

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>13 NOVEMBER 2019</b>
<b>TITLE OF REPORT:</b>	<b>191770 - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS), PUBLIC OPEN SPACE, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE WORKS AT LAND EAST OF CANON PYON ROAD, HEREFORD, HEREFORDSHIRE.</b>  <b>For: Mr A Anderson per Mr Matthew Gray, Unit 9, Oak Tree Court, Cardiff Gate Business Park, Cardiff CF23 8RS</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=191770&amp;search=191770">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=191770&amp;search=191770</a>
<b>Reason Application submitted to Committee – Re-direction</b>	

**Date Received: 17 May 2019**

**Ward: Holmer**

**Grid Ref: 349087,242545**

**Expiry Date: 17 November 2019**

Local Member: Councillor Mark Millmore

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

- 1.1 The application is made in outline with all matters reserved (except for access) and seeks permission for the erection of 95 dwellings with associated access, a locally equipped play area (LEAP), landscaping and associated infrastructure on land to the east of Canon Pyon Road. The application site fronts (south western part) onto Canon Pyon Road and on land lying north of Roman Road within the parish of Holmer and Shelwick and a short distance from Hereford see map 1 below. The site occupies an area of land approximately 3.79 hectares and is currently used as a field and to the north and are further arable fields. The western and southern boundary of the site is defined by the existing rear gardens of properties which front Canon Pyon Road. An illustrative layout (see map 2) has been produced which demonstrates how the 95 homes can be delivered on the site along with car parking, LEAP, landscaping and associated infrastructure. The proposal necessitates the formation of a new vehicular access point onto Canon Pyon Road, which will be a simple priority junction and with a 2m wide pedestrian footway either side of a 10m bell mouth.
- 1.2 The topography of the site is relatively flat and there are no local or national landscape or heritage designations either within the site or the immediate local area. However, the site is crossed by a public water main and an electricity line.



**Scale:** Except in the term ‘identified scale’, means the height, width and length of each building proposed within the development in relation to its surroundings;

- [illegible]

### Map 2 Indicative layout

- 1.7 The proposed housing will provide a mix of houses in the form of predominantly two, three and four bedroom properties as well as providing 35% affordable homes on the site. It is noted that the existing hedgerows and trees will be retained on the site other than the removal of landscaping required to create the access point along Canon Pyon Road. The site frontage along Canon Pyon Road has been amended to feature a hedgerow with hedgerow trees lining the road, with the aim of mirroring the character of the opposite side. The proposed hedgerow will be placed upon a shallow bund in order to mitigate views of the new homes from the road, together with helping to mitigate noise from the road for future residents. The scheme is also proposing SuDS basins which will be incorporated into the public open space.

1.8 In terms of drainage foul water during the application process it has come to light the applicant has engaged and commissioned additional assessment on the public sewer network in order to identify a suitable connection point and to assess the impact of the proposed development upon the existing public sewer network whilst surface water would discharge via sustainable drainage system.

1.9 The applications is supported by the following documents:

- Noise report
- Habitat regulation assessment
- Ecological approval
- Travel plan
- Landscape and Visual impact assessment
- Historic Environment assessment
- Arboricultural Impact assessment
- Community consultation statement
- Flood risk assessment
- Drainage strategy
- Planning statement
- Design and assessment statement
- Transport assessment
- S106 draft heads of Terms
- Geotechnical and geo environmental report

1.10 The proposal has been screened against the Environmental Impact assessment Regulations 2017 and is not considered to represent development requiring the submission of an Environmental Statement.

## **2. Policies**

2.1 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/200142/planning\\_services/planning\\_application\\_search/details?id=191770&search=191770](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=191770&search=191770)

2.2 The Herefordshire Local Plan – Core Strategy

The following policies are considered to be relevant to this application:

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
SS7	-	Addressing Climate Change
HD1	-	Hereford
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
OS1	-	Requirement for Open Space, Sport and Recreation
OS2	-	Meeting Open Space, Sport and Recreation Needs
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure

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Further information on the subject of this report is available from Ms Heather Carlisle on 01432 260453

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

- 2.3 The Neighbourhood Development Plan is known as Holmer and Shelwick Neighbourhood Development Plan and Covers Holmers and Shelwick. At the time of writing this report the NDP has been sent for examination on the 27<sup>th</sup> September 2019. It carries moderate weight.

The Neighbourhood Development Plan can be seen online at:

[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)

Relevant Policies are:

Policy HS2: New housing development in Holmer

Policy HS3: Design

Policy HS5: Landscape and Natural Environment Settlement Boundary

Policy HS10: Community Infrastructure Levy and Planning Obligations

- 2.4 The National Planning Policy Framework (NPPF) 2019

The NPPF has been considered in the assessment of this application. The following sections are considered particularly relevant:

- 2. Achieving Sustainable Development
- 5. Delivering a Sufficient Supply of Homes
- 8. Promoting Healthy and Safe Communities
- 9. Promoting Sustainable Transport
- 11. Making Effective Use of Land
- 12. Achieving Well-Designed Places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and Enhancing the Natural Environment
- 16. Conserving and Enhancing the Historic Environment

Paragraph 2 of the NPPF notes that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a significant material consideration in planning decisions.

Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. For a decision taking thus means that where the development plan is absent, silent or relevant policies are out of date, granting permission, unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate that development should be restricted.

### **3. Planning History**

- 3.1 None

### **4. Consultation Summary**

#### Statutory Consultations



- 4.1 **Natural England:** Advise that a Habitat Regulations Assessment is required (Screening/and appropriate assessment). A Habitat Regulations Assessment – appropriate assessment (HRA AA) was sent to Natural England on the 1 October 2019.

**Planning consultation:** Outline application for residential development (with all matters reserved except for access), public open space, landscaping and associated infrastructure works.

**Location:** Land east of Canon Pyon Road Hereford Herefordshire

Thank you for your consultation on the above dated and received by Natural England on 01 October 2019

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

#### **Internationally and nationally designated sites**

The application site is within the catchment of the River Wye which is part of the River Wye Special Area of Conservation (SAC) which is a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations'). The SAC is notified at a national level as the River Wye Site of Scientific Interest (SSSI) Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have<sup>1</sup>. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

<sup>1</sup> Requirements are set out within Regulations 63 and 64 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 63 and 64 are commonly referred to as the 'Habitats Regulations Assessment' process.

The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website.

<http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/>

#### **European site - River Wye SAC**

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, Natural England advises that to be able to conclude no adverse effects on integrity the proposal must be in line with Herefordshire adopted Core Strategy specifically Policy HD1- Hereford, Policy SD3 – Sustainable water management and water resources and Policy SD4 - Wastewater treatment and river water quality. It is not clear from your appropriate assessment whether this site is part of the growth set out in the Core Strategy, if it is then a conclusion of no adverse effect can be made. If it is not, then further information should be provided to demonstrate no adverse effect on integrity.

Notwithstanding the above, your authority should be aware of a recent Ruling made by the Court of Justice of the European Union (the CJEU) on the interpretation of the Habitats Directive in the case of Coöperatie Mobilisation (AKA the Dutch Case) (Joined Cases C-293/17 and C-294/17).

The Coöperatie Mobilisation case relates to strategic approaches to dealing with nitrogen. It considers the approach to take when new plans/projects may adversely affect the ecological situation where a European site is already in 'unfavourable' conservation status, and it considers the acceptability of mitigating measures whose benefits are not certain at the time of that assessment.

Competent authorities undertaking HRA should be mindful of this case and should seek their own legal advice on the implications of these recent ruling for their decisions.

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

## **ANNEX A**

Natural England offers the following additional advice:

### **Landscape**

Paragraph 170 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Landscape Institute Guidelines for Landscape and Visual Impact Assessment for further guidance.

