

MEETING:	PLANNING COMMITTEE
DATE:	26 April 2017
TITLE OF REPORT:	<p>152261 - OUTLINE APPLICATION FOR APPROVAL OF NEW VEHICULAR ACCESS ONLY. DEMOLITION OF EXISTING SITE INFRASTRUCTURE AND CONSTRUCTION OF A MIXED USE DEVELOPMENT COMPRISING UP TO 25 DWELLINGS, 3 OFFICES (B1 USE CLASS), A VILLAGE HALL, CHILDREN DAY-CARE CENTRE, TOGETHER WITH INTERNAL ROADS, CAR PARKING, LANDSCAPING AND DRAINAGE AT LAND AT FORMER OLD SAWMILLS, EARDISLEY, HEREFORDSHIRE, HR3 6NS</p> <p>For: West Register (Realisation) Ltd per Mr Daniel Jackson, Lowry House, 17 Marble Street, Manchester, Greater Manchester, M2 3AW</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=152261&search=152261
Reason Application submitted to Committee – Contrary to Policy	

Date Received: 30 July 2015

Ward: Castle

Grid Ref: 331401,249094

Expiry Date: 31 August 2016

Local Member: Councillor WC Skelton

1. Site Description and Proposal

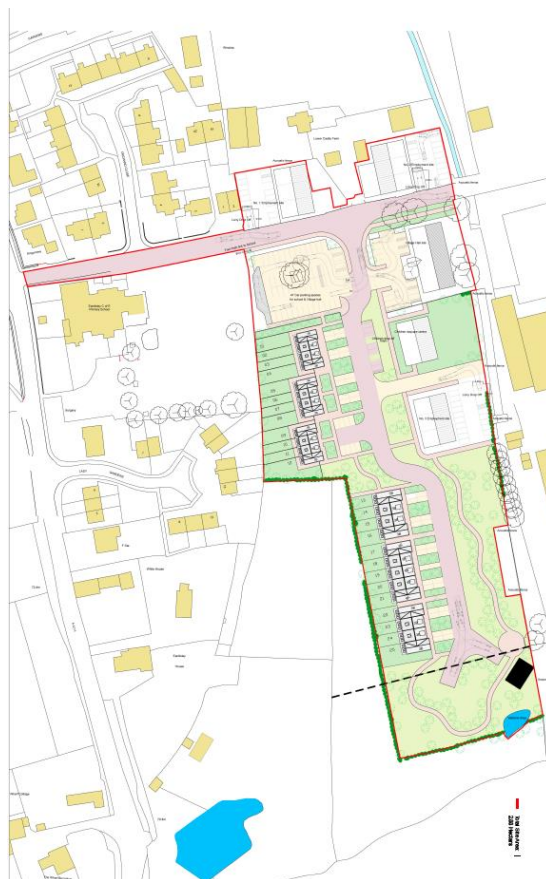
- 1.1 The site is approximately 2.4 hectares in size and comprises two parcels of brownfield land separated by a private road, which in turn emerges directly onto the A4111. The A4111 is the main road that runs through Eardisley and development is arranged in a linear fashion, but in some depth, along the road. Much of the village is designated as a Conservation Area and its boundary lies immediately to the east of the site.
- 1.2 The northern parcel of land currently comprises two vacant industrial buildings. These largely fill the site, but there are some small areas of grassland and hardstanding to the side and rear. The second parcel to the south of the private road comprises mostly hardstanding with three small pre-fabricated buildings. It is bounded to the south by trees and vegetation with agricultural land beyond. The western boundary is shared with a small residential estate (Lady Gardens) and Eardisley Church of England Primary School. This boundary is again well vegetated. An existing industrial estate is located immediately to the east with the boundary defined by a watercourse and intermittent vegetation.

Aerial photo showing the site and surrounding area



- 1.3 The proposed development is for new housing with up to 25 dwellings, employment units, land to accommodate a village hall, children day-care centre, ancillary car parking spaces and associated open space. The application has been submitted in outline with all matters apart from access reserved for future consideration and includes an indicative layout, shown below:

Indicative layout plan



- 1.4 A Transport Assessment has been submitted in support of the application. Vehicular access to the site will be taken from the private road which in turn emerges onto the A4111. The Transport Assessment includes a series of upgrades along the private road, including the provision of footways back to the A4111 junction. The indicative layout shows a simple north-south spine road to serve the development site itself.

Further information on the subject of this report is available from Mr A Banks on 01432 383085

1.5 In addition to the Transport Assessment, the application is also accompanied by the following documents:

- Design & Access Statement
- Planning & Heritage Statement
- Noise Impact Assessment
- Flood Risk Assessment & Drainage Strategy
- Geo-Environmental Desk Study / Risk Assessment (land contamination)
- Arboricultural Assessment
- Ecological Appraisal

1.6 The Noise Impact Assessment and Flood Risk Assessment & Drainage Strategy have been amended since their original submission to take account of comments received from the Council's Environmental Health Department and Environment Agency respectively. The application has also been subject to an independent viability assessment, commissioned by officers and completed by the District Valuation Office. This has concluded that the scheme will not be economically viable if the scheme is required to deliver affordable housing and financial contributions towards matters including highway and education improvements. On this basis this report does not include a Draft Heads of Terms Agreement. The absence of affordable housing also means that the proposals are contrary to Policy MD1 of the Eardisley Group Neighbourhood Plan and it is for this reason that the application is reported to this Planning Committee. Both of these matters will be considered in depth in the case officer's appraisal.

2. Policies

2.1 Herefordshire Local Plan - Core Strategy:

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land For Residential Development
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
RA1	-	Rural Housing Distribution
RA2	-	Herefordshire's Villages
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
SC1	-	Social and Community Facilities
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
E1	-	Employment Provision
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
ID1	-	Infrastructure Delivery

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

2.2 National Planning Policy Framework:

The following sections are of particular relevance:

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

2.3 Eardisley Group Neighbourhood Plan (This is a made plan.)

SD1 – Sustainable Development
T1 – Traffic Measures within Villages
T2 – Transport Requirements Related to Developments
T3 – Promotion of Sustainable Transport Measures
E1 – Flooding
E2 – Heritage Assets and Village Character
C1 – New or Additional Services and Facilities
C2 – Developer Contributions to New Facilities
H2 – Settlement Strategy
H3 – Affordable Housing
H4 – New Homes in Eardisley
H7 – Criteria for Housing Development in Eardisley Group
MD1 – The Old Sawmills Site, Eardisley

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

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

3. Planning History

3.1 None relevant to this application

4. Consultation Summary

Statutory Consultations

4.1 Environment Agency

Having reviewed section 5.0 of the submitted Flood Risk Assessment (FRA) we note reference to Table 3 (Flood Risk Vulnerability and Compatibility) and that 'more vulnerable' development is acceptable within Flood Zones 1 and 2 but will need to satisfy the Exception Test to be situation in Zone 3. However, a large portion of this site lies within Flood Zone 3, the high risk Zone. Whilst the FRA seeks to address issues relating to flood risk on the site (Exception test) there is no Sequential consideration of alternative sites at a lower level of flood risk i.e. wholly within Flood Zone 1. In essence Section 5.0 of the FRA has outlined the Sequential Test process without carrying it out. Whilst the FRA may ultimately show that the development is safe and will not increase flood risk post development we would still expect adherence to the Sequential Test in justifying why the proposals are to be located on a site with flood risk issues instead of other Flood Zone 1 sites.

