

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>4 OCTOBER 2017</b>
<b>TITLE OF REPORT:</b>	<p><b>171573 - SITE FOR THE PROPOSED ERECTION OF UP TO 10 DWELLINGS WITH GARAGES AND CONSTRUCTION OF ACCESS ROAD (IN LIEU OF PLANNING PERMISSION 151315 ON ADJACENT SITE). LAND ADJACENT TO GARRISON HOUSE, ORDNANCE CLOSE, MORETON-ON-LUGG, HEREFORDSHIRE.</b></p> <p><b>For: Mr Williams per Mr John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford HR1 1LH</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=171573&amp;search=171573">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=171573&amp;search=171573</a>
<b>Reason Application submitted to Committee – Re-direction</b>	

**Date Received: 3 May 2017**

**Ward: Sutton Walls**

**Grid Ref: 350283,245805**

**Expiry Date: 15 August 2017**

Local Member: Councillor KS Guthrie

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

- 1.1 The application site is located to the north west of the village of Moreton On Lugg. The site comprises an irregular shaped parcel of agricultural land that is 1.08 hectares in size. The site lies to the east of Ordnance Close, an un-adopted road that is accessed from the A49 and that currently serves nine dwellings, including Garrison House.
- 1.2 The site is currently laid to grass and has a number of trees to the boundaries and within the site itself. The trees are subject to a group Tree Preservation Order. To the east of the site lie the residential dwellings in St Peters Close, and to the south west the dwellings on St Andrews Close. To the north lies continued agricultural land with Moreton Business Park further to the north.
- 1.3 The application seeks outline planning permission with all matters bar access reserved for the erection of up to 10 dwellings with garages and the construction of the access road. The applicant has confirmed that it is the intention to develop this site as self build plots and as such seek a planning permission that would allow the construction of the access and site road with matters in respect of appearance, scale, layout and landscaping for each plot being considered at Reserved Matters stage by purchasers of these plots. It would remain possible, however, that the site could be developed as a whole.
- 1.4 In recognition of the principal on site constraint the application is supported by a Tree Survey, Arboricultural Impact Assessment (AIA) Arboricultural Method Statement and Tree Protection Plan. A Phase 1 Habitat Survey report has also been submitted along with a Sustainable Urban Drainage Scheme that includes results of a drainage inspection and percolation testing.

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

- 1.5 Plans have also been submitted that identify the access to the site from the A49 along Ordnance Close before accessing the site via the existing gateway and turning north east. The plans also show, indicatively, the position of the road, dwellings and garages, along with the position of the trees and the root protection areas. Extracts of these plans have been inserted below for ease of reference; the site location plan also showing the dwellings in St Peters Close and St Andrews Close.



Site Location Plan

Proposed Layout

- 1.6 The application has also been submitted on the basis that should planning permission be implemented, then the planning permission for nine dwellings on the adjoining land to the west i.e. Garrison House (151315), would not be implemented. The reason for this being based on the constraints of the highway network locally. These applications have been made by the same applicant and the land is in their control and ownership. A section 106 agreement would be entered into to ensure that only one of the planning permissions could be implemented.
- 1.7 Members may recall that the previous application (151315) was considered and approved by the Planning Committee on 28 October 2015 and that a site visit was undertaken at the time. You can see the details of this application online at:

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=151315&search=151315](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=151315&search=151315)

## 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	-	Addressing Climate Change
RA1	-	Rural Housing Strategy
RA2	-	Housing in settlements outside Hereford and the market towns.
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

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

[https://www.herefordshire.gov.uk/info/200185/local\\_plan/137/adopted\\_core\\_strategy/2](https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy/2)

## 2.2 National Planning Policy Framework

In particular chapters:

Introduction - Achieving sustainable development

Section 4 - Promoting sustainable communities

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

Section 12 - Conserving and enhancing the historic environment

- 2.3 Moreton On Lugg Neighbourhood Area was designated on 14 October 2013, but a plan is not being progressed. The Parish Council expressed within the minutes of their meeting dated 7th February 2017, that they were unlikely to continue and would prefer to be included within the Rural Area Development Plan Document (RADPD). Accordingly, neither the NDP nor the RADPD have any weight for the purpose of decision making on planning applications.

[https://www.herefordshire.gov.uk/info/200185/local\\_plan/298/rural\\_areas\\_site\\_allocation\\_development\\_plan\\_document](https://www.herefordshire.gov.uk/info/200185/local_plan/298/rural_areas_site_allocation_development_plan_document)

## 3. Planning History

- 3.1 SH860657PF - Residential Development – Planning Permission Refused  
(Larger site – 1.63 ha – refused on impact character and highway visibility)
- 3.2 SH890410/PO - Residential development of detached houses incorporating surgery – refused and dismissed on appeal.  
(Larger site – 1.57 ha – Impact upon character of area. Highways issues can be addressed by conditions)
- 3.3 SH900513PO – Residential development – Planning Permission Refused and dismissed on appeal.  
(0.5 ha - Impact on character of area when viewed from the A49. Highways refusal can be resolved by condition)
- 3.4 CW1999/2596/F – site for the proposed erection of a detached dwelling – refused and dismissed on appeal.  
(Outside of settlement boundary, impact on character and undermine recreation policy on protected space)
- 3.5 CW2002/3246 - removal of broken branch to trunk of horse chestnut tree
- 3.6 CW2002/3458 - felling of 1 scots pine
- 3.7 CW2007/2715 - to crown reduce one lime tree by 20%
- 3.8 130112 - Crown thin lower crown of 1 Tilia by 20%. Fell 3 Acer. Fell 4 Fraxinus. Retain 4 stems on 1 Fraxinus and coppice remaining. Retain 2 stems on 1 Fraxinus and coppice remaining.

Coppice 1 Fraxinus and pollard 1 Fraxinus. Fell 2 Crataegus. Fell 6 Aesculus. Remove pruningstubs and deadwood from 3 Quercus Robur

3.9 151315 – (adjacent site) Proposed demolition of existing house and erection of 9 dwellings – Approved with Conditions and Section 106 agreement. (Planning Committee 28/11/2015)

#### **4. Consultation Summary**

##### Statutory Consultations

#### 4.1 Highways England

Referring to the planning application reference above for the proposed erection of up to 10 dwellings with garages and construction of access road (in lieu of planning permission 151315 on adjacent site)... Highways England's formal recommendation is that we have No objection.

