

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>3 AUGUST 2016</b>
<b>TITLE OF REPORT:</b>	<p><b>161407 - PROPOSED 1 FORM ENTRY PRIMARY SCHOOL WITH NURSERY AND PARKING PROVISION AT LAND ADJACENT TO COLWALL VILLAGE HALL, MILL LANE, COLWALL, HEREFORDSHIRE, WR13 6EQ</b></p> <p><b>For: Herefordshire Council per Quattro Design Architects Ltd, Matthews Warehouse, High Orchard Street, Gloucester Quays, Gloucester GL2 5QY</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=161407&amp;search=161407">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=161407&amp;search=161407</a>
<b>Reason Application submitted to Committee – Council Application</b>	

**Date Received: 6 May 2016**

**Ward: Hope End**

**Grid Ref: 374939,242168**

**Expiry Date: 9 August 2016**

Local Member: Councillor AW Johnson

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

- 1.1 Colwall is a village that lies on the western foot of the Malvern Hills. The village is very sustainable in locational terms within the context of Herefordshire as it has a railway station. The village is dominated by Walwyn Road (B4218), a central thoroughfare with linear development either side of it. The entirety of the village lies within the Malvern Hills Area of Outstanding Natural Beauty. The northern end of the village which has more sporadic low density development set within mature landscaping is designated as a Conservation Area.
- 1.2 At present there is a Primary School accommodating 158 children located towards the southern end of the village, south of the railway line, on the eastern side of Colwall Green. That site has accommodated a school for many years and has been centred around an original Victorian building.
- 1.3 It is understood that the existing school building experienced damp arising from ground water flooding (i.e. underlying hydro-geological issues). This led to the school being moved into temporary classrooms in September 2014. It is understood that the lease of this temporary accommodation and associated energy use has resulted in significant costs.
- 1.4 It is understood that the decision was made to provide a new school on a new site within Colwall for a number of reasons, including:-
  - The existing school site is limited in size;

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Further information on the subject of this report is available from Mr Roland Close on 01432 261803

- The aforementioned ground conditions;
  - The existing school site does have access issues associated with it; and
  - It would be extremely challenging to build a new school upon the existing school site, whilst retaining an educational facility during the course of any build.
- 1.5 The application under consideration involves the provision of a new one form entry Primary School accommodating up to 210 children on the north-eastern side of Mill Lane some 100 metres west of Walwyn Road. The site forms the south-eastern end of a much large arable field located to the rear and side of the existing Village Hall Car Park. Within the eastern boundary of the application site parallel to that boundary is a public right of way (CW29A & CW29) that runs from Mill Lane to the east of the Village Hall in a north-easterly direction to emerge onto Walwyn Road immediately to south of the 'Thai Rama' restaurant. Beyond the eastern boundary are the gardens associated with dwellinghouses fronting Walwyn Road (including 'Carpenters Cottage', 'Kildalton' and 'Hagley').
- 1.6 The new single entry form school that would be single storey and set back in excess of 13 metres from the north-eastern boundary of Village Hall car park. The building would face the Village Hall car park thus assisting in addressing Mill Lane and enclosing that space forming a "community hub". The proposed school building essentially has a central hall and then two classroom blocks either side, one for key stage 1 and one for key stage 2. The building is purposefully designed such that there would be a "journey" through the school with a progression based on age from class to class. The siting / layout enable views of the British Camp and the Worcestershire Beacon to be enjoyed from the school. The existing pre-school is accommodated within the existing Village Hall. The applicant (Herefordshire Council) and the school are in discussion with the pre-school providers in the Village Hall with the intention that they relocate into the new school and lease an area of space from the school.
- 1.7 The wings either side of the central hall are low with mono-pitch roofs and a total height of approximately 5.8 metres. The central hall has a total height of 7.643 metres rising to 9.3 metres at its western end. The height of the hall is informed by its function and to provide the building with a degree of presence. The design of the building has articulation throughout to provide visual interest and assist in breaking-up any massing.
- 1.8 The School would be constructed with a material palette that has been informed by an Environmental Colour Assessment. Part of the single storey wings would be faced in a red brick with the remainder of the "side wings" would be clad with a fibre cement cladding material primarily laid horizontally. The colour of this cladding is informed by the aforementioned Environmental Colour Assessment. The roof of the building would be clad with a matt anthracite coloured standing seam roof which would also extend down the side elevations of the main hall. The front and rear elevations of the main hall would be again be clad with horizontal fibre cement cladding in a colour reminiscent of the earth hereabouts.
- 1.9 To the rear of the school building to the east of the site would be a fenced hard surfaced play area and beyond that grass sports field.
- 1.10 In terms of access there are a number of proposals. The proposals involve:-
- The provision of a wider vehicular access, replacing an existing vehicular access, immediately to the north-west of the existing Village Hall car park together with the provision of some 32 car parking spaces primarily for staff and visitors to the School. This widened vehicular access is designed to avoid the root protection area of the oak tree within the Mill Lane hedgerow immediately to the north-west;

- The relocation of the agricultural access some 90 metres to the north-west along Mill Lane;
- The Village Hall car park is included within the application site. The internal arrangements of this car park would be revised slightly to enable a more efficient on-way drop-off and pick-up facility. The rearranged car park would have some 63 car parking spaces. It is understood that the Village Hall are willing for the school to use their car park and it be available for their use but would not wish to relinquish control as there are rare occasions (say 5-6 times a year on a School day) when the Village Hall would require sole use of the Village Hall car park. On those rare occasions they would inform the school accordingly.
- The provision of a Village Gateway feature some 70 metres to the west of the new School access along Mill Lane to encourage lower speeds;
- To provide safe pedestrian connectivity to Walwyn Road along Mill Lane it is proposed to realign the footway to the south and to provide a continuous 1.5 metre wide footway. To the north of Mill Lane from that point to the south-east of the Village Hall where the public right of way emerges, it is proposed to provide a footway with a width of 2 metres – 2.3 metres. The retained carriageway would have a minimum width of 5 metres.
- A restricted parking zone would be put in place along Mill Lane from the junction with Walwyn Road and the proposed village gateway feature.
- The junction of Mill Lane and Walwyn Road would be realigned and a raised carriageway would be provided thus enabling a level crossing point for pedestrians on one of the desire lines to the school. This feature would have a dual function in that it would assist in discouraging inappropriate vehicle speeds within a 30mph zone. The footway on the eastern side of Walwyn Road hereabouts would be increased in width to 2 metres.
- The junction of Mill Lane with Stowe Lane would be realigned with a new raised continuous footpath with appropriate kerb height provided over the swept path of large vehicles using Stowe Lane.
- To encourage pedestrian & cycle connectivity from the village it is proposed to effectively upgrade the public right of way CW29A adjacent to the south-eastern boundary by providing a surfaced 3 metre wide lit (details to be agreed) route.
- Where public right of way CW29A turns at 90 degrees to Walwyn Road between the 'Thai Rama' and the dwellinghouse known as 'Carpenters Cottage' it is intended to attempt to increase the width of the public right of way to 2 metres. This is shown on the submitted plans but is dependant on third party land. If that third party land is not available and secured then the intention would be to resurface the current footway but at its existing width which varies between some 115cm and 190cm.
- Where the aforementioned public right of way emerges onto Walwyn Road a guard rail would be provided and a section of footway 2 metres wide on the western side of Walwyn Road provided extending in a north-easterly direction for some 50 metres at which point a controlled pedestrian crossing, in the form of a "Puffin Crossing", would be provided.
- The aforementioned works would require a degree of highway signage. The precise location of such signage would be agreed later; and
- The precise detail of the aforementioned highway works would be the subject of a Section 278 process.