- 4.2 On the basis of the above the Environment Agency originally objected to the application and outlined a number of matters to be addressed. The applicant's subsequently submitted a revised FRA and Drainage Strategy. The following comments were received from the Environment Agency:
- 4.3 The revised FRA has addressed the flood risk issues raised in our response of the 20 August 2015. This was primarily relating to the need for sensitivity tests to be undertaken on the modelling included in Odyssey Markides' original FRA.
- 4.4 However, we also questioned whether there would be safe access/egress from the site to land in Flood Zone 1 in a 1 in 100 year plus climate change event. We also requested more detailed information on the proposed flood storage compensation scheme should built development/ground raising take place in the 1 in 100 year plus climate change floodplain extent.
- 4.5 Section 3.13 of the revised FRA details the sensitivity tests that have now been undertaken including a blockage scenario and an assessment of the channel roughness and these are also included in H20k's hydraulic modelling report addendum dated November 2015. An assessment of a 70% blockage of the culvert at the upstream end of the site did result in overland flows but not affecting the site itself. Again, Table 1 of the FRA illustrates that increasing the channel roughness does raise flood levels slightly but levels are still lower than top of bank level.

We are therefore satisfied that the additional sensitivity tests have been undertaken as requested.

- 4.6 Section 7.1 of the FRA states that most of the residential units will be located in Flood Zone 1 except 3 units and part of the highway which are located in Flood Zone 2 towards the southern end of the site. Section 7.3 of the revised FRA offers 2 suggestions for finished floor levels. We would expect floor levels to be set 600mm above the 1 in 100 year plus climate change event. Drawing No. 13/237/104/C in Appendix D of the hydraulic modelling report addendum shows minimum floor levels of 71.84m AOD for residential properties in the southern part of the site. According to the drawing, this would be 600mm above the 1 in 1000 year modelled level of 71.24m AOD and would be satisfactory.
- 4.7 Section 7.6 explains that safe access/egress is available and that maximum depths on the route are 100mm in a 1 in 100 year event, including climate change. Table 13.1 of the Defra/EA guide (Flood Risk Assessment Guidance for New Development) confirms that this degree of flooding would be deemed as falling below 'Danger for Some'. Figure 5.1 of the original modelling report highlights the 1 in 100 year plus climate change depths in Eardisley. It should be noted that we do not offer a flood warning service for the watercourses in Eardisley though we do for the River Wye to the south of the village.
- 4.8 We would question why development is required in Flood Zone 2. However, this is a brownfield site with the majority of land being shown to fall in Flood Zone 1 so there would be higher land available to lower to offset any buildings/ground raising in the 1 in 100 year plus climate change floodplain. On this occasion, given the size of the watercourse, the small extent of the floodplain within the site and the land above the floodplain which could be reprofiled, we would be satisfied that a planning condition could deal with the details of this flood storage compensation scheme.
- 4.9 Welsh Water

No objection subject to the imposition of conditions

4.10 Heritage England

Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

Internal Council Consultations

4.11 Transportation Manager

The road serves an industrial estate with significant HGV movements. The proposal is to provide a mix of employment, residential and school traffic in the provision of parking and potentially a village hall.

4.12 The access onto the A4111 doesn't provide suitable footpath width and radii for vehicles to enter and exit safely without conflict. The intensification of residential will increase significantly the footfall in the location. The footpath on the north side is substandard. The access road will not promote a shared space due the type of traffic generated, therefore safe passage is required for vulnerable users, for the site to the desired location whether it's the school, church or north of the village.

4.13 The drawings provided do not give surety of this requirement, I can't see any speed surveys to support the very short distance, y distance of 43m, for the access.

4.14 The applicant needs to demonstrate, through the TA, that the access arrangements are safe, also taking into account the close proximity of the crossing, this has been a concern for the locals and school who wish to see this as a controlled crossing.

4.15 There should be opportunities in the existing layout to provide a footpath link of suitable width, to the footpaths onto the A4111. The access junction needs to be assessed as to suitable visibility splays, non-conflict with the crossing and taking the opportunity to provide a layout that will be to adoptable standards and a S38 agreement entered into. The school should be party to the discussion as they may be able to provide land especially as they will see the benefit of the development with additional parking.

Conservation Manager

4.16 Ecology

I have read the ecological report which I find both comprehensive and reasonable in its proposals. I note that there are difficulties with access to some ponds to determine the status of great crested newt (GCN) in the vicinity. However, the proposals for reasonable avoidance measures outlined in the report together with site mitigation measures should be adequate to deal with the risks to any GCN in their terrestrial phase. Likewise, site checks can also incorporate reptile appraisal to ensure that no individuals are left vulnerable as a result of the displacement procedure to be adopted and also a dormouse follow-up survey. Features on the site also require checking for other species such as the voids of the buildings for bats although the evidence suggests there are no roosts. Likewise pre-clearance checks of trees to be removed are also possible. The site's development proposes retention of the most valuable biodiversity features intact such as hedgerows along with most trees and scrub; this offers potential for the enhancement of these features which I welcome. No objection subject to conditions.

4.17 Landscape

The site is located upon land formerly used as a saw mills, situated between Eardisley Primary School to the west with further industrial units to the north and east.

4.18 The site lies adjacent to the existing settlement boundary and relates well to the village of Eardisley. There are no designations on site but the Conservation Area does run parallel with part of the western boundary. Given the sites former use and its current condition it is considered that there is opportunity for enhancement of this brownfield site, the principal of development upon the site is therefore welcomed.

4.19 Notwithstanding the above there are a number of constraints that would need to be addressed as part of the proposal; the site lies wholly within Flood zone 2 and partially within Flood zone 3 as shown on Environment Agency mapping. The site does lie adjacent to industrial space and will share the same access via Orchard Close, any conflict of land use would therefore need to be considered and the layout adjusted accordingly.

4.20 With respect to landscape features having read the arboriculture report dated July 2015 it is noted that a number of individual trees and groups of trees are shown on figure 3 for removal. It is acknowledged that these are category C and are either poor quality or limited life span however the removal of Groups 4 and 5 in particular will open up the site to the surrounding landscape, resulting in views from the A4111 southern approach to the settlement. Given that this southern section of the site falls within Wet Pasture Meadows landscape character type; described as unsettled landscapes, it is recommended that this section of the site be retained and planted to provide an extensive landscape buffer, in line with management guidelines for this landscape type.