### **Soils**

Guidance on soil protection is available in the Defra *Construction Code of Practice for the Sustainable Use of Soils on Construction Sites*.

### **Protected Species**

Natural England has produced standing advice<sup>2</sup> to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

<https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

### **Environmental enhancement**

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

### **Access and Recreation**

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

### **Rights of Way, Access land, Coastal access and National Trails (delete if does not apply)**

Paragraphs 91 and 170 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website [www.nationaltrail.co.uk](http://www.nationaltrail.co.uk) provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

### **Biodiversity duty**

Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include

- 4.2 **Environment Agency:** no objection. Note that discussions are ongoing with Welsh Water with regards to the connection to the Mains Foul Sewer. On that basis I would have no comments to offer at this time. Should a mains foul sewer connection not be viable, and a non-mains option is sought, then I would be happy to comment further.
- 4.3 **Highways England:** no objection
- 4.4 **Welsh Water:** no objection

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

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Further information on the subject of this report is available from Ms Heather Carlisle on 01432 260453



We can confirm that the applicant has engaged and commissioned the undertaking of a Hydraulic Modelling Assessment on the public sewer network in order to identify a suitable connection point and to assess the impact of the proposed development upon the existing public sewer network. Whilst this work has not yet concluded we are content that a suitable engineering solution exists to overcome any capacity concerns. Any such solution is likely to require off site reinforcement works to mitigate the additional demand the development will place on the network. We are in dialogue with the applicant and their consultant and will share the results in due course. Similarly the existing potable water network does not have the required capacity to accommodate the development however this matter is being addressed as part of our current capital investment period. The scheme is under construction and due for completion by 31st March 2020 and we can confirm that adequate capacity will exist once these works are complete. We therefore seek your co-operation to align any occupations with the completion of these works. The potable water scheme designed to create adequate capacity has meant that a new water main has been laid within the proposed development site. No new development shall take place within the required easement and we recommend that the applicant contacts us to discuss this protection zone

Notwithstanding the above if you are minded to grant planning permission we request that the following Conditions and Advisory Notes are included within any subsequent consent. Conditions 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 indicate how the site will effectively drain foul and surface water as well as demonstrate that the existing public sewer network, into which the site will drain, can accommodate the proposed development. Where necessary any reinforcement works to provide capacity for the site shall be delivered in full prior to the occupation of any dwelling hereby approved. Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

No buildings on the application site shall be brought into use earlier than 31st March 2020, unless the upgrading of the public water supply system has been completed and written confirmation of this has been issued to the Local Planning Authority.

Reason: To prevent further hydraulic overloading of the public potable water supply network, to protect the health and safety of existing residents and ensure the site can be effectively served with potable water.

Advisory Notes Our records show that the proposed development site is crossed by a public water main with the approximate position being marked on the attached Statutory Public Record. The position shall be accurately located, marked out on site before works commence with no development taking place within the specified protection zone. 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 time

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.

### **Internal Council Consultations**

#### **4.5 Traffic Manager – no objection and comments:**

##### Overview:

- 4.5.1 With reference to the above-mentioned planning application, WSP (on behalf of the Highway Authority) has the following observations on the highway and transportation aspects of the proposal.

The application is an outline application with all matters reserved, except for access. The application site is located to the east of Canon Pyon and north of Roman Road. The site is presently agricultural land. The proposed development comprises a residential development of up to 95 residential dwellings (of which 35% will be affordable) and access proposed via a new junction from Canon Pyon.

##### Proposed Access Strategy:

- 4.5.2 The supporting Transport Assessment (TA) and Figures 4.1 and 4.2 confirm that the proposed access strategy is for primary vehicular, pedestrian and cycle access to be provided via a new priority T-junction from Canon Pyon. It is noted that details on the proposed access width, turning radii etc. have not been confirmed on the Figures within the TA. However, the text confirms that the proposed arrangement is for a bell-mouth T-junction with 10m kerb radii with 2m footways. Further details should be included on a drawing and the requirement included for in a suitably-worded condition, if minded for approval.
- 4.5.3 The proposed site access has an achievable visibility splay of 3.5m x 96m to the north and 3.5m x 65m to the south, which is commensurate to the recorded 85th percentile speed of the road. It is noted that a 3.5m 'x' distance was requested at the pre-app stages to account for hedge growth. The achievable visibility splays are therefore considered acceptable. Existing vegetation along the site frontage will need to be replanted behind the splay line and this should be conditioned, if minded for approval.
- 4.5.4 The proposed site access strategy works also include for relocation of the existing 30mph speed limit to extend to a point approximately 470m north of the proposed site access junction. A gateway / transitional 40mph speed limit is also proposed approximately 1.3km north of the proposed site access. Whilst welcomed, these proposed changes will be subject to a separate consultation as part of any TRO application.
- 4.5.5 The proposed access strategy works also include for provision of a footway/cycleway along the eastern side of the carriageway of Canon Pyon to provide pedestrian and cycle access to Roman Road. The off-site works proposed are considered acceptable in principle, however the details and positioning will need to be agreed in further detail and this will be subject to planning conditions and a Section 278 Agreement, as appropriate.

##### Traffic Modelling and Parameters:

- 4.5.6 The proposed development trip rates have been calculated using TRICS based on 62 open-market and 33 affordable units. The results estimate that the development could be associated with 49 two-way trips in the AM and PM peak periods, respectively. Whilst a review of the TRICS database confirms the method as submitted, it is noted that the method used does not

provide a robust or worst-case assessment. Considering the sensitivity of the surrounding local highway network, it is suggested that a condition be included, if minded for approval, to fix the proposed mix of open-market and affordable units (i.e. no more than 62 open-market dwellings and 33 affordable).

- 4.5.7 The TA provides a percentage impact assessment of key junctions on the local highway network. Two junctions have been modelled in detail based on anticipated development trips having a +5% impact on existing operation. The proposed site access junction and the A4110 Roman Road / Canon Pyon signalised crossroads junction.
- 4.5.8 Junctions have been modelled up to a future year 2022, including consideration of committed development in the area. It is noted that future year modelling parameters have been agreed to at the pre-app stages with Highways England and the LHA. A future year of 2022 has been selected due to growth being capped in the Core Strategy to coincide with the new River Wye Crossing (up to 2022).
- 4.5.9 Committed development has also been included within the assessment to comprise of 1,200 homes as part of the proposed SUE at Three Elms; 460 homes as part of the consented development at Holmer West; 50 units at the south of Tillington Road, 52 units at land east of the A49; and 10 units on land north of Church Way. A review of the relevant Transport Assessments for committed development schemes has been reviewed and the assumptions are considered acceptable.
- 4.5.10 Baseline traffic flows have been done using TEMPRO version 7. Development traffic has been distributed based on journey to work Census 2011 Data, which is considered acceptable. The approach taken in terms of committed development traffic and trip distribution is deemed to provide a robust assessment of committed development traffic at junctions in the study area identified.