1.11 The proposal includes a comprehensive fully detailed landscaping plan and landscape and ecological management and enhancement strategy. These proposals include the re-instatement

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Further information on the subject of this report is available from Mr Roland Close on 01432 261803

of a historic field boundary within the current large arable field by the planting of a native hedgerow with hedgerow trees. The north-western corner of the site would accommodate a pond habitat area, Fencing details are also provided.

1.12 Whilst the land is relatively flat, it falls way to the north-east.

## 2. Policies

### 2.1 Herefordshire Local Plan Core Strategy Policies

SS1	-	Presumption in Favour of Sustainable Development
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
SS7	-	Addressing Climate Change
SC1	-	Social and Community Facilities
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Bio-Diversity and Geodiversity
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
SD2	-	Renewable and Low Carbon Energy
SD3	-	Sustainable Water Management and Water Resources

2.2 The National Planning Policy Framework (NPPF) is relevant. The elements of the NPPF that are considered to be of particular relevance to consideration of tis application are:-

- Paragraph 14 which establishes a presumption in favour of sustainable development;
- Paragraph 28 which encourages support to a prosperous rural economy including development of community services / facilities;
- Those elements of the NPPF that promote sustainable transport. Paragraph 32 is considered to be of particular importance where it states: - “Development should only be prevented or refused on transport grounds where the residual impacts of development are severe.”
- Those elements of the NPPF that require good design.
- Those elements of the NPPF that promote healthy communities;
- Paragraphs 115 and 116 of the NPPF; and
- Paragraph 137 of the NPPF.

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

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

2.4 Colwall Parish are preparing a Neighbourhood Development Plan (NDP). The Colwall NDP has not reached any formal consultation stages under Reg14, therefore whilst it is a material consideration it has no weight for the purposes of determining planning applications.

## 3. Planning History

3.1 None relevant.

## 4. Consultation Summary

### Statutory Consultations

4.1 Severn Trent Water – no objections subject to conditions & informatives.

- 4.2 Historic England state that the LPA should ensure that the impact upon the setting of the Grade 2\* listed Brook House should be addressed.

#### Internal Council Consultations

- 4.3 Land Drainage Consultants – No objection, recommend condition.
- 4.4 Conservation Manager (Landscape) has no objections.
- 4.5 Environmental Health Manager – No objection subject to condition.
- 4.6 Conservation Manager (Archaeology) – No objection
- 4.7 Conservation Manager (Ecology) – No objection subject to condition
- 4.8 The Transportation Manager raised concerns as to the originally submitted plans but is now satisfied with the amended plans/documents. The assessment of the amended plans/documents is as follows:-
- FOOTWAY/Public Right of Way (PROW) – (adjacent to the Thai). It would be desirable for the footway provision adjacent to the Thai to be widened to at least 2m, if this is not achievable through acquiring land then whilst the current width is substandard for a short length of footway it would not represent a severe highway safety risk. The width of footway adjacent to the front of the Thai/Walwyn Road is to be widened to accommodate any waiting pedestrians. Land acquisition should be sought/implemented to improve the proposals. Existing Public Footpath would be adopted as a footway and not a cycleway, therefore cycling on this section (adjacent to the Thai restaurant) should not be promoted. Cycle signs would not be installed along this small section of PROW. The existing PROW from Mill Lane to the school entrance is gated and runs along a section of driveway which is infrequently used by the village hall and scout hut. Access by the village hall and scout hut will still be required, therefore it should be minded that whilst the vehicle movements are infrequent it is still a vehicular route. The movements along this driveway would not be classed as a severe highway risk as the vehicle speeds will be low along with infrequent use. Cycling on a PROW is illegal. The section of PROW in the ownership of the school and village hall can be signed and promoted as a shared use cycleway, as they are the landowners and can therefore grant permissive rights. The only section this won't apply to is the short length which links down the side of the Thai adjacent to Walwyn Road.
  - The applicant has undertaken a commitment to improve the access from Walwyn Road to provide the best possible access to the school, whilst the above is the minimum acceptable, any improvement would be beneficial to the overall scheme.
  - The street lighting in the vicinity of the school and access will need to be reviewed as part of the S278 Design Check process and any improvements implemented as part of the scheme.
  - Highway/School Parking: The provision of parking in the village hall will help relieve the issue of parents parking on the highway. Changes to the village hall car park will improve the flow of vehicles within the car park. The issue of vehicles parking on the highway when the village hall is not available may cause restrictions for the two-way flow of traffic, the school travel plan needs to identify this as a risk with potential mitigation with close liaison

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with the village hall, parents and residents. The issue is not deemed as severe highway safety risk due to the infrequent lack of use of village hall carpark and mitigation within the school travel plan. The school travel plan will look to promote sustainable transport options

- Restricted Parking Zone (RPZ) will be for the hours around school opening and closing time, and will look to only be restricted during school term time. The limited restricted hours will look to control the parking issue around school hours whilst allowing residents and visitors of the village hall to use the highway as they currently do. The provision of the Restricted Parking Zone (RPZ) instead of a controlled parking zone also reduces the needs for road markings; however there will still be a requirement for Herefordshire Council Civil Enforcement Officers to enforce the restriction, though resourcing this will be difficult, it is expectant that issues will be dealt with in the school travel plan through educating parents and other measures.
- Puffin Crossing – the Puffin crossing will look to provide a safe crossing provision which will look to connect the northern residents of Colwall with the school. The carriageway will look to be reduced therefore increasing the footway which will allow for greater visibility.
- The proposed 30 mph speed limit extension and the RPZ are essential to the development; therefore it is essential that the proposed Traffic Regulation Orders which support these restrictions are legally made before the opening of the school. An agreement should be sought regarding the works to be undertaken for the implementation of the TRO's. The works required to implement the TRO's should be carried out under the Section 278 Works. The works will be undertaken under the councils S278 process, the proposed works will be vetted, supervised and inspected at the cost of the applicant.

## **5. Representations**

- 5.1 The Parish Council raised a holding objection to the originally deposited plans and documentation. However, they now have considered the amended plans and documents under consideration and state:-

“At our meeting on 8 June 2016 we agreed a holding objection against the application for the new school, subject to a number of recommendations being implemented.

