

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>16 OCTOBER 2019</b>
<b>TITLE OF REPORT:</b>	<b>182607 - PROPOSED CREATION OF 4 NO. NEW DWELLINGS. AT LAND NORTH OF THE CORNER HOUSE, TEMPLE LANE, LITTLE HEREFORD CROSSING.</b>  <b>For: Mrs Kerby per Mr Tom Froggatt, Watershed, Wye Street, Hereford, Herefordshire, HR2 7RB</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=182607&amp;search=182607">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=182607&amp;search=182607</a>
<b>Reason Application submitted to Committee – Re-direction</b>	

**Date Received: 13 July 2018**

**Ward: Leominster  
North & Rural**

**Grid Ref: 354692,268401**

**Expiry Date: 10 September 2018**

Local Member: Councillor John Stone

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

- 1.1 The application site is located on land to the north of The Corner House and fronts onto a single track, C class road, close to its junction with the A456. The road is designated as the national speed limit.
- 1.2 The site amounts to 0.4ha of land taking a rectilinear form running parallel to the road. It forms part of a larger area of open grassland and is bound by a vegetation corridor (approximately 5-10 metres wide and fenced off) on the north, the road and attendant hedgerow to the east; an unsurfaced lane (Temple Lane) and hedgerow to the south and open grassland on the west.
- 1.3 The level change across the site is approximately six metres from the highest point to the north and falling to the south (Temple Lane). The natural gradient of the land has been markedly changed by earthworks to form embankments and terrace for the Leominster-Stourport Canal. The canal has been drained and is redundant, the remnants being the earthworks as described and a depression in the land.
- 1.4 The landscape character of the site, as defined by the Council's Landscape Character Assessment is Principal Timbered Farmlands. The sites southern boundary lies on the margin of the Riverside Meadow and the River Teme lies approximately 200 metres to the south.
- 1.5 A full planning application has been submitted for the erection of four dwellings comprised of two 2 bed bungalows and two three bed 1 ½ storey houses. The application is supported by the following documents:

- Design & Access Statement
- Arboricultural Report
- Ecological Impact Assessment
- 7 day Automated Traffic Count (ATC) results
- Drainage Strategy

1.6 The plans have been amended since their original submission in order to address matters raised by the Council's Drainage Engineer, Ecologist and Natural England in respect of the provision of an appropriate drainage strategy and potential impacts of the development on the River Teme. As a result the four dwellings are proposed to be served by their own individual cesspits. The plan below shows the proposed layout of the scheme and the position of the cesspits:



## 2. Policies

### 2.1 Herefordshire Local Plan – Core Strategy

The following policies are considered to be of relevance to the application:

SS1	–	Presumption in Favour of Sustainable Development
SS2	–	Delivering New Homes
SS4	–	Movement and Transportation
SS6	–	Environmental Quality and Local Distinctiveness
SS7	–	Addressing Climate Change
RA2	–	Housing in Settlements outside Hereford and the Market Towns
MT1	–	Traffic Management, Highway Safety and Promoting Active Travel
LD1	–	Landscape and Townscape
LD2	–	Biodiversity and Geodiversity
LD3	–	Green Infrastructure
LD4	–	Historic Environment and Heritage Assets
SD1	–	Sustainable Design and Energy Efficiency
SD3	–	Sustainable Water Management and Water Resources
SD4	–	Waste Water Treatment and River Water Quality

## 2.2 Brimfield and Little Hereford Neighbourhood Development Plan (made 22 July 2016)

The following policies are considered to be of relevance to the application:

BLH3	–	Housing to meet local needs
BLH4	–	Ensuring an appropriate range of tenures, types and sizes of houses
BLH5	–	Criteria for new housing sites in Little Hereford
BLH8	–	Building design principles
BLH9	–	Landscape design principles
BLH12	–	Water management
BLH13	–	Criteria for assessing the suitability of future development sites
BLH14	–	Development in areas of flood risk
BLH15	–	Design for flood resilience and resistance
BLH16	–	Design to reduce surface water run off

[https://www.herefordshire.gov.uk/directory\\_record/3039/brimfield\\_and\\_little\\_hereford\\_group\\_neighbourhood\\_development\\_plan\\_made\\_22\\_july\\_2016](https://www.herefordshire.gov.uk/directory_record/3039/brimfield_and_little_hereford_group_neighbourhood_development_plan_made_22_july_2016)

## 2.3 National Planning Policy Framework

The NPPF is a material consideration in the assessment of this application. The following sections are relevant:

Chapter 1	–	Introduction
Chapter 2	–	Achieving Sustainable Development
Chapter 5	–	Delivering a Sufficient Supply of Homes
Chapter 8	–	Promoting Healthy and Safe Communities
Chapter 9	–	Promoting Sustainable Transport
Chapter 11	–	Making Effective Use of Land
Chapter 12	–	Achieving Well-designed Places
Chapter 15	–	Conserving and Enhancing the Natural Environment
Chapter 16	–	Conserving and Enhancing the Historic Environment

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

## 3. Planning History

### 3.1 None identified

## 4. Consultation Summary

### Statutory Consultations

### 4.1 Welsh Water – **No objection**

As the applicant intends utilising a private treatment works we would advise that the applicant contacts The Environment Agency / Herefordshire Council Land Drainage Department who may have an input in the regulation of this method of drainage disposal.

However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

#### 4.2 Natural England (first response) – **Further information required**

As submitted, the application could have potential significant effects on River Teme 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:

- Clarification of how outfall from the proposed Package Treatment Plans will be dealt with
- Information on the proposed means to ensure that surface water run-off is controlled to prevent silt or other pollutants entering watercourses

Without this information, Natural England may need to object to the proposal.