#### Operational Performance:

- 4.5.11 The Canon Pyon / Roman Road signal junction has been modelled based on the extant 4-stage method control i.e. all arms are staged to run separately, as per the latest controller specification for the signal junction (confirmed by HC's Traffic-Street Lighting Team).
- 4.5.12 The modelling results suggest that the existing Canon Pyon/Roman Road signal junction is currently operating close to capacity (i.e. with a Degree of Saturation (DoS) over 90%). The addition of committed development and traffic anticipated to be generated by the proposed scheme exacerbate capacity issues.
- 4.5.13 In a baseline 2019 'Do Nothing' scenario, the existing signalised junction is confirmed as operating at 91.2% saturation with a maximum queue of 15 PCUs. In a future year 2022 with committed development, the operation of the junction further deteriorates and is anticipated to operate with a DoS of 123.2% and a maximum queue of 48 PCUs. With the addition of proposed development traffic, the operation of the junction further deteriorates and is anticipated to operate with a DoS of 128.9% and a maximum queue of 54 PCUs.
- 4.5.14 The LinSig model submitted as part of the TA did not include for any pedestrian phases. The TS at para 6.3.4 states that "on-site observations indicate that there is very little pedestrian demand, therefore the pedestrian stage has not been included in the modelling of the existing situation". Whilst this may be the case for the existing situation, based on committed development in the area, the number of pedestrian movements at the junction could increase. At the request of the LHA, the Applicant has provided an additional assessment to include for a pedestrian stage.

4.5.15 With the addition of a pedestrian phase, in a baseline 2019 'Do Nothing' scenario, the junction operates with a DoS of 90% and a maximum queue of 27 PCUs. In a future year 2022 with committed development, the operation of the junction further deteriorates and is anticipated to operate with a DoS of 116% and a maximum queue of 69 PCUs. With the addition of proposed development traffic, the operation of the junction further deteriorates and is anticipated to operate with a DoS of 123% and a maximum queue of 79 PCUs.

4.5.16 Paragraph 6.3.8 states that "once the DoS of a LINSIG model exceeds 100%, the forecast queuing within the model increases exponentially and hence the output should be treated with caution."

To allow for ease of comparison:

Scenario	Max DoS (%)	Max Q (PCUs)	Difference
2019 Baseline	91.2%	15	
2022 Do Nothing	123.2%	48	+32.0%
2022 Do Something	128.6%	54	+5.4%
2019 Baseline (with peds)	90%	27	
2022 Do Nothing (with peds)	116.3%	69	+26.3%
2022 Do Something (with peds)	123.1%	79	+6.8 %

4.5.17 The table above confirms that following the future year 2022 with committed development scenario, the proposed development would only have an increase of 6.8% in terms of Degree of Saturation at the existing junction and a maximum increase of 10 PCUs in terms of queuing during the busiest peak period. Based on the modelling provided, the results confirm that the impact of the proposed development cannot be considered 'severe'.

4.5.18 An additional 'sensitivity test' has also been included within the TA which modifies the Canon Pyon / Roman Road signal junction to a more 'efficient' 2-Stage method control. Whilst the results suggest that the junction could operate within capacity based on this method-control change, the LHA has previously raised concerns with modifying the staging of the signals on highway safety grounds, due to an increase in cyclist casualty incidents.

4.5.19 The sensitivity assessment confirms that if the junction were to revert to its original 2-Stage method control, the junction would operate within capacity with a maximum degree of saturation of 99.8% and a maximum queue of 18 PCUs, in a future year 2022 with committed and proposed development, with a pedestrian phase. However, the LHA would still be reluctant to change the method-control of the junction on highway safety grounds.

#### Travel Plan:

4.5.20 A Travel Plan has been submitted in support of the application which will need to be updated to provide a Full Travel Plan, if the application is minded for approval. Whilst a number of areas in the FTP require additional details (e.g. a monitoring and review strategy and an action plan with an outlined budget), this could be conditioned as part of the Full Travel Plan to be submitted prior to first occupation on site.

#### S106 Contributions:

4.5.21 The proposed scale of the development will attract Section 106 contributions for highway improvements in the area in line with Herefordshire Council's SPD. Based on the site's accessibility rating, the following contributions will apply, per dwelling:

- 2 Bedroom Dwelling - £1,720;
- 3 Bedroom Dwelling - £2,580;

- 4 Bedroom Dwelling - £3,440; and
- 5 Bedroom Dwelling - £4,300.

Contributions would also be required for some or all of the following schemes:

- City wide cycle storage;
- Improvements to cycle facilities at the Whitecross Roundabout and on Three Elms Road; and
- Cycleway along northern/north-east edge of the Racecourse.

#### Recommendation:

4.5.22 Having regard to the documents submitted, it is recommended that the application be approved, subject to the following conditions and informatives:

1. Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site as detailed on Figure 4.3 of the submitted Transport Assessment. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.
2. Before any other works hereby approved are commenced, the construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.
3. Development shall not begin until details of the off-site works as proposed along the A4110 Canon Pyon have been submitted to and approved in writing by the local planning authority, and the development shall not be occupied until the scheme has been constructed in accordance with the approved details.
4. Development shall not begin until the engineering details and specification of the proposed roads and highway drains have been submitted to and approved in writing by the local planning authority.
5. Prior to occupations on site, a Travel Plan which contains measures to promote alternative sustainable means of transport for staff and visitors with respect to the development hereby permitted shall be submitted to and be approved in writing by the Local Planning Authority. The Travel Plan shall be implemented, in accordance with the approved details, on the first occupation of the development. A detailed written record shall be kept of the measures undertaken to promote sustainable transport initiatives and a review of the Travel Plan shall be undertaken annually. All relevant documentation shall be made available for inspection by the local planning authority upon reasonable request.
6. Prior to commencement of development on site, details on the access, turning area and parking facilities are to be submitted and approved in writing by the local planning authority. All turning, parking and access roads within the site shall be properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.

Informatives: I05, I08, I11, I36, I41, I45, I47

#### **4.6 Service Manager Built and Natural Environment (Landscape): no objection**

4.6.1 The following information and comments are based on the application material, desk top study and site visit undertaken on the 17 June 2019.

## Designations/Constraints

Vehicle visibility splay and impact on valued landscape along Canon Pyon Road.

### NPPF

Chapter 15: 170a

### Core Strategy

SS6

Drawing reviewed: Landscape Strategy, CSA/3339/111, rev C

Landscape & Visual Amenity:

Landscape character type: Principal settled farmland.

Vegetation: Open field with hedgerows and hedgerow trees to boundaries.

Views:

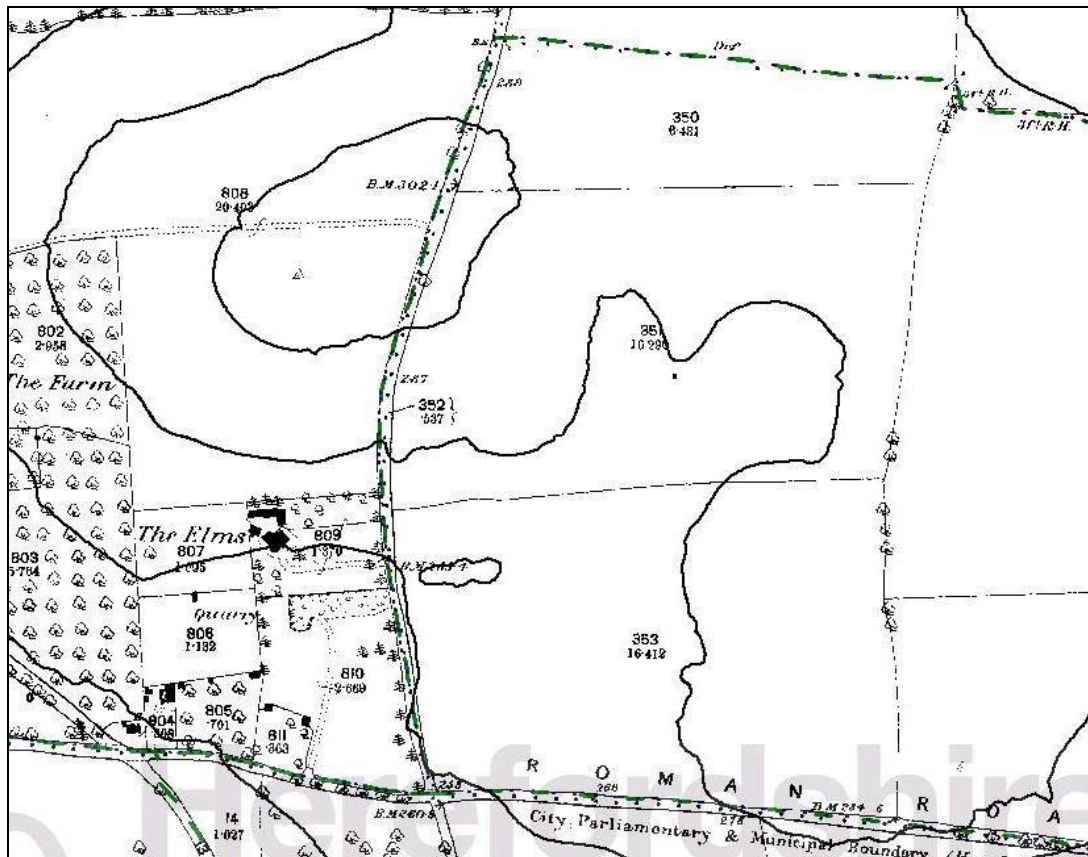
- West: Screened by hedgerow along Canyon Pyon Road, with some visibility at gaps within Hedgerow.
- South: Mostly screened by Hedgerow and hedgerow trees.
- East: Screened by hedgerow.
- North: Screed by hedgerow.

