated noise and activities from a residential estate in a loss of tranquillity to the area, which is an identified special character intrinsic to the qualities of the AONB. As identified it is concluded there would be harm to the setting of the AONB and overall a significant adverse impact on the area and its characteristics which led to this area being defined with the AONB along with the AONBs overall designation.
- 6.105 As such Officers conclude that this proposal represents major development within a designated area that does not meet one of the three exception tests and accordingly is directed by the NPPF to refuse the application. Further to and either reinforcing the above position or on its own basis, the conflict identified with NPPF paragraph 11 d) also directs refusal of the application.
- 6.106 Notwithstanding the clear in principle and landscape harm identified which require the proposal to be refused, Officers accept the application site lies in a location that is sustainably located, accessible and facilitates a genuine choice of modes of travel, the proposal meets the

requirements of policies SS4 and MT1 of the Herefordshire Local Plan – Core Strategy and guidance contained within the NPPF. Furthermore, the application and safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development as compliant with policy MT1 of the Herefordshire Local Plan and guidance contained within the NPPF.

- 6.107 In terms of heritage assets, the sites location is one that given its relationship with heritage assets through intervening distance, existing built form and topography it is concluded there would be no harm to the setting of adjoining listed buildings is not considered to be substantial and can be considered to the setting and amenity of designated heritage assets including Colwall Conservation Area. As such the proposal complies with the requirements of policy LD4 of the CS and with the heritage guidance contained within the NPPF (2019)
- 6.108 The proposal would also help deliver a range of housing types and sizes including much needed affordable housing which help meet local needs and assist in wider housing delivery including the LPA meeting its housing targets.
- 6.109 Whilst officers would advise that paragraph 11d (i) is the relevant decision making route, to aid decision making, officers advise and summarise the development having regards to the three objectives of sustainable development, and consider the weight that could be attributed to the proposal in the planning balance below.

#### *Economic Objective*

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

- 6.112 However, positive economic benefits arising from the scheme are not unique to this application proposal, but will arise to varying degrees of magnitude on every housing development and I attach only moderate weight to these benefits.

#### *Social Objective*

- 6.113 Planning's social role incorporates providing a supply of housing to meet present and future needs and the creation of a high quality built environment. The proposed development will add to the supply of housing, including social housing, which widen opportunities for home ownership and contribute to meeting housing requirements across the district as a whole.
- 6.114 The planning policy requirements are set out in Core Strategy policies RA1 for overall rural housing requirements and H1 for affordable provision. There is an acknowledged need to provide market and affordable housing in the Ledbury Rural HMA, which includes Colwall. The proposals will assist in reaching the indicative housing growth target set by policy RA1 for the Ledbury Rural HMA (565 dwellings 2011 to 2031) and so will contribute to meeting identified general housing needs.
- 6.115 The proposal would provide a suitable range or mix of housing as required by CS policies H1 and RA1. I attach significant weight to this issue given the scale of development and clear policy

requirements and housing need shortfall, including affordable housing delivery, the proposal will help address. The weight I attach is further increased due to the Council's lack of an up to date 5 year housing land supply and affordable housing deliver performance.

- 6.116 I do however note the proposal would represent conflict with the emerging Neighbourhood Development Plan which is at an advanced stage at Examination. NDPs are the result of significant time and energy put in by local communities and to go against a Plan so advanced could undermine public confidence and future engagement in the planning process. That said I do take into account the level of objections to the NDP which focus on the exclusion of this site and inclusion of another allocated site and as such only attribute modest weight to this matter.

#### *Environmental objective*

- 6.117 The environment objective requires consideration of how the development contributes to protecting and enhancing the natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution and mitigating climate change (low carbon economy).
- 6.118 Whilst located in walking and cycling proximity to local services and facilities and having public transport options for longer journeys available by train, as detailed above, there are a number of ways the environmental policies of the core strategy and NPPF are not satisfied. The proposed development provides harm to the environmental role, specifically regarding adverse landscape impact and harm upon a protected landscape. As identified the proposal represents 'major development' in a designated area and on the basis of the significant adverse impact on the landscape character, appearance and historic setting of Colwall, substantial harm is caused to the designated protected landscape asset. As such the environmental aims and objectives of CS policies RA2, LD1 and LD4 and the emerging NDP are not satisfied and there is conflict with NPPF paragraph 11 and 172 as a result and the CRoW Act. I attach significant weight to this harm and these disbenefits.

#### *Conclusions and planning balance.*

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

#### **For decision Making**

c) Approving development proposals that accord with an up-to-date development plan without delay; or

d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

6.122 As detailed above there is conflict with the policies of the development plan. These policies are consistent with the guidance contained within the National Planning Policy Framework and there is conflict with Paragraph 11 d) and 172 which as directs refusal of the application.

6.123 The potential benefits that are delivered by the scheme have also been considered above and these are considered not to be of such that they would outweigh the identified conflict with the Local Development Plan policies and NPPF paragraph 172 and overall harm to a designated landscape protected by legislation, to which officers consider significant weight can be attributed. As such refusal is recommended.