Following the receipt of amended plans, Natural England confirms that they have **no objection** to the proposal and comment as follows:

River Teme Site of Special Scientific Interest

Based on the additional information submitted related to the disposal of foul effluent, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

#### Internal Council Consultations

#### 4.3 Transportation Manager – **Recommends conditions**

##### Site Location and Access

The application site is located on land north of The Corner House, Temple Lane, Little Hereford Crossing, Herefordshire. The land is situated on a single-track access road just off the A456. The road is designated as the national speed limit but due to the context of the road, actual observed speeds are significantly lower. The ATC data supplied by the applicant shows that the 85th% speed is 26mph with an average speed of 21mph. With this in mind, the visibility splays will be acceptable if they deviate from standard for a 60mph road.

##### Proposal

The application is for the proposed creation of 4 no. new dwellings. It should be noted that new vehicular and pedestrian accesses will be constructed and a new public road will be created on site. As such, section 278 and section 38 agreements between the local authority and the developer should be entered into prior to any construction.

##### Parking, Turning and Manoeuvring

The proposal includes the provision of six new standard parking spaces which will be provided within the curtilage of the proposed new dwellings. 12 cycle spaces will also be provided along with four disabled spaces. Herefordshire's parking and cycle parking standards are set out in the Highways Design Guide for New Developments 2006.

The applicant should provide a clear plan to demonstrate that proposed car parking spaces are designed to standard and that sufficient space is to be provided within the layout of the site to facilitate turning and manoeuvring. All vehicles should be able to access and egress in a forward gear. The applicant's plans should be supported by a swept path analysis/tracking plan

to show that manoeuvres can be comfortably achieved within the layout of the site. From the drawing titled '*Scheme Proposal Proposed Site Plan rev d*' the number of parking spaces on the plan is not consistent with the number set out in the application form. 10 (6 Standard, 4 Disabled) in the app form and 8 on the plan (inclusive of garages). It should be further detailed by the applicant if the 4 disabled spaces are included within the 6 total spaces or separate.

#### Traffic Generation

Is not considered that this level of development will have any significant impact upon the local highway network in terms of trip generation.

#### Visibility

Visibility splays provided in drawing 2562 P(0) 002 rev D are suitable based on the 85th percentile speeds provided in the ATC data. However, these are only achievable based on the vegetation cut back. This should be conditioned in to any approval.

#### Drainage

The developer should ensure that no surface water runs off on to the public highway because of this development as per the water collection strategy.

#### Waste Collection

The developer should ensure that waste collection points are in keeping with Manual for Streets guidance on waste collection. With the bins being accessible within 25m from the public carriageway.

#### Conclusion

The transportation department has **no objections** to this application. However, if minded for approval, please can the following conditions be included:

- i) Landscaping plans and access as shown on the proposed site plan are completed prior to any occupation of the dwellings.
- ii) Further details on the parking provision as numbers in the application form are not consistent with drawings.
- iii) Swept path analysis for a refuse vehicle accessing and egressing the site in a forward gear.

#### 4.4 Landscape Officer – **Recommends conditions**

##### Site Boundaries

The sites is bound by a vegetation corridor (approximately 5-10 metres wide and fenced off) on the north; a narrow road (C1053), with hedgerows on the east; an unsurfaced lane with hedgerows (Temple Lane, U94410) on the south and open grassland on the west (owned by the applicant).

##### Landscape

The level change across the site is approximately 6 metres from the highest point to the north and falling to the south (Temple Lane). The natural gradient of the land has been markedly changed by earthworks to form embankments and terrace for the Leominster-Stourpourt Canal, constructed in 1794. The canal transported coal for 60 years, then made redundant, drained and filled. Over time the ground has settled leaving a depression that forms a shallow basin that collects storm water from the neighbouring property. Note the water may contain nutrient rich or chemical residue that may impact on the nature and use of the proposed pond.

The change of topography has created a distinctive landscape step. The upper third of the site is the canal terrace with an embankment that abruptly slopes down (approximately 3 metres) to the remaining two thirds of the site that gently slopes to Temple Lane. This is the area selected for the proposed 4 no. new dwellings.

Secondary earthworks to form the C1053 road have created a steep embankment along the majority of the eastern boundary and may be influential how the proposed access road is treated.

Since the days of the canal, two old apple trees along the remnant canal suggests the land was once an orchard. This is supported by historic maps and the traditional orchard located on the other side of the C1053 road.

The landscape character of the site, as defined by the Landscape Character Assessment (LCA), SPG 2004 is Principal Timbered Farmlands with a primary characteristic: Ancient Timbered Sandstone Landscape. The sites southern boundary lies on the margin of the Riverside Meadow, with primary characteristics: Wetland Landscape.

Neither of these characterisations are strongly represented, however the site is within outer flood zone of the River Teme (200 metres to the south).

#### Designations

- SSSI Impact Risk Zone (River Teme)
- Flood zone 2 (>0.1% flood risk)

#### Views

Hedgerows along Temple Lane (U94410) the narrow road C1053 will assist in screening the proposed development, therefore it will be essential to maintain the existing hedgerow and establish new Hedgerows. The newly planted vegetation/hedgerow along the norther boundary, once established will assist screening views from the neighbour.

#### Hedgerows

The scheme proposes to remove and relocate 25 metres of hedgerow at the point of access. According to the definition of a hedge row, this would contravene the continuous nature of the hedgerow. The minimum length is 20m.

#### Access Road

The proposed access road is off the C1053. The embankment along the eastern boundary is steep and of reasonable height and would suggest that a splayed access with landing in this vicinity would warrant considerable grading and/or retaining structures to enable a safe intersection. The scheme does not address this in terms of levels and contour information, so it is difficult to ascertain the resultant effects of the new road.