Historic: The site circa 1843-1893 was an open field and has now changed over time with development along roads and the fields pattern defined by hedgerows.



#### 4.6.2 Comments in response to access and associated interfaces (To ensure a co-ordinated landscape scheme).





- 4.6.3 The scheme destroys a significant length (approximately 80m) of existing landscape (i.e. hedgerow) to provide an access into the development. In doing so, impacts on the visual experience of driving along a hedgerow lined road into Hereford; destroys habitat for wildlife and prevents the capture of pollutants along a busy road.
- 4.6.4 The applicant has endeavoured to offset this damage with a 'Frontage Landscape' scheme that proposes to replace the hedgerows (either side of access road); add hedgerow trees planted on a mound (planted with long grass/meadow) and create an open space/parkland with specimen trees. The area between the road edge and the hedgerow is proposed to be planted with amenity/short grass.
- 4.6.5 In principle this approach is acceptable and aims to make enhancement to the access. However more detail is required to ensure that the appropriate species and habitats are selected. Currently the information is intent only and not fully developed.

Conditions are suggested .

- 4.7 **Service Manager Built and Natural Environment (Landscape):** following revised landscape strategy information submission: additional comments: no objection

Drawing reviewed: Landscape Strategy, CSA/3339/111, rev C

- 4.7.1 The scheme destroys a significant length (approximately 80m) of existing landscape (i.e. hedgerow) to provide an access into the development. In doing so, impacts on the visual experience of driving along a hedgerow lined road into Hereford; destroys habitat for wildlife and prevents the capture of pollutants along a busy road.
- 4.7.2 The applicant has endeavoured to offset this damage with a 'Frontage Landscape' scheme that proposes to replace the hedgerows (either side of access road); add hedgerow trees planted on a mound (planted with long grass/meadow) and create an open space/parkland with specimen

trees. The area between the road edge and the hedgerow is proposed to be planted with amenity/short grass.

- 4.7.3 In principle this approach is acceptable and aims to make enhancement to the access. However more detail is required to ensure that the appropriate species and habitats are selected. Currently the information is intent only and not fully developed.

Conditions are suggested as follows:

*Condition 01 - Landscape Scheme*

With the exception of site clearance and groundwork, no further development shall commence until details of soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:

- Trees and hedgerow to be removed.
- Trees and hedgerow to be retained, setting out measures for their protection during construction, in accordance with BS5837:2012. All proposed planting, accompanied by a written specification setting out species, size, quantity, density and cultivation details.

Reason: To safeguard and enhance the character and amenity of the area in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework

*Condition 02 – Maintenance Plan*

Before the development is first occupied or brought into use a schedule of landscape maintenance for a period of 10 years shall be submitted to and approved in writing by the local planning authority. Maintenance shall be carried out in accordance with this approved schedule.

Reason: To ensure the future establishment of the approved scheme, in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework

*Condition 03 – Implementation*

The soft landscape works shall be carried out in accordance with the approved details before any part of the development is first occupied / brought into use in accordance with the agreed implementation programme. The completed scheme shall be managed and /or maintained in accordance with an approved scheme of management and/ or maintenance.

Reason: To ensure implementation according to the hard and soft landscape works plan agreed with local planning authority and in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

Informative: (To be included as part of the conditions) Planting between the road edge to Hedgerow and around the hedgerow (The hedgerow understorey or ground flora) is recommended to be of a suitable wildflower and grass mix. Use Pro flora mix 7 – hedgerows and Pro flora 9 –general purpose (or equivalent).

Tree and hedgerow guidance

Trees and Hedgerow Tree specification

Individual trees shall be planted as follows: Trees should be planted in areas previously cleared of all weeds, grass and vegetation. The trees are to be of 'Selected Standard'

size, 16-18 cm girth, 2.5-3.5 metres tall, bareroot or rootballed and healthy and vigorous. Trees should be planted in planting holes 1.2m. x 1.2m. x 900mm deep, with the topsoil mixed with a minimum of 20 litres of suitable tree planting compost and replaced carefully around the roots and lightly compacted every 150mm layer. Trees should be supported with a treated timber stake and rubber ties and protected from both rabbit and stock damage. This may require the construction of sufficiently robust timber guards of a size appropriate for the type of stock kept in the field. A water regime is to be followed to ensure the health of the tree is maintained during the establishment period.

#### Standard Hedgerow Planting Specification

Hedging plants are to be 60-80 cm high, 1+1, bareroot, healthy and vigorous transplants to be planted in a double staggered row, 450mm apart, 7 plants per linear metre. Suggested species mix as follows:

#### *Suggested Species*

Only native and locally characteristic species should be used. The purpose of the hedge should help define the species used - eg thorny/spikey species are less suited to hedges around residential properties or gardens and must never be planted adjacent to a walkway or within 3m of any path used a designated cycle route (HC Highway Design Guide).

#### Common native, thorny species:

Hawthorn (*Crataegus monogyna*)

Blackthorn (*Prunus spinosa*)

Holly (*Ilex aquifolium*)

#### Non thorny species:

Field Maple (*Acer campestre*)

Hazel (*Corylus avellana*)

Hornbeam (*Carpinus betula*)

Wayfaring Tree (*Viburnum lantana*)

Guelder Rose (*Viburnum opulus*)

Dogwood (*Cornus sanguinea*)

Spindle (*Euonymus europaeus*)

#### Larger and 'Standard' Tree Species (planted as standard or light standard trees)

Sycamore (*Acer pseudoplatanus*)

English (Pedunculate) Oak (*Quercus robur*)

Sessile Oak (*Quercus petraea*)

Bird Cherry (*Prunus padus*)

Wild Cherry (*Prunus avium*)

Field Maple (*Acer campestre*)

#### Notes:

Dog Rose (*Rosa canina*) can be planted as an additional non woody species but is not considered part of the 5-7 plants per metre. This species will also quickly colonise naturally.

Elder should not be planted in a new hedge it will out compete/kill other species and quickly develop in to a thin and gappy hedgerow.

Honeysuckle should not be planted as it does not 'grow with the tree' leading to strangulation and its climbing habit can cause woody species to collapse.

Ivy will colonise naturally but excessive growth may need to be managed to ensure excessive shading of woody species does not occur.