Since then there has been significant negotiations and I particularly commend the efforts of the planning officer to achieve the best scheme possible and also the Village Hall Committee for their input and willingness to allow the use and modification of their car park. In my view, without the agreement to use the Village Hall car park the Education Dept. did not have a scheme that was acceptable to the Highways Dept., as Highways was adamant the parking on Walwyn Road was not acceptable.

The agreed changes are:-

1. Village hall car park to be modified to allow parking and a drop-off at the far end, as far as possible addressing our concerns.
2. Footpath works on the north side of Mill Lane to terminate at the pedestrian route to the school. This will leave the arrangements in front of the hall as at present.
3. The parking restrictions in Mill Lane have been clarified; the proposals should have been a Restricted Parking Zone not a controlled parking zone. A Restricted Parking Zone

does not require yellow lines but can be enforced if necessary. Signing to be kept to a minimum and located to minimise impact on landscape.

4. The Mill Lane widths of footway and carriageway have been amended to provide the most appropriate given the available width. A balance between carriageway and footway is being agreed.
5. Gateway feature on Mill Lane, to be agreed.
6. The 20 mph zone has been removed.
7. Swept path of large vehicles to be catered for at Stowe Lane.
8. The steepness of the raised tables to be agreed.
9. Walwyn Road crossing at the Thai to be traffic signals. Herefordshire Highways were adamant a formal crossing was required given the speed of vehicles, despite the low traffic flow and insisted on a Puffin crossing (traffic signals) rather than address the speed issue. The planning officer also recognised the Puffin crossing would provide a service at all times, for all users of the school, (many now come at different times, early and late), the hall and the Scout hut and could generally encourage people to walk to the 'hub'.
10. Efforts to agree parking provision at the Thai are to continue.

5.2 IT WAS RESOLVED that following the modifications to the proposals, Colwall Parish Council is pleased to be able to withdraw our objection. The Parish Council also wishes to specifically thank the planning officer for his very considerable effort towards gaining the best possible outcome in the circumstances and to request he continues to minimise the impact on the landscape from signing and other highway related furniture. In particular to see if the ramps can be softened sufficiently to avoid the Hump signs and limit the extension of the urban area along Mill Lane with the 30 mph and school sign. The Parish Council would be grateful if it could continue to be consulted as the highway details are finalised.”

5.3 Twenty-one representations of support have been received to the application on the following summarised grounds:-

- New school would be more central to the village / community;
- Location is more central to village and as such shall assist in encouraging walking & cycling thus beneficial to health & well-being;
- There is a desperate need to provide the new school given the existing temporary accommodation which is a far from ideal environment and costly;
- The proposed new school would provide more open space for the children than the current school;
- A new school is required to sustain a thriving multi-generational community;
- A community hub adjacent to the village hall & scout hut would be beneficial; and
- A new modern school would assist in attracting younger families to the village.

5.4 Twenty six representations of objection were received to the originally deposited plans and documents on the following summarised grounds:-

- A lack of consultation re: the proposed highway/transportation arrangements;
- Inadequate School Travel Plan;
- Car Users Strategy is a document that it is difficult to take seriously as it relies so heavily on other agencies which are unable or unlikely to be able to assist in the enforcement of the strategy;
- Inadequate consultation with affected residents;
- Non-compliance with national and local planning policies;
- Illegal proposals for cycle access;

- Use of a pedestrian route unfit for the purpose (CW29);
- Proposal for an unenforceable Controlled Parking Zone;
- Unrealistic prohibition of use of village hall car park;
- A completely erroneous and potentially very dangerous proposal for on street parking on Walwyn Road and the cul-de-sacs off;
- By admission of the Consultant's own calculations provision of inadequate staff parking facilities;
- The promotion in the application of a primary pedestrian/cycle route to school which is both illegal and unfit for purpose;
- Erroneous calculations relating to the use of on street parking by parents in residential areas near to the proposed school site;
- The proposal to have no dedicated parking provision and "drop-off" & "pick-up" facility for pupils / parents would create on-street parking issues causing hazards to highway safety;
- Noise disruption from speed humps;
- Concern re: urbanisation of Mill Lane including controlled parking zone;
- Concern re: Japanese knotweed;
- Concern re: lighting of PROW CW29A and impact on amenity of residential properties immediately to east;
- Concern re: works to wall within Carpenters Cottage adjacent to PROW CW29;
- Concern re: height of hall;
- Concern re: proposal to restrict width of Mill Lane;
- Consideration should be given to locating the new school on the land adjacent to the existing;
- Existing parking in front of Village Hall (including for the disabled) should be retained, as should the loading/unloading facility;
- The proposal represents development on green belt land;
- Potential ecological impacts; and
- Concern re: potential encroachment onto private land by the proposed highway improvements along Mill Lane.

- 5.5 The Ramblers Association provide some detailed comment but have no objections to the proposals.
- 5.6 The Ledbury Cycle Forum provided detailed comment upon the originally deposited documents and drawings.
- 5.7 The Malvern Hills AONB Unit have raised a number of comments with respect the original submission. They have provided further comment on the amended scheme. They have been involved in the process throughout and their residual concern with respect lighting is now addressed by way of the recommended planning conditions.
- 5.8 With regard the originally deposited drawing and documents the Colwall Village Hall Committee raised concerns primarily on the same highway / transportation grounds as those of local residents outlined above. However, they made the specific point that they had never objected to the use of their car park for parents at drop-off and pick-up time above.
- 5.9 At the date of drafting this report no representations of objection had been received upon the amended plans and documents. Any further representations received will be reported to Members at Committee via an update to Committee.

- 5.10 The consultation responses can be viewed on the Council's website by using the following link:-  
<https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=161407&search=161407>

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

### Principle & Location of Development

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

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

- 6.2 In this instance the Development Plan for the area is the Herefordshire Local Plan - Core Strategy (CS). A range of CS policies, referred to at section 2.1, are relevant to development of this nature. The strategic Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the NPPF. SS1 confirms proposals that accord with the policies of the Core Strategy (and, where relevant other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.
- 6.3 Core Policy SC1 explicitly supports enhanced social and community infrastructure to assist in achieving sustainable communities across Herefordshire. Clearly this would normally include village schools especially in villages / settlements the size of Colwall.
- 6.4 With respect the proposed location of the school, it is considered that the location could not be better. Essentially it represents the optimum location within the village to locate the Primary School. Colwall is essentially a village that one may regard as being in two-halves the area to the south of the railway line around Colwall Green and the area north of the railway line either side of Walwyn Road. Most of the housing within Colwall is located north of the railway line to the west of Walwyn Road. The application site is located to the north of the railway station to the west of Walwyn Road, along Mill Lane. The land hereabouts already accommodates the Village Hall and a Scout Hut and as a consequence already accommodates social/ community infrastructure. To relocate the School here would assist in creating a "community hub". This would assist in creating "linked – trips" and would, to a degree, allow for facilities to be shared.
- 6.5 The site is relatively well connected for pedestrians with potential for improvements and likewise for cyclists. The site is within walking distance of bus stops in Walwyn Road and within reasonable walking distance of the railway station.