4.21 Land Drainage Engineer

The submitted FRA indicates that the proposed foul water pumping station is to be located in Flood Zone 2. Whilst we have no objections to this proposal, we recommend that the pumping station is located outside of the predicted extent of fluvial flood risk to minimise associated pollution risks or damage to the pumping station should a fluvial flood event occur. If the pumping station is to remain in the modelled fluvial flood extents, we recommend that, prior to construction, the Council requests further clarification as to the measures that will be implemented to manage the potential ingress of flood waters to prevent unacceptable pollution risks or performance of the pumped system.

4.22 The FRA states that flood compensation storage equal to the volume that is to be lifted out of Flood Zone 2 (to provide the recommended raised finished floor levels) will be provided within the site boundary to ensure no reduction in the total floodplain storage volume up to the 0.1% (1 in 1000) annual probability event. The FRA states that the flood compensation area is shown on Drawing No 13/237/104 revision C, but no flood compensation area is indicated on this drawing. We recommend that this is clarified by the Applicant.

4.23 The submitted FRA states that safe access and egress will be available via the access road in the north of the site, and then via Park Road that continues west of the site or Church Road that continues north and south of the site. The Modelling Report included in the FRA indicates no flooding along Park Road up to the 1 in 100 year event with climate change allowance. The same report indicates a flood depth of up to 0.10m at Church Road – this depth is not considered dangerous for people and cars. The proposed access and egress routes are therefore considered appropriate.

4.24 Other Considerations and Sources of Flood Risk

As required by NPPF, the FRA gives consideration to flood risk from other sources. The potential flood risk from surface water, groundwater, impounded bodies of water and sewers has been assessed and is considered to be of low risk. We concur with this assessment.

4.25 Surface Water Drainage

The submitted FRA states that it is unclear how surface water runoff from the existing site is currently drained. Welsh Water records identify no public sewers within the site boundary or its vicinity. The report states that it is likely that surface water runoff is discharged to the adjacent ordinary watercourse at a point adjacent to the southern boundary of the site.

4.26 The submitted FRA includes information regarding the proposed surface water drainage strategy for this development. Currently the vast majority of the site is impervious. The submitted FRA states that the proposed development will reduce the impervious area from approximately 1.9ha to approximately 1.1ha, which would reduce the surface water runoff generated on site and therefore reduce the existing discharge rate to the nearby watercourse. The submitted FRA includes a table comparing greenfield runoff rates calculated for the site to pre- and post-development runoff rates. This information is summarised in the table below:

Storm event (years)	Greenfield runoff rate (l/s)	Pre-development runoff rate (l/s)	Post-development runoff rate (l/s) + 30% CC
1	4.9	230	82
30	9.9	564	113
100	12.3	729	128

4.27 The submitted FRA states that the proposed drainage system will include SUDS techniques in the form of permeable paving, swales/filter strips and an attenuation pond. Discharge from the system will be to the ordinary watercourse to the east of the site. We approve of this approach and, in particular, the Applicant's use of natural techniques for the treatment of runoff prior to discharge.

4.28 The submitted FRA also states that the proposed drainage system will be designed to cater for the 1 in 100 year event with 30% climate change allowance. We assume that this means that all runoff up to and including the 1 in 100 year event will be contained within the proposed drainage system – with attenuation provided beneath the permeable paving and in the proposed pond to the south of the site. However, the proposed rate of discharge to the ordinary watercourse to the east of the site is unclear.

4.29 The Non-Statutory Technical Standards for Sustainable Drainage Systems states that "For developments which were previously developed, the peak runoff rate from the development to any drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event must be as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event" and that "Where reasonably practicable, for developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year, 6 hour rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event". Whilst we fully appreciate that the development will naturally reduce the runoff rate from the site through the reduction in impervious area, the post-development runoff rate as summarised in the table above is still significantly greater than the equivalent greenfield runoff rate. For a development of this size, we therefore expect some further attenuation of runoff to be provided prior to discharge.

4.30 Prior to construction, the discharge of surface water from the site to the ordinary watercourse to the east of the site will require the appropriate Ordinary Watercourse Consent from Herefordshire Council.

- 4.31 In accordance with the NPPF, the use of infiltration features for the management of surface water runoff should be promoted in the first instance. If drainage cannot be achieved solely through infiltration due to site conditions or contamination risks, 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).
- 4.32 The submitted FRA states that the site is underlain by clayey soils and therefore infiltration techniques are unlikely to be feasible. We agree with this conclusion, but recommend that soil infiltration tests are undertaken in accordance with BRE365 guidance prior to construction to demonstrate the poor suitability of the site for infiltration techniques, or to demonstrate that infiltration techniques have been maximised as far as practicable should infiltration (or combined infiltration and attenuation) prove a viable option.
- 4.33 The submitted FRA considers the need for overland flow paths to mitigate residual flood risk and states that these are proposed to be along the access road before spilling over the kerb and tipping into the existing floodplain area adjacent to the southern boundary of the site.
- 4.34 **Foul Water**
Foul water generated by the development is proposed to be discharged by gravity to a pumping station located in the south-eastern corner of the site, and then pumped through a raising main back up to a new manhole near the intersection of Church Road. From this manhole, the foul water will be discharged via gravity to the existing 225mm diameter public combined sewer located in Church Street.
- 4.35 As discussed above, the submitted FRA indicates that the proposed foul water pumping station is to be located in Flood Zone 2. We recommend that the pumping station is located outside of the predicted extent of fluvial flood risk to minimise associated pollution risks or damage to the pumping station should a fluvial flood event occur. If the pumping station is to remain in the modelled fluvial flood extents, we recommend that, prior to construction, the Council requests further clarification as to the measures that will be implemented to manage the potential ingress of flood waters to prevent unacceptable pollution risks or performance of the pumped system. This could potentially be achieved through raising the pumping station above the flood level predicted for the 1 in 1000 year event and/or implementing measures to manage any residual risks should flooding of the pumping station occur.
- 4.36 It is recommended that prior to construction the Applicant submits confirmation from Welsh Water regarding the acceptability of the proposed foul water connection.
- 4.37 **Overall Comment**
In principle for outline planning permission we do not object the proposed development on flood risk and drainage grounds. We do, however, highlight that there are a number of concerns that must be addressed during any subsequent reserved matters application and/or discharge of conditions:
- Consideration of revising the proposed development layout to locate all residential development plots outside of the mapped fluvial Flood Zone 2.
 - Consideration of revising the proposed development layout to locate the proposed foul water pumping station outside of the mapped fluvial Flood Zone 2, or provision of further information to demonstrate the measures that will be implemented to manage the potential ingress of flood waters to prevent unacceptable pollution risks or performance of the pumped system.
 - Clarification of the proposed surface water discharge rate to the adjacent ordinary watercourse and demonstration that the Applicant has strived to meet the recommendations of the Non-Statutory Technical Standards for Sustainable Drainage Systems as far as practicable.

