

MEETING:	PLANNING COMMITTEE
DATE:	28 OCTOBER 2015
TITLE OF REPORT:	150437 - PROPOSED 49 DWELLINGS, INCLUDING AFFORDABLE DWELLINGS, ASSOCIATED PARKING AND LANDSCAPING AT LAND TO THE SOUTH OF CHAPEL LANE, BODENHAM MOOR, HEREFORDSHIRE For: Mrs Milden per Mrs Fiona Milden, Cleeve Hall, Bishops Cleeve, Cheltenham, Gloucestershire GL52 8GD
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=150437&search=
Reason Application submitted to Committee – Change of Policy	

Date Received: 13 February 2015

Ward: Hampton

Grid Ref: 354534,250420

Expiry Date: 15 May 2015

Local Member: Councillor BC Baker

1. Site Description and Proposal

- 1.1 The application seeks planning permission for the erection of 49 dwellings, including 35% affordable, associated parking and landscaping on land to the south of Chapel Lane and east of the C1125 main village road at Bodenham Moor, Herefordshire.
- 1.2 The C1125 is the main road through Bodenham Moor and is a single carriageway, two-way road with a 30mph speed limit along the entire western site boundary. It continues north for some 760m from the Chapel Lane (C1124) junction before meeting the A417. The A417 to the north connects with the A49 to the west near Hope-under-Dinmore and the A438 to the east near Ledbury.
- 1.3 The application site is an arable field extending to just in excess of 3ha. It is bounded by the C1125 for the entirety of its western boundary and Chapel Lane to the north. To the south the boundary is defined by the Moor Brook, with the grounds of the Grade II listed Brook House beyond. To the east there is a large commercial orchard. The site is generally flat, with a slight ridge in the middle and levels descending gently to north and south. It is enclosed on three sides by hedgerow, which in the case of boundary with the C1125 is set back behind a relatively wide verge. The application site is also, in the main, above the level of this carriageway. Off-site to the south-west is the Welsh Water pumping station. There are no freestanding trees within the site. Some Field Maples are found within the hedgerow in the north-west corner.
- 1.4 The detached dwelling Olanstan stands to the immediate north-east, making an incursion into what is otherwise a rectangular site. Further residential development is found to the west of the application site on the opposite side of the C1125. This comprises a mixture of traditional and modern development, as does the linear development on Chapel Lane to the north, which includes timber framed listed buildings in the form of Broom Cottage and The Haven, detached

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

dwellings from the mid C20th and extending further eastwards, several large detached modern properties.

- 1.5 The application proposes a single point of vehicular access from the main village road at approximately the mid-point of the western boundary where the speed limit is 30mph.
- 1.6 There is a bus stop opposite the junction with Orchard Close; a modern cul-de-sac a short distance to the north-west of the site. Heading northwards along the main road there are no footways either side of carriageway until north of Baches Bargains.
- 1.7 Bodenham Moor was defined in the Unitary Development Plan as a main village and is now designated as a village where proportionate growth will be sought over the lifetime of the Core Strategy to 2031. As part of the evidence base to the Core Strategy the SHLAA (2009) concluded the site as being appropriate for residential development with low/minor constraints. It has this in common with the site opposite England's Gate Public House, which already has outline planning permission for 40 dwellings.
- 1.8 The Parish Council has designated a Neighbourhood Plan Area and consultation has been ongoing in relation to formulation of a Neighbourhood Plan, but as yet this is not sufficiently far advanced to attract weight for the purpose of decision taking.
- 1.9 The site is within flood zone 1, but there is evidence of surface water flooding on Chapel Lane, which in the past has caused flooding of properties, leading to the formation of the Bodenham Flood Protection Group in 2007. The impact of the proposal on surface water drainage remains an area of key concern locally.
- 1.10 The application is fully detailed and involves the erection of 49 dwellings, all of which would be two-storey. 35% of the dwellings would be affordable units and there is extensive public open space proposed, which would include the provision of a locally equipped area of play 'LEAP'. This public open space is found at the northern end of the site, which acts to buffer the development from historic properties on Chapel Lane and in the southern part of the site, adjoining the brook, where the SUDs attenuation is proposed.
- 1.11 The scheme is of comparatively low density at 16 dwellings/hectare gross. All dwellings are two-storey, the affordable housing comprising a mix of 1, 2, 3 and 4 bed units. The open market dwellings are 3, 4 and 5 bed units. The point of vehicular access is at roughly the mid-point of the western boundary on the C1125. The estate road enters the site with dwellings arranged on either side, but the maintenance of a view through towards open countryside. Internal roads then spur north and south respectively to serve the site, with private drives extending from these. The boundary to the east is maintained as part of the public open space to ensure long-term maintenance and retention. At the northern and southern extremes dwellings are orientated to overlook the areas of public open space. Brick is the predominant facing material, with limited use of render on certain buildings.
- 1.12 The application is supported by a range of technical studies and supporting material, including:-
 - Planning Statement Design and Access Statement
 - Flood Risk Assessment
 - Ecology Appraisal
 - Landscape and Visual Impact Assessment
 - Transport Assessment
 - Archaeology and Heritage Assessment
 - Statement of Community Involvement

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- 1.13 A noise and odour assessment has also been prepared to consider the potential impact of local farming activities at Eastfields Farm in particular, located a short distance to the south-west.
- 1.14 The Council has adopted a Screening Opinion confirming it does not consider the scheme to represent development falling within Schedule 2 of the Environmental Impact Assessment Regulations 2011.

2. Policies

2.1 National Planning Policy Framework 2012. In particular chapters:

Introduction	-	Achieving Sustainable Development
Chapter 4	-	Promoting Sustainable Communities
Chapter 6	-	Delivering a Wide Choice of High Quality Homes
Chapter 7	-	Requiring Good Design
Chapter 8	-	Promoting Healthy Communities
Chapter 11	-	Conserving and Enhancing the Natural Environment
Chapter 12	-	Conserving and Enhancing the Historic Environment

2.2 National Planning Practice Guidance 2014

2.3 Herefordshire Local Plan - Draft Core Strategy

SS1	-	Presumption in favour of sustainable development
SS2	-	Delivering new homes
SS3	-	Ensuring sufficient housing land delivery
SS4	-	Movement and transportation
SS6	-	Environmental quality and local distinctiveness
RA1	-	Rural housing distribution
RA2	-	Housing in settlements outside Hereford and the market towns
H1	-	Affordable housing – Thresholds and targets
H3	-	Ensuring an appropriate range and mix of housing
OS1	-	Requirement for open space, sports and recreation facilities
OS2	-	Meeting open space, sports and recreation needs
MT1	-	Traffic management, highway safety and promoting active travel
LD1	-	Landscape and townscape
LD2	-	Biodiversity and geodiversity
LD3	-	Green infrastructure
LD4	-	Historic environment and heritage assets
SD1	-	Sustainable design and energy efficiency
SD3	-	Sustainable water management and water resources
SD4	-	Waste water treatment and river water quality
ID1	-	Infrastructure delivery

2.4 Neighbourhood Planning

Bodenham Parish Council have designated a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The Parish Council is preparing a Neighbourhood Development Plan for that area, but at the moment the Plan is not sufficiently far advanced to attract weight for the purpose of determining planning applications.

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

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

3. Planning History

Off site

- 3.1 141712/O – Outline application with all matters reserved for residential development (up to 40 dwellings) on land opposite England's Gate PH. Approved with conditions 9th October 2014.
- 3.2 151055/RM – Reserved Matters submission pursuant to 3.1 above. As yet undetermined.

4. Consultation Summary

Statutory Consultees

- 4.1 Welsh Water: No objection subject to conditions

We would request that if you are minded to grant Planning Consent for the above development that the **Conditions and Advisory Notes** provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

SEWERAGE

- Only foul water from the development site shall be allowed discharge to the public sewerage system and this discharge shall be made between manhole reference number SO54504801 and SO54504803 as indicated on the extract of the Sewerage Network Plan attached to this decision notice.

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

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

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

- 4.2 Natural England: Objection based on the Welsh Water holding objection that existed at that time. This is now under review following Welsh Water's revised no objection subject to the imposition of conditions (as above).
- 4.3 Environment Agency: No objection

The site is wholly within Flood Zone 1, the low risk Zone. As such standing advice applies and we would not expect to be formally consulted. Whilst development may be appropriate in Flood Zone 1, the National Planning Policy Framework states that a Flood Risk Assessment (FRA) is required for 'development proposals on sites comprising one hectare or above' where there is the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect of the new development on surface water run-off. I note that a FRA and Drainage Strategy have been submitted with the application and that comments have been provided by the River Lugg IDB. As the Lead Local Flood Authority (LLFA) it would fall to Herefordshire

Council, in discussion with your Land Drainage team, to assess the suitability and robustness of the proposed surface water drainage scheme and to be satisfied that there will be no increased flood risk to third parties post development.

Internal Council Advice

4.4 Transportation Manager: Has no objection subject to the imposition of conditions.

4.5 Land Drainage Consultant: No objection subject to conditions

Overview of the Proposal

The Applicant proposes the construction of 49 dwellings and associated parking and landscaping on a green-field site. An access to the Moor is also proposed as part of the development. The site area is stated to measure 3.02 hectares (ha) on the submitted Application Form. The site drains to Moor Brook, located close to the southern boundary of the site. Moor Brook flows in a north-westerly direction to the River Lugg and is a principal, "viewed" watercourse within the control of the River Lugg Internal Drainage Board.

Fluvial Flood Risk

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the low risk Flood Zone 1. This zone comprises land assessed as having a less than 1 in 1000 annual probability of flooding (<0.1%) from rivers. As the site is greater than 1 ha, a Flood Risk Assessment (FRA) is required in accordance with National Planning Policy Framework (NPPF) and its supporting Planning Practice Guidance.

The submitted FRA states the elevation of the site is higher than the mapped flood plain of the Moor Brook and therefore not at risk of fluvial flooding. The EA Flood Map for Planning confirms the site is outside the fluvial flood extents. However, as the development is located in close proximity to the fluvial flood extents, the Applicant should demonstrate that the site is not at risk of fluvial flooding when the potential effects of climate change are taken into consideration.