#### 4.2 Welsh Water

The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No development (including the raising or lowering of ground levels) will be permitted within 3 metres either side of the centreline of the public sewer.

A condition and advisory note is recommended.

#### 4.3 Natural England

As submitted, the application could have potential significant effects on the River Wye Special Area of Conservation and River Lugg Site of Special Scientific Interest. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

*Confirmation on foul sewerage connection and details of surface water management plan.*  
Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

*Natural England's advice on other issues is set out below.*

To avoid damage to the special interest of the River Wye Special Area of Conservation and River Lugg Site of Special Scientific Interest mentioned above, a condition requiring a Construction Environmental Management Plan should be submitted and agreed with the Local Planning Authority prior to the commencement of any works. The Construction Environmental Management Plan should describe how construction works will avoid damage to the designated site. In particular what measures will be in place in the event of a heavy rain fall to ensure that hazardous liquids and other building materials will not enter the river or pollute the river.

Additional information required:

- Confirmation from the relevant statutory body that connection to the mains sewer system (as proposed) is possible; and that the local public sewer system has the capacity to effectively manage the full increased volume of foul water that will produced by the development.

- How the potential increased run-off from new development will be managed and what system will be put in place to mitigate it. The details of mitigation measures proposed.

Further comments dated 22<sup>nd</sup> September 2017

No objection - subject to appropriate mitigation being secured

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of River Wye Special Area of Conservation
- damage or destroy the interest features for which River Lugg Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- *No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works, managing surface water discharge, has been submitted to and approved in writing by the Local Planning Authority. Any sustainable drainage systems to be constructed should be maintained for the lifetime of the development.*

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. Subject to the above appropriate mitigation being secured and confirmation of the connection to sewer mains for the treatment of foul effluent, we advise that the proposal can therefore be screened out from further stages in the Habitats Regulations Assessment process, as set out under Regulation 61 of the Habitats Regulations 2010, as amended.

Internal Council Consultations

**4.4 Conservation Manager (Ecology) (May 2017)**

The proposed development lies within the SSSI/SAC Impact Risk Zone “Any discharge of water including to mains sewer” whereby Natural England should be a statutory consultee. The application will also have to be assessed by this authority through a Habitat Regulations Assessment Screening to ensure that all ‘likely significant effects’ on the SAC/SSSI are fully mitigated. This assessment needs to be undertaken BEFORE any determination can be made. I note from the supporting information that surface water will be managed by on-site soakaway systems and hence the development would have no immediate impacts upon local surface water management. Connection to the mains sewer system is proposed for foul water from the development. In order to allow Natural England to assess the application and for this authority to undertake the required screening I would request:-

*Confirmation from the relevant statutory body that connection to the mains sewer system (as proposed) is possible; and that the local public sewer system has the capacity to effectively manage the full increased volume of foul water that will produced by the development.*

Other possible ‘likely significant effects’ can be managed and mitigated through appropriate conditions requiring the submission of a Construction Environmental Management Plan. (I note that there are significant trees on the proposed site, including TPO trees and an arboriculture report has been supplied that our Tree Officer should be consulted on. Approved tree and hedgerow protection plans and working methods should be included in the CEMP along with all relevant ecological Risk Avoidance Measure and details of how all other construction process potential pollutants, contaminants, spills and discharges will be managed and mitigated.

## Nature Conservation Protection

*Before any work begins, equipment or materials moved on to site, a Construction Environmental Management Plan (CEMP) shall be supplied to the planning authority for written approval. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have been finally removed.*

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006

Having reviewed the very slim walkover ecological survey I would have to request that this is fully revisited and resubmitted at Reserved Matters, as there is no mention of the protected species (otter, grass snake and bats) that have been historically recorded on or within 500m of the site and so should be considered in more detail. It would appear the 'desktop' element of the report has been omitted as a search through the local Biological Records Centre would have raised these records and allowed the relevant detailed survey work and further considerations to be carried out prior to submission of existing report. A more detailed review of local records, detailed Optimal Period surveys and reference to all reptiles and more consideration for use of the area by commuting and foraging bats is requested – this could be provided prior to Outline determination otherwise more detailed Optimal Period surveys and report will be required under Reserved Matters – suggested Condition are inserted in the recommendation below.

Subject to confirmation that connection to the public sewer is possible and that sufficient capacity exists within this sewer system; and with the inclusion of the suggested full ecological surveys, CEMP and biodiversity enhancement scheme, I am happy that I can conclude through HRA review that this development should offer NO unmitigated 'likely significant effects' on the relevant SAC/SSSI IRZ and I would have no objection to the proposed development.

Confirmation has since been received and the Ecologist has confirmation that they can conclude with this confirmed and conditions based on my suggestions I am happy that this development should show no unmitigated 'Likely Significant Effects' on the SAC/SSSI and local ecology.

### 4.5 Conservation Manager (Landscape):

From a landscape position I have no objection to the principle of residential development upon the site and I consider that the indicative drawings demonstrate that there is capacity for 10 dwellings.

There are a number of aspects in relation to the landscape features on site and the nature of the proposal which I would draw to the attention of the planning officer:

- There are a number of trees on site which contribute in a large way to its landscape character and these should be retained. I am aware that these trees are protected as part of a Tree Preservation Order and as the submitted tree survey indicates many of these trees are category A or B quality. I do not intend to comment any further in respect of the trees as I am aware that the Tree Officer has been consulted and will comment in due course.
- In terms of the settlement pattern of Moreton on Lugg the site lies immediately north, adjacent to existing built form within the village. For the most part the site lies within the landscape character type; Principal Settled Farmlands, however the northernmost tip extends into Riverside Meadows. Given that Riverside Meadows is an essentially unsettled landscape built form should not extend into this type and the layout of the proposal should

reflect this transition between villagescape and open countryside. I consider that this view is consistent with the advice given at the pre-application stage in 2016.

- Currently the quality of treatment of the boundaries is varied, most likely due to the fact that it has developed in an ad hoc manner. Historic maps indicate that the site was originally part of a larger field that has been subdivided and developed around during recent years. The northern boundary which is currently delineated by fencing would benefit from a substantial landscape buffer to filter views of the proposal from the surrounding open countryside. The eastern boundary which meets rear gardens off St Peter's Close also needs consideration. I would recommend hedgerow planting with intermittent trees, particularly at the south eastern end where residential amenity of 118 and 120 could be affected.
- Finally I note that on mapping that there appears to be a link between the C1120 and the site, I have not checked this on site, however I think it is important to establish a pedestrian link between the site and the village and would recommend that this be opened up if possible.
- Landscaping plans and proposed management can be submitted via a condition as part of the reserved matters.