4.38 Housing Officer

In principle Housing support the outline application for 25 dwellings of which 9 would be affordable. It would be requested that the 9 dwellings are split 56% social rent, 44% Intermediate Housing. Further discussions are needed to determine the bed size and location of the dwellings.

All affordable housing to be allocated to those with a local connection to Eardisley in the first instance.

4.39 Parks & Countryside Officer

The indicative masterplan shows an area of green space. It is understood from the accompanying information that this will meet both the policy requirements and local needs as follows:

4.40 Planning statement: The applicant states that: In total the indicative layout provides approximately 0.15ha of open space which more than adequately meets the policy requirements

4.41 Developer Contributions: It is agreed that the applicant is providing in excess of the size required but much of it is provided to enhance the overall biodiversity of the site and provision of new wildlife habitats and in doing so provide "a landscape buffer zone/linear park/open space".

4.42 In meeting policy requirements the applicant should therefore demonstrate how much of this would be considered usable for informal recreation and informal children's play. It is understood that some of it may form a SuDs area and it can if designed accordingly to take account of health and safety of standing water to be used for informal recreation and if so can be considered as part of the overall POS requirements as identified above.

4.43 With regard to the formal play element there is no mention of this being provided either on or off-site (the existing play area at the Millenium Green in accordance with the Play Facilities Investment Plan is in need of refurbishment) but it is acknowledged that the Parish Council has been consulted during the process of preparing this application and in taking into account their local needs and in particular the emerging neighbourhood plan the applicant has not included a formal play element but possibly above the minimum requirement of informal green space.

Environmental Health & Trading Standards Manager

4.44 Contaminated Land

No objection subject to the imposition of conditions

4.45 Noise

The key issues in relation to noise are:

- The proposed units adjacent to existing residential property to the north of the site. I am of the opinion that the use of these units be restricted to B1 to minimise the impact on neighbouring residents.
- Similarly the proposed units to the eastern side of the development close to proposed residential property.
- The siting of the proposed four residential units to the east of the site abutting the industrial estate. We would expect noise levels in the amenity ie rear gardens of these properties to meet the standard of 50dB in external areas where possible as set out in BS8233.

Please can you advise further on:

- i) The existing use classes of the industrial premises to the eastern side of the proposal.
- ii) Any restrictions on hours of trading and vehicular movement on the site to the east.

Following the submission of a revised noise assessment the following comments were received:

- 4.46 Our department objects to the change of use of part of the industrial estate from B2 industry to C3 residential dwellings at this site due to the proximity and potential impact on the proposed residential development of existing industrial use. We are of the view that sectioning off part of the industrial estate for housing is inappropriate due to the noise emanating from the site which is noticeable and disruptive for the majority of the working day.
- 4.47 Although we have had no complaints regarding noise from the current industrial activities at the site including the wood chipper at Edge Renewables, this department has received complaints from neighbouring residential premises regarding the noise emanating from the former Forest Fencing.
- 4.48 The noise assessment focusses on the impact of the wood chipper at Edge Renewables and background noise levels are assessed when this is not active. We would take the view that background noise levels might be higher due to other industrial activity on the site and understand that there are no planning controls which regulate the hours of trading or other conditions relating to noise or nuisance on any part of the Old Sawmill site. This is cause for concern as businesses on the site could generate noisier activities at different times of day without planning controls which could impact on the amenity of any new residential occupants.
- 4.49 Furthermore the noise impact assessment does not supply an assessment table as outlined in the BS4142 standard and no acoustic feature correction has been supplied with regard to the noise assessment which takes into account the character if the wood chipper noise which is tonal and intermittent.
- 4.50 Education

The educational facilities provided for this development site are Kington Primary School and Lady Hawkins High School.
- 4.51 Eardisley Primary School has a planned admission number of 15. As at the schools summer census 2015 three year groups are at or over capacity- YR=17, Y1=18, Y3=17
The school will require additional classroom space to accommodate the needs of the children created by this development and we would therefore be seeking the contribution to provide additional classroom, cloakroom and toilet facilities to accommodate larger groups.
- 4.52 Lady Hawkins Secondary School has a planned admission number of 80. As at the schools summer census 2015 all year groups have spare capacity- no contribution.
- 4.53 Please note that the Planned Admission Number of the above year groups is based on permanent and temporary accommodation, whereas section 3.5.6 of the SPD states that the capacity should be based on the permanent accommodation, therefore, additional children may also prevent us from being able to remove temporary classrooms at Lady Hawkins School that we would otherwise be able to do.

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

- 2+bedroom apartment - £1,084
- 2/3 bedroom house or bungalow - £1,899
- 4+ bedroom house or bungalow - £3,111

5. Representations

5.1 Eardisley Group Parish Council

The Parish Council are happy with the principle of the development of this site to provide a mix of housing, offices, village hall, and children's day-care nursery, car-parking and landscaping as it is part of the Eardisley Group Neighbourhood Plan which is currently at the external examiner stage. The housing numbers are in accordance with the Neighbourhood Plan.

EGPC broadly support this outline application but have reservations about some aspects which will need careful consideration before the submission of a detailed application.

The following should be noted when preparing the detailed application: -

- The position of the children's day-care nursery – it would be better next to the School to enable them to share facilities; so that toddlers do not have to cross any roads and so improve security as there would need to be a safe access onto the School playing fields from the nursery and car-park.
- The layout of the site especially the positioning of some of the proposed housing.
- Maintenance of the brooks/ditches with the provision of a 3 metre strip alongside for cleaning access – Neighbourhood Plan recommendation
- Drainage needs to be improved with a larger culvert.
- Flood risk properly investigated.
- Concern over access to the site as this is currently used by HGVs accessing the neighbouring industrial site.

In accordance with the Neighbourhood Plan this application recognises the need for both jobs and housing within the village; both vital if the village is to thrive.

5.2 West Mercia Police

I do not wish to formally object to the proposals at this time. However there are opportunities to design out crime and/or the fear of crime and to promote community safety.

I note that this application does not make reference to crime reduction measures within the Design Access Statement. There is a clear opportunity within the development to achieve the Secured by Design award scheme. The development appears to have good access control and natural surveillance already built into the design. The principles and standards of the award give excellent guidance on crime prevention through the environmental design and also on the physical measures. The scheme has a proven track record in crime prevention and reduction which would enhance the community safety in this village.