### Siting, Design, Appearance and Impact on Landscape

- 6.6 The extent of the site has been deliberately limited to prevent unnecessary extension of built development into the open countryside further to the west. The land upon which the school would be located is well related with the existing built development with the village hall and car park to the south-west and dwellinghouses with associated gardens to the east. This has been a critical aspect in terms of the scheme as the further west one progresses into the large arable field the more visible the land is from the ridge of the Malvern Hills.
- 6.7 The proposed school building has then been sited and orientated to:-
- Address/ front the village hall car park and Mill Lane (albeit set back) whilst affording views of British Camp and the Worcestershire Beacon; and

- Maximise the potential connectivity to modes of transport other than the motor vehicle.

- 6.8 The orientation of the building also assists in ensuring that the building would benefit from passive solar gain.
- 6.9 The entire development has also been integrated into the existing (and proposed enhanced) pedestrian and cycle routes.
- 6.10 It is considered that the siting/layout of the development are entirely appropriate.
- 6.11 Like all good designs the form follows the function. The building has been designed with the strong central axis provided by the hall and then the two side wings either side providing accommodation for the early years and key stage one on one side and key stage two on the other. These side wings have a mono pitch roof form which has the benefit of providing a low profile thus reducing the mass of the building in the landscape. These elements of the building are akin to the height of a genuinely single storey bungalow. The use of the mono pitch roof form has also enabled a clerestory arrangement to be provided which assists in natural ventilation whilst at the same time allowing for photovoltaic panels to be accommodated on the southern roof slopes.
- 6.12 The central hall is a materially higher section of the building. Again it has a mono-pitch roof sloping upwards from east to west. Its roof slopes up from a height of 7.643 metres to 9.3 metres. The internal height of the hall (floor to ceiling) is 6.7 metres to 8.3 metres. It is worth noting that the lower part of the roof is that part closer to the residential properties to the east. The width of this hall is approximately 12 metres. Representations have been made with respect the height of this element of the building. The height has been governed by Education Funding Authority (EFA) guidelines from the Facilities Output Specification (FOS). This states that:-

*'for halls over 180 sq.m, a min. floor to ceiling height of 6.9m is required'*

However, due to the sloping nature of the ceiling this relaxed the low point figure slightly. It is also understood that this height was also requested by the client for potential use of the hall for occasional recreational badminton. Furthermore the height of the hall fulfils an important role in giving the building a degree of presence, especially given its set back from Mill lane. It signifies the public face and main entrance to the building.

- 6.13 It is considered that the design of the school building is of a high quality. It is considered that the central hall's height to be acceptable and that given that the hall would be located some 36 metres from the boundary with the closest residential property, no dwellinghouse in the area would suffer an undue physical massing affect nor an undue loss of daylight and/or sunlight.
- 6.14 Critical in the evolution of this scheme has been the attention paid to the materials to be used. The detail of the design has not only been informed by a Landscape and Visual Impact Assessment but also by an Environmental Colour Assessment. A detailed survey and analysis of colours within the landscape enabled a recommended colour palette to be established. This then informed material choice. It is understood that criteria for selection of precise materials included proximity of match to colour palettes, quality of material, ease of use on site and cost, including lifetime cost.
- 6.15 It is considered that the palette of materials proposed to be appropriate and that the attention paid to colour selection will assist in elevating the development to a genuinely high quality. It would be most beneficial if the work relating to colour was taken a stage further to inform the internal colour scheme of the building. This would assist in enhancing the legibility of the building and enhancing the experience of users.

- 6.16 The other aspects of the development such as the external surfacing materials and means of enclosure (e.g. fencing) and their colour are also considered to be appropriate.
- 6.17 Whilst the above assessment suggests that the development is very well designed one needs to be conscious of the landscape designation in which the site lies. The site lies within the Malvern Hills Area of Outstanding Natural Beauty and one needs to be conscious that paragraph 116 of the NPPF essentially establishes a presumption against major developments within such designated areas unless certain criteria can be met revolving around the wider “public interest”. In this case it is considered that there is clearly a demonstrated need for the development and that the development would clearly have significant social and ultimately economic benefits. The entirety of Colwall village is within the Malvern Hills AONB and as such placing the development outside of the Malvern Hills AONB is not feasible. It is also considered that the proposed location of the new school is the optimum location within or adjoining the village.
- 6.18 It is considered that the siting/layout and design of the building is not only acceptable but of a high standard. The scheme has very much been “landscape led” due to the sensitivity of the landscape in which it sits. The proposal is not considered to cause harm to the character and/or appearance of the landscape. In fact the scheme does not only provide mitigation for any negative impacts but provides for landscape enhancement, including the re-instatement of the former hedgerow field boundary to the west within the larger arable field.
- 6.19 In the light of the assessment above, it is considered that the proposal is appropriate in terms of its siting/layout, design and external appearance/materials and would not harm the character or appearance of the countryside which hereabouts is designated as an Area of Outstanding Natural Beauty.
- 6.20 It is considered that the proposal complies with policies SS6, SD1 and LD1 of the Herefordshire Local Plan Core Strategy 2011-2031.

#### Ecology/Bio-Diversity

- 6.21 The ecological survey work conducted to inform the various reports submitted with this application is thorough. The findings presented in the reports are accepted, in particular those relating to the recorded presence of great crested newts in proximity to the application site, and the related detailed mitigation and enhancement measures.
- 6.22 A condition is recommended requiring compliance with the safeguarding measures.
- 6.23 In addition the range of biodiversity enhancement described in the various documents, which seek to provide additional habitats within the application site and resting, roosting and nesting opportunities within the fabric of the proposed school building and its grounds, is welcomed.
- 6.24 The Ecological Appraisal Rev 2 (Keystone Ecology, June 2016) and the Landscape and Ecology Management Plan confirm the presence of Japanese Knotweed, a Schedule 9 invasive plant species, on the periphery of the application site and make specific recommendations for control measures to avoid the risk of spreading this invasive species. The key recommendation is that the advice of an invasive species specialist is sought to prescribe the most appropriate control measures. The applicant/developer is advised to prepare an Invasive Species Control Scheme in line with standard Environment Agency guidance and to implement accordingly. The responsibility to deal with this matter rests with the landowner/developer.
- 6.25 The proposal is considered to comply with policy LD2 of the Herefordshire Local Plan Core Strategy 2011-2031.

## Sustainability Credentials

- 6.26 The sustainability credentials of such buildings are of importance and this is reflected in planning policy. In this instance the proposal is essentially designed to represent an improvement of 71% over the normal requirements of the building regulations in terms of CO2 emissions. Quite rightly the initial focus has been to reduce the amount of energy that the building itself consumes. This has meant improving the insulation in the walls and improving the quality of glazing contributing to increased air tightness of the building. Further improvements were then made through the design process by making improvements to the building services specification (e.g. use of LED lighting, enhanced controls & efficiency of boiler). The final aspect which makes a contribution is the introduction of renewables via the provision of the photovoltaic panels. A planning condition is also recommended with respect water conservation and efficiency measures.
- 6.27 It is therefore considered that the proposed development does seek to reduce energy consumption and achieves levels above the normal requirements of the Building Regulations. This is welcomed and is in sharp contrast to the significant energy consumption and thus cost, associated with the existing temporary classrooms at the existing school site.
- 6.28 In this respect the proposal is considered to comply with policies SD1 and SD2 of the Herefordshire Local Plan Core Strategy 2011-2031.