#### 4.6 **Conservation Manager (Tree Officer)** (Original response - July 2017)

1. All trees are covered by a tree preservation order (TPO227/A3) which was confirmed in 1987. The age of the trees recorded during the tree survey suggest that these were present when the TPO was made.
2. I note that the layout does incorporate all of these protected trees in to the scheme. However, due to their size and species type, this may be inappropriate. It may be practically viable to incorporate the trees, but I have concerns that they will become subject to post development pressures. Large trees in close proximity to new dwellings can present an overbearing effect to their occupants, which then may lead to questions being asked regarding the tree safety and the associated pruning or felling. As these trees are important within the landscape, I feel that these potential pressures could be avoided through major layout changes.
3. The areas of most concern relate to trees adjacent to Plots 1, 4, 5, 6, 7 and 10. Even though the new dwellings are set outside the root protection areas of these trees, it doesn't automatically mean that it is acceptable. As well as the size of the trees (and overbearing effect), trees to the south of Plots 4, 6, 7 and 10 would also present a light availability issues.
4. There may be scope to remove some of the less important trees to allow successful retention of the better trees but this will require further consultation with the LPA.
5. The tree constraints plan does not have reference numbers for each tree which means that it is difficult to identify them and their species type against the layout, and therefore difficult to establish their appropriateness. This plan should be updated with these reference numbers to correlate with the tree survey.
6. Although the AIA (Stretton Tree Services\_28<sup>th</sup> Feb\_2017) states in paragraph 7.1, that there will have to be no facilitation pruning to implement the development proposals, I note that canopies of trees adjacent to Plot 1 and 10 will require pruning works to enable scaffolding to be erected/construction of dwellings. The BS5837:2012 tree survey did not record the canopy spreads of the trees at each cardinal point, lowest branch direction and canopy height (which is a requirement of a BS5837 tree survey). This would help position

dwelling and give a true indication to where facilitation pruning will be required. This should be updated to include this information.

7. The submitted Arboricultural Method Statement (AMS) (Stretton tree services) did not include a full tree protection plan and the information contained within seemed very generic. I consider that a more site specific AMS will be required if the application progresses. This should include specific details on all construction activities close to trees which could impact their overall health and a specification drawing for the tree protection fencing.
8. Tree 2504 within the tree survey is identified as 'Young' in age but the height was measured at 16m with a stem diameter of 370mm, is this correct?

I consider that a reduction of plot numbers and layout change should be implemented to allow additional space around retained trees. This will ensure their longevity within the landscape and not present conflicts with future residents. I therefore object to the current development proposals.

#### Comments in relation to amended site layout - September 2017

I have seen the amended site layout which now positions the indicative locations of the properties outside of the Root Protection Areas. Therefore I do not have an objection to the proposals.

The report does state that no felling or facilitation pruning will be required therefore any future tree work will require a separate planning application because the trees on the site are protected by Tree Preservation Order 227 G3.

A condition is recommended to ensure protection during construction and this is detailed in the recommendation section below.

#### **4.7 Transportation Manager:**

Highways England have submitted a no objection to the proposal and the impact on the A49

The Estate prior to the proposed development is a private road which is functional but not to adoptable standards, as such it would not be adopted by the council

Previous application approved with conditions for 9 houses 151315 on the adjacent site. I understand the application is a replacement to the extant permission and only one site will be developed.

The application is for outline, as such, access is considered along with the indicative layout plan. The internal layout has a straight section which may introduce higher speeds the councils design guide which require the speeds to be contained to 15mph. If the straight is to remain, other features will be required to fulfil that function, this will need to be conditioned.

If the above can be incorporated into the scheme, the intensification is not significant and if you are minded to approve, the attached conditions and informatives are required to make the development acceptable in highway terms.

#### **4.8 Environmental Health Officer (Contaminated Land):**

According to our records, the proposed development is, in part, within 250m of an unauthorised tip. This is a potentially contaminative use. As such I'd recommend conditions (included in the recommendation section below)



#### 4.9 Land Drainage Officer:

In principle we do not object to the proposals, however we recommend that the following information is provided within suitably worded planning conditions:

- 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;
- Evidence of infiltration testing results undertaken in accordance with BRE365;
- Evidence that the Applicant has sought and agreed permissions to discharge foul water from the site with the relevant authorities;
- Demonstration that appropriate pollution control measures are in place prior to discharge;
- Confirmation of the proposed authority responsible for the adoption and maintenance of the proposed drainage systems;

#### 5. Representations

##### 5.1 Moreton-on-Lugg Parish Council has made the following comments:

Residents were invited to voice their comments on the amended application. It was noted that many residents have expressed their personal feelings by sending in individual letters of objection to the Planning Officer.

The Parish Council's objections are primarily based on:

1. The increased traffic along the un-adopted road known as Ordnance Close.
2. Already there have been 3 fatalities on the A49 since 2009 – sadly all of these within 500 yards of the entrance to Ordnance Close which is almost opposite the entrance to Upper House Farm. The Parish Council were reminded that the farm has planning permission to double its existing chicken houses from 3 to 6 which will create double the amount of large slow-moving vehicles entering and leaving the A49.
3. These additional slow-moving vehicles together with the planned extra vehicles turning into and leaving Ordnance Close are bound to cause a massive hazard for other road users.
4. Major concerns with regard to speed along this stretch of road have already been acknowledged and there have been repeated requests for the speed limit to be reviewed and reduced to 50mph – these requests have been denied.
5. At present the traffic is fast moving from both directions which will be forced to dramatically slow down – without any pre-warning signs - to allow vehicles to turn into Ordnance Close and/or Church House Farm. The likelihood of following fast moving traffic shunting into each other must be viewed as a dangerous even life-threatening possibility.
6. It was acknowledged that future planning applications for adjacent fields are very likely to be submitted, even linked into this development, which would again increase the usage of the un-adopted Ordnance Close with its associated access to and from the A49 The Parish

Council uphold all observations, objections and complaints with regard to the additional traffic and problems it could cause both along the un-adopted Ordnance Close; access on to and from the A49 and therefore wish to illustrate by means of this letter their objection to the amended planning application for land adjacent to Garrison House, Moreton on Lugg.