5.3 Ten letters of support have been received in response to the public consultation process. In summary the points raised are as follows:

- This is a mixed use proposal in accordance with the Neighbourhood Development Plan
- The proposal will provide genuine benefits for Eardisley and surrounding communities
- It will bring about the re-development of a brownfield site
- The proposal accords with Central Government policy

5.4 Two objections have been received in response to the public consultation process. In summary the points raised are as follows:

- The transport survey does not take account of existing HGV movements into and out of the adjacent industrial estate
- Development will put pressure on the A4111 junction and this will jeopardise existing businesses
- Concerns regarding flooding associated with the brook between the development site and industrial estate
- It is suggested that a new road is constructed to run to the south of the site and industrial estate and join the A4111 to the south of the village

5.5 One letter expressing mixed views has also been received. In summary the points it raises are as follows:

- The noise report does not take account of an existing woodchip processing business and surveys were completed when its machinery was not operational
- The sawmill site has been a home for wood manufacture for many years and the use of such machinery is permitted
- Whilst noise levels are not expected to increase, their duration might with an increase in business
- Without appropriate acoustic prevention on the site, existing background noise would be to the detriment of prospective residents.
- It is encouraging that the noise report was also undertaken overnight and confirms that noise levels are acceptable at night
- There is a possible conflict between existing HGV movements and traffic generated by this proposal

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=152261&search=152261

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 of Development

6.1 S38 (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 The development plan for Herefordshire is in main part the Herefordshire Local Plan - Core Strategy. The Core Strategy was adopted on 16 October 2015. This followed Examination

hearings in February 2015 and the Inspector's subsequent conclusion that, with modifications as proposed, the Core Strategy is sound and provides an appropriate basis for the planning of the District.

- 6.3 With specific regard to Eardisley, the development plan also comprises the Eardisley Group Neighbourhood Plan (EGNP). It was formally made on 13th June 2016 and carries full weight in the determination of this application. Policy MD1 allocates the site for a mix of housing and employment uses, together with allocations to be made for a new village hall site, children's day care centre and car parking to serve both and Eardisley Primary School. This allocation followed extensive local consultation and consultation with public bodies including the Environment Agency.
- 6.4 The principle of development of the site is thus identified within the Core Strategy and EGNP, is plan-led and a key component of housing delivery within Eardisley in order for the village to meet its proportionate housing growth targets.
- 6.5 Policy MD1 signifies the formal allocation of the land at the sawmills site for a mixed use development, and in your officer's view, given the plan-led system, is equivalent to acceptance that the development of the site is acceptable in principle. Given the application is made in outline with only access for determination now, compliance with some of the matters identified by MD1 cannot be assessed to the fullest extent now but will be considered at the detailed or Reserved Matters stage. What is clear from the submitted documentation and from the comments made in support of the application by local residents and the parish council, is that the policy requirements have fully informed the work undertaken to date. Insofar as is practical, this appraisal now assesses the application against the matters identified, before looking at any other matters raised in consultation responses that are considered to be material to the determination of the application.

Assessment Against Policy MD1 of the EGNP

- 6.6 As a point of reference, Policy MD1 is set out in full below and reads as follows:

The area of employment land identified on Eardisley Policies Map comprising part (2.5 ha) of the Old Sawmills site may accommodate a range of uses comprising:

- a) Land amounting to 0.25 ha made available for a future new village hall, with parking elsewhere;*
- b) Land for a new Day Care facility adjacent to Eardisley Primary School, capable of accommodating a building with minimum floor space of 260 sq. metres on two storeys and a play area of 0.13 ha (1,335 sq. metres);*
- c) An area of car parking providing at least 60 spaces that can serve the new Village Hall, Day Care and Eardisley Primary School;*
- d) Premises to support modern employment requirements including flexible office and light industrial units and associated parking, occupying no less than 1.0 ha, subject to viability considerations; with provision for fibre-optic connectivity throughout all areas of the site;*
- e) An area of green infrastructure protection of on-site trees, supporting biodiversity and providing safeguards against surface water flooding;*
- f) A range of 2 to 4 bedroom family and key-worker dwellings, not exceeding 25, to be constructed through a phased programme over 5 years, and including intermediate affordable homes mixed among open market homes, with gardens and off-road parking.*

Measures will be required to ensure:

- i) Land is made available to ensure the mixture of uses can be brought forward in a co-ordinated fashion, with appropriate services and access;*
- ii) Arrangements are made to address flooding through a comprehensive approach;*
- iii) Any new homes built are protected from noise, light and air pollution arising from the neighbouring employment area through building design, site layout, buffering and juxtaposition of the uses proposed.*
- iv) Access is retained for the maintenance of the brook running along the side of the site.*

6.7 With regard to points a) and b), the proposal is policy compliant. The indicative layout shows land allocations for a village hall and a day care facility, including an indication of parking provision to be made for both. The applicant has stated that their intention is simply to make the sites available and that their construction will fall to others. This is not considered to be unreasonable in light of the fact that the residential element of the proposal is relatively small scale and an expectation on a developer to construct both would make the scheme as a whole unviable. However, your officers are of the view that in order to facilitate the construction of these community facilities, it would be reasonable to impose a condition to require that both plots are made good and provided with service infrastructure prior to the occupation of the 20th dwelling. The imposition of a condition of this nature would also ensure compliance with point i) of policy MD1 which requires uses to be brought forward in a co-ordinated fashion and that they are appropriately serviced.

6.8 In accordance with point c), the plan also shows the provision of a car park that would serve Eardisley Primary School. Although only an outline application, its location on the shared boundary with the school is logical and would facilitate the creation of a pedestrian link into the school grounds. This would represent a significant benefit in terms of highway safety. Parents dropping off or collecting children are currently required to either park along the private road bounding the school to the north, or on the opposite side of the A4111 by the church. This causes conflict between pedestrians, HGVs accessing the industrial estate and other road users. A resolution of this situation represents a significant benefit to highway safety in accordance with Policy MT1 of the Core Strategy and T1 of the EGDP, which specifically seeks to improve the safe delivery of pupils to the school. This has significant weight in the planning balance. In order to ensure compliance with point i) of MD1, officers are of the view that the early delivery of the car park is essential to the development as a whole. It is therefore recommended that, should planning permission be granted, a condition is imposed to ensure that the car park is constructed and capable of use prior to the occupation of the 10th dwelling.

6.9 The indicative layout also shows the provision of employment units in accordance with point d). It states that these should provide office and light industrial space. Although not explicit from the policy, such office and light industrial uses fall within Class B1 of the Use Classes Order and are generally considered to be compatible with residential areas. In other instances; Porthouse Farm, Bromyard being a fairly recent example, the introduction of B1 uses to act as a buffer between residential development and less compatible industrial uses has been advocated as a way of mitigating their impacts. These units have the potential to provide a similar buffer to the existing industrial units to the east which are not restricted in terms of their use. It is therefore recommended that, should planning permission be granted, a condition is imposed to limit the use of the buildings to those falling within Class B1 of the Use Classes Order. Members may also wish to consider the imposition of a condition that requires the buildings to be constructed and capable of use prior to the occupation of the 25th dwelling. The delivery of the employment element of this mixed used development is an important element of policy MD1 and without a condition there is no certainty that the units would be built. Again, this would also ensure compliance with point i) of the policy.