Surface Water Flood Risk

The site is identified to be at very low risk of surface water flooding. However, surface water flooding may restrict access to the site during flood events as the EA Surface Water Flood Maps indicates the junction of Chapel Lane and the Moor, to the north of the proposed access, and the Moor to the south are at high risk of surface water flooding. The FRA states that "such flooding would not prevent access to the site by pedestrians or passenger cars from the Moor." However the FRA does not provide any details of the estimated depth or velocity of flooding in these areas and there is anecdotal evidence that these roads have been impassable in the past due to flooding.

The applicant should demonstrate that the depth and velocity of surface water flooding on the roads adjacent to the site will not restrict access to the site during flood events.

Other Considerations and Sources of Flood Risk

The FRA confirms the site is at low risk of flooding from groundwater, reservoirs, canals and sewers.

Surface Water Drainage

In accordance with the National Standards for Sustainable Drainage and Policy DR4 of the Unitary Development Plan, the drainage strategy should incorporate the use of SUDS where possible. The surface water drainage strategy should be designed to mimic the existing drainage of the site. Infiltration measures are to be used unless it is demonstrated that infiltration is not feasible due to the underlying soil conditions.

If drainage of the site cannot be achieved solely through infiltration, the preferred options are (in order of preference): (i) a controlled discharge to a local watercourse, or (ii) a controlled discharge into the public sewer network (depending on availability and capacity). The rate and volume of discharge should be restricted to the pre-development Greenfield values.

The proposal

The submitted FRA outlines the proposed surface water drainage strategy for the development. Infiltration testing undertaken at the site indicates that the site is not suitable for infiltration techniques, therefore the development will be served by a new below ground drainage network discharging to the Moor Brook to the south.

Discharge to the brook will be limited to 1.5 litres per second per hectare with the runoff being attenuated in a pond along the southern boundary of the site. A new ditch is proposed along the eastern boundary of the development to divert surface water runoff from the orchard to the east through the attenuation pond. The pond will have an overflow to allow water to flow overland to the Moor Brook in the event of the capacity of the pond being exceeded. Permeable paving is proposed for most of the access roads in the development, however the attenuation storage volume calculations assume no infiltration is achieved through the permeable paving and all areas contribute to the drainage network.

The proposed surface water management strategy is in accordance with the National Standards for Sustainable Drainage and guidance in the NPPF. The submitted strategy also adequately demonstrates that there will be no increased risk of flooding as a result of the development between the 1 in 1 year event and up to the 1 in 100 year event allowing for the potential effects of climate change.

Overall Comment

We have no objections to the proposed development on flood risk and drainage grounds. However, we recommend the following information is requested prior to granting planning approval:

- Confirmation that the site is not at risk of fluvial flooding when the effects of climate change are incorporated into the fluvial flood extents.
- Further details of the access and egress arrangements for the development including details of the depth and velocity of surface water flooding on the Moor to confirm access to the site will not be restricted during a flood event.

4.6 Conservation Manager (Landscape): No objection

I can confirm that I am satisfied with the landscape information provided:

1. Landscape Proposals Plans, Drawing No 15077.101 Rev – and Drawing No 15077.102 Rev – both dated 21.08.15
2. Hard Landscape Treatment Plan, Drawing No 15077.103 Rev – Dated 27.08.15
3. Landscape Strategy Drawing, Drawing No 15077.104 Rev – Dated 27.08.15 and
4. Landscape Management Plan Statement of Intent, Dated 24.08.15

4.7 Conservation Manager (Historic Buildings): No objection

Whilst there is no Bodenham Moor conservation area there are several listed buildings in the vicinity of the site. I am largely in agreement with the conclusions of the Archaeological and Heritage Assessment carried out by EDP in that, from a built environment perspective, the relevant sensitive receptors are the four Grade II listed buildings to the north, west and south of the proposal site. Other listed buildings in the 1km radius study area are not considered to be affected by development on the site.

On a minor point the number of listed buildings within the study area is 11 not 10 - the barn at Ash Grove is listed separately to Ash Grove itself and the other buildings identified add up to 10.

The scheme layout shows that the listed buildings to the north will be looking onto public open space and therefore the change in the wider setting will not have an adverse effect. It is also clear that sufficient space would exist between the scheme and Brook House to the south so that the separate nature of the listed building and its garden has been respected.

Though Moor Farm House will have its outlook to the east altered by the development it is considered that its position on the opposite side of the village road already gives the two sites a degree of separation. In addition the hedges and topography of the area do not allow a strong visual link between the two sites and therefore the impact of development on the setting of the listed building would be reduced.

Overall it is considered that the proposal complies with Core Strategy heritage policy LD4 and the NPPF chapter 12 and no objections are raised.

4.8 Conservation Manager (Ecology): Qualified comment

Subject to the imposition of planning conditions there are no objections in relation to protected species.

Concerns remains in relation to the capacity of the foul public sewer and the impact on the water quality of the River Lugg SAC:

“...given that this is a failing reach of the SAC with regard to phosphate levels, it would not be acceptable for a non-mains solution to be proposed even as an interim measure. I note that Natural England has not yet objected but until this issue is resolved I would currently have to compile an HRA screening report for Natural England’s attention with a finding of Likely Significant Effect upon the R. Wye SAC.”

4.9 Minerals and Waste Officer: No objection

On balance I’m satisfied with the conclusions within the ‘Minerals Resource Assessment’ dated 21st November 2014 in that given the existing constraints which surround the site and its size, together with there not being an identified need within the County for sand and gravel, the physical sterilisation of the resource on the site is not significant in both a local and national context. Consideration has been given to the proximity of the site to the existing settlement of Bodenham and that it does not have direct access to a main highway. The prior extraction of the resource prior to the proposed development is also not considered to be economically or environmentally viable given the constraints identified. As Minerals and Wates Officer for the Council I’m satisfied with the information provided and can conclude that there is no objection to the application with regards to National policy contained with in the NPPF and NPPG.

4.10 Environmental Health Manager (Noise): No objection

4.11 Environmental Health Manager (Odour): No objection

I have had opportunity to consider the odour assessment update dated 28/8/15 submitted to address concerns that I raised in my consultation response of the 22/6/15.

I can confirm that I was the officer responsible for the consultation responses to the applications referred to by the Parish Council, and expressed concerns for similar reasons when this application was first brought to my attention. However I would take this opportunity to make these further observations:

- Whilst the predicted wind direction where wind is blowing towards the proposed development at Fairview is less frequent than for the site presently under consideration it is considerably closer to the slurry lagoon which was the main source of the odour about which I had concerns.
- The defence of 'Best Practicable Means' is dependant on both technical and financial elements in that the technology to abate the nuisance has to be available and that it is affordable to the business in question. The availability of a remedy will change with time and developments in technology etc.
- I would refer you to the section 4.14 of the updated odour assessment which confirms that the proposal for a slurry separator at Eastfields Farm, having the benefit of a planning permission (application P/141014/F) has been implemented. It was claimed that this would reduce the odour from the slurry management operation by removing a large amount of the solids from the slurry leaving solid manure which had a reduced odour level and a less malodorous liquor. The proposed works also included improvements that would result in reduced odour emissions caused by the transfer of slurry from the livestock buildings with slurry being emptied below surface to prevent splashing. The use of slurry separation systems was uncommon at the time of the Fairview application. I note that the current DEFFRA Code of Good Agricultural Practice recognises that the use of mechanical separation is beyond 'Good Agricultural Practice but may be necessary in certain circumstances.
- I would agree with the Parish Council's view that the lack of recorded complaints does not necessarily mean that there are no ongoing problems however they are a good indication and I would reiterate my view as stated in my consultation response dated the 13/10/15, that based on the information available to me, it would be difficult to sustain refusal on grounds of odour.

4.12 Conservation Manager (Archaeology): No objection subject to conditions

There is some archaeological interest to the site relating to a buried ring ditch feature of likely Bronze Age date, present in the central part of the site. It is very probable that this feature represents the largely ploughed out remains of a former barrow or burial mound of that date.

Having regard to its intrinsic nature and the particular condition it is in (demonstrated by the field evaluation undertaken previously), the feature **does** represent an archaeological issue, although a localised issue that is **not** an over-riding one. Because the feature is an isolated find of moderate rather than a high level of archaeological significance, any harm to it as a result of this development can be appropriately mitigated, *either* by design or by record.

Given that the applicants have not explicitly pursued the first option, I would regard it as entirely appropriate that the second (i.e. the archaeological excavation of the feature and its near environs) is pursued.

Therefore, in accordance with Para 141 of The NPPF, I have no objections to this housing proposal, subject to the imposition of standard archaeological programme of work condition in that regard.

4.13 Parks and Countryside Manager: No objection

Developments of 49 houses are required to provide play provision for both younger and older children. The applicant has made provision for both on and off-site play. In accordance with CS Policy the requirements for a development of 49 dwellings at 2.3 persons (total 112) are:

POS (0.4 ha per 1000 population) = 400sq m

Play area provision (0.8 ha per 1000 population) = 800sq m of which 300sq m should be formal play and 500sq m should be informal play using Fields in Trust standards.

On-site POS is shown at the northern part of the site and is accessible. It is a large area of public open space, which could incorporate a community orchard, wildflower meadow and a play area if required. The location for this is good as it would be overlooked by housing. The proposed development is some distance away from the existing play area and would involve negotiating a busy main road which for younger children is not suitable. Provision on site for this age group may therefore be preferable and this is understood to be the Parish Council's position. The applicants have confirmed that on-site provision in the form of a LEAP.

SUDS: There is an area in the southern part of the site, which primarily includes an attenuation pond but which the applicant has suggested could also provide informal open space. With good design SUDS can successfully incorporate POS to provide areas which are not only good for wildlife but also provide opportunities for informal recreation and more natural play. It is noted that it is proposed to incorporate shelved banks and margins for native marginal planting and maintain water all year in order to provide wildlife enhancements. If the area is also to be publically accessible, the final design will therefore need to consider health and safety issues of standing water.