5.2 44 letters of objection have been received plus a petition of 40 signatures who are against the development. The content of these can be summarised as follows:

#### Highway Safety

- Junction with A49 is dangerous, perilous and woefully inadequate with frequent near misses and 2 fatalities;
- Would be danger not just for those using Ordnance Close but all road users.
- Hair pin bend on approach from north
- Accidents when indicating to turn right, hit from the rear
- Without a filter lane to turn right there is confusion
- Proliferation of signs and new cycleway do not help.
- Concern during construction phases – larger vehicles
- No consideration of pedestrians – conflict of users with no footway for last 40m.
- Long walk to services and concern for children getting to the bus stop for school
- The proposal will be a major traffic increase on a road not designed for that purpose.
- Additional traffic and use of the A49 has not been considered – including the poultry sheds, application at Church Farm (Moreton-on-Lugg), the increase in activity at Moreton Park and impact of the large residential developments in Hereford.

#### Legal Issues / Rights of Way

- Ordnance Close is a private road
- Maintenance is currently the residents' responsibility – who would be responsible for maintenance with the excess wear and tear?
- Council should not override the wishes of local residents in respect of who can use the private road.

#### Biodiversity and loss of Green Space

- Site is a valuable wildlife site in Herefordshire and should be encouraged not destroyed.
- There has been a decline in wildlife as this has been discouraged.
- The constant mowing of the site has discouraged flora and fauna and there has been a systematic destruction of the site that has made it inhospitable.
- Former meadow
- Adjoining sites are still rich in biodiversity and wildlife.
- Used to be used for grazing of animals and horses.
- Sighting of woodpeckers (regularly) and other species that are in decline
- Trees have been providing a safe haven
- Site was saved as recreational / open space and should remain as such. Greenspace is important for all to enjoy.
- Dispute the findings of the reports submitted with the application
- Increased noise and light pollution will have an impact upon biodiversity.
- Access to this field has only been restricted for a couple of years.
- Conflict in comments from ecologist and Tree Consultant and presence of bat roosts.
- Roost in neighbouring properties.

## Trees

- Number of trees that have been felled in last few years have been noted. Felt that this is deliberate to facilitate the development of the site.
- TPO's should be upheld. They seem to have lost their integrity? Have these been checked properly?
- Concern that the trees removed were not diseased as stated as have been in full bloom historically from season to season.
- Previously advised trees could not be felled as TPO'd.
- Concern that TPO'd trees outside of the site will be affected by development phases.

## Amenity and Privacy

- Trees not identified on the surveys have been removed by the applicant – they were healthy.
- The development will affect the Roots of the trees.
- Proposed dwellings will mean a complete loss of privacy and amenity depriving occupants of the enjoyment of using their conservatory, gardens and decking.
- Loss of outlook across the open field.
- Impact of noise, dust, disturbance during the construction phases.
- Reduced number of trees has meant that the industrial buildings can be seen and reduced noise mitigation for dwellings.
- Loss of amenity due to disturbance of the additional vehicles travelling along Ordnance Close.

## Drainage

- Change of use of the land will change the hydrologic properties of the land and could result in flood risk
- Potential impacts upon the SSSI / SAC
- Would welsh water systems be able to cope?

## Other Issues

- No benefits to the local residents or the village
- Four previous refusals on the grounds of environment and highway safety – no change so should be upheld
- The site is not located in a sustainable location or village
- Application lacks vital information
- Site was MOD owned and former Prisoner of War camp - concern about potential contamination and bunkers being located within the site. Potential asbestos from buildings?
- Houses are not needed and large detached four bed houses are not needed locally
- The site will always be detached from the rest of the village
- SHLAA designated this as land with significant constraints
- Concern that the two developments will go ahead – how will this be prevented?
- Concern that the further fields will be developed
- Loss of value of properties locally due to development
- OS map base is incorrect and gardens of 21 – 25 St Andrews Close extend to site boundary.
- Is there sufficient primary school capacity to accommodate these properties?
- Potential for an impact on Village Park that backs onto the site.

5.3 The applicant has also submitted a letter of support, responding to the representations. This can be summarised as follows:

- The Highways Agency has said the junction meets all the standards. This advice is as per the previous application for essentially the same number houses.
- The tree protection order covers the whole field, not individual trees. Shortly after I purchased the field a full tree survey was undertaken. Permission was obtained and only trees where I had express permission to remove or prune them have been touched. The only exception to this would be the twin stemmed Ash that was felled on 28th February 2017 as a matter of emergency following a report (with photos) sent by Dan Stretton the tree surgeon and agreed by the Councils Tree Officer.
- All the trees that remain in the field now are to stay and will not be affected in any way by the building process or the new houses - as per the requirements & restrictions set out in the 2<sup>nd</sup> survey.
- Privacy & landscaping - The indicative layout clearly shows all houses would be at least 20 meters away which I understand meets the specifications for privacy. Happy to discuss erecting a 2 metre high close boarded fence round the entire perimeter of the site if this allows people not to feel over-looked. I would also undertake to plant suitable hedging and trees on the northern boundary or wherever else were deemed appropriate. One great advantage of a 1 hectare plot with many mature trees already present and just 10 houses appropriately spaced between them is that the site will have an "established" feel straight away unlike so many new "estates" built on greenfield sites.
- Wildlife – I cut the grass once a week not because I want to damage or destroy the wildlife but rather I like the effect of creating park like grounds. Also regular cutting keeps the weeds down without using pesticides. Rabbits and moles are considered pests and I have done my best to eradicate them. There were many bats around before I started mowing the field and there are just as many now. The latest tree report specifically mentions them roosting in the large Oak near the eastern boundary as does the habitat survey. The flowers, plants and hedging of 10 separate gardens is likely to encourage more not less wildlife and of course all the houses would have to be fitted with bat box's in line with current requirements.
- Meadow – Had been rented 15 years previously and then unoccupied for 3 years when purchased in 2012. It was full of weeds, brambles and nettles, six feet high in places. Garden rubbish had also been tipped.
- Position within the village – distance from the end of St. Peters Close and the furthest point of the proposed development the distance to the shop, chip shop, church, church hall etc. is much the same. If you were going to the bus stop on the A49 from the end of St. Peters Close it would be some 200 yards more compared with the proposed development site. Site is no more remote or removed than many other parts of the village and in fact much closer than some.
- Loss of amenity of an Open Space – Site never been common land or a public park. Parish Council were gifted some 4 acres of land which includes a wood, field, play area and park used as open space.
- Previous Planning history – policy position has changed over time.
- If this application is successful the current approved development for the Garrison House site will be deleted via a section 106 agreement.