- 6.10 The indicative layout shows a significant area of open space in the southerly part of the site. This corresponds with the area that is at the greatest risk of flooding as shown by the applicant's site specific modelling. It shows that only the south eastern corner of the site is at risk of flooding in the 1 in 100 and 1 in 1000 year events, thereby placing the majority of the site in Flood Zone 1. This position has been accepted by the Environment Agency and the modelling has allowed them to withdraw their initial objection to this application and also an objection lodged during the consultation phase of the Neighbourhood Plan. The location of the open space provides a link with an area of vegetation that lies beyond the application site and its continuation along the eastern boundary also provides a green corridor along the watercourse. Officers are therefore of the view that the requirements of point e) of policy MD1 are also met.
- 6.11 The application originally included the provision of affordable housing. However, the applicant latterly concluded that the scheme would not be economically viable if affordable housing was required and a Financial Viability Report was submitted to support this position. As indicated in paragraph 1.6 of this report, this has been independently appraised at the request of officers by the District Valuers Office. The absence of affordable housing results in the application being contrary to policy MD1. Members are being asked to set this requirement aside on the basis that the scheme will not otherwise be viable, and grant planning permission.
- 6.12 The applicants Financial Viability Report deals with the economic viability of the proposed scheme and makes a number of assumptions about the eventual value of the residential and commercial units, the build cost of the development, the profit margin that should be expected by the developer and the value of the site. The report is based on an assumption that Section 106 contributions will be paid, but excludes the provision of affordable housing from its development costs,
- 6.13 Paragraph 173 of the NPPF provides some useful advice about financial viability of schemes and reads as follows:
- Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.*
- 6.14 The District Valuers Office (DVO) has been engaged to provide independent expert advice. Their report is based on an assumption that the scheme would deliver 9 affordable units and would attract total contributions of £91,424 through a Section 106 Agreement to mitigate the impacts of the development. This has been undertaken with the agreement of the applicant.
- 6.15 The DVO assessment assumes a slightly lower developer profit of 17.5% as opposed to the 20% on which the applicant's Financial Viability Report is based. Notwithstanding this, the DVO assessment shows a negative Residual Land Value of £-615,735 per hectare and as a result concludes that the scheme would not be viable if the Council were to insist on the provision of affordable housing and S106 Agreement contributions.
- 6.16 The DVO were also asked to undertake sensitivity analysis on the basis of a non-policy compliant scheme whereby no affordable housing or S106 contributions were provided. With these assumptions the Residual Land Value remains as a negative at £-362,083 and the District Valuer concludes that, even in a scenario of non-policy compliance, the scheme remains unviable.

Conclusion of points a to e

- 6.17 On this basis, your officers are of the view that the requirements to provide affordable housing and to make contributions through a Section 106 Agreement should be set aside. The scheme does secure the provision of other community assets in the form of sites for a village hall and day care centre, and the delivery of a car park to be used by Eardisley Primary School, and these are all given considerable weight in the planning balance. If there is a continued insistence to deliver affordable housing, the site is unlikely to come forward and the other benefits to be derived from the scheme will not be achieved.

Highway Safety

- 6.18 Policy MT1 of the Core Strategy and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 30 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 32 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where *‘the residual cumulative impacts of development are severe.’*(NPPF para. 32).
- 6.19 The Council’s Transportation Manager’s comments focus primarily on the junction between the A4111 and the private road that gives access to the site. They identify a specific need for the junction to be improved and a need for pedestrian connections to be improved. The improvements that have been identified rely on third party land being released; the suggestion being that the school should be engaged in this process. The school has been approached but have said that they would not be willing to provide land to facilitate the improvement of the junction.
- 6.20 It is accepted that improvements to the junction would be desirable but, in the absence of the co-operation of third parties, they are simply not achievable as shown by the photograph below:

Junction of the A4111 and private road leading to the application site



- 6.21 Policy MD1 of the EGNP does not make any specific requirement for junction improvements to be made to facilitate the development of the site. Policy T1 requires proposals to improve the safe delivery of pupils to the school and in your officers view the creation of the car park achieves this.
- 6.22 The allocation of the site for the purposes identified by Policy MD1 will inevitably bring about additional traffic movements and will also introduce more domestic vehicles into an area used substantially by HGV’s. Refusal of this application on the basis that it will bring about

unacceptable increases in vehicle movements at the junction of the A4111 and private road without improvements to it will effectively lead to a conclusion that the only site allocated for specific uses in the EGNP is not deliverable. On balance your officers are of the view that, whilst the development will have a negative impact as the junction is narrow and there will, at times, be conflict between vehicles using it, they are not so severe to warrant refusal. The proposal therefore complies with Policy MT1 of the Core Strategy and Policies T1 and T2 of the EGNP.

Noise

- 6.23 The results of an initial noise survey completed by the applicants acoustic consultant concluded that noise levels across the site were generally quite low, at levels around 50-55 dB LAeq,T during the day-time, and levels around 40-50 dB LAeq,T during the night time. However, it became evident to the Council that the survey had not taken into account noise generated by a mobile wood chipper on the industrial estate: it later transpired that the wood chipper had been out of action when the survey was completed. At the request of officers a further noise survey was carried out at the site to reassess noise levels.
- 6.24 The survey found that, when operating, the wood chipper was clearly audible across the proposed development site at levels around 55-57 dB LAeq,T. This compares with ambient levels in the absence of the wood chipper noise of around 50-55 dB as measured during the initial survey. These are external noise levels and do not account for any potential acoustic mitigation, other than the distance of the chipper from the site and the intervening industrial buildings which do, to so extent, act as a buffer.
- 6.25 Appropriate design criteria for acceptable maximum noise levels in habitable rooms of new residential developments are given in the World Health Organisation (WHO) document 'Guidelines for community noise', which recommends that "noise exceeding 45dB LAFmax should be limited, if possible" and that "for a good sleep, it is believed that indoor sound pressure levels should not exceed 45dB LAmax more than 10-15 times per night.
- 6.26 National Planning Policy Guidance offers some assistance on the matter of noise and says that:

Increasing noise exposure will at some point cause the significant observed adverse effect level boundary to be crossed. Above this level the noise causes a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. If the exposure is above this level the planning process should be used to avoid this effect occurring, by use of appropriate mitigation such as by altering the design and layout. Such decisions must be made taking account of the economic and social benefit of the activity causing the noise, but it is undesirable for such exposure to be caused.

At the highest extreme, noise exposure would cause extensive and sustained changes in behaviour without an ability to mitigate the effect of noise. The impacts on health and quality of life are such that regardless of the benefits of the activity causing the noise, this situation should be prevented from occurring.

- 6.27 Paragraph 123 of the NPPF also provides further advice on the determination of planning applications and says that:

Planning policies and decisions should aim to:

- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
- *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable*

restrictions put on them because of changes in nearby land uses since they were established;

- *and identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.*

6.28 The applicants have sought to address concerns raised by the Council's Environmental Health Officer by amending the illustrative layout and locating the proposed dwellings at a point furthest from the noise source. They have also indicated that an acoustic barrier will be provided along the eastern boundary of the site. In your officers view the applicants have demonstrated that they have had regard for noise and taken steps to mitigate its impact to the best of their abilities within the boundaries of the site. The illustrative layout provides parameters for development and, should planning permission be granted, it is recommended that it is referred to by condition. It is also recommended that the details of an acoustic barrier and measures to mitigate noise within each of the dwellings are provided before the commencement of development and that it should be erected / implemented before any of the dwellings are occupied.