From site observations, site lines appear to be tight at the proposed location. Note: This information would need validation from the Transport team.

The road will result in clearance of hedgerows. Refer to the above comments.

It is recommended to consider an alternative access and road alignment to minimise impacts of earthworks; impact on hedgerows and road safety.

#### Materials

Permeable paving setts - shared private drive.

Permeable resin-bound gravel - parking and turning areas

The use of permeable surface is supported. However, the slopes and gradients of the surfaces need to be taken into consideration to ensure that the water can infiltrate, particularly given the steep gradient of the private drive at the point of access. Surface drainage may still be required.

#### Levels and Gradients

The proposal does not indicate proposed levels. From the plan is difficult to ascertain if the proposed site will be terraced; if retaining walls are required; if earth slopes are used and how the building interfaces with the carparks and road.

#### Proposed Pond

The proposed pond appears to be conceptual, and does not indicate levels, edge treatments (sloped, hard edged or natural); proposed depths; if the pond is permanent (plastic lined or clay) and how water drains into the pond and where the overflow is diverted.

More information is required.

#### Surface Drainage

The scheme proposes permeable surfaces and storm water attenuation along the eastern boundary open space. Roof rainwater is proposed to be collected using a soakaway system. The proposal does not identify locations and details.

#### Foul Sewage

The proposal indicates that a foul sewage will be retained on site and treated with a package treatment with proprietary reed bed system. Where is this system located and how does this integrate into the landscape scheme. Is this for each individual dwelling or combined?

#### Public Open Space

The scheme offers a sizeable parcel of land to public space. How is this maintained?

#### Orchards

The proposal to plant fruit trees is a well considered proposal and supports the history of the site, reinforces the existing remnant apple trees and the overall character of the region.

#### Conditions

##### i) Detailed engineering drawings

Detailed plans and sections of the access, road and carpark plan layout to ascertain impacts on landscape, hedgerows and drainage.

##### ii) Detailed Levels and Drainage Plan

Existing and proposed levels, contours and gradients of external works to understand the cut/fill of the site; retaining structures; how building levels relate to the external landscape (parking areas, road, hard surfaces, pavements) and drainage (attenuation swales, drainage lines and outlets).

Refer to:

Refer to Herefordshire Council Drainage guidance notes for sustainable drainage systems (SuDS).

##### iii) Detailed plan and sections of the pond

To understand the type (permanent or ephemeral), system (Ornamental or ecological), edge condition (Hard or natural); inlet/ outlet (Catchment and overflow); context (relationship with surrounding landscape habitat or amenity) and depths (Safety).

##### iv) Soft landscape Plan and Schedule

Proposed location of trees, zones of planting and plant types clearly describing the species, sizes and densities and specific requirements (orchard, aquatics, swale zones or other operations associated with plant establishment) in order to ascertain that the landscape vision has been supported technically.

v) Landscape Management Plan

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

vi) Landscape Maintenance Arrangements

No development shall take place until a scheme of landscape maintenance for a minimum of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

#### 4.5 Ecologist – **Further information required**

With proximity to the River Teme SSSI confirmation of how Foul Water will be managed must be approved as part of any planning consent granted. No discharge of outfall from PTP in to any local watercourse, stream or culvert would be acceptable and all outfall should be managed through a soakaway drainage field on land under the applicants control. Confirmation of this soakaway field on supplied plans is requested in order that it can be made subject to implementation condition and so through required Habitat Regulation assessment conclude 'no likely significant effect'. If soakaway fields are not possible then details (including relevant discharge certificates) of secondary Phosphate Removal systems added to each PTP should be supplied. These secondary treatment units should achieve a certificated mean Phosphate (P) level of <1mg/litre (equivalent to discharge from a mains sewerage treatment plant). (NPPF, NERC Act, Habitat Regulations, Core Strategy LD1-3 and SD4.

I am slightly unsure why the development has included the old canal corridor within the application boundary as I can see no good ecological reason for doing so. The inclusion of this area as part of approved plans will mean that a legal agreement to secure 'in perpetuity' management as an ecological site will be required adding potentially unnecessary complexity and cost both at application stage and for the residents concerned going forwards. From an ecological perspective this area could be removed from the application area and just the planting and biodiversity enhancements already proposed that are directly relevant to the dwelling considered in more detail.

I note that Highways have not yet responded but I would expect that a considerable length of the highway side hedgerow will have to be removed or translocated to create required visibility splay. Any loss of significant length of this hedgerow would mean a break in this important ecological corridor and 'enclosed' lane habitat. Consideration for creating the access along the southern boundary is suggested as this avoids direct access on to a highway and is likely to result in significantly less ecological harm.

No external lighting should illuminate any biodiversity enhancement, boundary feature, highway/track corridor or wider local 'Dark Skies'.(NPPF, NERC Act, LD1-3)

Based on above comments I would welcome the submission of revised plans for further comment.



#### 4.6 Tree Officer – **Recommends condition**

After reading the Arboricultural Survey, Impact Assessment And Protection Plan – Barton Hyett & Associates I can confirm that I do not have any objections to the proposals. This is on account on the relative poor quality of the trees on site and the minimal impact on the only tree of higher quality, T5 English Oak.

However, there is still a need for a condition to protect all trees that are to be retained during development.

#### 4.7 Land Drainage Engineer – (first response) **Further information required**

Prior to the council granting planning permission, we recommend that the following information is provided:

- Clarification of the surface water drainage outfall, including establishing the presence of any services in the road. This should include cross section to demonstrate the surface water and treated effluent outfalls can be constructed;
- Further details of the foul water disposal system, including percolation tests in accordance with BS6297 to determine whether infiltration techniques are a viable option for managing treated effluent. This will produce a Vp value which can be used to size the required drainage field. If infiltration is not viable, approval from Natural England would be required for the outfall to a watercourse (as this is within 500m of a SSSI).