- 5.4 The consultation responses summarised above 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=171573&search=171573](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=171573&search=171573)

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

- 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."*

Policy Context

- 6.2 The Herefordshire Local Plan - Core Strategy (CS) is the development plan for the area and a range of relevant CS policies are listed above. The strategic Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the NPPF. SS1 confirms that proposals that accord with the policies of the CS (and, where relevant other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise. SS1 also imports an equivalent of the NPPF paragraph 14 'test' where relevant policies are out-of-date, stating that permission will be granted unless material considerations indicate otherwise – taking into account whether “any adverse impacts of granting permission would *significantly* and *demonstrably* outweigh the benefits when assessed against the policies in national policy taken as a whole or specific elements of national policy indicate that development should be restricted.
- 6.3 It is also the case that the Council cannot demonstrate a 5 year housing land supply with requisite buffer. This year's Annual Monitoring Report confirms a supply of 4.54 years. This is relevant insofar as the CS and NPPF both seek to boost significantly the supply of housing and confirm that housing applications should be considered in the context of the positive presumption. As a consequence of the housing land supply position, the policies in the Core Strategy relating to the supply of housing are out of date by reason of paragraph 49 of the NPPF. Although these policies are out of date, the weight that they should receive is a matter of planning judgment for the decision-maker.
- 6.4 As per the NPPF, the delivery of sustainable housing development to meet objectively assessed need is a central theme of the CS. Policy SS2 'Delivering new homes' confirms that Hereford, with the market towns in the tier below, is the main focus for new housing development. In the rural areas new housing development will be acceptable *"where it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community."*
- 6.5 Policy RA1, Rural housing distribution, explains that the minimum 5,300 new dwellings will be distributed across seven Housing Market Areas (HMAs). This recognises that different parts of the County have differing housing needs and requirements. The Parish of Moreton-on-Lugg lies within the rural part of the Hereford HMA, which is tasked with an indicative housing growth target of 18% (1870 dwellings).
- 6.6 The Core Strategy identifies Moreton-on-Lugg as one of the County's rural settlements that will be the main focus for proportionate housing growth in the plan period to 2031. Policy RA1 calculates an indicative housing growth target for the Parish, based on an increase of 18% of

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

existing dwellings for the Hereford Housing Market Area. This amounts to a minimum of 63 new dwellings for the plan period. Commitments and completions total 14 leaving a residual figure of 49 new dwellings. The commitments include the 9 dwellings approved under the associated application at Garrison House (151315), which would fall away if this proposal is approved. This target is to be used as a basis for the production of Neighbourhood Development Plans (NDPs) where local evidence and environmental factors will determine the appropriate scale of development. The Core Strategy leaves flexibility for NDPs to identify the most suitable housing sites. Whilst the neighbourhood area for Moreton-on-Lugg was designated in October 2013, the Parish has since withdrawn from the Neighbourhood Planning process. Moreton on Lugg will therefore be included in an upcoming Rural Areas Site Allocations Development Plan Document (RASADPD)

6.7 As an identified settlement, Policy RA2 (Housing in settlements outside Hereford and the market towns) is relevant. The policy states:

“Housing proposals will be permitted where the following criteria are met:

1. *Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area. In relation to smaller settlements identified in fig 4.15 proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement and/or they result in development that contributes to or is essential to the social well-being of the settlement concerned;*
2. *Their locations make best and full use of suitable brownfield sites wherever possible;*
3. *They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting; and*
4. *They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlements, reflecting local demand.*

*Specific proposals for the delivery of local need housing will be particularly supported where they meet an identified need and their long-term retention as local needs housing is secured as such”*

6.8 Ordnance Close comprises a cul-de-sac of two storey dwellings with those to the north being semi-detached properties, with the exception of Garrison House, and those to the south being detached properties. The dwellings have good sized residential curtilages and off road parking. The frontages of the properties that are seen on the approach to this site are predominately open plan and laid to lawn. The areas to its south and east are also predominantly residential areas, again consisting of detached and semi-detached dwellings with off road parking and gardens. The site has a clear relationship with the built form of these areas and its northern boundary has considered to ensure that this does not protrude beyond the boundaries of these residential properties.

6.9 Officers are satisfied that this site lies adjacent to the main built up part of the settlement. Its design and layout would be in the form of a cul-de-sac, interspersed with mature trees. This is consistent with the local context and area, with a density also comparable to its surroundings.

6.10 The application is outline only with all matters reserved except for access, which is gained via Ordnance Close. Whilst an indicative plan has been submitted with the application, the layout, scale, appearance and landscaping would form part of a Reserved Matters application. The indicative plan has been provided to demonstrate that the site can accommodate 10 dwellings having regard to the site context and constraints such as the TPO trees and drainage.

- 6.11 The applicant has confirmed that it would be the intention to develop the site for 'self build plots. Therefore the access road would be constructed and plots sold on a plot by plot basis. Reserved matters applications would therefore be submitted that would need to deal with the details that are reserved. It is at the Reserved Matters stage that some of the matters and concerns being raised by objectors to the proposal would be addressed e.g. layout relative to adjoining properties, propensity for overlooking, landscaping and boundary treatments. This application seeks only to establish the principle of developing up to 10 dwellings on the site, along with the means of access.

#### *Landscape Character*

- 6.12 The requirements of RA2 are underpinned by Policy LD1 Landscape and townscape. Development proposals need to demonstrate that features such as scale and site selection have been positively influenced by the character of the landscape and townscape, and that regard has also been had to the protection and enhancement of the setting of settlements. Development proposals should also conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including locally designated parks and gardens; and should incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings.
- 6.13 In addition, proposals should maintain and extend tree cover where important to amenity, through the retention of important trees, appropriate replacement of trees lost through development, and new planting to support green infrastructure.
- 6.14 Representations make reference to the appeals on the site from the 1980's and 1990's that did, amongst other issues of protected open space and highway safety, have reference to the impact upon the character of the area and landscape on the edge of the settlement.
- 6.15 The Councils landscape officer has considered the proposal in its current context and their assessment is provided above. No objection has been raised but it is acknowledged that the retention of the trees (as proposed) and the provision of a detailed landscaping plan that has particular regard to the boundaries will be important. These matters will be considered at Reserved Matters stage.
- 6.16 Officers would also advise that when considering the degree of adverse impact upon the landscape it is accepted that the site is undesignated and its immediate surroundings have already undergone substantial change during the 20<sup>th</sup> century. The policy context from the decisions around 30 years ago is also significantly different; insofar as the positive presumption now applies in circumstances where the Council cannot demonstrate a 5-year supply with buffer.