## Residential Amenity

- 6.29 There are three dwellings in the area that it is considered would experience a material change to the environment / amenity that they currently enjoy. Those properties are 'Carpenters Cottage', 'Kildalton' and 'Hagley' that front Walwyn Road and are adjacent to the eastern boundary of the application site. It is considered that:-
- The occupiers of those dwellinghouses would notice the increased use of public right of way CW29A adjacent to their rear gardens.
  - The occupiers of those dwellinghouses would notice the lighting of the aforementioned public right of way; and
  - The occupiers of the residential property known as 'Kildalton' would experience the periodic noise emanating from the 'Hard Court' outside play area.
- 6.30 However, the increased use of the public right of way would effectively be confined to two short time periods in the morning and evening during school term time. It would not be apparent in the evenings, at weekends and out of school term times. It certainly would not be apparent at night-time (11pm – 7am).
- 6.31 Further detail is required with respect the external lighting hereabouts to ensure that the occupiers of the aforementioned dwellings do not suffer an undue loss of amenity and that the lighting does not cause light pollution that would harm the character and appearance of the Malvern Hills AONB hereabouts. However, it is considered that a satisfactory controlled lighting scheme is achievable that would not cause harm to the occupiers of the aforementioned residential properties.
- 6.32 The occupiers of 'Kildalton' would certainly experience the noise from children playing on the hard court during the limited times that it is used during the school days during term time. Other properties in the vicinity may also experience the noise. However, it is not considered that any such noise would result in an *undue* loss of residential amenity. The occupiers of those dwellinghouses would continue to enjoy a satisfactory level of amenity within their gardens in the evenings, weekends and out of school term times.

6.33 It is therefore considered that the proposal would comply with policy SD1 of the Herefordshire Local Plan Core Strategy 2011-2031.

#### Access/Transportation

6.34 Invariably and understandably with any application for a new school the local community have concerns with regard transportation and access arrangements. It is fair to say that almost all of the concern with respect the originally deposited plans arose from the proposed highway/ transportation arrangements.

6.35 The initially deposited plans essentially resulted in considerable concern locally arising from the fact that those proposals had no proposed provision for a parent “drop-off” and “pick-up” area off the public highway. Nor did the plans have car parking areas for parents. It was not only the lack of this provision that gave rise to concern locally but what was perceived as the resulting consequences, such as considerable parking along Walwyn Road and cul-de-sacs. Concerns then arose as to resultant hazards to highway safety.

6.36 There was also considerable concern as to the amount of “lines and signs”. Many regarded the amount of the control proposed to be excessive and the associated physical works negatively affecting the character of the Malvern Hills Area of Outstanding Natural Beauty.

6.37 To address the original concerns the scheme was amended to show a parent “drop-off” and pick-up” zone in the village hall car park which would involve minor internal alteration. In addition, the village hall car park is to be made available for use. The consequence of this is that it is considered that sufficient off- road car parking and “drop-off” “pick-up” provision is to be provided.

6.38 Previously a controlled parking zone was proposed but this has now been amended to a restrictive parking zone. This restriction would only be in operation during school “drop-off” and “pick-up” times during school term times.

Effectively the amount of “signs and lines” has been reduced.

6.39 The pedestrian crossing to the across Walwyn Road to the north-east of the Thai restaurant is designed to provide a safe link to public right of way CW29 for pedestrians from the northern part of Colwall village. The form of this crossing has been the subject of some considerable debate. Speeds in this part of Walwyn Road exceed 30mph and as a consequence a formal or controlled crossing was considered to be essential. After considerable thought it was decided that the optimum solution from both a safety and environmental perspective is the Puffin Crossing that is now proposed. It is considered that this is acceptable and would not harm the setting of the Grade 2\* listed Brook House on the eastern side of Walwyn Road hereabouts. However, to safeguard the setting of Brook House the precise location of the highway signage needs to be agreed and an appropriate condition is proposed.

6.40 There is an issue with respect the short section of public right of way (CW29) beside the Thai restaurant. It’s width is restricted and whilst the applicant continues to try and secure additional land to secure a 2 metre wide width this may not be achievable, The question then arises is whether that would in itself represent a severe risk to highway safety warranting a refusal of the application. The professional view of the highway officer is that this would not represent a severe risk as:-

- The length of restricted width is limited; and
- A footway/pedestrian refuge and suitable guard rail or barrier would be provided on the western side of Walwyn Road where the public right of way emerges

- 6.41 In all respects it is considered that the proposed access and transportation arrangements are considered to be acceptable. The location of the building and its design maximises pedestrian / cycle access is most welcome.
- 6.42 Whilst invariably highway issues relating to schools create local concern it is worth noting that the existing school has no formal off road parking (although it is understood that it may in the past have been possible to park a couple of staff cars on site). All other staff car parking and parent parking has been on the public highway. In addition there has been an informal drop-off / pick-up loop across the Village Green, owned by the Parish Council but managed by the Malvern Hills Conservators. This loop is not public highway but has the same status as other accesses along this area (ie. private access ways across registered village green). Despite this complete lack of provision and whilst it is accepted that there is a degree of congestion and inconvenience during a brief period in the morning and evening together with on-street parking, there is no accident record. It is considered that this existing context demonstrates, that despite perceptions, such school traffic normally does not create safety problems but merely temporary inconvenience. The proposed arrangements for the new school are markedly and demonstrably better than the arrangements at the existing School.
- 6.43 The proposed highway/transportation arrangements are considered to be acceptable and in compliance with policies MT1 and LD4 of the Herefordshire Local Plan Core Strategy 2011-2031. The development is not considered to create residual highway/transport impacts that could accurately be described as severe.

#### Other Matters

- 6.44 Whilst it is considered the lighting detail beside the eastern boundary has not been submitted and requires approval, the lighting for the school site itself has been submitted and is considered to be acceptable subject to appropriate planning conditions.
- 6.45 One local resident had expressed that the proposed highway works along Mill Lane would encroach onto their and (as opposed to highway land). That would not be the case.
- 6.46 One local resident has raised the issue as to whether public right of way adjacent to the eastern boundary of the site CW29A could be used by cyclists (presumably children cycling to school). It appears that an application can be made for an Order under the provisions of the Cycle Tracks Act 1984 to convert such a public right of way into a cycle track. However, it appears that an easier process is just for the landowner to grant permissive rights. Assuming that the applicant (Herefordshire Council) acquires the land one would imagine that they would be willing to grant such permissive rights.
- 6.47 In reality the short-section of public right of way CW29 adjacent to the Thai restaurant is less likely to be altered / modified to facilitate cycling. However, cyclists dismounting for this short section should not prove problematic and should be beneficial in that those travelling from the school would have dismounted their bicycle before reaching Walwyn Road itself.
- 6.48 The amended plans no longer result in the loss of the loading / unloading and disabled parking provision to the front of the Village Hall.
- 6.49 There is a retaining wall adjacent to the public footpath CW29 that appears to be in the ownership of the 'Carpenters Cottage'. This is in need of repair. It is the intention of the contractor to liaise with the owner(s) of 'Carpenters Cottage' in due course.