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

- Re-design of the surface water drainage system to ensure that the runoff rates are restricted to the pre-development Greenfield values and the 40% climate change has been used;
- Confirmation that the riparian owner of the watercourse (into which the discharge is proposed) gives permission for discharge into this watercourse;
- Confirmation of the proposed adoption and maintenance arrangements for the surface water drainage system.

Following the receipt of amended plans the Land Drainage Engineer has provided the following comments, **recommending the imposition of conditions**:

##### Surface Water Drainage

The updated site layout plan does not demonstrate the proposals for surface water runoff management.

Our previous comments have not been addressed. We still request that the below is reviewed and addressed:

The Applicant has stated that the surface water runoff will be disposed of via outfall into an existing ditch at 5l/s (using a 99mm orifice). It has also been stated that storage will be provided for the 1 in 100 year + 30% climate change event, however in February 2016, the EA updated their advice on potential effects of climate change and that a range of allowances should be considered to understand the implications: <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances> in summary, 40% climate change should be applied.

The rate and volume of discharge should be restricted to the pre-development Greenfield values as far as practicable. Reference should be made to The SUDS Manual (CIRIA C753, 2015) for guidance on calculating runoff rates and volumes. The assessment of pre and post-development runoff rates should consider a range of storm durations to determine those which are critical for the site and receiving watercourse or sewer and demonstrate sufficient storage

has been provided. Allowances for climate change would not typically be included in the calculation of existing discharge rates.

We note that the proposed watercourse (into which the surface water is proposed to discharge), is not directly adjacent to the Applicants land. In addition to this it appears that the proposals are to connect to the culvert underneath the road. This is not acceptable. Any outfall must be connected to the open watercourse. The Applicant should consider the presence of services in the road during the design of the outfall. It may not be buildable if existing services hinder the installation of a drain to outfall into the watercourse. Any pipeline will need to be designed to meet Herefordshire Council Highways requirements and the headwall should provide adequate support to the highway.

The Applicant must establish the adjacent landowner as they are the riparian of this watercourse and ensure that permission is obtained for disposal of water into this watercourse.

We also note that the proposed attenuation tank (appears to be offline) is located on 'shared grass land'. The Applicant must be aware that a private management company must be responsible for the maintenance of the shared drainage system, but the land on which the attenuation tank is located should be jointly owned by the residents.

For any proposed outfall to an adjacent watercourse, the Applicant must consider the risk of water backing up and/or not being able to discharge during periods of high river levels in the receiving watercourses. Any discharge of surface water to an ordinary watercourse will require Ordinary Watercourse Consent from Herefordshire Council prior to construction, in addition to approval from the riparian owner of the watercourse.

The drainage system should be designed to ensure no flooding from the drainage system (which can include on-the-ground conveyance features) in all events up to the 1 in 30 year event. Surface water should either be managed within the site boundary or directed to an area of low vulnerability. Guidance for managing extreme events can be found within CIRIA C635: Designing for exceedance in urban drainage: Good practice.

The Applicant must confirm the proposed adoption and maintenance arrangements for the surface water drainage system.

#### Foul Water Drainage

Following consideration of all options of foul water disposal, it has been concluded that cesspits are the viable option. An assessment of the tankering access should be undertaken to ensure this can be achieved. We do note that public representations have raised that the existing lane is narrow. The need for emptying the cesspits may produce a nuisance factor due to the narrow nature of the existing lane.

The Applicant stated that the cesspits would be emptied on an 8 week cycle. This is not in accordance with the Building Regulations Part H. This guidance clearly states that typically, cesspools are emptied on a monthly basis.

The emptying cycles can be estimated by assuming a filling rate of 150l per person per day (thus the number of bedrooms proposed for ease dwelling determines the size of the cesspool required and frequency of emptying). Cesspools should be inspected fortnightly. No evidence has been provided in regards to the sizing of the cesspools.

#### Overall Comment

We do not object to the proposed development, however the following information should be provided within suitably worded planning conditions:

- Clarification that the cesspits can be tankered without producing a nuisance for existing residents in this area;

- Calculations to demonstrate that the cesspits have been correctly sized;
- Clarification of the surface water drainage outfall, including establishing the presence of any services in the road. This should include cross section to demonstrate the surface water and treated effluent outfalls can be constructed;
- Re-design of the surface water drainage system to ensure that the runoff rates are restricted to the pre-development Greenfield values and the 40% climate change has been used;
- Confirmation that the riparian owner of the watercourse (into which the discharge is proposed) gives permission for discharge into this watercourse;
- Confirmation of the proposed adoption and maintenance arrangements for the surface water drainage system.

#### 4.8 Waste Management Officer – **Recommends condition**

Each property will be provided, as standard, with 1 x 180 litre black general rubbish bin and 1 x 240 litre green recycling bin.

The area is accessed currently by an 18 tonne refuse collection vehicle (RCV). In order for the RCV to travel the private road it would need to be constructed to the specification for adoptable roads. A risk assessment would also need to be passed.

Alternatively, a suitable site needs to be identified where residents can put their bins on collection day, e.g. and area of hard standing to one side of the entrance to the development, in accordance with 'Guidance Notes for storage and collection of domestic refuse and recycling'.

#### 4.9 Neighbourhood Planning Manager – **Qualified comment**

The Brimfield and Little Hereford NDP was adopted in August 2016, this means that in accordance with para 14 of the NPPF the housing supply policies are considered as 'out of date'.

The proportional growth targets for the parish is 75 of which 10 have been built and 47 committed, the plan also has a site allocation of 20 dwellings, this means that the proportional growth target (with the site allocation) has been achieved.