Conclusion

7.1 The proposal is for development of the only site specifically allocated for development in the Eardisley Group Neighbourhood Plan. It is integral to the delivery of sites for facilities that have been identified by the local community as being necessary for the development and growth of the village. The plan has full weight, accords with the principles of the Core Strategy and therefore the principle of development is supported.

7.2 The determination of this application has identified that the site has some shortcomings; most notably the means of access via a private road and its junction with the A4111 and its close proximity to an existing industrial estate and its associated noise sources. The applicant has also provided information to demonstrate that the economic viability of developing the site is marginal and has requested that the application be determined on the basis that it will not provide affordable housing or Section 106 contributions

7.3 With the exception of affordable housing, the proposal will provide sites for all of the local facilities required by Policy MD1 of the EGNP. This is a material consideration that weighs heavily in favour of the development.

7.4 The Council's Environmental Health and Trading Standards Manager has identified the source of noise on the adjacent industrial estate; and particularly a wood chipping business, as having a potential negative impact on development. The amended illustrative layout positions dwellings at the furthest point away from the noise source as is possible and provides for an acoustic barrier along the shared boundary. Further mitigation should be employed in the construction of the dwellings themselves and on this basis it is the view of the case officer that this is the maximum that can be achieved to ensure the delivery of the allocated site.

7.5 The highway improvements that can be achieved at the junction of the private road serving the site and the A4111 are limited given the immediate proximity of third party land to either side. Conditions are recommended to secure the early delivery of the car park to be used by the school and other pedestrian improvements along the private road, which the applicant controls, as these will ensure improvements to highway safety by minimising conflicts between traffic and pedestrians. Whilst there will be highway impacts, these are not considered to be so severe to withhold planning permission.

7.6 The applicant's contention that the scheme would not be economically viable if it is to be required to deliver affordable housing and Section 106 contributions has been independently assessed by the District Valuers Office. They have concurred that the scheme would not be

viable and therefore officers are satisfied that approval absent of affordable housing and contributions is acceptable.

- 7.7 All other matters relevant to the determination of the proposal have been considered and this is reflected by the planning conditions recommended that are further necessary to regulate development in accordance with the tests prescribed at paragraph 204 of the NPPF. The application is accordingly recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A02 Time limit for submission of reserved matters (outline permission)**
- 2. A03 Time limit for commencement (outline permission)**
- 3. A04 Approval of reserved matters**
- 4. The submission of reserved matters in respect of layout, scale, appearance and landscaping and the implementation of the development shall be carried out in substantial accordance with the revised Proposed Site Plan – Drawing no. AL-20-01 Revision P7**

Reason: To define the terms of the permission and to conform to Herefordshire Local Plan - Core Strategy Policies LD1, LD2, LD3 and MT1 and Eardisley Group Neighbourhood Plan Policy MD1.

- 5. Prior to the commencement of any development written approval must be gained from the Local Planning Authority for a scheme of noise insulation and reduction measures for the proposed housing development. Any such scheme must ensure that sound levels in bedrooms of less than 30dB_LA_{eq} and 45dB_LA_{max}. can be achieved. The development shall be carried out in accordance with the approved details.**

Reason: To protect the residential amenities of the future occupiers of the properties and to comply with Policy SD1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 6. The recommendations set out in the ecologist's report from fpcr dated July 2015 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a working method statement for species mitigation and a habitat enhancement scheme integrated with the landscape scheme should be submitted to, and be approved in writing by, the local planning authority, and the scheme shall be implemented as approved.**

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment). To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

- 7. The recommendations for species and habitat enhancements set out in the recommendations of the ecologist's report from fpcr dated July 2015 should be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved. Prior to commencement of the development, an appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to inspect the site and implement the measures recommended to ensure there is no impact upon protected species by demolition of the building and clearance of the area. The results and actions from the inspection and additional protected species surveys with mitigation shall be relayed to the local planning authority upon completion.**

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment). To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework.

- 8. No building hereby permitted shall be occupied until the open space/play area have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. The submitted details shall:**
- i. provide information about the design of the open space/play area;**
 - ii. include a timetable for its implementation; and**
 - iii. provide a management and maintenance plan for the lifetime of the development**

Reason: Reason: To define the terms of the permission and to conform to Herefordshire Local Plan - Core Strategy Policies LD1, LD2, LD3 and MT1 and Eardisley Group Neighbourhood Plan Policy MD1.

- 9. Finished floor levels in the southern part of the site shall be set no lower than 71.84m AOD (600mm above the 1 in 1000 year level of 71.24m AOD)**

Reason: To protect the proposed dwellings from flood risk for the lifetime of the development and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 10. Flood storage compensation shall be carried out in accordance with the details submitted, including the FRA (Revision E dated November 2015) and Drawing No.13/237/104/C (Appendix D of the Hydraulic Modelling Report Addendum Revision A dated November 2015).**

Reason: To minimise flood risk and enhance the flooding regime of the local area and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 11. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:**
- a.) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice**
 - b.) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors.**
 - c.) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.**

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 12. The Remediation Scheme, as approved pursuant to condition no. 11 above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.**

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 13. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.**

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 14. CAJ – Parking – Estate Development**

Further information on the subject of this report is available from Mr A Banks on 01432 383085

15. **Development shall not begin in relation to the provision of road and highway drainage infrastructure until the engineering details and specification of the proposed roads and highway drains have been submitted to and approved in writing by the Local Planning Authority. No dwelling may be occupied until the road and highway drain serving the dwelling has been completed.**

Reason: To ensure an adequate and acceptable means of access is available before any dwelling is occupied and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy T2 of the Eardisley Group Neighbourhood Plan and the National Planning Policy Framework.

16. **Development shall not begin in until details of the improvements to pedestrian footways within the application site have been submitted to and approved in writing by the local planning authority. None of the dwellings hereby approved shall be occupied until the scheme has been constructed in accordance with the approved details.**

Reason: To ensure the safe and free flow of traffic on the highway and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy Plan, Policies T1 and T2 of the Eardisley Group Neighbourhood Plan and the National Planning Policy Framework.

17. **Prior to the occupation of any of the dwellings on site the car park shown on the revised Proposed Site Plan – Drawing no. AL-20-01 Revision P7 to serve Eardisley Primary School shall be properly constructed, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority. Its construction shall be carried out in accordance with the approved details.**

Reason: In order to ensure that highway improvements are provided at an early stage of the development and to protect the safety of school children as they are dropped off and collected from school, and to accord with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy Plan, Policies T1, T2 and MD1 of the Eardisley Group Neighbourhood Plan and the National Planning Policy Framework.