#### Conclusion

- 6.50 In conclusion, the proposal would provide a much needed social / community facility that would assist in sustaining Colwall as a village in the long-term. The site of the proposed school is

considered to be the optimum location and the detail of the proposal is considered to be of a high standard. Certainly the environment will change. However, it is considered that any negative impacts can be satisfactorily controlled and mitigated. As a consequence the proposal is considered to represent sustainable development.

## **RECOMMENDATION**

**That Full Planning Permission be granted subject to the following conditions:**

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

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

- 2. The development hereby permitted shall be carried out in strict accordance with the following approved plans and documents, except where otherwise stipulated by conditions attached to this permission:-**
  - Landscape and Ecological Management Plan (June 2016);**
  - Proposed Site Block Plan – Drawing number 5326/P/110 Rev. B;**
  - Proposed Site Layout & Hard Landscaping – Drawing number 5326/P/120 Rev.B;**
  - Proposed Planting Layout – Drawing number 5326/P/125 Rev.B;**
  - Detailed Planting Area: Orchard, Top of Bank 1 & Waterfall feature – Drawing number 5326/P/126 Rev.A;**
  - Detailed Planting Area – Top of Bank 2 – Drawing number 5326/P/127 Rev.A;**
  - Detailed planting area – Retained East side bank – Drawing number 5326/P/128 Rev. A;**
  - Detailed planting area – Front entrance – Drawing number 5326/P/129 Rev.A;**
  - Proposed Floor Plan – Drawing number 5326-P-200 Rev.A;**
  - Proposed Elevations – Drawing number 5326-P-700 Rev. B;**
  - Proposed Roof Plan – Drawing number 5326-P-900A;**
  - North Fence Facing Car Park – Drawing number 5326/P/1300 Rev.A;**
  - Palisade Fencing to Early Years Area – Drawing number 5326/P/1301 Rev.A;**
  - Proposed Bin Store – Drawing number 5326/P/1302 Rev.A;**
  - Proposed Retaining Structure – Drawing number 5326/P/1303 Rev.A;**
  - Typical section through swale – Drawing number 5326/P/1304 Rev.A;**
  - Pond – Long Section B-B – Drawing number 5326/P/1305 Rev.A;**
  - Typical tree pit detail for new single stem trees – Drawing number 5326-P-1306 Rev.A;**

- **Written Schedule of Materials – Project reference 5326-P-3200C received 14<sup>th</sup> July 2016;**
- **Planting Schedule – Project reference 5326-P-3700 Rev.A 16/06/16;**
- **Proposed Site Access Junction Visibility Splays – Drawing number SK13 Revision C;**
- **Proposed Field Access and Mill Lane Gateway Feature – Drawing number SK11 Revision D;**
- **Off Site Highways Works Mill Lane / Walwyn Road – Drawing number SK10 Revision C;**
- **Proposed Pedestrian Improvements in Vicinity of Thai Rama – Drawing number SK09 Revision C;**
- **Proposed Off Site Highway Works – Drawing number SK02 Revision I;**
- **Lighting Plan (Scale 1:200) – Drawing number 165835/ES/EXT/01 Revision PL3;**
- **Site Location Plan – Drawing number 5326-P-001;**
- **Thorlux lighting detail received 28/6/16;**
- **Light / luminaire detail dated 28/6/16;**
- **Further detail re: external lighting received 15<sup>th</sup> July 2015;**
- **Sustainability Appraisal received 28/6/16;**
- **PV Detail received 28/6/16;**
- **Tree Protection Plans 01, 02 and 03 received 27/6/16;**
- **Root Protection Areas received 27/6/16;**
- **Amended Arboricultural Statement received 27/6/16;**
- **Transport Assessment May 2016 AND Transport Assessment addendum dated June 2016;**
- **Amended School Travel Plan dated June 2016;**
- **Structural Aspects of Works in Relation to Highway works near ‘Carpenters Cottage’ dated 05/05/16;**
- **Method Statement for Protection of Trees 5326-P-3710;**
- **E-mail dated 18<sup>th</sup> July 2016 explaining fixing of the eternit equitone fibre cement boarding/ cladding’**

**and thereafter maintained as such to the satisfaction of the Local Planning Authority;**

**Reasons:**

- a) To ensure a satisfactory appearance to the development within the landscape which hereabouts is designated as an Area of Outstanding Natural Beauty;
  - b) In the interests of ecology / bio-diversity;
  - c) To safeguard the amenities of the occupiers of dwellinghouses that adjoin the site; and
  - d) To retain and safeguard those trees on site that are to be retained and to safeguard those off-site trees that adjoin the site.
3. Notwithstanding condition 2) above, the development hereby permitted shall not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The approved scheme shall be fully implemented in accordance with the approved details before the development is first brought into use.

**Reason:** To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding risk and to minimise the risk of pollution.

4. Notwithstanding condition 2) above, prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:-
- A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;
  - Confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels;
  - Evidence the Applicant has sought and agreed permissions to discharge foul and surface water runoff from the site with the relevant authorities (including allowable discharge rates);
  - Evidence that the Applicant has discussed sewer flooding with Severn Trent Water and confirmed there will be no increased risk of sewer flooding, on site or elsewhere, as a result of development;
  - Demonstration of the management of surface water during extreme events that overwhelm the surface water drainage system and/or occur as a result of blockage;
  - Confirmation of the proposed authority responsible for the adoption and maintenance of the proposed drainage systems;
  - Details of the proposed outfall.

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

Reason: To ensure satisfactory drainage arrangements.

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

Reason: In the interests of human health.

6. The development is to be completed in strict accordance with the protected species safeguarding measures and biodiversity enhancement proposals as presented in the Great Crested Newt Survey (Keystone Ecology, June 2016) as amended by e-mail and accompanying plan from Keystone Ecology dated Fri 22/07/2016 09:06, the Ecological Appraisal Rev 2 (Keystone Ecology, June 2016); and the Landscape and Ecology Management Plan (Quattro and Keystone Ecology, June 2016) and thereafter maintained as such. Furthermore any minor changes detailed in any issued EPS license shall be adhered to in full;

Reason: To conserve, restore and enhance the biodiversity assets of Herefordshire in compliance with Core Strategy Policy LD2 Biodiversity and Geodiversity and to meet the requirements of the NPPF and the NERC Act;

7. Prior to the first use of the School hereby permitted all of the columns supporting luminaires/ lamps together with the encasements of the luminaires/lamps and all street signage columns to be provided as part of the off-site highway works shall be painted a matt Anthracite RAL7016 colour and thereafter shall be maintained as such.