The NDP does not designate a settlement boundary for Little Hereford but within Policy BLH5 indicates that development should be within or adjacent to the settlement.

There is no formal description within the plan of the area considered as Little Hereford however the area subject to this application is included within the policies map for Little Hereford and therefore considered to be within and adjacent to the settlement of Little Hereford.

It is considered that in terms of location the proposal accords with Policy BLH5.

## 5. **Representations**

### 5.1 Brimfield and Little Hereford Group Parish Council – (first response) **Objection**

The Parish Council object to this application as it does not adhere to policy BLH5 3a of the Neighbourhood Development Plan – with regards to access, traffic and drainage, this will adversely affect people's enjoyment of their homes and gardens.

Light pollution on surrounding properties are also a concern.

This development will exacerbate river and surface water flooding and impact on the already busy rural road used frequently by farm traffic, making it unsustainable. We consider the date

the traffic report was undertaken does not reflect the true picture from farm and other traffic throughout the year, on a single track 60mph lane, with no footpaths or passing places and poor visibility. There has been an increase lately of school children walking down this road to catch the bus at the corner. To place a new access at this point with further traffic is dangerous.

We have further concerns regarding surface water and foul drainage, with an attenuation pond proposed. Excess surface water will run off and be discharged into the opposite property into a culvert under the A456 and into the river. We understand permission is required by the riparian owner for this discharge.

Further concerns regarding the loss of an established hedgerow and maintenance of the proposed pond and shared areas within the development are raised.

We have contacted our local member to request this application is decided by the planning committee

Further comments following the submission of amended plans – **Objection**

The Parish Council continue to object to this application, our previous comments stand.

The proposal of cesspits for each of the properties is not a viable solution to foul water drainage either financially or environmentally, it would fall to the occupier to empty them regularly at substantial cost to themselves. This would also be of further detriment to highway safety due to the large vehicles required to empty the cesspits frequently.

We welcome the decision that the application is to be determined by committee, and would ask that a site visit be undertaken to understand our concerns. This application conflicts with our neighbourhood development plan for the reasons stated, we have achieved proportional growth to date and due to the ongoing concerns of local residents, this application should be refused.

- 5.2 Objections have been received from fifteen local residents. Letters relate to the plans as originally submitted and to the amended plans. In summary the points raised are as follows:

#### Policy Issues

- The principle of development is in question. The site is not within or adjacent to the main built up area and the proposal is consequently contrary to Policy RA2 of the Core Strategy
- The proposal is in conflict with policies BLH3 and BLH5 of the Brimfield and Little Hereford NDP
- The development proposed is in an area where there are 13 other properties. This would increase housing numbers by circa 28%. This is not a proportionate increase

#### Highway Safety

- Access proposed is onto a single carriageway road. The gradient of the access is too steep
- Visibility at the proposed point of access is poor
- Potential danger to existing road users, both vehicular and pedestrian
- Access should be taken from Temple Lane
- The road survey report was completed in December 2017. It should have been completed in the summer months when daylight hours are longer and more farm vehicles are using the road
- It is not clear that the visibility splays shown are achievable

## Drainage

- Local flood risk will be increased
- The proposed development will increase surface water run off
- Insufficient information has been provided to show that surface water run off will not increase flood risk elsewhere

## Ecology and Landscape

- The removal of part of the roadside hedgerow will have an adverse visual impact on the street scene and wider landscape views
- Unacceptable impacts on the biodiversity and ecological values of the site
- The removal of species rich grassland and part of the hedgerow will not make a positive contribution to the environment and landscape setting

## Residential Amenity

- Adverse impact on existing residential amenity arising from car lights shining into Sunny Dale and Sunnymead as the exit the development site

## Issues in relation to the submission of amended plans

- The use of cesspits is a retrograde step
- The amount of tanker traffic will be significant given the requirement for cesspits to be emptied on a monthly basis

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=182607&search=182607](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=182607&search=182607)

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

## **6. Officer's Appraisal**

### *Policy context and Principle of Development*

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:  
*"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*
- 6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS) and the made Brimfield and Little Hereford Neighbourhood Development Plan (NDP). The National Planning Policy Framework (NPPF) is also a significant material consideration.
- 6.3 CS Strategic Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the NPPF. SS1 confirms proposals that accord with the policies of the Core Strategy (and, where relevant other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.
- 6.4 The Council is not able to demonstrate a 5 year supply of housing land. Therefore, policies relevant to the supply of housing are, in accordance with paragraph 74 of the NPPF, out-of-

date. However, this does not render such policies an irrelevance and they may still be afforded some weight. For the avoidance of doubt, Inspectors have determined that CS policies SS2, SS3, RA1 and RA2 are all relevant to the supply of housing in the rural context.

6.5 The preamble to RA2 – Housing in settlements outside Hereford and the market towns states: “Within these settlements carefully considered development which is proportionate to the size of the community and its needs will be permitted.” The proactive approach to neighbourhood planning in Herefordshire is also noted and that when adopted, Neighbourhood Development Plans (NDPs) will be the principal mechanism by which new rural housing will be identified, allocated and managed.

6.6 Paragraph 11 of the NPPF sets out that decisions should apply a presumption in favour of sustainable development, part d states:

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

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

*or*

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

6.7 Footnote 7 states that policies that are considered out-of-date where the local planning authority cannot demonstrate a five year supply of deliverable housing sites, as stated earlier Herefordshire Council are currently not able to provide a five year supply.

6.8 As stated previously, the development plan is comprised of the Core Strategy and also the Neighbourhood Development Plan. In this instance the plan is more than two years old and therefore those policies relating to housing delivery are considered to be out of date.