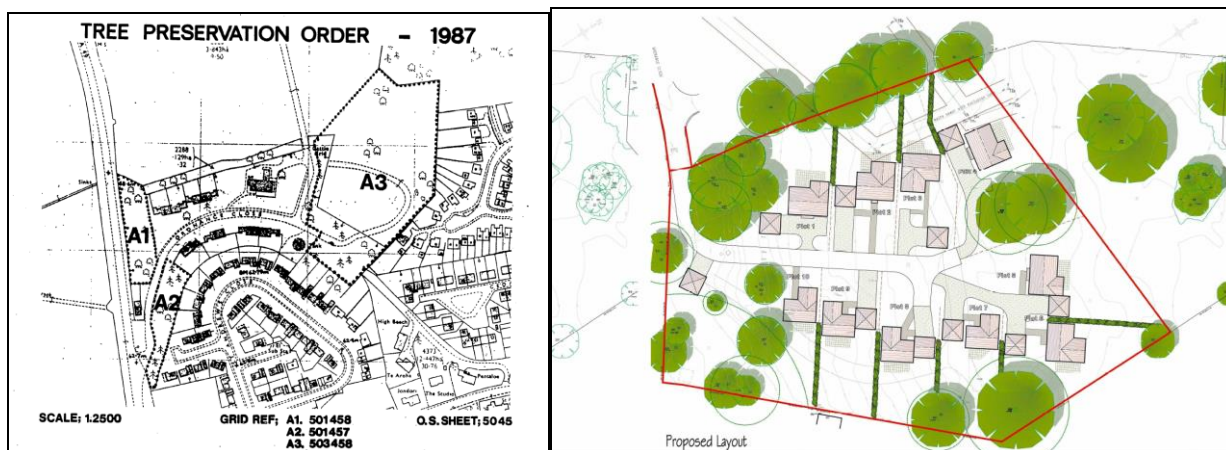
#### *Trees and Open Space*

- 6.17 As noted in representations received the application site has formerly been designated as protected open space within development plans, including the Unitary Development Plan. The site has never been public open space, although it would appear that there may have been a desire for this at some point in the past. The site is no longer designated and is afforded no protection in this way. This matter could have been the preserve of the NDP were one being pursued.

- 6.18 The site is also subject to a group Tree Preservation Order (A3 on plan below) and the relevant reports have been submitted with the application. This TPO was served in 1987, and was confirmed in 1989. The area is described as consisting mainly of ash, birch and beech and the reason for the order being:

*That these three areas are planted with a wide variety of tree species of varying ages which form an important feature of Ordnance Close and the surrounding area. The Secretary of State for defence has indicated that the land could be used for residential use and this Order will safeguard the trees should the land cease to be Crown Land or becomes subject to a private interest.*

- 6.19 As detailed above, these trees have been subject to a number of applications and permission has been obtained for the removal of and works to trees. The application does not propose the removal of any of the remaining trees and plans have been amended to address concerns raised and demonstrate that the proposal can be undertaken whilst respecting these remaining trees and their root protection areas. Careful consideration will be needed at reserved matters stage to ensure siting of the dwellings within each plot continues to preserve the protected trees in accordance with the requirements of policy LD2 of the Herefordshire Local Plan and guidance contained within the National Planning Policy Framework. Conditions are recommended to ensure protection during construction phases.



TPO Plan

Proposed layout (indicative)

- 6.20 This application does not propose any works to the trees and any works would require separate applications and consent.

#### *Biodiversity*

- 6.21 The application submission has been supported by a Phase 1 Habitat survey. Policy LD2 of the Core Strategy seeks to ensure that development proposals conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire. It is noted that local residents raise concern about the site's biodiversity value being undermined in recent years but also raise concern about the impacts of the development on the wildlife in the area. The Council's Ecologist raises some concerns about the level of survey work but is satisfied that, with the conditions suggested that require much more detailed reports before works commence and before reserved matters stages, that the proposal would comply with the requirements of the policy. Detailed landscape plans should also include reference to the ecological recommendations and enhancement that can be achieved with appropriate planting, mitigation and protection. Conditions are suggested below.



- 6.22 As advised above by both Natural England and the Councils Ecologist, the application could have potential significant effects on the River Wye Special Area of Conservation and River Lugg Site of Special Scientific Interest and it was therefore important to clarify the Drainage Arrangements for the site. Welsh Water have not raised any objection to the mains connection and further details in relation to surface water have confirmed the use of soakways. The Councils ecologist has confirmed that this approach is acceptable and that it will be able to confirm no likely significant effects on the SSSI and SAC. Natural England have been re-consulted upon the receipt of the Welsh Water comments and we await their response to this matter.
- 6.23 In addition to this, and to avoid damage to the special interest of the River Wye Special Area of Conservation and River Lugg Site of Special Scientific Interest mentioned above, a condition is recommended that requires a Construction Environmental Management Plan to be submitted and agreed with the Local Planning Authority prior to the commencement of any works.
- 6.24 Therefore, subject to the confirmation from Natural England, matters raised in respect of the ecological impact of the drainage proposals have been addressed with the confirmation of a mains connection for foul drainage. A detailed condition is also recommended in this respect of the drainage arrangements for the site and it is expect that this should also be detailed at Reserved Matters Stages.

#### *Design and Amenity*

- 6.25 Core Strategy policy SD1 (Sustainable Design and Energy Efficiency) seeks to secure high quality design and well planned development, that contributes positively to the character of the area and that development successfully integrates into the existing built, natural and historic environment. This policy also seeks the inclusion of physical sustainability measures, including orientation of buildings, provision of water conservation measures, storage for bicycles and waste, including provision for recycling and enabling renewable energy and energy conservation infrastructure.
- 6.26 Policy SD3 deals, among other things, with water consumption and a condition is recommended to address this requirement. The use of sustainable construction methods is also pursued in this policy.
- 6.27 These requirements must be considered alongside those of residential amenity in the progression of any approval. The concerns of the local residents and neighbours about loss of privacy and amenity would need to be carefully considered in the siting, orientation and design of the dwellings. However the indicative plan has been provided that demonstrates that dwellings can be sited to ensure that adequate distances to the dwellings on St Peters Close are provided to allow for acceptable relationships between the dwellings. It is appreciated that the current occupants have enjoyed the benefit of an open view and that there amenity will be affected by the development. However, these relationships in such areas are not uncommon and would not form the basis of a reason for refusal. A condition requiring the details of new boundary treatments is also recommended to ensure that privacy is further protected for existing and proposed occupants.