The SUDS areas will need to be designed in accordance with national SUDS guidance and will require a detailed ecological/site management plan and annual work plan. The Council doesn't as yet have a SuDS strategy and advises developers to use CIRA guidance but with reference to DEFRA's draft of the revised SuDS guidance (currently being finalised) and to reference other useful SUDS and wildlife guidance from the Wildfowl & Wetland/RSPB available from the susdrain website.

Future Maintenance / Adoption: POS/Play: Given the location it is unlikely that Herefordshire Council would adopt any on site POS, therefore the applicant needs to consider other suitable management and maintenance arrangements in line with the Council's policies. This could include the parish council with a 15-year commuted sum plus appropriate replacement costs; by a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as a Trust set up for the new community. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

Future Maintenance/Adoption: SUDS: With the changing legal issues/revising national guidance around SuDS following recent Government consultations, at this time we are unable to provide a definitive answer on adoption and maintenance of any SuDS areas. Any adoption or maintenance agreements and associated commuted sums/management charges with any eligible body are subject to the powers, acts and national guidance that is live and relevant at the time of adoption.

4.14 Housing Development Officer: Qualified comment

The applicant has been in negotiations with Housing Partnerships and has met the mix, tenure and standards that are required for the affordable housing. However, I am disappointed that the applicant has failed to integrate the affordable housing into the development.

As advised affordable housing should be tenure neutral and well integrated within the market housing. This is to promote social inclusion and sustainability. I do not believe that the positioning of the affordable housing meets this requirement and would ask the applicant to review its positioning in order for me to fully support this application.

4.15 Schools Capital and Investment Manager: No objection subject to s.106 contributions to meet capacity issues at Bodenham Primary School, where three years were at or over capacity as of the Autumn Census 2014.

5. Representations

- 5.1 Bodenham Parish Council: Objects strongly to the application. The detailed comments are summarised below, (but attached in full at Appendix A).

Summary of comments:-

Background (Section 1)

This relates the position at the time of response i.e. that the minimum growth target for Bodenham was 40 and that this need was capable of being met through alternative, preferable sites without the need for development of the application site.

Housing Land Supply in Herefordshire (Section 2)

The lack of housing land supply in Herefordshire should not lead to excessive development in its villages. There are parallels between this site and the Home Farm, Belmont appeal, which was dismissed irrespective of the lack of housing land supply.

Location of Future Housing Development in Bodenham Moor (Section 3)

The Parish Council started considering potential housing sites as part of the NDP process long before Bovis initiated their proposals. This was conducted independently of the Bovis proposal and the then outline application opposite England's Gate – both on SHLAA minor constraints sites. A survey was commenced in September 2014 to engage local opinion on the matter of housing growth. The results confirmed an overwhelming support for the site opposite England's Gate, which received 237 letters of support as opposed to 25 objections. Thus the parish and its residents have taken a view on the appropriateness of development on the Bovis site and given the constraints have concluded the land opposite England's Gate to be the preferable.

Bodenham Neighbourhood Plan (Section 4)

Secretary of State decisions have confirmed the weight that may be given to emerging Neighbourhood Plans. It is the intention of the NDP Steering Group to redraw the settlement boundary as it exists with the exception of an extension to encompass the England's Gate site. This would facilitate the growth required and exclude the current application site.

Sustainability (Section 5)

This section of the Parish Council comments refers to the percentage growth that the village (as opposed to Parish) would be forced to accept if permission were granted. With England's Gate the village would grow by between 33-37% at an early stage in the lifetime of the CS. This would not represent gradual growth and would also be prejudicial to the emerging Neighbourhood Development Plan and the NPPF core principle which states that planning should be *'genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting a positive vision for the future of the area.'*

Proposed Housing Mix (Section 6)

The Housing Mix for the open market units is heavily weighted to 4 and 5 bed dwellings. This is contrary to CS policies. The Parish Survey demonstrated that the vast majority of respondents cited a preference for 2 and 3-bed dwellings. There are no 2-bed open market units on this proposal, but 24 4 and 5-bed units.

Proposed Housing Design (Section 7)

In the Council's view the apparent intention to inflict rows of virtually identical red brick 'boxes' – there appear to be only four basic external designs among 49 dwellings - on an area bounded by a rich variety of house designs, not to mention no less than four Grade II listed buildings, betrays a lack of imagination and empathy which all the application's stress on 'detailing', 'active frontage', 'considered building line' and varied 'streetscape' does nothing to mitigate. Far from improving the Village, such a development would actually make it worse by imposing a veritable 'blot on the local landscape'. Indeed, Bovis Homes themselves seem to recognise this

by their apparent wish to hide their development away from view behind hedging (See our comments under 'landscape' below).

Landscape (Section 8)

It is considered that the proposed site is an important open green space which makes a major contribution to the distinctive spatial character, form and pattern of the Bodenham Moor settlement. It is important to the rural character of Bodenham Moor and provides relief within an otherwise built up frontage, while also acting as a buffer between incompatible uses, as set out in Section 14 below.

Contrary to the impression given by the Landscape and Visual Impact Statement supporting the application, this open area allows important views out of the settlement and is an amenity of high value for all residents, but more particularly the residents of Chapel Lane and the road along The Moor (C1125). It is contended that, notwithstanding measures being proposed to mitigate the impact of the proposed development, it will adversely affect the public and visual amenity of existing residents and consent should be withheld in accordance with UDP Policy DR2 (saved under Core Strategy Policy SD1) and Core Strategy Policies LD1 – Landscape and Townscape and LD3 – Green Infrastructure.

The whole effect seems to be to prevent integration with the rest of the Village – the creation of a kind of hedged-in enclave on its outskirts and one that, as already mentioned, is not in keeping with the open character of the remainder of Bodenham Moor.

Historic Environment and Heritage Assets (Section 9)

It is considered that the development of a housing estate of the scale envisaged in such close proximity will, despite the mitigation measures proposed, have an adverse impact on the setting of these listed buildings and warrants refusal.

Access and Highway Safety (Section 10)

Road safety has long been seen by local residents as, together with mitigation of flood risk, one of their highest priorities. This is evidenced both by the responses to a survey carried out in October 2010 in support of the Parish Plan and by the recent survey supporting the Neighbourhood Plan. Since November 2010 the Parish Council has therefore operated a speed indicator device (SID) in an attempt to 'educate' drivers to obey the speed limits on the main roads (C1125 and C1121) through Bodenham Moor and the Bodenham Conservation Area.

Although only classified as a 'C' road, the C1125 West of Shuker's Field is a main thoroughfare between the A417 and the East of Hereford *via* Sutton St. Nicholas and carries a great deal of traffic. Furthermore, although governed by a 30mph speed limit, despite the presence of pedestrians walking in the road because there is no pavement, and despite the existence of a narrow bridge about 100m from the access point proposed by Bovis Homes, vehicle speeds along this stretch of road are consistently high. This is borne out by the applicant's Transport Statement (13) which notes (without drawing the obvious road safety conclusions) that "*The [ATC] survey results showed that the 7-day average 85th Percentile speeds were recorded as 37.9mph northbound and 38.1mph southbound*". SID data show the situation rather more starkly. Speeds in excess of 50mph are common; nearly 60% of drivers approaching from the South exceed the speed limit and 15% (85th percentile) do so at 38mph or more. Speeds recorded for vehicles travelling south are even higher; in fact, the highest recorded speed at this location is 84mph.

The Transport Statement also overlooks the fact that the proposed access to the Bovis Homes site is almost exactly midway between two of the three stretches of road in Bodenham Moor most prone to flooding. Even in moderately mild winters surface water flooding occurs to the north of the access point, with water from Chapel Lane spilling across the C1125 into Orchard Close; to its south surface water floods northwards along the C1125 from the higher ground south of Bodenham Moor and floods the roadway in the area of Eastfields Farm. While suitable

vehicles may be able to negotiate such hazards safely in most circumstances, pedestrians may find themselves having to wade through flood water to reach the proposed access point, or to reach the proposed pathway to Chapel Lane.

Transport (Section 11)

As also already pointed out, the access to Bovis Homes' proposed site lies between two chokepoints on the C1125. About 100m to the south there is a narrow bridge with poor sightlines across which two vehicles cannot cross in opposite directions at the same time except at very low speed; in practice the C1125 is a single track road at this point. To the north the road narrows outside the Post Office, the sightlines are very poor, pedestrians have to walk on the carriageway because it is too narrow to accept a pavement, and the situation is made worse throughout most working days by cars parked on both sides of the road; here, too, the C1125 is, in effect, a single track road. Having ignored the problems likely to be created on the C1125, the Transport goes on to overlook those likely to develop in Chapel Lane (C1114), which it envisages as a significant route to and from the A417 for traffic leaving or returning to the proposed Bovis Homes site. Chapel Lane is a narrow, winding, single track road with occasional passing places. It already carries a lot of local domestic and agricultural traffic, but more importantly its use by very large HGVs has long been the subject of complaints to the Parish Council. Of necessity some of these have to access the grain store at Pool Head, but the real problem is the number of HGVs (some no doubt misguided by satellite navigation) which use the Lane as a short cut between the A417 and C1125. The real concern, therefore, is not only, as the Transport Statement says, queuing at the Chapel Lane junctions, but delays likely to be caused at peak times by vehicles meeting along the road. In addition, it should be pointed out that the Transport Statement makes no reference to the dangers presented by Chapel Lane's junction with the A417. The hazards of emerging onto the A417 at this junction, where the visibility both to the left (North-West) and to the right (South-East) is very limited, is one of the road safety issues most often raised by local residents.

Flood Risk (Section 12)

The latest Environment Agency map showing areas of Bodenham at risk of flooding from surface water clearly identifies the area around the Chapel Lane C1114 / C1125 (Bodenham to Sutton road) junction as being at medium to high risk. That such flooding occurs even in relatively mild weather conditions is confirmed by much photographic evidence. It is believed that, despite any mitigation measures suggested by the developer, the proposed Bovis Homes development could exacerbate the surface run-off problem, partly by shifting it from Chapel Lane to the area south of the proposed site. The proposal would thus be in conflict with UDP Policy DR7 on Flood Risk (saved under Core Strategy Policy SS6) and DR3 on Movement (saved under Core Strategy Policy SD1).