6.9 Sustainable development is achieved through three objectives, identified within paragraph 8 of the NPPF:

*Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

*a) An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

*b) A social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

*c) An environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

6.10 Figure 4.14 of Policy RA2 identifies those settlements considered to be sustainable and a main focus settlement for proportionate housing growth. Brimfield is one of the settlements identified, reflecting the existing local services and public transport provision in the village. Figure 4.15

identifies a secondary tier of settlement where proportionate growth will also be appropriate and Little Hereford is identified here. The policy provides that; “...housing growth will be supported in or adjacent to those settlements identified in Figures 4.14 and 4.15.”

- 6.11 The policies contained within the NDP do not define a settlement boundary for Little Hereford. It is a dispersed settlement with nucleated areas around the Temeside Inn to the south of the site, the village hall and church, and Temple Meadow immediately to the north of the application site. It is a row of post war housing that fronts onto the public highway. Your officers are of the view that the site continues this linear form of development. Without clear direction from a settlement boundary, your officers are of the opinion that the application site should be considered as being adjacent to the settlement and therefore complies with the requirements of CS policy RA2. The proposal is considered to be acceptable as a matter of principle.

#### *Highway Safety*

- 6.12 Policy MT1 of the CS and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 103 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 108 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.
- 6.13 The Council’s Transportation Manager has visited the site and has considered the proposals in detail. The ATC submitted with the application confirms that, whilst the national speed limit applies to the highway onto which the development fronts, actual vehicle speeds are significantly lower than 60mph. This allows for the reduced splays as shown on the layout plan submitted as part of the application.
- 6.14 There is no evidence to suggest that the proposed development will demonstrable increase risks for highway users, whether vehicular or pedestrian. Matters raised in objection to the application in respect of access gradients can be addressed through the imposition of appropriately worded conditions.
- 6.15 Whilst it is generally accepted that ATCs should be conducted within term times to give the most accurate reflection of daily vehicle movements, there are otherwise no constraints as to when they should be conducted. The suggestion that a winter time survey would not reflect agricultural activity may have some validity but is not reason to require further survey work or to refuse the application.
- 6.16 Officers are content that any highway impacts arising from the development can be appropriately mitigated through the imposition of conditions. On this basis they are content that the proposal is compliant with CS policy MT1 and the NPPF.

#### *Drainage*

- 6.17 CS Policy SD3 states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk and avoid an adverse impact on water quality. For waste water, policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway). The policy concludes by stating that the use of cesspools will only be considered in exceptional circumstances and where it can be

demonstrated that sufficient precautionary measures will ensure no adverse effect upon natural drainage water quality objectives.

- 6.18 The comments from Natural England with respect to potential impacts on the River Teme SSSI have particularly led to the amendment of the scheme and the introduction of cesspools to serve each of the dwellings. It will be noted that CS policy SD3 does not rule out their use entirely, but is clear that they will only be permitted in exceptional circumstances where there are no adverse effects on water quality objectives.
- 6.19 The applicants agent has exhausted all alternative options to deal with waste water and the use of cesspools is considered to be the only viable option. The fact that Natural England have withdrawn their original concerns and now do not object to the application lead Officers to conclude that the proposal will not have an adverse effect on water quality objectives. They are clearly satisfied with the arrangements to be made for the retention and release of surface water in an attenuation tank.
- 6.20 The Council's land Drainage Engineer initially raised concerns about the drainage arrangements proposed but is now satisfied that the outstanding issues can be addressed through the imposition of conditions. Crucially, the applicant's agent has provided further details about the outfall from the attenuation tank to the watercourse such that there is no reliance on third party land to achieve this
- 6.21 The views of the Council's drainage consultant have been considered and subject to conditions, there is no technical objection to this proposal on flooding or drainage grounds. However control will need to be imposed to ensure that the cesspools are emptied at a suitable disposal site. This can only be achieved via a Section 106 Planning Obligation with suitable monitoring fee.

#### *Landscape and townscape*

- 6.22 CS policy LD1 requires new development to achieve the following:
- Demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, including protection and enhancement of the setting of settlements and designated areas;
  - Conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including Areas of Outstanding Natural Beauty, through the protection of the area's character and by enabling appropriate uses, design and management.
- 6.23 CS policy SD1, amongst other criteria, requires development proposals to incorporate the following requirements:
- Ensure that proposals make efficient use of land – taking into account the local context and site characteristics;
  - New buildings should be designed to maintain local distinctiveness.
- 6.24 The application site extends to some 0.4 hectares and forms part of a parcel of land owned by the applicant. It has a significant road frontage that extends to some 95 metres which is defined by a mature hedgerow that is recognised to make a positive contribution to the rural character of the area.
- 6.25 The proposal would entail the formation of a new access to the site which would require the removal of approximately 30 metres of the well established hedgerow along the road frontage. The groundworks required to form the driveway/embankment and level plots will have a significant localised impact when viewed from the public highway in the immediate vicinity of the site.



- 6.26 It is inevitable that development changes the nature of an area. Areas of open grassland become occupied with buildings and this will almost always be viewed as a negative visual impact. However, in this case, the proposal is considered to minimise the impacts that it is likely to have. Hedgerow removal is limited and the plans show that approximately two thirds will be retained. The layout of the development is such that it maintains the linear pattern of Temple Meadow to the north and the design choices of single and 1 ½ storey dwellings, combined with level changes across the site will mitigate impacts to an acceptable degree.
- 6.27 There are no specific landscape character designations in the area and the proposals are considered to be compliant with CS policies SD1 and LD1 and NDP policy BLH5, all of which seek to ensure that developments reflect the character and appearance of their localities.