**4.8 Service Manager Built and Natural Environment (Arboricultural):** No objection: comments:

- 4.8.1 I have viewed the outline plans and read the relevant documents regarding all existing and proposed new trees and do not have objections to the proposed development which appears to be compliant with policies LD1, LD2 & LD3.
- 4.8.2 The tree report - Arboricultural Impact Assessment - Aspect Arboriculture - Canon Pyon Road Hereford May 2019, indicates that the area tree preservation order, no 103 does not apply to this site despite what the plan may illustrate. I am in agreement that the trees on the western boundary are not included in the order and therefore there is no statutory protection for them I also do not believe that they are trees worthy of a new order.
- 4.8.3 The agricultural use of the site means that there are very few trees in the site; instead all are located on the boundaries. The only proposed losses are the trees on the western boundary which are of low amenity value and the losses can be mitigated with new plantings.
- 4.8.4 There will be a requirement for further information to be produced at reserved matters, this will consist of the following:
- A scaled Tree Protection Plan
  - Tree Method Statement to include site monitoring during the erection of the tree protection and any facilitation pruning.
  - Soft landscape plan that will include the following:
- 4.8.5 The specification shall include the quantity, size, species and position or density of all trees to be planted. As well as cultivation details - how they will be planted and protected and the proposed time of planting.
- 4.8.6 All of the above can be produced via condition.

**4.9 Open Space Planning Officer:** Qualified Comments

Open Space Requirements.

4.9.1 Relevant Policies:

National Planning Policy Framework (NPPF):

- Paragraph 96: Open Space and Recreation: provision of what open space, sports and recreational opportunities required in a local area should be based on robust assessments of need

Core Strategy(CS)

- OS1: Requirements for Open Space, Sports and Recreation Facilities
- OS2: Meeting Open Space and Recreation Needs
- LD3 Green Infrastructure

Evidence Base and standards (on and off-site)

- Local Evidence: Herefordshire Open Space Study 2006 (data for amenity public open space has not changed significantly and it is still considered to be accurate).
  - This recommends POS should be at a rate of 0.4ha per 1000 population.

- Local Evidence: Herefordshire Play Facilities Study and Investment Plan 2014 and National Evidence: Fields in Trust Guidance:
  - These recommend children's play at a rate of 0.8ha per 1000 population.
  - Of this 0.25ha per 1000 population should be formal equipped play.
- Local: Playing Pitch Assessment 2012 and update 2014, Outdoor Sports Investment Plan 2019 and National Evidence: Fields in Trust Guidance.
  - These recommends outdoors sports provision of between 1.4 and 1.6ha per 1000 population and where future investment in outdoor sport should be directed to maximise the benefits to the local community.

*Open Space Policy Requirements:*

- 4.9.2 In accordance with CS policy OS1/OS2 requirements for open space, sport and recreation facilities will be sought from all new residential development on a site by site basis in accordance with all applicable set standards.
- 4.9.3 Where on-site provision is not appropriate off-site contributions may be sought on an equally beneficial basis for the local community and in accordance with evidence bases and set standards as set out above. A combination of both/ on /and off site provision is required from this development given its size and location.
- 4.9.4 For 95 houses at an occupancy of 2.3 (total population 218.5) the following is required:
- The developer provides a minimum of 0.261 ha (2610sq m) of on-site green infrastructure comprising;
  - 0.087 ha (870sq m) of Public Open Space (@ 0.4ha per 1000 population)
  - 0.174 ha (1740sq m) of Children's Play (@ 0.8ha per 1000 population) of which 0.054ha (540 sq m) should be formal children's play. (@ 0.25ha per 1000 population).
- And  
An off-site contribution towards Outdoor Sports will also be sought as detailed below.
- 4.9.5 Indicative On-site POS/Children's Play:

Standards: The applicant has generated the standards for provision from the 'Guidance for Sport and Play: Beyond the Six Acre Standard' as detailed in the Design and Access statement the:

- Green Infrastructure totals 1.1 ha
- Including SUDs 0.16ha incorporating 400sq m play

- 4.9.6 My pre –application comments for 173072 clearly set out the standards and evidence bases that are used to calculate the amount of open space required from a development and these are again set out above. These standards are used on all planning applications and are in accordance with NPPF Paragraph 96 and the CS policies OS1 and OS2.

In total the applicant proposes 0.96ha of open space (SuDs are not part of the POS standard). Overall this is in excess of the minimum requirement but the standard for children's play has not been met. A minimum of 540sq m is required.

The applicant will need to demonstrate that the minimum standards described above can be met on site.

*Condition: CA4 Provision of open space*

The plans for the provision for open space and play areas shall be set out in accordance with the standards adopted by the local planning authority and shall be submitted to and approved in writing by the local planning authority.

Reason. In order to comply with the requirements of Policies OS1 and OS2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

- 4.9.7 Layout: Planning for healthier spaces is good practice and any on site provision should be well designed and of a usable size to offer a range of recreation opportunities and experiences appropriate to the site and location. The Illustrative Masterplans shows open space located in the south-east corner which includes a children's play area and 1 of 3 SuDs pond. The other 2 SuDs ponds are located on open space by the entrance on the south west corner to the site off the Canon Pyon Road. A linear park and recreational route runs along north, east and southern boundaries linking the green spaces and SuDs ponds. These areas provide the opportunity for both informal and formal recreation in accordance with CS policies OS1 and OS2.

In accordance with CS policy LD3 development proposals should plan for the delivery of new green infrastructure including retention of existing green infrastructure corridors. The proposed open space layout and recreational route around the site allows for existing green infrastructure (hedges etc) to be retained at the same time as providing safe connectivity with potential to incorporate both walking and cycling opportunities and this is supported.

- 4.9.8 Children's Play: The formal children's play area is located in the POS in the south east corner. As shown on the illustrative master plan it does not appear to be well overlooked and as such lacks natural surveillance. Accessibility particularly for younger children is also limited given the location and the size of development. I would prefer to see the formal play element extending more centrally from the linear park off the eastern boundary. 540sq m is the minimum requirement but I would also be happy to see a formal area of 400sq m in this location along with a smaller more natural play area/trail in the south east corner. Given that this area is also to house a SuDs pond which could have standing water, more natural play opportunities would be more appropriate on the understanding that the health and safety of the SuDs pond has been taken into account. It is acknowledge that the location of the SuDs areas is dependent on the drainage of the site but this should not dictate where POS and Play are to be located.

At the RM state the applicant will be required to provide details of the play area. It should cater for all ages including infants/juniors/teenagers and be a minimum of 540sq m (one or two areas). In this instance both formal and natural play equipment will be acceptable.

As the proposal develops details of the "cost" of the play area(s) can be provided based on the size and final number of houses proposed in accordance with the SPD on Planning Obligations.

- 4.9.9 The play area scheme will need to be approved by the planning authority and we would expect details of the play area(s) to include a complete proposed scheme providing:
- a detailed location plan
  - layout
  - equipment list (with suppliers and part numbers)
  - details of safety fencing (if applicable)
  - safety surfacing
  - information on signage
  - seating and litter bins

- 4.9.10 SUDs: The SuDs ponds can be included as additional open space to that required by policy. If designed accordingly, it is acknowledged that these areas can provide good opportunities for



informal recreation and natural play along with being areas suitable for biodiversity and wildlife. As these areas are to be publically accessible, at the RM stage plans will be required as part of the landscaping/POS scheme showing details including cross sections, gradients and details of standing water.

4.9.11 The landscape aspects of SUDs should be designed in accordance with the Councils SuDS Handbook which provides advice and guidance on the inclusion of SuDS on new development. In addition the council advises that developers seek guidance from the CIRIA SuDS Manual and the Wildfowl & Wetland Trust /RSPB available from the Susdrain website.