Although approximately 62% of the site naturally drains to the north, the FRA proposes that surface water from the developed site would drain entirely to the south into Moor Brook. It is argued that this will reduce surface water flooding of Chapel Lane.

Section 1.1. We note that in the final sentence of Section 1.1 it is claimed that the Flood Risk Assessment (FRA) Report provides sufficient information to confirm the satisfactory drainage and flood risk mitigation of the development as proposed, and that no planning conditions regarding the details of drainage or flooding for approval by the lead local flood authority (LPA), *i.e.* Herefordshire Council, should be required. However, we believe that securing acceptable design by Conditions is crucially important in order that the development is safe from flood risk for its lifetime, does not increase flood risk elsewhere, and where possible reduces flood risk. Should the Council be minded to give consent to the application, we would argue that any such consent must be accompanied by pre-commencement conditions requiring details of the proposed scheme to be submitted in writing for the approval by the Council, as LPA, in consultation with the River Lugg Internal Drainage Board (IDB).

Section 1.3. The FRA Report refers to the Technical Guidance to the NPPF as current policy relevant to this application. In fact the Technical Guidance was replaced by the Planning Practice Guidance in March 2014. It therefore carries no weight. It is therefore of concern that the flood risk assessment has been undertaken without cognisance of extant national planning policy.

Sections 4.5 and 4.6. Both these sections refer to the foul water pumping station located to the south of the site having insufficient capacity. Section 4.6 suggests that Welsh Water (WW) *“might need to address capacity issues associated with its local foul pumping station”*. Appendix 11 of the FRA presents an excerpt from a Utilities Assessment undertaken by Peter Brett Associates. Paragraph 6.1.7 states that a formal response from Welsh Water regarding network capacity had not been obtained at the time the Report was issued, although the Report acknowledges an existing constraint at the foul water pumping station to the south-west of the site. The Report goes on to say that remedial works (also known as infrastructure reinforcement) to the pumping station and rising main (*i.e.* the pumped foul sewer that exits the pumping station and travels up the road to the west of the site) could be undertaken to provide the capacity to receive flows from the development *“although this is to be confirmed by WW”*. Attempting to obtain full planning consent while this level of uncertainty remains is, in our view, totally unacceptable.

Section 5.1.

Whilst the peak rate may be limited to greenfield runoff, the development would result in an increase in runoff volume, *i.e.* runoff would continue to discharge off the site for a longer period than would otherwise be the case. This would impact on the receiving watercourses and the associated land drainage assets operated and maintained by the IDB, increasing the risk of failure and hence the risk of off-site flooding.

The proposed peak surface water discharge rate from the developed site to Moor Brook is stated to be 2 l/s. However, paragraph 17 of the Environment Agency Report *“Preliminary Rainfall Runoff Management for Developments”* (Report ref: SC030219) states that: *“A practicable minimum limit on the discharge rate from a flow attenuation device is often a compromise between attenuating to a satisfactorily low flow rate while keeping the risk of blockage to an acceptable level. This limit is set at 5 litres per second, using an appropriate vortex or other flow control device”*. As such, the proposed outfall conflicts with current design guidelines and there would be a significant risk of the drainage pipe from the retention pond becoming blocked, causing localised flooding of the site and/or adjacent land. Whilst this problem could be overcome by only restricting peak outflows to 5 l/s as per the Environment Agency guidance, this would represent a significant increase in peak runoff from the site, and would increase the risk of off-site flooding. Once again, this non-compliance with Environment Agency drainage guidelines demonstrates a flaw in the drainage strategy presented in the FRA Report. 14

Section 5.3. This Section states that foul water from the development would be conveyed by a new gravity foul sewer to the existing foul sewer near the local sewage pumping station. No mention is made of the fact that the pumping station and associated rising main has insufficient capacity - just that *“Welsh Water has a legal responsibility ... to provide any necessary improvements to the sewerage network to enable developments”*. For Bovis Homes to seek simply to wash their hands of the inconvenience, health risks and disruption they would be creating for existing residents of the village is completely unacceptable.

Section 8 (2, 3 and 4). All three of these recommendations demonstrate the importance of the Council, as LPA, securing drainage by Condition, if indeed the Council is minded to grant planning permission.

Section 10. The FRA Report incorrectly states that “*neither flood risk nor drainage constrains the grant of planning consent for this development as proposed*”. On the contrary there are a number of crucial constraints:

The surface water drainage scheme proposes that all surface runoff from the site will drain to the south and directly into Moor Brook. This approach does not mimic the existing natural drainage regime for the site, and whilst it may help reduce flooding of Chapel Lane, it would be expected to increase off-site flooding elsewhere, especially to the Grade II listed Brook House and to the area of Eastfields Farm, both of which are already very prone to flooding. As such, the drainage scheme is not considered to be satisfactory. At the same time the FRA Report claims that surface water would be prevented from draining into Chapel Lane towards the North by the construction of an East-West bund. However, as can be seen from the maps at Appendix 9 of the Report, this bund is a long way from the site’s northern boundary. In fact, it roughly delineates the southern edge of a substantial northern portion of the site which has always drained into Chapel Lane and under Bovis Homes’ proposed scheme would simply continue to do so. In short, the Bovis Homes scheme appears likely to do little to mitigate the flood risk to Chapel Lane and, from there, to Orchard Close and thus there is likely to be little, if any, betterment.

As the FRA Report acknowledges, the existing Welsh Water sewerage infrastructure has insufficient capacity to convey foul water from the proposed development. Indeed the pumping station to the south-west of the site has already flooded due to insufficient capacity. The FRA Report fails to demonstrate that foul water from the development can be suitably drained and as such, the foul water drainage strategy presented in the Report must be regarded as fundamentally flawed. Policy SD (4) states that development may be phased or delayed until further capacity is available. This alone is considered to be sufficient grounds for permission not to be granted.

Increasing the flow of foul water to the already overloaded Welsh Water foul pumping station located to the south-west of the proposed development is not sustainable.

If the Council, as LPA, is minded to grant planning permission, then the design of the drainage system, for both surface water and foul water, must be accompanied by appropriate pre-commencement planning conditions, requiring full details of the drainage systems to be submitted in writing for the approval of the Council in consultation with the IDB.

The proposed development does not reduce flood risk or provide similar betterment to enhance the local flood risk regime, as required by Policy SD3 (3). Although it may be possible that the development may reduce flood risk to Chapel Lane, this cannot be regarded as betterment because there will be a corresponding increase in flood risk elsewhere due to the nature of the proposed drainage.

The FRA Report does not provide any information on how the surface water drainage system serving the development would be maintained for its lifetime. Given the surface water flooding issues in the proximity of the site, this is an important omission. The appropriate arrangements would need to be secured at minimum by Condition (and presumably by a Section 106 agreement).

Sewerage Infrastructure (Section 13)

The Parish Council’s original comments are updated following further submission from the applicants. See below.

Proximity to Intensive Livestock Unit (Section 14)

The Parish Council’s original comments in relation to the intensive livestock unit are updated following further submission from the applicants. See below.

Ecology (Section 15)

The River Lugg enjoys strong protection under European Law as part of the River Wye Special Area of Conservation (SAC). We note that the Nutrient Management Plan being developed by the Environment Agency in conjunction with Herefordshire Council is trying to address the ongoing issue of excessive phosphate levels. It is understood that there remain a number of major outstanding concerns. It is clear that any consent for the subject development by Bovis Homes involving the disposal of treated effluent from the site *via* the Welsh Water treatment plant in Ketch Lane, Bodenham (C1113) and thence into the River Lugg would merely serve to exacerbate this ongoing phosphate exceedance problem. We strongly urge that this aspect is fully explored when the application is considered. Health and safety issues associated with standing water in the attenuation pond must also be addressed.

Minerals Safeguarding (Section 16)

The entire site lies within an area defined as a Minerals Safeguarding Area (MSA), as embodied in Core Strategy Policy M1 (formerly UDP Policy M5 –Safeguarding Minerals Resources). This states that *“within and adjacent to MSAs, development which would sterilise any known minerals resource will not be permitted, unless it can be demonstrated that the non-minerals related development is of sufficient weight and overall benefit to override the need to protect the minerals resources”*.

Despite the claim in the Peter Brett Associates “Mineral Resources Statement” that the ‘potential resource has been compromised by existing residential development to the north and west’ it is thought that the existence a single house (Olanstan) adjacent to the site would not constrain possible future exploitation. However, it is contended that the housing development proposed by Bovis Homes would conflict with planning policy M1 – Mineral Safeguarding Areas (page 180 of the Core Strategy).

While it may be accepted that the existence of “Olanstan” adjacent to the site could be regarded by any future mineral extraction body as an ‘inconvenience’, reference to the Core Strategy Policies Map clearly shows the fairly widespread existence of minerals in this area, a fact recently highlighted by the Principal Planning Officer – Minerals and Wastes in the context of planning application (141352 Gritt Farm) relating to a proposal for a new dwelling just to the north-east of the subject site.

17. Summary

17.1 Bodenham Parish Council believes that Bovis Homes’ application to build 49 houses on the land South of Chapel Lane is:

- Opportunistic and seeking to exploit a temporary, technical loophole in planning regulations for purely commercial gain with no thought for the adverse effect on the lives or amenity of existing – or, indeed, its own proposed future – residents.
- Contrary to the central tenets of both the NPPF and Herefordshire Council’s emerging Core Strategy in that it does not meet their essential criteria of sustainability.
- Contrary to specific policies set out in Herefordshire Council’s emerging Core Strategy.
- Unnecessary to meet the proportionate 15% increase in housing required by the emerging Core Strategy which, with the proposed development of the field opposite England’s Gate added to ‘windfall’ developments since 2011, Bodenham Moor will have exceeded.
- Contrary to the carefully considered and clearly expressed wishes of the local community as evidenced by the recent survey and set out in Bodenham’s emerging Neighbourhood Plan.