#### **Highway Safety**

- 6.28 Ordnance Close is a privately owned road that is dual width and has a footway running along its northern side, crossing to the south side at the approach to the A49 Junction with the exception of a short stretch. There is good pedestrian connectivity to the main village, via the footway along the A49 and back towards the village and its services, as well as access to the bus stop on the A49. In 2015 a new cycleway and improvements were delivered as a part of the Moreton Business Park development.

6.29 Local residents raise three key issues:

1. The access to the site is via an un-adopted road that is not entirely in the ownership of the applicant and that residents share the cost of maintaining;
2. Highway safety issues in respect of the junction of Ordnance Close and the A49 (intensification of use and highway safety)
3. Pedestrian safety

6.30 These issues, including the legal position of ownership and maintenance were very carefully considered and explored during the determination of the application for the 9 houses on the adjoining site. It was concluded at this point that the un-adopted road *is* capable of absorbing the additional traffic movements without detriment to highway or pedestrian safety. In that respect it complies with the requirements of policy MT1 of the Core Strategy. This application will effectively replace this planning permission (and this will be secured by a legal agreement). This application seeks permission for up to 10 units and therefore there is potential for movements of one additional dwelling (plus Garrison House) but this slight increase is not considered to be critical to the capabilities of the use of Ordnance Close and no objection is raised.

6.31 Objections have also been raised to the proposal having specific regard to highway safety at the junction of the A49 and Ordnance Close. These concerns relate primarily to the movements required when entering the site from both the north and south where vehicles are slowing or stopping to turn and where other vehicles using the A49 have to slow to accommodate this. Objectors also note the recent accidents on the A49 (recorded and not reported or recorded) in the locality and the concern about the speeds along this highway.

6.32 Highways England has the jurisdiction over the A49 and as such they are the Statutory Consultee in this instance. As per the previous application, where this issue was explored in some detail, they raise no objection to this proposal. This comment has been given on the basis of this application being in lieu of the one that has already gained approval. On this basis, officers are of the opinion that the proposal would comply with the requirements of policy MT1 of the Core Strategy and with the requirements of paragraph 32 of the NPPF that states that development should only be prevented or refused on transport grounds where the residual cumulative impact of the development are severe.

6.33 Comments have also been raised about pedestrian connectivity of the site to the village. Ordnance Close has a footway until a point with a 40 / 50m section being along the private road before joining with the relatively new path and cycleway on the A49. This footway continues through the village. During the last application the possibility of creating a footway along this stretch was considered as the land to the east of the roadway is also in the applicant's control. However, concern was expressed that this would lead to the loss of the trees, that are also subject of a group TPO, along this frontage. It was concluded that the speeds and visibility on this section were acceptable to share with pedestrians for this short section and this decision is a material consideration in the determination of this application. The possibility of providing a footway connection from the site to the main village along the driveway that serves the dwelling known as Pentaloe (opposite the church) was also considered but this is not in the control or ownership of the applicant and was not considered as a possibility.

### ***Section 106 contributions and Affordable Housing provision***

6.34 Policy H1 of the Core Strategy established the affordable housing targets for the County. This policy states that all new open market housing proposals on sites of more than 10 dwellings which have a maximum combined gross floor space of more than 1000 sqm will be expected to contribute towards meeting affordable housing needs. This application relates to a development

under the threshold of ten dwellings and as such there is no requirement for affordable housing. In line with guidance contained within the national Planning Practice Guidance, the scheme also falls below the threshold for section 106 contributions.

- 6.35 In this instance, the section 106 agreement is needed to ensure that only one of the proposed schemes is implemented.

### **Conclusions**

- 6.36 Both Core Strategy policy SS1 and paragraph 14 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that development should be approved where they accord with the development plan. The sites location is well located to the main settlement of Moreton-on-Lugg and has good access to local services and public transport offering a genuine opportunity for alternative means of travel to its occupants. The principle of development is considered to be acceptable, with detailed design matters being considered in the Reserved Matters stage to ensure compliance with, in particular Policies RA2, SD1, LD1 and LD2 of the Core Strategy.
- 6.37 Officers are of the opinion that the existing un-adopted road that serves the development is sufficient to absorb the additional traffic generated from the development and Highways England have raised no objection to the proposed development. The concerns raised by the Parish Council and local residents have been carefully considered but officers are still of the opinion that this relatively small scale development would comply with the requirements of policy MT1 of the Core Strategy and with the guidance contained within the National Planning Policy Framework. The fact that this application replaces that previously approved on the adjoining site is also a material consideration and a legal agreement will ensure that this matter is secured.
- 6.38 Matters of impact upon biodiversity, landscape character and the impact upon the protected trees have been carefully considered and it is resolved that additional work can be undertaken that will ensure that the requirements of policies LD1 and LD2 are met.
- 6.39 Having regard to the three indivisible dimensions of sustainable development as set out in the Core Strategy and NPPF, officers conclude that the scheme, when considered as a whole, is representative of sustainable development and that the presumption in favour of approval is therefore engaged. The contribution that the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged as fulfilment of the economic and social roles.
- 6.40 The Council acknowledge that there continues to be a deficit in terms of a five year housing land supply. Small scale sites such as the one proposed are vital to support the growth required over the plan period. This proposed development is compliant with the policies of the Herefordshire Local Plan Core Strategy and is considered to be sustainable development, for which there is a presumption in favour. It is officers' recommendation that this proposal is approved with the appropriate conditions, subject to the completion of the Section 106 agreement to secure the implementation of only one permission.

### **RECOMMENDATION**

**Subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement that ensures implementation only in lieu of planning permission 151315 that planning permission be granted subject to the following conditions and any others considered necessary by officers named in the scheme of delegation to officers:**

- 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. **B01 Development in accordance with the approved plans**
5. **C01 Samples of external materials**
6. **CNS - Contaminated Land**

be appended to any approval to consider risk from this and any other identified given the proposed sensitive residential use.

1. **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 shall be submitted in writing. 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.**

2. **The Remediation Scheme, as approved pursuant to condition no. (1) 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.**

3. **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.