4.9.12 Adoption and Maintenance: Suitable management and maintenance arrangements will be required to support any provision of open space and associated infrastructure within the open space in line with the Council's policies. This could be a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

4.9.13 Off-Site Outdoor Sports Contribution: An off-site contribution will be sort in accordance with the following evidence bases:

*Hereford Area Playing Pitch Assessment 2012*

- Outdoor Sports Investment Plan 2019 (updated annually)

The Outdoor Sports Investment Plan includes list of priority projects for cricket, football, hockey, rugby and cycling to provide new and improve existing facilities in accordance with the Playing Pitch Assessment. It has been prepared by a partnership of Sport England, Herefordshire Council the National Governing Bodies (NGB) for cricket, football, hockey and rugby and the County Sports Partnership. It is annually reviewed and provides up to date information on clubs and facilities in accordance with Sport England's requirements to review the Playing Pitch Assessment.

Projects are considered to be sustainable in helping to meet the needs of both the existing and future populations (future proofed to 2031) and have the support of the relevant NGB in both their regional and local facilities development plans.

The methodology used to assess requirements arising from new development is considered to be CIL compliant and contributions are calculated using the following methodology:

Hereford

- £8,433,652: Total Outdoor Sports Investment costs (costs calculated using Sport England's Facility Kitbag
- 6,500 new houses (Core Strategy Hereford housing requirements)
- £1,297: Cost per market house: (Total investment costs divided by total number of houses)

*Note: all project costs include development costs, contingency and maintenance costs x 15 years and are based on Sport England's Facility Costs Kitbag as of 2Q2012/2Q2017 and associated maintenance costs.*

Total for this development of 95 houses (62 market houses): £80,414

4.9.14 Summary of projects for Hereford

Hockey Quality Improvements: crucial to the development and retention of hockey in Hereford (identified deficiency if facility is lost)

- Artificial Turf Pitch: Priority for the National Governing Body (sand base for hockey use): Hereford Leisure Centre: resurfacing required:

Cost: £150,000

Football Quantity Improvements: Additional senior training and junior football provision (identified deficiency).

- Additional pitches required at a number of sites including 2 x artificial pitches (3G), natural turf and MUGA. (priority for the National Governing Body and Herefordshire FA),

Total costs: £3,806,200

Football Quality Improvements: The quality or lack of changing rooms and poor quality pitches limit the use of facilities affecting the growth of clubs and the sport.

- The following football facilities are seen as priorities by the National Governing Body and Herefordshire FA for future investment: Victoria Park, Newton Farm, Broomy Hill, Tupsley Quarry.

Total Costs: £1,125,252

Cricket: Quantity Improvements: Additional senior pitch provision (identified deficiency) compounded by recent loss of pitches in and around the city. Provision within the city to meet these needs is a key priority for the National Governing Body and Herefordshire Cricket Board.

- Additional Natural turf pitch and wicket, plus ancillary facilities required: Potential site include former Whitecross School.

Total costs: £1,216,200

Cricket: Quality improvements: Junior provision and training facilities (identified deficiency): The following facilities are seen as priorities by the National Governing Body and HCB for future investment:

- Pentland Gardens, Bishops of Bluecoat School community facilities.

Total costs: £90,000

Rugby Quality Improvements: To improve training and senior provision (identified deficiency)

- Greyhound RFUC: floodlights: priority for the National Governing Body

Total costs: £50,000

Rugby Quantity Improvements: Training and senior provision (identified deficiency)

- Hereford Rugby Union AGP: Rugby Union (65mm 3G, Fenced, Sports Lighting) (130 x 80): priority for the National Governing Body

Site to be identified

Total costs: £1,245,000

Hereford Cycle Track: (Identified deficiency for competitive and non-competitive events, coaching and increasing participation for all ages)

- Hereford closed road 1.5K cycling circuit at Hereford Leisure Centre.

Total costs: £750,000

4.9.15 *Note: All project costs include development costs, contingency and maintenance costs x 15 years and are based on Sport England's Facility Costs Kitbag as of 2Q2012/2Q2017 and associated maintenance costs or costs provided by the NGBs.*

All of the above projects will potentially benefit the proposed development as residents are likely participate between them in all sports.

Overall contributions sought from new housing will only contribute approximately 65% of the total investment required to bring forward the projects identified below. Match funding will be sought via the Outdoor Sports Investment Steering Group and the relevant facilities development plans of the NGBs and through external funding sources.

#### 4.10 **Strategic Housing:** No objection: comments

Strategic Housing would support an application on this development. We would look to negotiate 35% of the overall scheme equating to 33 dwellings. Further discussion need to be had to agree on the tenure split and bed sizes for the affordable and open market but a range of 1- 4 beds would be required. As per Policy H3 the development should provide a range and mix of housing inclusive of bungalows which creates a balanced and inclusive community, the affordable housing should be pepper potted throughout the development

#### 4.11 **Environmental Health Officer:** Noise: No objection: comments

Our department is in receipt of a Noise Impact Assessment which examines the impact of road traffic noise from the Canon Pyon Road. At the noise monitoring point closest to the road where dwellings are proposed, average predicated daytime noise levels were 58 LAeq dB daytime and 51 LAeq dB at night. Elsewhere on site and further away from the road, predicted noise levels are much lower. The report also examines the impacts of loud individual events at night against the World Health Organisation criteria. The impact of the latter means that there will need to be some noise attenuation at plots closest to the road. Para 5.2.2 of the report advises that effectively the proposed dwellings in the illustrative masterplan which are to the south west section of the site (4 in total) will require high specification performance double glazing with trickle vents (with a minimum sound transmission loss of 30dB) with the building fabric to be constructed to achieve a 30dB sound reduction.

The report also examines external noise levels in amenity areas. The desirable standard of 50dB can be achieved in these areas if the gardens to the proposed dwellings are shielded to a degree by the houses themselves.

In summary given the findings of the assessment our department has no objections to this proposal on noise grounds. However we do request that the findings of the assessment are taken into account in the design and layout of the proposed dwellings closest to the Canon Pyon Road so that the maximum number of noise sensitive rooms (bedrooms and living room) can achieve the desirable noise standards set out in BS823 with as many partially open windows as possible. (For example placing non noise sensitive rooms such as hallway, bathrooms etc closest to the road and bedrooms facing the east away from the road).

#### 4.12 **Waste Officer**

Please refer to "Guidance Notes for storage and collection of domestic refuse and recycling" for advice with regards to Waste Management arrangements for households.

[www.herefordshire.gov.uk/downloads/file/2883/guidance\\_notes\\_for\\_storage\\_and\\_collection\\_of\\_domestic\\_refuse\\_and\\_recycling](http://www.herefordshire.gov.uk/downloads/file/2883/guidance_notes_for_storage_and_collection_of_domestic_refuse_and_recycling)

Although layout is a reserved matter please note that all internal roads where it is expected a refuse collection vehicle (RCV) will travel, should be suitable for a 26 tonne RCV allowing it to manoeuvre and turn safely. Each property would be provided, as standard, with 1 x 180 litre black general rubbish bin and 1 x 240 litre green recycling bin. The maximum walking distance between the collection point of the bins and where the vehicle can safely access is 25metres. Collection Dropoints (e.g. an area of hardstanding where bins can be placed on collection day) would need to be provided for any properties located over a 25 metre walking distance from where the vehicle can access

#### 4.13 Drainage Engineer

4.13.1 This response is in regard to flood risk and land drainage aspects, with information obtained from the following sources:

- Application for outline planning permission
- Location Plan (Ref: CSA /3339/112 Rev A)
- Illustrative Masterplan (Ref: CSA /3339/115 Rev B)
- Topographical Survey (Ref AP3252-02B Rev B)
- Landscape Strategy Plan (Ref: CSA /3339/111 Rev B)
- Planning Statement (April 2019)
- Flood Risk Assessment & Drainage Strategy May 2019