- Calculated to destroy an important and valued open space in the village and in the process to damage irreparably the whole rural character of Bodenham Moor.
- Unsupported by any requirement for the quantity, size or type of dwellings proposed.
- Given other housing development already planned, completely unsustainable within a village of the size and rural setting of Bodenham Moor.
- Inadmissible because it would require incompatible land use by the juxtaposition of residential dwellings with an intensive dairy unit, especially one which already creates a significant, continuing odour and fly nuisance and which is destined to increase still further in size.
- Likely to increase the already worryingly high risk of surface water flooding in the vicinity.
- Unacceptable because of inadequate access to and from the site and because of the adverse impact it would have on road safety, which is already a matter of serious local concern.
- Unacceptable because of its adverse impact on the local infrastructure, and specifically on the already overloaded sewerage and foul water drainage systems.
- The Parish Council urges most strongly that consent for the application be refused.

Subsequent comments in relation to foul waste and odour, updating sections 13 and 14 above are set out below.

Foul Drainage

Bovis have also submitted revised foul drainage paper which seeks to address the earlier Welsh Water objection to the effect that the proposed development would overload the local public sewage infrastructure. It appears that the Welsh Water objection has now been withdrawn. However the modifications proposed which would involve installing a new pipeline to carry sewage to a point on the C1125 near the village green and children's playground would then appear to be merely connected to the existing manhole that eventually carries sewage products to the plant located in the Millcroft Road cul-de-sac which already has capacity problems necessitating frequent visits from WW to clear blockages. It would seem that this is purely a device to remove the focus from deficient plant alongside Moor Brook and increase the as yet unresolved inadequacies of the Millcroft Road plant.

Odour Nuisance

Odour dispersal is largely dependent on wind patterns and speeds. Entram Ltd Consultants have based their dispersal modelling on wind speed and direction taken from data obtained from the nearest meteorological station at Hereford (Credenhill) located some 7mls. away. (Para. 5.1 states "A 5-year average windrose (2010to 2014) for the Met Office observing station at Hereford is displayed...") They have concluded from this data that the wind would only blow from Eastfields Farm towards the Bovis site for 14.7% of the year (Para. 5.4.).

In fact, the local topography, distorts wind speed and direction in the vicinity of Eastfields Farm and the Bovis site. The latest report takes no account of the fact that both the farm and proposed development site are located on relatively low lying land that is bounded by a prominent extended ridgeline that runs from the SE to the SW. This elevated ridgeline distorts the normal prevailing wind patterns creating local atmospheric turbulence and thus invalidates the meteorological wind pattern assumptions which form the whole basis of the revised analysis.

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

It is contended that this failure to take full account of local conditions must throw doubt upon the claims in paras. 1 to 3 that:-

“the source odour potential may be regarded as ‘medium’ to ‘small’ and “It follows that the likely magnitude of odour effect at the development site is negligible”.

History of Nuisance

It is stated at para, 5.7 that *“The Local Authority Environmental Health Department has confirmed there have been no recorded complaints of odour in relation to the existing farming activities in the area”.*

We would draw attention to the minutes of the Planning Committee meeting held on 18 December 2002 to consider application NC2002/3141/O for a new dwelling in the grounds of Fairview which states :-

“The Area Environmental Health Officer reported on local concerns that had been expressed about smells emanating from the livestock units, and that there was a limit to what could be achieved because the applicants had the defence of using the best practicable means to abate nuisance”.

The application was refused consent.

In dismissing an appeal against refusal Planning Inspector Robert Luck in his Decision ref APP/W1850/A/03/1110001 commented:-

“The evidence is that the slurry lagoon gives rise to serious problems of infestation by flies, especially during the warmest months and to a certain extent offensive smells. This is clearly supported by the Council’s Environmental Health Officer, who said that no more can reasonably be done to abate the nuisance at source. I conclude that there is an unacceptable risk to the living conditions of future residents of the proposed dwelling would be harmed by unreasonable levels of nuisance in these respects”.

Again, in commenting on an earlier withdrawn application NC2002/1186/O., Mr A Trezins, Area Manager (North) Environmental Health wrote on 21 May 2002 *“I wish to express concern about the close proximity of a slurry lagoon to this proposal which is likely to give rise to complaints of smell and fly nuisance. The close proximity of the farming activity in general is likely to have an adverse impact on the amenity of future residents of this dwelling.”*

A further application to erect a dwelling adjacent to Eastfields Farm submitted in 2006 was refused it being stated in the Decision Notice DCNC2006/3140 dated 29 Sept.2006 :-

“A new dwelling on this site will be within close proximity of an existing slurry lagoon and also existing livestock units on the adjacent agricultural land to the north which can result in the residential amenities, of the future occupants of the proposed dwelling, being adversely affected by reason of offensive smells and infestation by flies.”

Copies of letters of complaint about odour and fly nuisance from two Bodenham residents are held. However past statements, quoted above, by the Environmental Health Officer to the effect that no reasonable steps can be taken to abate the nuisance emanating from Eastfields Farm has doubtless led to other residents to conclude that it would be pointless to complain. It is known that residents have also been deterred from formally complaining due to the legitimate fear that this may have an adverse effect on house values. However, the fact that there is a limited documented history of complaint by individuals should not be taken to imply that there is no, or limited nuisance. This is a very real ongoing issue which is why the Parish Council has raised such strong objection to the Bovis Homes proposal.

5.2 River Lugg Internal Drainage Board: Qualified comment

The application informs us of the intention to dispose of surface water via Sustainable Urban Drainage System. I would like to inform you of the Board's standard requirements in respect of surface water disposal, and ask that they be taken into consideration when the application is assessed.

Requirements:

- 1 A permanent 9 metre plant access strip is required alongside the Moor Brook within the development site, for watercourse maintenance purposes. The written consent of the board must be obtained for any structure or tree planting within 9m of any Board controlled watercourse measured from the top of the bank or on the landward side of any embankment.
- 2 Any works must not compromise the stability of the bank or create a gradient of more than 1:20 towards the watercourse.

Any increase in hard standing or impermeable areas will increase the amount of surface water run off from the site unless managed properly. The application states that the surface water run-off will be directed to SuDS; therefore I would like to inform you of the Board's standard requirements in respect of surface water disposal, and ask that they be taken into consideration when the application is assessed.

Requirements:

- 1 Rates for storm water runoff discharged from the site to replicate or achieve a reduction from the 'greenfield' response of the site over a range of storm probabilities, accompanied by the required On-site Storage designed for the 1 in 100 year storm event.
- 2 For the range of annual flow rate probabilities, up to and including the 1% annual probability (1 in 100 year storm event) the developed rate of run-off discharged from the site into an ordinary watercourse shall be no greater than the undeveloped rate of run-off for the same event.
- 3 The potential effect of future climate change shall be taken into account by increasing the rainfall depth by 10% for computing storage volumes.
- 4 All in compliance with The Institute of Hydrology Report 124 (IoH 124) - Flood estimation for small catchments (1994)
- 5 All to the satisfaction of the Engineer to the Board
- 6 No additional surface water run-off to adjacent watercourse (Moor Brook) or any outfall structure is permitted without written Land Drainage Consent, which would have to be obtained from the Board under the terms of the Land Drainage Act 1991 and the Flood and Water Management Act 2010.

5.3 Bodenham Flood Protection Group: Objection. The comments express severe concern at the efficacy of the proposed surface water drainage system and the ability of the foul sewerage system to cope with additional loading. The comments defer, however, to section 12 of the Parish Council comments insofar as surface water drainage is concerned and this section of the Parish Council objection is reported in full above and again at Appendix A.

5.4 Campaign to Protect Rural England (Herefordshire Branch): Qualified Comment

Concern is expressed in relation to the Council's assessment of the impact of the development in relation to water quality within the River Wye (Lugg) SAC.

5.5 There have been 235 letters of objection. The content is summarised as follows:-

Bell Homes have already had outline planning consent for 40 houses in Bodenham Moor (P141712/0). This is the site preferred by local residents as shown in the emerging

Bodenham Neighbourhood Plan and demonstrated by the responses to the recent neighbourhood plan survey.

The site on which Bovis Homes wish to construct 49 houses has been rejected in the neighbourhood planning process for a number of reasons, including:

- The likelihood of increasing the risk of surface water flooding to neighbouring properties in Chapel Lane, Orchard Close and/or the area of Eastfields Farm.
- The adverse effect on the setting of four Grade II listed buildings adjacent to the site.
- The adverse effect on the amenity of residents in nearby properties, especially by affecting their enjoyment of the existing rural landscape.
- The adverse effect on Bodenham Moor residents generally by destroying one of the few important open spaces in the village.
- The placing of a major additional burden on already overloaded sewerage and foul water systems.
- The proximity to an intensive dairy unit with its associated odour and fly nuisances.
- Increased traffic placing even greater pressure on narrow local roads about which there are already serious road safety concerns.

The Bovis Homes application does not adequately address these (and other) issues. Any more houses in the village, other than the 40 already planned by Bell Homes, would place an immediate and totally unsustainable burden on the village infrastructure (GP Surgery, School, etc). While accepting that Bodenham Moor must accommodate its fair share of new housing, it is unreasonable for it to accept more. Such an increase would alter the whole character of the village and change it from a rural settlement into a town.

The wishes of local people, clearly expressed in the Neighbourhood Plan and the recent survey, should be respected.

5.6 There have been 12 letters of support. The content is summarised as follows:-

- The application is in a preferable location to the England's Gate site. It is more central to the village and will have less of an impact on the approach to the village.
- The application appears well conceived relative to other applications and takes a sensitive approach to design and landscaping.
- The proposal will result in the delivery of affordable housing which will address the current dearth and allow those youngsters with a local connection to stay in the village as opposed to having to move away.
- Access into the site would be safer than England's Gate as it is not in such close proximity to the A417 or on a bend. Traffic calming will be easier in this location.
- A growth in the local population will underpin local services including the shop, school and bus services.