Reason: To ensure a satisfactory appearance to the development within the Malvern Hills Areas of Outstanding Natural Beauty.

8. Unless otherwise agreed in writing by the Local Planning Authority all of the external luminaires /lamps shall be mounted parallel to the ground with a 0 degree angle of tilt.

Reason: To ensure that there is no undue light pollution harmful to the character and appearance of the Malvern Hills Area of Outstanding Natural Beauty.

9. All of the external lighting shall be controlled via a timeclock such that they are normally switched off outside the hours of 7:00 hours and 18:30 hours on school days and on all non-school operational days. In addition, there shall be photocell control to prevent the operation of the lighting within the normally permissible time period where not required by ambient daylight levels.

Reason: To ensure that there is no undue light pollution harmful to the character and appearance of the Malvern Hills Area of Outstanding Natural Beauty.

**10. The colour temperature of all the luminaires / lamps shall not exceed 3000 degrees kelvin unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: To ensure that there is no undue light pollution harmful to the character and appearance of the Malvern Hills Area of Outstanding Natural Beauty.**

**11. Notwithstanding the provisions of condition 2) above, prior to their installation/provision the following matters shall be submitted to the Local Planning Authority for their written approval:-**

- **Written details of material and precise product to be used for any kerbing / edging;**
- **Full details of all on-site signage (location, design, materials and colour);**
- **Full written details as to the internal colour scheme / finishes to the School. This must be informed by the Environmental Colour Assessment;**
- **Full details as to the precise location of all off-site highway signage;**
- **Full details of the precise photovoltaic panels to be installed / attached;**
- **Full details of the “gateway” feature to be provided along Mill Lane;**
- **Full details of the new surfacing material(s) and colour to be provided along Mill Lane;**
- **Full details of the new surfacing material(s) and colour to be provided upon the raised carriageway at the Mill Lane / Walwyn Road junction;**
- **Full details of the design of the guard rail / barrier to be provided at the point where the Public Right of Way CW29 emerges onto Walwyn Road; and**
- **Full detail as to the precise height and gradient of the raised carriageway to be provided at the Mill Lane / Walwyn Road junction;**

**None of these aspects of the development shall be carried out prior to the written approval of the Local Planning Authority having been obtained. Thereafter the development shall be carried out in full accordance with the approved detail and thereafter maintained as such;**

**Reason: To ensure a satisfactory appearance to the development within the Malvern Hills Area of Outstanding Natural Beauty and to ensure legibility for users of the facility.**

**12. Prior to its installation or within one month of its installation the guard rail/barrier to be provided at the point where the Public Right of Way CW29 emerges onto Walwyn Road shall be painted a matt Anthracite RAL7016 colour and thereafter shall be maintained as such.**

**Reason: To ensure a satisfactory appearance to the development within the Malvern Hills Areas of Outstanding Natural Beauty;**

**13. The access, vehicle parking and turning / manoeuvring areas shown upon the approved plans shall be fully implemented in accordance with the approved plans prior to the first use of the School, hereby permitted. Thereafter these areas shall be kept permanently**

kept available for the parking and manoeuvring of motor vehicles in accordance with the approved detail and be kept free from obstruction.

Reason: In the interests of highway safety.

14. Prior to the first use of the School hereby permitted the refuse storage area(s) and cycle parking provision detailed upon the approved plans shall be fully implemented. Thereafter these facilities shall be kept available for use and maintained to the satisfaction of the Local Planning Authority.

Reason: To ensure satisfactory refuse storage facilities and to ensure adequate cycle parking facilities encouraging modes of transport other than the private motor vehicle;

15. No plant or any other form of equipment, other than the photovoltaic panels hereby permitted, shall be installed or placed on the roof of the school without the express consent of the Local Planning Authority.

Reason: To respect the architectural integrity of the building and to ensure a satisfactory appearance to the development within the Malvern Hills Area of Outstanding Natural Beauty.

16. Prior to commencement of the development hereby permitted all the trees to be retained including those that adjoin/overhang the eastern boundary together with the hedgerow along Mill Lane and the hedgerow adjacent to the eastern boundary of the site shall be protected by fencing erected in accordance with BS5837:2012. Once these protective measures have been erected but prior to commencement of the development, a suitably qualified arboricultural consultant or landscape architect shall inspect the site and write to the Local Planning Authority to confirm that the protective measures are in-situ. Upon confirmation of receipt of that letter by the Local Planning Authority the development may commence but the tree / hedgerow protection measures must remain in-situ until completion of the development;

Reason: To ensure that there is no undue damage to trees and hedgerows to be retained during the construction phase that would prejudice their health and future retention.

17. All planting, seeding and turfing shown upon the approved documents referred to in condition 2) above, shall be carried out in the first planting and seeding season following completion of the development or first use of the development (whichever is the sooner). Any trees of plants which within a period of ten years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure that the development is satisfactorily integrated into the landscape.

18. Prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:-

- A scheme for the provision and management of parking for construction workers and site operatives during the construction to minimise parking on the public highway

Development shall not commence until the written consent of the Local Planning Authority has been obtained. The development shall be carried out in full accordance with the approved detail.

**Reason: To minimise disruption caused by on-street parking during the construction phase.**

- 19. Prior to the first use of the building hereby permitted the new vehicular access onto Mill Lane hereby permitted to serve the School car park shall be provided with a visibility splay of 2.4 metres x 47 metres in a north-westerly direction and 2.4 metres x 54 metres in a south-easterly direction kept free of obstruction above a height of 0.6m from ground level. The approved splay shall be maintained and permanently be kept free of obstruction above a height of 0.6 m from ground level.**

**Reason: In the interests of highway safety.**

- 20. Any new access gates to the school car park hereby permitted and the new agricultural access shall be set back a minimum of 5.5 metres from the carriageway of Mill Lane.**

**Reason: In the interests of highway safety.**

- 21. The development hereby permitted shall not be brought into use until the off-site highway works that form part of the approval have been fully implemented.**

**Reason: In the interests of highway safety.**

- 22. CAT (H21 wheel washing)**

- 23. Prior to the first occupation of the development hereby permitted written evidence/certification demonstrating that water conservation and efficiency measures to achieve the equivalent of BREEAM 3 credit(s) (i.e. Wat 01 – Water consumption) for water consumption as a minimum have been installed / implemented shall be submitted to the Local Planning Authority for their written approval. The development shall not be first occupied until the Local Planning Authority have confirmed in writing receipt of the aforementioned evidence and their satisfaction with the submitted documentation. Thereafter those water conservation and efficiency measures shall be maintained for the lifetime of the development.**

**Reason: To ensure water conservation and efficiency measures are secured, in accordance with policy SD3 (6) of the Herefordshire Local Plan Core Strategy 2011-2031.**