**7. CNS – Trees**

The development shall be carried out strictly in accordance with recommendations set out within the following documents: 'Arboricultural Impact Assessment & Arboricultural Method Statement. Arbortech dated 03-05-2017.

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with the requirements of policy LD2 of the Herefordshire Local Plan – Core Strategy and guidance contained within the National planning Policy Framework

**8. CNS – Drainage**

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

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

**9. CNS – Biodiversity**

Prior to commencement of the development, an extended Ecological Survey with relevant Optimal period surveys should be carried out and a detailed report with recommendations for specific ecological Risk Avoidance Measures and mitigation should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006

**10. CNS – Biodiversity**

Prior to commencement of the development, a detailed habitat enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the

**Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006**

11. C97 – Landscape Implementation
12. CAE – Vehicular Access Construction
13. CAL – Access, turning area and parking
14. CAQ – On site roads – submission of details
15. CAR – On site roads – phasing
16. CAS – Road Completion in 2 years
17. CAT – Wheel Washing
18. CAZ – Parking for site operatives and Construction Environmental Management Plan.
19. CB2 – Secure Cycle Parking Provision
20. CBK – Hours of working during construction
21. CE6 – Water Efficiency

**INFORMATIVES:**

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

2. **The applicants attention is drawn to the comments of the Land Drainage Officer and their requirements in respect of condition 8**

3. **With reference to condition 8**

**Welsh Water / Dwr Cymru advise that their records show that the proposed development site is crossed by a public sewer and watermain with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located, marked out on site before works commence. Thereafter, no part of any building will be permitted within 3 metres either side of the centreline of the rising main.**

**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](http://www.dwrcymru.com)

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

4. **With reference to condition 6**

The assessment is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework 2012.

And as a final technical point, we require 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.

5. **With reference to conditions 9&10**

The enhancement plan should include details and locations of any proposed Biodiversity/Habitat enhancements as referred to in NPPF and HC Core Strategy. At a minimum we would be looking for proposals to enhance bat roosting, bird nesting and invertebrate/pollinator homes to be incorporated in to the new buildings as well as consideration for hedgehog houses within the landscaping/boundary features. No external lighting should illuminate any of the enhancements or boundary features beyond any existing illumination levels and all lighting on the development should support the Dark Skies initiative.

6. I11 - HN01 Mud on highway

7. I54 - HN19 Disabled needs

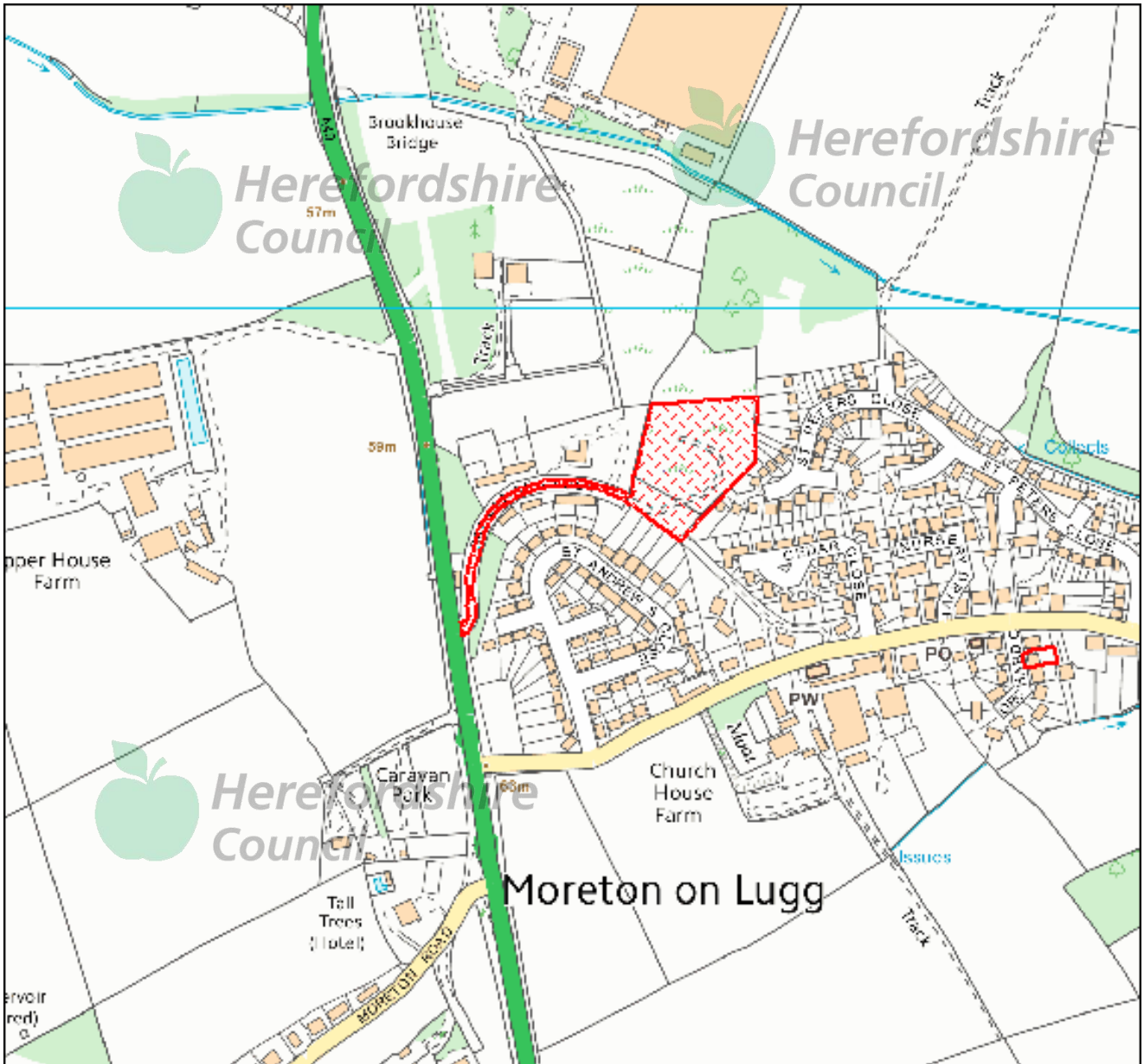
8. I35 - HN28 Highways Design Guide and Specification

Decision: .....

Notes: .....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 171573

**SITE ADDRESS :** LAND ADJACENT TO GARRISON HOUSE, ORDNANCE CLOSE, MORETON-ON-LUGG, HEREFORDSHIRE

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781