18. **Prior to the first occupation of any of the dwellings hereby approved a scheme for the provision of covered and secure cycle parking within the curtilage of each dwelling shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. The cycle parking shall be installed and made available for use prior to occupation of the dwelling to which it relates and shall be retained for the purpose of cycle parking in perpetuity.**

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform to the requirements of Policy MT1 of the Herefordshire Local Plan – Core Strategy, T1 of the Eardisley Group Neighbourhood Plan and the National Planning Policy Framework.

19. No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following details:
- a. Wheel cleaning apparatus which shall be operated and maintained during construction of the development hereby approved.
 - b. Parking for site operatives and visitors which shall be retained and kept available during construction of the development.
 - c. A noise management plan including a scheme for the monitoring of construction noise.
 - d. Details of working hours and hours for deliveries
 - e. A scheme for the control of dust arising from building and site works
 - f. A scheme for the management of all waste arising from the site
 - g. A travel plan for employees.

The agreed details of the CMP shall be implemented throughout the construction period.

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

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

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

21. Prior to the commencement of any development full details of surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details which should address the following:
- Provision of a detailed drainage drawing, including supporting calculations, showing the proposed surface and foul drainage networks including the location and size of all soakaways;
 - Soil infiltration rates (soil infiltration tests should be undertaken in accordance with BRE365 guidance) and groundwater levels;
 - If infiltration is not feasible on the site, evidence that the Applicant is providing sufficient on-site attenuation storage to ensure no flood risk to the development and no increased flood risk to third parties outside the development between the 1 in 1 year event and up to and including the 1 in 100 year rainfall event, with appropriate increase in rainfall intensity to

allow for the effects of future climate change. The Applicant should refer to the latest Environment Agency guidelines for climate change allowances at <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>;

- Evidence that the Applicant has considered the management of surface water runoff in extreme rainfall events;
- Demonstration that appropriate pollution control measures are in place prior to discharge;
- Evidence that the Applicant has sought and agreed all necessary permissions to discharge foul water from the site with the relevant authorities;
- Confirmation of the proposals for adoption and maintenance of the surface and foul water drainage strategies.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment, and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan Core Strategy.

22. No building shall be occupied until the drainage system for the site has been completed in accordance with the approved details. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment, and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan Core Strategy.

23. C57 – Restriction on use

24. Prior to the occupation of the 20th dwelling of the development hereby approved, sites for the provision of a new village hall and children’s day care centre shall be made good, serviced and be capable of development. The details of the works to be undertaken shall be submitted to and be agreed in writing by the local planning authority and shall be completed in accordance with the approved details.

Reason: To define the terms of the permission and to conform to Eardisley Group Neighbourhood Plan Policy MD1.

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. **I 09 Private apparatus within the highway**
3. **I 11 Mud on the highway**
4. **I 35 Highways Design Guide**
5. **I 41 Travel Plans**
6. **I 45 Works within the highway**
7. **All investigations of potentially contaminated sites to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission to discharge condition 11.**
8. **The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com.**

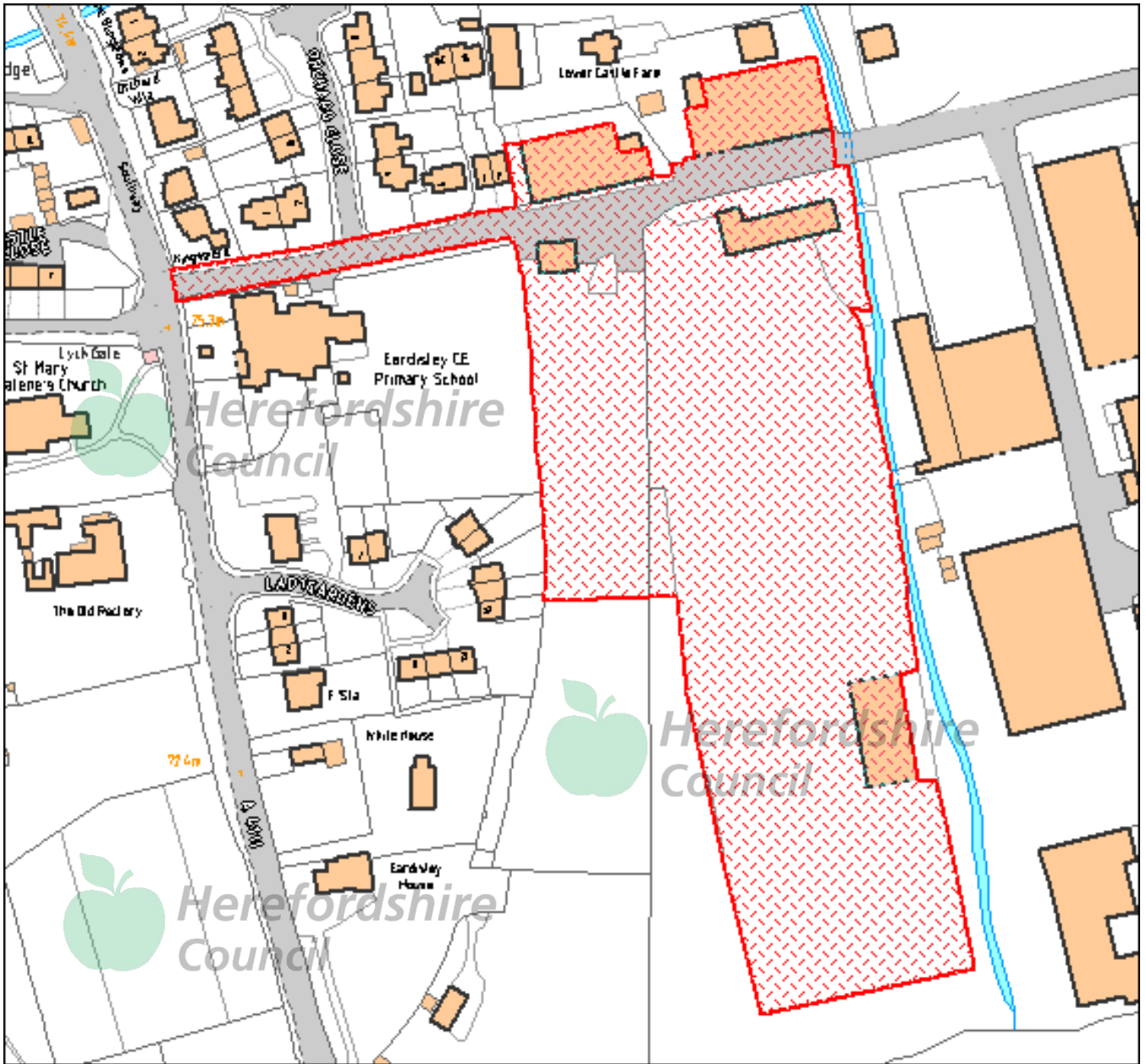
The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 152261

SITE ADDRESS : LAND AT FORMER OLD SAWMILLS, EARDISLEY, HEREFORDSHIRE, HR3 6NS

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