- 24. Other than fencing, gates, walls or other means of enclosure permitted by virtue of this permission, no development normally permitted by Class A, Part 2, Schedule 2, Article 3 of the Town and Country Planning General Permitted Development (England) Order 2015 (as amended) (or any revoking and re-enacting that Order with or without modification) shall be carried out without the express consent of the Local Planning authority;**

**Reason: - To ensure a satisfactory appearance to the development within the Malvern Hills area of Outstanding Natural beauty;**

- 25. I16 Restriction of hours during construction**

- 26. No external lighting whatsoever, other than that approved under the auspices of this planning permission shall be installed upon the site (including upon the buildings) without the express consent of the Local planning authority;**

**Reason: - to prevent light pollution and to safeguard the character of the Malvern Hills Area of Outstanding Natural Beauty;**

## **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 Severn Trent Water advise that there may be a public sewer located within the application site and encourage the applicant / developer to investigate this. Note that public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. If there are sewers which will come into close proximity of the works, the applicant/developer is advised to contact Severn Trent Water to discuss the proposals and they would seek to assist with obtaining a solution which protects both the public sewer and the development.**
- 3 Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent water and advise them of any proposals located over or within 3 metres of a public sewer. In many cases under the provisions of the Building Regulations 2000 Part H4, Severn Trent can direct building control officers to refuse building regulations approval.**
- 4 Any discharge of surface water to an ordinary watercourse will require Ordinary Watercourse Consent from Herefordshire Council prior to construction.**
- 5 Japanese Knotweed, a Schedule 9 invasive plant species, is present on the periphery of the application site. The landowner/developer should seek the advice of an invasive species specialist to prescribe the most appropriate control measures. The applicant / developer are advised to prepare an Invasive Species Control Scheme in line with standard Environment Agency guidance and to implement accordingly. The responsibility to deal with this matter rests with the landowner/developer.**
- 6 The Parish Council wish the applicant/developer and Highway Authority to continue to liaise with them with respect the detailed highway design work required in relation to the requisite Section 278 Agreement. In particular they wish consideration to be given to see if the ramps can be softened sufficiently to avoid the Hump signs and limit the extension of the urban area along Mill Lane with the 30 mph and school sign.**
- 7 I11 - HN01 Mud on highway**
- 8 I09 - HN04 Private apparatus within highway**
- 9 I45 - HN05 Works within the highway**
- 10 I08 - HN07 Section 278 Agreement**
- 11 I05 - HN10 No drainage to discharge to highway**
- 12 I51 - HN22 Works adjoining highway**
- 13 I47 - HN24 Drainage other than via highway system**
- 14 I41 - HN25 Travel Plans**

15 I35 - HN28 Highways Design Guide and Specification

16 The Travel Plan submitted as part of the approved planning application submitted separately to the Council’s Travel Plan Co-Ordinator and reviewed on a two yearly basis.

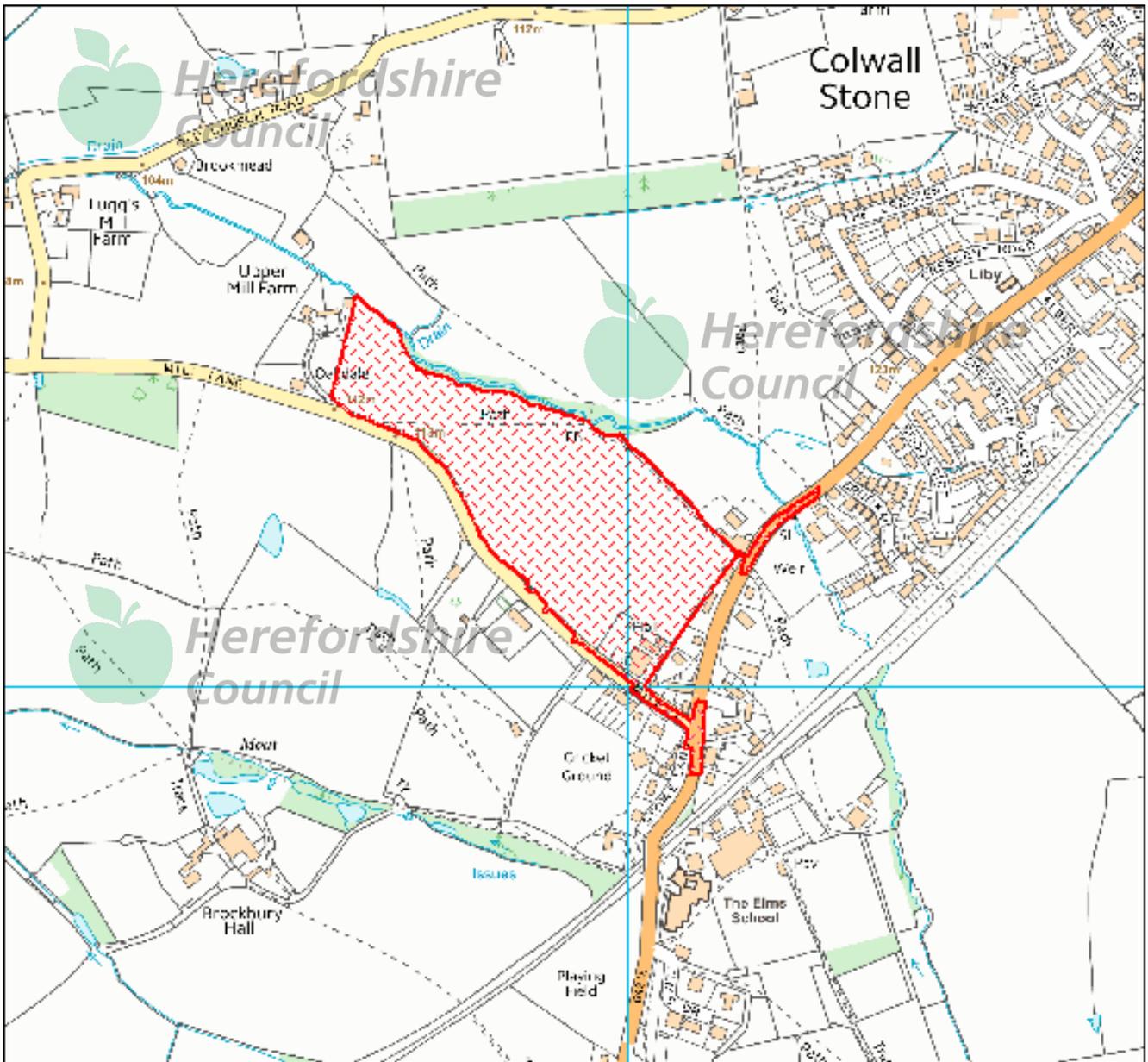
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies



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**APPLICATION NO:** 161407

**SITE ADDRESS:** LAND ADJACENT TO COLWALL VILLAGE HALL, MILL LANE, COLWALL,  
HEREFORDSHIRE, WR13 6EQ

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Further information on the subject of this report is available from Mr Roland Close on 01432 261803