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

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

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

Planning Policy

6.1 S38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

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

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

- 6.2 In this instance the Development Plan for the area is the Herefordshire Local Plan - Core Strategy (CS). As might be expected with a proposal of this nature a range of CS policies, referred to at section 2.3, are relevant. The strategic Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the NPPF. SS1 confirms that proposals that accord with the policies of the CS (and, where relevant other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.
- 6.3 As per the NPPF, the delivery of sustainable housing development to meet objectively assessed needs is a central theme of the CS. Policy SS2 ‘Delivering new homes’ confirms that Hereford, with the market towns in the tier below, is the main focus for new housing development. In the rural areas new housing development will be acceptable *“where it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community.”*
- 6.4 Equally it is clear that failure to maintain a robust NPPF compliant supply of housing land will render the housing supply policies of the CS and by extension adopted NDPs out-of-date. Policy SS3 ‘Ensuring sufficient housing land delivery’ thus imposes requirements on the Council in the event that completions fall below the trajectory set out in Appendix 4.
- 6.5 Bodenham is identified as one of the 119 figure 4.14 rural settlements within the Bromyard Housing Market Area (HMA). These settlements are to be the main focus of proportionate housing development in the rural areas. The strategy set out at CS Policy RA1 is to ascribe an indicative housing growth target for the settlements listed within each rural HMA. Within the Bromyard rural HMA the indicative minimum housing growth is 15%. The position as at 1 April 2014 for Bodenham parish is set out in the table below. This expresses a minimum housing requirement to 2031 of 67, but does not take account of the 40 dwellings approved in outline opposite England’s Gate PH. Taking this into account the residual minimum requirement is 27 dwellings. The fact that housing requirements relate to the parish as opposed to the settlement accounts for the disparity with the Parish Council figures expressed in their objection.

Parish/Group	Settlements in fig 4.20 and 4.21	Number of households in parish	% growth in Local Plan Core Strategy	Number of new houses required to 2031	Housing Completions 2011 – 2014	Housing commitments as at 1 April 2014	Total housing remaining
Bodenham	Bodenham; Bodenham Moor	481	15	72	0	5	67

- 6.6 The preamble to RA2 – Housing in settlements outside Hereford and the market towns states: *“Within these [figure 4.14] settlements carefully considered development which is proportionate to the size of the community and its needs will be permitted.”* The proactive approach to neighbourhood planning in Herefordshire is also noted and that when adopted, Neighbourhood Development Plans (NDPs) will be the principal mechanism by which new rural housing will be identified, allocated and managed.
- 6.7 However, and particularly until NDPs are adopted, RA2 is positively expressed insofar as housing proposals will be permitted where the four criteria of the policy are met. Moreover, the Inspector’s Main Modification 038 confirms that in the period leading up to the definition of appropriate settlement boundaries i.e. until such time as NDPs define a settlement boundary,

the Council “will assess any applications for residential developments in Figure 4.14 and 4.15 against their relationship to the main built up form of the settlement.” Thus with the NDP not yet sufficiently advanced to attract weight for decision-taking, policy RA2 is key to assessment of planning applications that deliver housing in the rural settlements.

- 6.8 Policy RA2 states that housing proposals will be permitted where the following criteria are met:
- *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. In relation to smaller settlements identified in fig 4.15 proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement; and/or result in development that contributes to or is essential to the social well-being of the settlement concerned.*
 - *Their locations make the best and full use of suitable brownfield sites wherever possible.*
 - *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.*
 - *They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in the particular settlement, reflecting local demand.*
- 6.9 Criteria 1 and 3 are, in your officers’ opinion indivisible, with the ‘gateway’ test being that the application site must be within or adjacent to the main built up part of the settlement. In this instance the site is considered to relate well to the built up part of the village. It is enclosed by residential development to the west and north, which extends eastwards beyond the northern extent of the site, with extensive commercial orchards to the east. The Grade II listed Brook House lies to the south. The application site is relatively well contained visually by the existing hedgerows and landform, which in turn limits the extent to which the development would be seen.
- 6.10 The response to existing development locally has been to devise a layout and design that retains and enhances existing boundary planting, with significant landscaped buffer to north and south incorporating extensive public open space. This has the effect of protecting the living conditions at adjoining properties and preserving the setting of listed buildings that adjoin to north, west and south, as discussed in detail within the heritage chapter below. In this respect the application has drawn no objection from the landscape or historic building officers and is considered to respond positively to the surrounding environment and landscape setting. The scheme is thus considered to respond positively to criteria 1 and 3 in that it will represent a high quality and sustainably designed layout that is appropriate to its context.
- 6.11 The site is not previously developed or brownfield land, but the policy does not exist to prevent consideration of appropriate greenfield sites capable of accommodating sustainable development. Moreover the NDP is not sufficiently advanced to attract weight for decision taking.
- 6.12 Whilst there are a comparatively high proportion of four and five bed dwellings among the open market units, with no 2-bed dwellings, the affordable housing comprises an acceptable mix of 1, 2, 3 and 4-bed dwellings and is supported; albeit the Housing Officer would like to see greater dispersal of the affordable housing across the site.
- 6.13 Whilst recognising the scheme would result in the minimum target for housing growth within the parish being exceeded, the Inspector’s report and relevant appeal decisions confirm that this should not act as a ceiling to residential development where it would accord with the Development Plan. Thus, when assessed against the criteria of RA2, and in the absence of an adopted NDP and/or compelling evidence to support an argument that the scheme would represent disproportionate growth causing overriding harm, officers consider the proposal to accord with the requirements of RA2.

Impact on designated heritage assets, biodiversity and landscape

- 6.14 Policies relating to landscape, biodiversity and heritage assets underpin the assessment taken in relation to Policy RA2.
- 6.15 Policy LD1 'Landscape and townscape' requires, *inter alia*, that development should demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas. Schemes should also incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings, with the maintenance and extension of tree cover where important to amenity...through new planting to support green infrastructure.
- 6.16 In this case the site has been categorised by the Council's SHLAA as having low/minor constraints. It represents, in the Council's assessment, land of lesser environmental sensitivity that is appropriate for development and it can be assumed that this has influenced site selection. Notwithstanding the SHLAA, the detailed layout takes care to respond sensitively to the strong boundary features by conserving and enhancing them where possible and maintaining a large landscaped buffer against heritage assets adjoining. Significant additional tree planting is proposed, on a site that has, boundary planting aside, no landscape features. Off-site trees are safeguarded by the decision to locate development away from site boundaries outside Root Protection Areas. The scheme is also accompanied by a landscape management strategy and this will be governed by condition. Against its current agricultural use the scheme is considered to represent an opportunity to enhance bio-diversity. Officers consider the scheme complies with Policy LD1 in every respect.
- 6.17 Policy LD2 'Biodiversity and geodiversity' requires the conservation, restoration and enhancement of the county's biodiversity and geodiversity assets. Development considered likely to harm sites and species of European importance will not be permitted. This links back to NPPF paragraph 118 – a restrictive policy. In this case the ability to connect foul drainage to the mains sewer has overcome any doubt that the scheme might pose a threat to the conservation objectives of the River Wye SAC/SSSI and its tributaries. As above, through significant native species landscaping, the proposal offers the opportunity to enhance bio-diversity and Green Infrastructure as per the requirements of Policy LD3.
- 6.18 Policy LD4 'Historic Environment and Heritage Assets', requires, *inter alia*, that development affecting heritage assets and the wider historic environment should preserve or where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design. In this case the Conservation Manager (Historic Buildings) is satisfied that the proposal is appropriate to the wider setting of the historic environment. Although it is inevitable that development on a greenfield site will impact the landscape setting of the village and the associated setting of the designated heritage assets locally, the scheme is designed in a manner that renders the impact acceptable and less than substantial harm will result. This renders the scheme acceptable with regard to Policy LD4 and the NPPF.

Surface Water and Land Drainage Run-off

- 6.19 Surface water flooding has, in the relatively recent past, caused inundation of a significant number of properties within the vicinity of the application site, particularly to the north-west at Orchard Close. Following the 2007 floods, parishioners established the Bodenham Flood Protection Group (BFPG). The BFPG has been very active in ensuring proper maintenance of land drainage features and in securing, via Environment Agency funding, flood prevention measures for those houses affected by flood events. That the issue is a significant cause for concern is clear.

- 6.20 It is a key consideration of CS Policy SS7 that development should minimise the risk of flooding and making use of sustainable drainage methods. This takes account of NPPF requirements as expressed at paragraph 100-104. Policy SD3 'Sustainable water management and water resources' states as follows:-

“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 Strategic Flood Risk Assessment (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 as 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 watercourse, 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 runoff and should aim to achieve a reduction in the existing runoff 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 standards. At the time of adoption the published water efficiency standards were 110 litres/person/day ; or*
 - non-residential developments in excess of 1,000 sq.m 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.*

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.”