#### *Ecology*

- 6.28 The comments from the Council's Ecologist regarding the proximity of the site to the River Teme SSSI have been addressed through the revisions to the drainage scheme. This is reflected by the fact that Natural England has withdrawn their concerns about the application and now raise no objection.
- 6.29 Similarly, the amended plans have reduced the red line area of the application site and the canal corridor is excluded from the application site.
- 6.30 As stated earlier, the provision of a new access will require the removal of a length of hedgerow of approximately 30 metres. The plans indicate that the majority will be re-planted behind the visibility splay. Whilst it is accepted that this will take time to re-establish its removal is considered to be a modest environmental impact weighing against the proposed development.
- 6.31 The proposals do include new hedgerow planting to define the curtilages between the properties which will provide wildlife corridors to the land to the west and provide links to the canal corridor to the north. Subject to the imposition of conditions it is considered that the ecological impacts of the proposal can be mitigated such to ensure compliance with CS policy LD2.

#### *Residential Amenity*

- 6.32 Specific concerns have been raised about the impact of the development on the properties of Sunnymead and Sunnydale resulting from car headlights shining into the properties. With respect to the former, it is approximately 45 metres to the north of the application site's access road (at its closest point). The property is positioned on higher ground and is bounded by its own hedgerow. The proposal of four dwellings will give rise to limited vehicle movements. Combined with the topography and the proximity of the property to the site it is highly unlikely that Sunnymead will suffer any demonstrable impact to residential amenity arising from vehicular movements.
- 6.33 Sunnydale lies to the east, on the opposite side of the road and to the south east of the proposed access. Any impacts from headlights shining into the property would result from vehicles turning out of the site. However, the property is positioned on lower lying land behind a mature hedgerow and it is not considered that it will suffer any demonstrable impacts.
- 6.34 There are no other residential impacts likely to arise as a result of the proposed development. It is well spaced from nearby properties and will not give rise to demonstrable impacts in terms of overlooking or loss of privacy. The proposal is considered to accord with CS policy SD1 and BLH5 of the NDP.

### *Sustainable Design and Energy Efficiency*

- 6.35 SS7 of the CS also sets the strategic objective for all development proposals to include measures which help mitigate the impact upon climate change. This includes locating development in the most sustainable locations; reducing the need to travel; and designing development to reduce carbon production and promote the efficient use of resources. Policy SD1 also states that development will be supported where it utilises physical sustainability features such as orientation of buildings, water conservation measures; cycle storage and renewable energy generation. In this case, the proposal is considered to adhere to the principles of SS7 in the sense that the site is sustainably located in a settlement that is identified under CS policy RA2. In terms of the details of the scheme, whilst no specific details on sustainability or energy efficiency measures have been provided with the application any future dwelling will need to meet the minimum standards of energy efficiency as required by Building Regulations. On the whole therefore, it is not considered the proposal creates a level of tension with SS7 or SD1 which would in of itself warrant withholding consent.

### *Planning Balance and Conclusions*

- 6.36 Both CS policy SS1 and paragraph 11 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that developments should be approved where they accord with the development plan. The NPPF encompasses the government's view of what is meant by sustainable development in practice. The three themes, economic, environmental and social should be pursued jointly and simultaneously.
- 6.37 The application is for housing and in the light of the housing land supply deficit must be considered against the test prescribed at NPPF paragraph 11 and CS Policy SS1. Permission should be granted, therefore, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF when considered as a whole.

In assessing the three elements of sustainability:

#### Economic

- 6.38 Economic benefits would be derived from the construction of four dwellings and associated infrastructure through both the supplies and employment of the required trades. After completion the occupiers would contribute some disposable income to the local economy and Council Tax revenue and New Homes Bonus would accrue. The impact of the new dwellings as proposed would result in modest economic benefits towards sustainability.

#### Social

- 6.39 The provision of housing, in the context of a shortfall, would contribute to the supply of housing and the social needs of the county. In addition occupiers may contribute to village life and support local facilities. This is considered to represent a modest benefit towards the social arm of sustainable development.

#### Environmental

- 6.40 The site is immediately adjacent to existing dwellings that constitute the main built form of Little Hereford and as such is considered to be sustainably located. In landscape terms, the site is not in a protected landscape nor is it subject of any site specific heritage designations, Whilst it is recognised that objectors to the development are concerned about the landscape impacts of the proposal; particularly the loss of the roadside hedgerow, it should be recognised that any new development will change the character of an area in a visual sense. In this instance your officers are of the view that this will be mitigated to an extent by new planting, the siting of the dwellings in a linear form in a fashion similar to those to the north and the fact that they are a

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

combination of single and 1 ½ storey properties. On balance these factors have led your officers to conclude that any modest landscape and ecological harm caused would not be adverse nor is it considered that they would outweigh the NPPF presumption in favour of development.

- 6.41 Having undertaken an overall assessment of the proposal in light of its economic, social and environmental impacts as required by the NPPF, it is considered any economic and social benefits would be modest. The environmental impacts are limited for the reasons set out above and lead officers to conclude that the proposal is representative of sustainable development and approval is therefore recommended.