4.13.2 We highlight that any planning application should be submitted in accordance with the Herefordshire SuDS Handbook and the Herefordshire Council Planning Applications Flood Risk & Drainage Checklist available on the Council's website:

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/66/about\\_planning\\_services/11](https://www.herefordshire.gov.uk/info/200142/planning_services/66/about_planning_services/11)

Site location and extract of flood map(s)

Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), June 2019

**Site location and extract of flood map(s)**

*Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), June 2019*



4.13.4 The drainage engineer has provided a detailed (11 page) assessment of the strategy (that can be seen at: <https://myaccount.herefordshire.gov.uk/documents?id=d60ec072-9ca4-11e9-8be4-0050569f00ad>)

This concludes:

#### 4.13.4 Overall Comment

As discussed above, for the most part we agree with the applicant's proposals however we recommend that the following information is requested from the applicant prior to the Council granting planning approval to ensure that the principles of surface water management are clearly defined:

Further clarification of the management of the overland flow route that currently discharges through the site to protect the proposed development, not increase flood risk elsewhere and (where possible) provide betterment to properties downstream of the site.

Further consideration of using the proposed attenuation basin for the management of smaller events to provide improved water quality and biodiversity benefit. A trial trench will need to be excavated to demonstrate that spreaders from the adjacent properties do not enter the proposed site.

Should the Council be minded to grant planning permission we recommend that, in addition to the information listed above, the following information is included within any reserved matters application:

- Detailed drawings of the drainage system and associated structures that maximise the use of SuDS and that include the location of all manholes and pipes, as well as details of inlets, outfalls and SuDS features (including cross sections with invert levels, maximum water levels, top of bank levels, freeboard);
- Updated calculations of greenfield runoff rates, proposed discharge rates and attenuation storage requirements using FEH methods and 2013 rainfall data;
- Detailed explanation as to how flow that exceeds the capacity of the drainage network will be managed within the site up to the 1 in 100 year event;
- Assessment of risk from failure of any above ground storage structures.
- Formal agreement from the relevant undertaker that surface water and foul water can be discharged to the sewerage network;
- Confirmation of agreement in principle of proposed adoption and maintenance arrangements for all parts of the surface water and foul water drainage system;
- Operational and maintenance manual for all proposed drainage features that are to be adopted and maintained by a third party management company.

#### 4.14 Service Manager Built and Natural Environment (Archaeology): No Objection: comments

Approve with Conditions Standard condition E01/C47 or suitable variant thereof.

The application area is close to the junction of two Roman roads, and although this area has been subject to severe truncation by modern farming practices, there nevertheless remains some moderate potential for intermittent roman period finds here.

I have no objection to the development as proposed, but (as indeed the application acknowledges) there would be a need under policy for proportionate archaeological cover under condition.

Therefore, in accordance with Core Strategy LD4, and Para. 199 of the NPPF, I would advise a suitable archaeological recording condition as mitigation, if the application is approved.

#### 4.15 **Neighbourhood Planning Manager: Qualified Comments**

In accordance with para 48 of the NPPF:

The Holmer and Shelwick neighbourhood plan has reached submission stage under Regulation 16. The consultation was undertaken on 30 July to 24 September 2019. The plan has been sent to examination and this is due to commence next week (14 October).

14 representations were received during the regulation 16 consultation. Two representations have been made regarding the consistency between Policy HS1 and Policy HS2. The applicant did not submit an objection at Reg16 and no comments were made specifically regarding the settlement boundary in this location.

The Strategic Planning team as part of the regulation 16 consultation have confirmed that the plan is in general conformity with the adopted Herefordshire Core Strategy and the National Planning Policy Framework.

At this stage with regards to para 48 of the NPPF, moderate weight can be attributed to the neighbourhood plan.

The site subject to this application is outside of the settlement boundary of Holmer and therefore contrary to Policy HS2 of the NDP. The parish in terms of rural proportional growth has met its requirement and this land is not indicated within the Core Strategy as part of the strategic location at Holmer west.

#### 4.16 **Forward Planning: Objection**

The proposal site forms part of a larger area of land that was identified and technically assessed in 2018, to determine its suitability to accommodate residential development, under the reference "Bur09". This work was undertaken to identify a schedule of "site options" as supporting evidence for potential allocations through the Hereford Area Plan (HAP), which could contribute to the Core Strategy growth target for Hereford. The site assessment concluded that "Bur09", specifically the western side, could have capacity for development.

[https://www.herefordshire.gov.uk/download/downloads/id/14806/north\\_west\\_hereford\\_summary\\_document.pdf](https://www.herefordshire.gov.uk/download/downloads/id/14806/north_west_hereford_summary_document.pdf)

The site lies close to the "Holmer West" strategic urban extension site set out in policy HD4 of the Core Strategy, but does not however form part of this allocation. Despite the findings of the assessments, this exercise does not underpin any allocations or planning policies at this stage. How the or whether the HAP will progress in its current form is unknown at this stage, as it is based on delivering the objectives and targets of the existing adopted Core Strategy. Initial work is underway to review the Core Strategy, however the scope of this and the approach that it will take is not currently known. No weight can therefore be attached to the HAP at present.

The proposal also lies within the area designated for the Holmer and Shelwick Neighbourhood Development Plan (NDP). Policy HS2 of the draft NDP defines a settlement boundary for Holmer, which the application site lies outside of. The proposal would therefore be contrary to policy HS2. The NDP has undergone consultation at Regulation 16, in which Strategic Planning confirmed that its policies are in general conformity with the Core Strategy, and the plan has been submitted for examination. It is my understanding from colleagues in the Neighbourhood Planning team that there are no holding objections specifically to the settlement boundary as drafted, and that the NDP can carry moderate weight in decision making. The Parish has also met its proportional housing growth target set by the Core Strategy



## **5. Representations**

### **5.1 Holmer and Shelwick Parish: Objection**

Holmer and Shelwick Parish Council considered this application at their meeting 10/06/19 and object to the proposals. This land is a green field site lying outside of the proposed settlement boundary in the Parish Council's emergent Neighbourhood Development Plan, currently at Regulation 14 stage. Herefordshire Council's Core Strategy Local Plan (adopted in October 2015) sets strategic planning policy for housing and other development in the county's rural area over the period 2011-2031. Policy RA1 of the Core Strategy identifies seven rural housing market areas for the county. Holmer and Shelwick fall within the Hereford Rural Housing Market Area (HRHMA). Policy RA1 sets an indicative growth target for this whole area of 18%, 2011-2031. Herefordshire Council's growth target for the two villages has been set as 17 new homes, 2011-2031.

5.1.2 This figure has been calculated by basing the growth target on the number of houses in 2011 in the rural area, i.e. outside of the built form on the Roman Road. Existing commitments (houses completed, houses under construction and planning permissions for new homes) totalled 27 in December 2018. The area has already far exceeded Herefordshire Council's quota for new housing provision and as such any additional development cannot be justified. The Canon Pyon Road cannot accommodate the many additional vehicle movements generated by the proposals, it is already heavily congested. Furthermore it is felt that the proposed access and visibility splays are inadequate and would be detrimental to highway safety. The left hand radius from the Canon Pyon Road junction with Roman Road is not adequate and will lead to vehicle conflict. The parish is simply not able to accommodate an additional development of this size until the bypass is constructed and the necessary support infrastructure is in place (drainage, schools, medical facilities, recreation facilities etc.).