- 6.21 Policy SD4 'Waste water treatment and river water quality' requires that development should not undermine the achievement of water quality targets for rivers within the county, in particular through the treatment of wastewater. 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 waste water discharges into rivers caused by the development.
- 6.22 In accordance with NPPF and CS requirements the application is accompanied by a site specific Flood Risk Assessment (FRA). This identifies that the site is wholly within Flood Zone 1 and thus has the lowest annual probability of flooding. The applicant's FRA also identifies that the risk from surface water flooding, which enters the northern part of the site at the field gate on Chapel Lane. As above, the strategy is to improve the surface water flooding on Chapel Lane by routing all surface water in a southerly direction to the Moor Brook via the attenuation pond. In addition, overland flow entering a blind watercourse next to Brook House will be diverted to the attenuation pond, the outfall being 'throttled' to a run-off that mimics the greenfield run-off rate.
- 6.23 The surface water flooding on Chapel Lane into Orchard Close, including the junction with the C1125, and on approach to the bridge over the Moor Brook on approach to the site from the south. The source of this overland flow is surrounding higher ground allied to perceived deficiencies with the capacity of the storm water drainage on Chapel Lane and the design and maintenance of other land drains locally. In addition to the inundation of property, including Brook House, recent flood events have surcharged The Moor foul sewerage pumping station, which has resulted in effluent entering the watercourse. The concerns in relation to this scheme are, in broad terms, as follows:
- The development with its hard surfaced areas (roofs and roads), will lead to greater and faster surface water run-off which will exacerbate the existing surface water drainage issue;
 - The proposed bund is situated too far south to ensure that surface water drainage will be conveyed to the south and does nothing to mimic natural drainage;
 - Conveying all surface water drainage to the Moor Brook might be expected to exacerbate surface water flooding to the south of the site at Brook House and land at Eastfields Farm. This will increase the risk to the foul pumping station;
 - The intention to reduce outfall from the attenuation to 1.5l/sec might mimic existing run-off rates, but is lower than EA guidance suggests as necessary or desirable (5l/sec) to prevent blockages;
 - Who is responsible for management and maintenance of the system?
- 6.24 Officers agree with the Parish Council's comments in section 12 of their response at 5.1 that pre-commencement planning conditions should be imposed to govern the detailed design of both foul and surface water drainage. Welsh Water will need to agree formal adoption of the drainage infrastructure via S104 of the Water Industry Act and such a planning condition does not, therefore, present an unreasonable request of a developer. The recommendation is presented on this basis. Such conditions will also ensure further consultation as necessary with the River Lugg Internal Drainage Board and address the Parish Council/BFPG concerns in relation to the position of the on-site bund and discharge rates.
- 6.25 Furthermore, whilst Welsh Water *did* object originally in relation to the capacity of the Moor Brook pumping station, this objection has now been withdrawn on the basis that a point of connection further to the north and thus bypassing the Moor Brook pumping station is considered acceptable. A further technical note from the applicants has confirmed that in order to drain effluent to this connection point the site will have to be equipped with its own pumping station with rising main also constructed so as to enable communication with the existing mains. Although officers are conscious of Parish Council concerns in relation to the ability of the

northern pumping station at Millcroft to accept additional flows, Welsh Water has no objection, which undermines the ability of the Council to object in this regard.

6.26 Moreover, diverting the foul flows to the Millcroft pumping station will enable the Council to adopt a Habitats Screening Assessment report that concludes no likely significant effects on the integrity of the River Wye SAC/SSSI, thus overcoming the Natural England objection which is lodged on this basis and ensuring compliance with CS Policies SD3 and SD4. Updated responses are expected from the Council's Ecologist and Natural England in due course. The recommendation nonetheless reflects the outstanding objections.

6.27 In response to the two outstanding items set out in the Land Drainage Consultant's response the applicants have responded as follows:

1. Confirmation that the site is not at risk of fluvial flooding when the effects of climate change are incorporated into the fluvial flood extents.

The site is approximately 3.5m above the brook and much higher than the road. As part of the consideration of fluvial flood risk the impact of climate change on flood levels was not considered to be significant. The Environment Agency outlines guidance for planners, which recommends contingency allowances to account for net sea level rises. This represents an increase of 4.0mm between 1990 and 2025, 8.5mm between 2025-2055 and 12mm between 2055-2085. Whilst this may be significant on other sites and in other parts of the Country, this is not a factor which is going to affect this site, upon completion or in its occupation. The FRA demonstrates that the site is not at risk from fluvial flooding and there is no worsening outflow as a result of the development. The development is therefore compliant with national policy.

2. Further details of the access and egress arrangements for the development including details of the depth and velocity of surface water flooding on the Moor to confirm access to the site will not be restricted during a flood event.

The lowest level at the junction of Chapel Lane with the main road is 63.51, and the lowest level on Chapel Lane is 63.34. Orchard Close has levels which are lower than the main road. This shows that the maximum depth of water can only be 170mm on Chapel Lane, with any excess water, flowing away from Chapel Lane. Given the maximum depth of the water, velocity is not considered to be an issue which will cause issues of accessibility. It is the view of the flood and drainage engineers that even if there is road flooding at The Brook, safe access and egress can be achieved to the north, which will not prevent vehicular access to the new development.

6.28 In conclusion on this issue, officers are aware of the very genuine and longstanding concerns in relation to the potential for the scheme to exacerbate surface water flooding. There is very clear evidence of recent flood events causing damage to property and distress to those affected. Without the continued maintenance and monitoring of the volunteer members of the BFPG, there is every potential that such events would have happened since.

6.29 Nonetheless, the scheme must be considered on its merits and in the absence of objection from the River Lugg IDB, Environment Agency and Land Drainage consultant and with the reasonable imposition of planning conditions (as requested by the Parish Council and Welsh Water), officers consider whilst there are legitimate grounds for concern based on past experience and local knowledge, these do not equate to a defensible basis for refusal. Subject to satisfactory schemes coming forward in response to planning conditions, officers are content that the scheme would accord with NPPF and NPPG guidance and CS policy.

Traffic Impacts

6.30 Concerns have been expressed in relation to trip generation and the ability of the network to cope with additional demand. Likewise concern is expressed in relation to the intention to form

the vehicular access with the C1125, where measured speeds confirm poor observance of the 30mph speed limit. Core Strategy Policy MT1 'Traffic management, highway safety and promoting active travel' deals with highway matters.

- 6.31 Policy MT1 requires that development proposals should demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development. Development should also 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 and 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.
- 6.32 Development should also 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 and 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. In designing schemes regard should be had to 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.
- 6.33 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.
- 6.34 In response to the proposed point of access the Traffic Manager has no objection. Whilst accepting measured speeds indicate poor observance of the speed limit extending through the village, the visibility splays are acceptable in relation to measured speeds. Moreover, the Traffic Manager is content there is no quantifiable evidence to suggest that the highway network is not capable of safely accommodating the traffic generated.
- 6.35 In terms of the promotion of sustainable travel, the scheme promotes a network of internal footways and shared spaces, with pedestrian access exiting out to a dropped crossing over the Chapel Lane junction linking to the bus stop just to the north. Deficiencies with the pavement network locally are noted, with an absence of footway either side of the C1125 heading north until the other side of Bache's Bargains. However, this is due to limited carriageway width and proposal to potential narrow the carriageway to facilitate the provision of a footway have not been encouraged by the Council's highway managers. It is because of this that the scheme accommodates an on-site LEAP.
- 6.36 Insofar as is possible and practicable the scheme is considered to accord with the relevant requirements of Policy MT1.

Odour

- 6.37 The application site is a short distance to the north-east of Eastfields Farm; an intensive dairy unit. Concerns have been expressed in relation to the potential odour nuisance arising from the intensive livestock operations and whether the application site is appropriate for residential development as a consequence. There is some conjecture as to whether the farm has been the source of complaints in relation to odour and associated issues such as fly infestation. What is

beyond dispute, however, is that planning applications for dwellings located immediately adjacent the farm have been refused for odour/nuisance related reasons in the past.

- 6.38 In response to this issue the applicants have commissioned an odour assessment, which has been updated in the light of local objections and EHO input. The updated report forms the basis of the Environmental Health Officer's comments report at section 4.11 above. The officer concludes a refusal on this issue would be unlikely to succeed if tested at appeal.

Other Matters

- 6.39 Policy SD1 'Sustainable design and energy efficiency' requires that development proposals should create safe, sustainable, well integrated environments for all members of the community.

- 6.40 *"In conjunction with this, all development proposals should incorporate the following requirements:*

- *ensure that proposals make efficient use of land - taking into account the local context and site characteristics,*
- *new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development. while making a positive contribution to the architectural diversity and character of the area including, where appropriate, through innovative design;*
- *safeguard residential amenity for existing and proposed residents;*
- *ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination, land instability or cause ground water pollution;*
- *where contaminated land is present, undertake appropriate remediation where it can be demonstrated that this will be effective; ensure that distinctive features of existing buildings and their setting are safeguarded and where appropriate, restored;*
- *utilise physical sustainability measures that include, in particular, orientation of buildings, the provision of water conservation measures, storage for bicycles and waste including provision for recycling, and enabling renewable energy and energy conservation infrastructure; where possible, on-site renewable energy generation should also be incorporated;*
- *create safe and accessible environments, and that minimise opportunities for crime and anti-social behaviour by incorporating Secured by Design principles, and consider the incorporation of fire safety measures, particularly;*
- *ensuring designs can be easily adapted and accommodate new technologies to meet changing needs throughout the lifetime of the development; and*
- *utilise sustainable construction methods which minimise the use of non-renewable resources and maximise the use of recycled and sustainably sourced materials;*

All planning applications including material changes of use, will be expected to demonstrate how the above design and energy efficiency considerations have been factored into the proposal from the outset."

- 6.41 In this instance the scheme has, in gross terms, a relatively low density of 16 dwellings/ha, but this incorporates the significant areas of public open space. Relative to the local setting, which includes a number of listed buildings, the scheme is considered to represent an appropriate density. Already addressed is the fact that the scheme would safeguard residential amenity for existing and proposed residents. Dwellings are well spaced on site, with generous private gardens. Although criticised by the Parish Council for being insular, the retention of hedgerow features will ensure an acceptable relationship to existing dwellings and is in accordance with landscape character and green infrastructure policy requirements. The site is not contaminated and would not be prone to noise, light or air contamination, land instability or be likely to cause groundwater pollution. In terms of water usage a condition is required in order that compliance with SD3 can be achieved.

- 6.42 Policy SD1 requires that proposals should be designed in a way which accounts for local characteristics and maintains local distinctiveness. As detailed above, and set out in the applicant's Design and Access Statement, the proposed development has accounted for the local architectural vernacular and layout, illustrated through the evolution of the site and the creation of character areas, The design of the scheme has been sympathetic to existing development in the village and is considered to be compliant with this emerging policy.
- 6.43 Otherwise, the developer will be obliged to respond to the standards of energy efficiency as laid out in Part L of the Building Regulations. These Regulations have brought about significant changes to the energy efficiency of new buildings and continue to be updated in line with new building methods and technologies. The development will accord with the Regulations, ensuring that standards of energy efficiency in the development mirror the national standards and can be updated should the Government publish revised Regulations during the construction period. Overall, the proposal is considered to comply with Policy SD1.