## **RECOMMENDATION**

**That subject to the completion of a Section 106 Planning Obligation to ensure that the disposal of waste from the cesspools takes place at a appropriate location together with monitoring fee that officers named in the scheme of delegation to officers be authorised to grant planning permission subject to the following conditions and any other conditions considered necessary by officers.:**

1. **C01 Time limit for commencement (full permission)**
2. **C06 Development in accordance with the approved plans**
3. **C13 Samples of external materials**
4. **CA1 Landscape Scheme**
5. **CA2 Landscape Maintenance Plan**
6. **CA3 Landscape monitoring**
7. **Before any other works hereby approved on the application site are commenced, the new entrance shall be set back 2.4 metres from the nearside edge of the adjoining carriageway. On each side of the set back entrance, splays shall be formed at an angle of 45 degrees with the highway boundary in accordance with the approved plans and the whole of the splayed areas shall be graded and cleared so that no part thereof exceeds a height of 0.6 metres above the relative level of the adjoining carriageway.**  
  
**Reason: In the interests of highway safety and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**
8. **CAE Vehicular access construction**
9. **CAH Driveway gradient**
10. **CAI Parking – single/shared private drives**
11. **CAT Construction Management Plan**
12. **Prior to the occupation of the development details of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first use occupation of any of the dwellings hereby permitted. The details to be**

provided should include the following:

- Calculations to demonstrate that the cesspits have been correctly sized;
- Clarification of the surface water drainage outfall, including establishing the presence of any services in the road. This should include cross section to demonstrate the surface water and treated effluent outfalls can be constructed;
- Re-design of the surface water drainage system to ensure that the runoff rates are restricted to the pre-development Greenfield values and the 40% climate change has been used;
- Confirmation that the riparian owner of the watercourse (into which the discharge is proposed) gives permission for discharge into this watercourse;
- Confirmation of the proposed adoption and maintenance arrangements for the surface water drainage system.

**Reason:** In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy, Policies BLH12 and BLH16 of the Brimfield and Little Hereford Neighbourhood Development Plan and the National Planning Policy Framework.

**13. CCK Details of slab levels**

**14. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan: Arboricultural Survey, Impact Assessment And Protection Plan – Barton Hyett & Associates 01-08-18.**

**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 LD1 & LD3 of the Herefordshire Core Strategy.

**INFORMATIVES:**

**1. IP2 Application Approved Following Revisions**

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. I05 No drainage to discharge to highway**

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

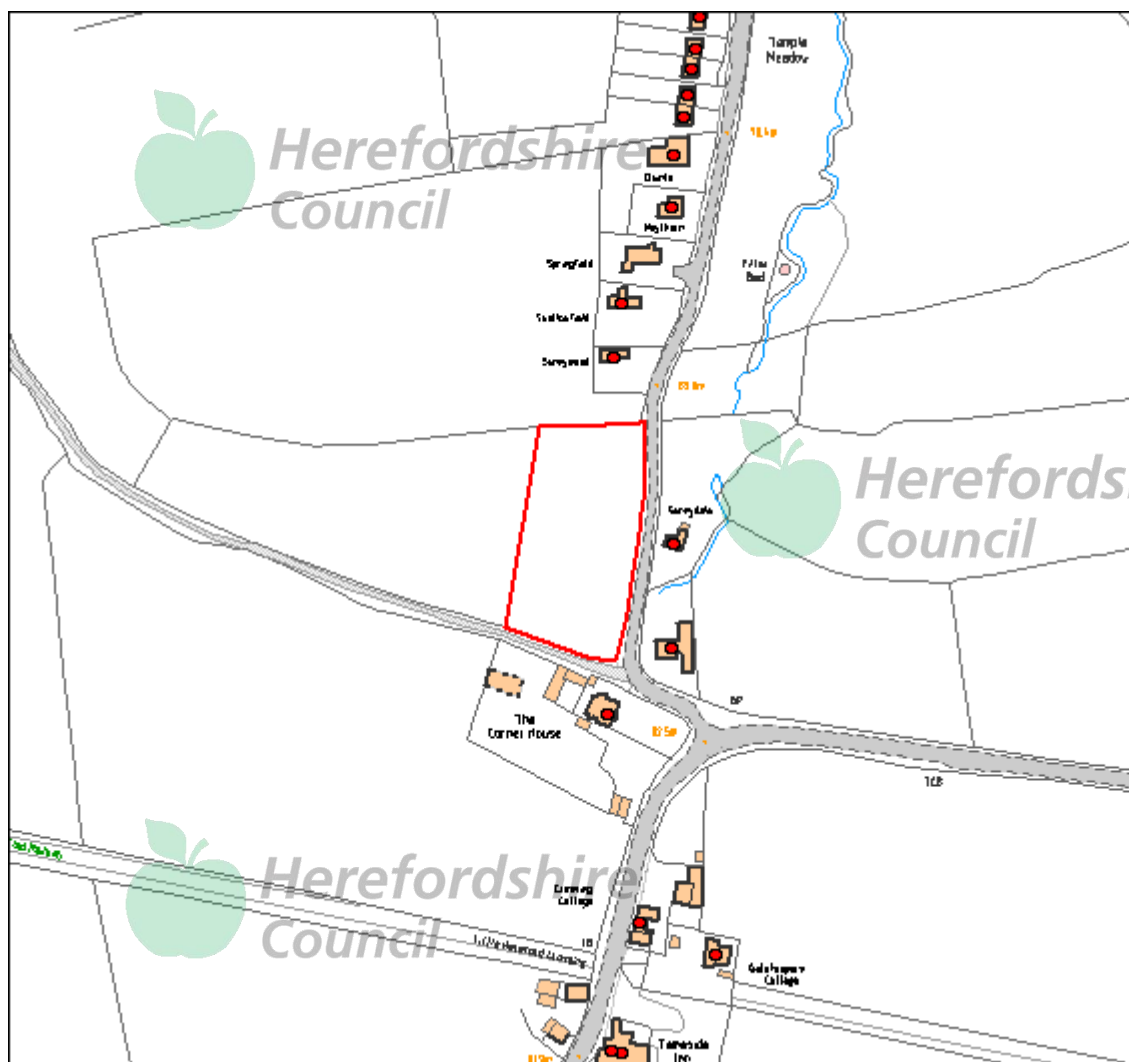
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 182607

**SITE ADDRESS :** LAND NORTH OF THE CORNER HOUSE, TEMPLE LANE, LITTLE HEREFORD CROSSING, HEREFORDSHIRE

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