## RECOMMENDATION

That planning permission be refused for the following reasons:

1. **The proposed development by its nature, scale and setting is major development within a designated area identified within the National Planning Policy Framework that does not meet any of the exception tests of NPPF Paragraph 172. Notwithstanding that, the proposal would have a significant and adverse impact and harm to both the character, appearance, setting and enjoyment of the Malvern Hills Area of Outstanding Beauty and on the purposes for which the area has been designated or defined, and an adverse impact on the character, appearance and setting of Colwall. As such the proposal is contrary to policies SS1, SS6, RA2 and LD1 of the Herefordshire Core Strategy, Malvern Hills AONB Management Plan and policies within the emerging Colwall Neighbourhood Development Plan, the landscape aims and objectives of the National Planning Policy Framework and paragraph 11, 170 and 172 and the provisions of the CRoW Act.**
2. **The application is also not accompanied by a completed Section 106 agreement which is necessary to secure the required provisions and make the development acceptable. It is therefore contrary to Policies H1, IDI, OS1 and OS2 of the Herefordshire Local Plan Core Strategy and the Council's Supplementary Planning Document on Planning Obligations**

## Informative

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

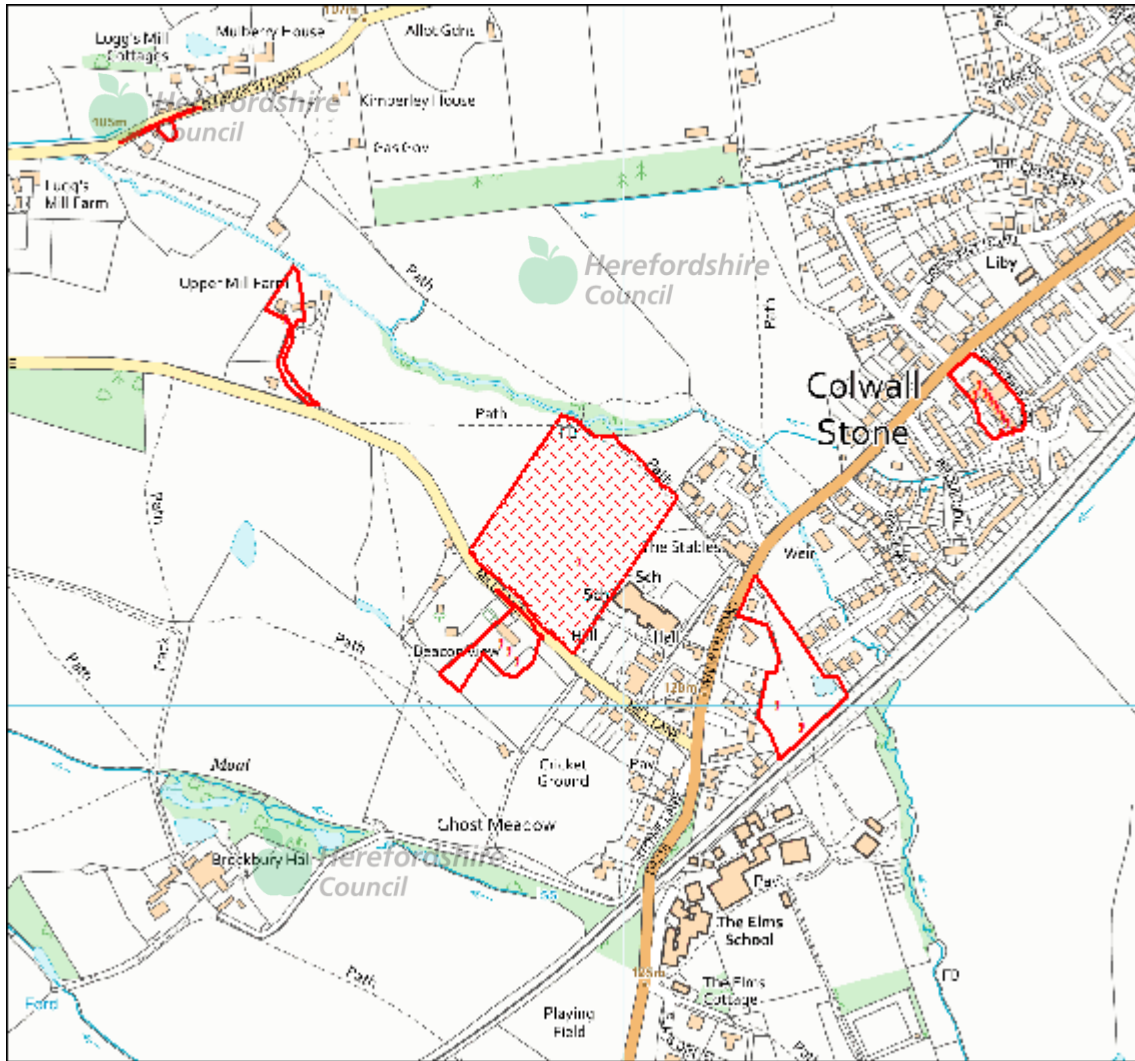
Decision: .....

Notes: .....

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## Background Papers

Internal departmental consultation replies.



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**APPLICATION NO:** 200156

**SITE ADDRESS :** LAND OFF MILL LANE, COLWALL, WORCESTERSHIRE

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