Ecology

- 6.44 The Conservation Manager (Ecology) has no objection in relation to protected species. A planning condition is recommended requiring the formulation and submission of a construction and environmental management plan to protect the Moor Brook watercourse from potential pollution during the construction phase. Likewise tree and hedgerow protection measures will be subject of a condition. On this basis the Landscape Officer and Historic Buildings officers have no objection.

Public Open Space

- 6.45 The Parks and Countryside Officer supports the on-site provision of a Locally Equipped Area of Play 'LEAP' and the scheme promotes large areas of publicly accessible open space, which exceed the policy requirement.
- 6.46 Due to the proximity to existing dwellings an hours of working condition is recommended to safeguard amenity.

Housing Requirements in the Rural Settlements and the NDP Process

- 6.47 The Parish Council comments were written at a point in time when the rural area housing requirements had been assessed as a proportion of the number of dwellings located within the relevant settlement boundaries. However, it has since been clarified that the minimum growth target is expressed as a percentage of the number of houses within the parish as a whole, which had the effect of increasing the CS requirement within Bodenham parish from 40 to 67. This explains the apparent contradiction between the position expressed in the Parish Council's response on this point and the table set out at 6.6 above.
- 6.48 It is thus no longer the case that the England's Gate permission fulfils the minimum requirement for growth in the parish. This, allied to the fact that the NDP is not progressed to Regulation 16, and the previously expressed view that the minimum target is not a ceiling, are factors that must be taken into account when determining the application. In addition to the fact that the site is available and deliverable now, these are significant material considerations weighing in favour of approval.

S106 Agreement

- 6.49 The Draft Heads of Terms are appended to this report. Contributions are made towards educational infrastructure at the local primary school, sustainable transport infrastructure and waste and recycling. The provision of affordable housing is also incorporated, with local

connection clauses included. The sustainable transport contribution identifies off-site highway improvements within the vicinity of the application site, expenditure of which will be discussed in liaison with the Parish Council.

7. Summary and Conclusions

- 7.1 The delivery of 49 dwellings, including 35% affordable, and community open space would contribute towards fulfilment of the economic and social roles of sustainable development. The site was also assessed as having low/minor constraints in the SHLAA and this is borne out by the respective responses of the landscape, historic buildings and ecology officers; none of whom raise objection to the proposals.
- 7.2 Although exceeding the minimum requirement for housing in the parish, this does not equate to a moratorium on the grant of further planning permissions and it is clear that the CS policies relevant to the supply of housing are positively worded such that unless material considerations indicate otherwise, planning permission should be granted where development is considered sustainable. This is particularly the case in the absence of Neighbourhood Development Plans.
- 7.3 In this instance, and as discussed in detail above, the scheme is considered to respond well to the landscape setting of the village, whilst preserving the setting of adjacent listed buildings.
- 7.4 Concerns expressed in relation to foul and surface water drainage have been very carefully assessed, but in the absence of objection from Welsh Water and/or the River Lugg IDB and with the imposition of planning conditions these issues are not, in your officer's opinion, sustainable grounds for refusal.
- 7.5 The scheme is considered to represent sustainable development that accords with the Development Plan and is recommended for approval accordingly. Members are advised that the Secretary of State is considering whether or not to exercise his call in powers in respect of this application. The recommendation is amended to reflect this.

RECOMMENDATION

Subject to:

- **The Secretary of State confirming he will not exercise his call in powers in respect of this application;**
- **Removal of the Natural England objection; &**

Subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, officers named in the Scheme of Delegation to Officers are authorised to grant planning permission, subject to the conditions below and any other further conditions considered necessary:

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with approved plans**
- 3. C01 Samples of external materials**
- 4. H03 Visibility splays**
- 5. H06 Vehicular access construction**

6. **H09 Driveway gradient**
7. **H11 Parking - estate development (more than one house)**
8. **H17 Junction improvement/off site works**
9. **H18 On site roads - submission of details**
10. **H19 On site roads - phasing**
11. **H20 Road completion in 2 years**
12. **H21 Wheel washing**
13. **H27 Parking for site operatives**
14. **H29 Secure covered cycle parking provision**
15. **The recommendations set out in the ecologist's report from Ecology Solutions dated October 2015 should be followed in relation to species mitigation and habitat enhancement. Prior to commencement of the development, a full working method statement for the protected species present together with a habitat enhancement plan integrated with the landscape proposals should be submitted to, and be approved in writing by, the local planning authority, and the work shall be implemented as approved.**

Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the NPPF and Policy LD3 of the Herefordshire Local Plan – Core Strategy.

16. **Prior to the first occupation of the development a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 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.

17. **Prior to commencement of the development, a Tree Protection Plan to include hedgerow protection following “BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations” should be compiled based upon this survey should be submitted to, and be approved in writing by, the local planning authority, and the scheme shall be implemented as approved.**

Reason: To ensure that landscape features are protected so as to comply with Core Strategy Policies LD1, LD2 and LD3.

19. **G04 Protection of trees/hedgerows that are to be retained**
20. **G10 Landscaping scheme**
21. **G11 Landscaping scheme - implementation**
22. **G14 Landscape management plan**

23. **G19 Details of play equipment**
24. **I16 Restriction of hours during construction**
25. **Prior to commencement of development, a Construction Environmental Management Plan shall be submitted for approval in writing by the local planning authority and shall include timing of the works, details of storage of materials and measures to minimise the extent of dust, odour, noise and vibration arising from the construction process. Specific measures to safeguard the integrity of the adjacent Moor Brook should be highlighted. The Plan shall be implemented as approved.**

Reasons: To ensure that all species and sites are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the NPPF and Policy LD3 of the Core Strategy.

26. **Only foul water from the development site shall be allowed discharge to the public sewerage system and this discharge shall be made between manhole reference number SO54504801 and SO54504803 as indicated on the extract of the Sewerage Network Plan attached to this decision notice.**

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.

27. **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.

28. **I51 Details of slab levels**
29. **C47 Site investigation - archaeology**

INFORMATIVES:

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
2. **HN04 Private apparatus within highway**
3. **HN05 Works within the highway**

- 4. **HN08 Section 38 Agreement & Drainage details**
- 5. **N11C General**
- 6. **S106**

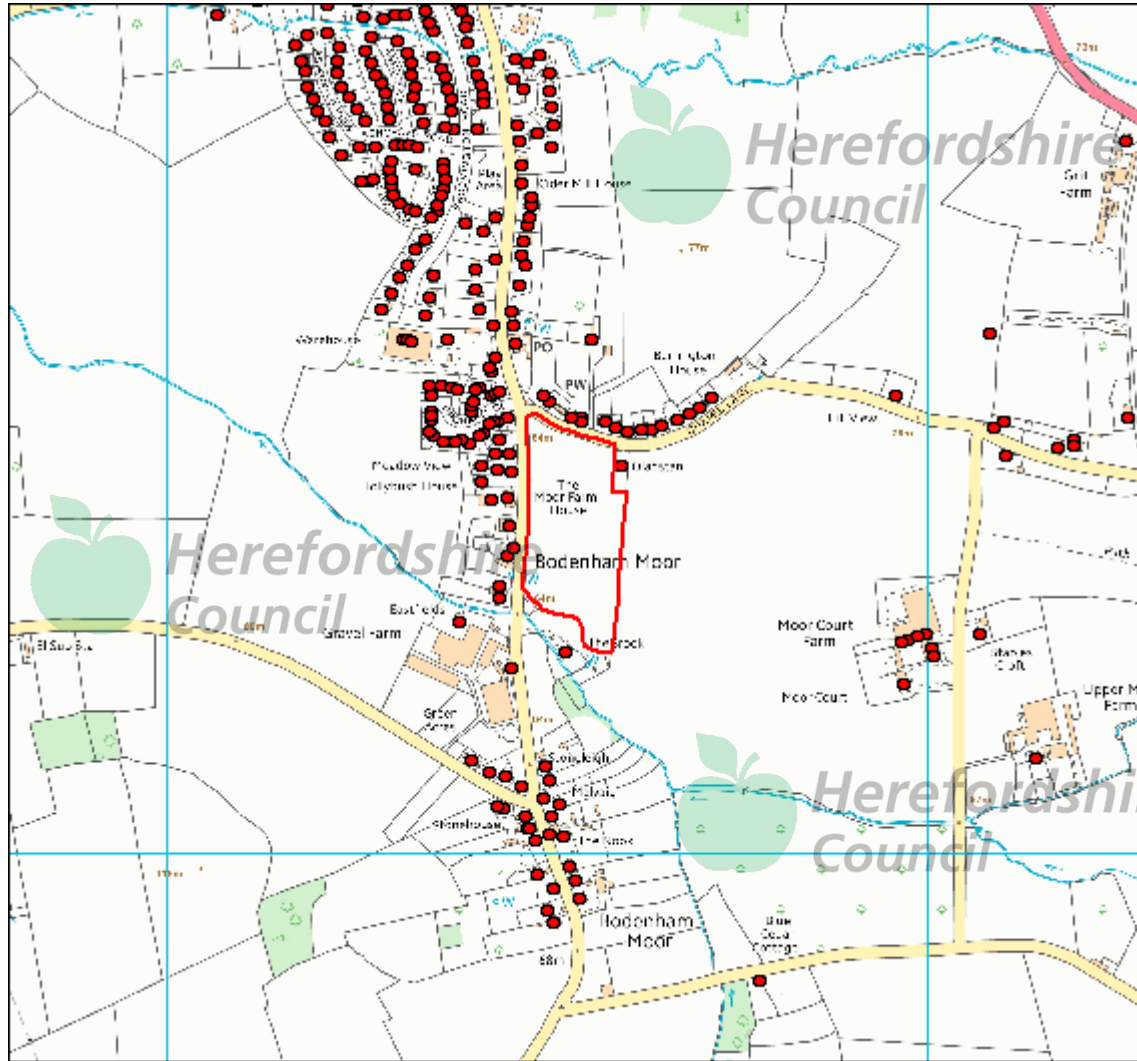
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 150437

SITE ADDRESS : LAND TO THE SOUTH OF CHAPEL LANE, BODENHAM MOOR, HEREFORDSHIRE

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