5.1.3 The Arboricultural Impact Assessment undertaken by the developer seeks to reduce the scope of the Tree Preservation Order for some of the trees and hedging on this site but it is firmly asserted that the Tree Preservation Order plans are correct and do apply to all of the trees and hedges as shown in the plan as they were in existence when the order was made. Whilst it was noted that this is an outline application it is asserted that surface water and drainage modelling should be undertaken to fully evaluate the suitability of the site. The drainage reports that are available have shown that soakaways are not a viable solution and yet permeable surfacing has been suggested for parts of the site.

#### **5.1.4 Burghill Parish Council: Objection**

Thank you for the opportunity to comment on the above planning application. Burghill Parish Council is aware that a detailed response has been produced by Holmer and Shelwick Parish Council. Having reviewed the application and this response at our meeting on 11th June, Burghill Parish Council fully supports Holmer and Shelwick Parish Council's position. It was resolved that Burghill Parish Council object to this application on the same grounds.

5.2 Sixty-four letters of objection have been received from local residents. In summary the points raised are as follows:

#### Highway Issues

- Highway safety, restricted visibility, volume of traffic. Poor access into site.
- Traffic backs up, queuing already. Exacerbate existing traffic problems. HGVs use road.
- Development should not happen until bypass
- Access should be off Roman Road
- Construction period: HGVs, noise, dust, disturbance
- Pedestrian and Cycle safety

- Bus stop can't be installed road pavement too narrow

#### Policy Conflicts

- Weight of NDP. Site not within NDP allocated area.
- Over development – Burghill and Holmer already met NDP targets
- The Parish has more than met and is delivering its housing quota

#### Drainage and Water

- Welsh water easement – should not be developed on
- Sewers can't accommodate new large development
- Houses in close proximity not on main sewers. Septic drain onto field
- Sewers can't accommodate new large development
- Flooding on road and pavement. Drains can't cope.
- Sewage

#### Impacts on local infrastructure

- Poor local bus services
- Capacity of local doctor surgeries, hospital and schools
- Impact on infrastructure

#### Availability of other sites

- Unnecessary housing. Need more affordable housing
- No need for further houses in Burghill or Holmer
- Cumulative impact: new dwellings in area – Bloor development
- Site should be in conjunction with site to the East

#### Landscape/Trees/Ecology and Biodiversity

- Loss of hedgerows – loss of wildlife
- Green belt agricultural land
- Who will maintain Suds
- Loss of hedgerow and impact on 'TPO' trees
- Erodes distinction between town and countryside
- Affects character. Not in character mix of housing
- Privacy: lack of details of tree planting
- Loss of habitats, flora and fauna
- No areas of open space

#### Other Issues

- Downgrade property values
- Loss of agricultural land
- Archaeology. The Potential for Romano British remains
- Detrimental and harmful Impact on amenity and setting of existing dwellings. Poor relationship
- No details of boundary treatments between existing properties and proposed
- Increase in anti social behaviour and crime
- Impact on character of the area. Character will be lost

5.3 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=191770&search=191770](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=191770&search=191770)

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Further information on the subject of this report is available from Ms Heather Carlisle on 01432 260453

## **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). The National Planning Policy Framework (NPPF) is also a significant material consideration. It is also noted that the site falls within the Holmer and Shelwick Neighbourhood (NDP) Area, which is currently post regulation 16 stage and has been sent for examination. The National Planning Policy Framework (NPPF), NDP and the emerging Hereford Area Plan are material considerations and as such can be weighed in the decision making process.

6.3 NPPF paragraph 73 requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.

6.4 The Council has published its up to date housing land supply position (as of April 2019) and this is confirmed to be 4.05 years. As such the Council does not have an up to date 5 year supply of housing land as required by the NPPF. The Council's Housing Land Supply deficit means paragraph 11 of the National Planning Policy Framework (NPPF) is engaged in the assessment of housing proposals.

6.5 Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. It sets out that, for decision-taking, where the policies which are most important for determining the appeal are out of date, planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. This is commonly referred to as 'tilted balance' and will form the conclusion of this report.

6.6 Paragraph 12 is also relevant, stating that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making and officers have made a detailed assessment of the proposed development against the policies of the Development Plan – that being the Herefordshire Local Plan – Core Strategy and the Neighbourhood Development Plan

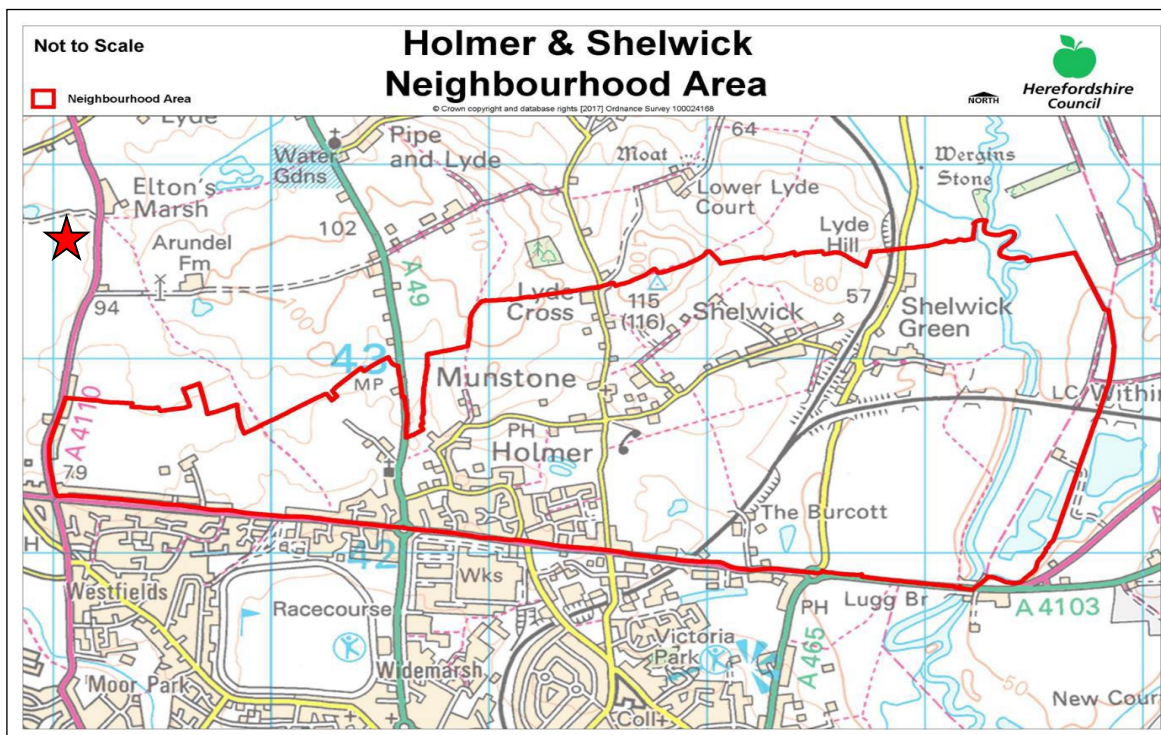
6.7 The approach to housing distribution within the county is set out in the Core Strategy at Policy SS2. Hereford, as the largest settlement and service centre is the recipient of up to 6,500 of the requisite 16,500 homes, with the market towns identified in the second tier as recipients of approximately 4,700 dwellings and the remainder being located in the rural areas.

6.8 When looking at Policy SS2 the application site lies within the Holmer and Shelwick Neighbourhood Area and therefore the emerging NDP must be considered in the first instance.

## Neighbourhood Development Plan (NDP)

The site lies within Holmer and Shelwick Neighbourhood Development Area as illustrated within map 3 below

**Map 3: NDP: area boundary map. Site identified by red star.**



- 6.9 The NDP is post Regulation 16 Stage and has been sent to examination (14<sup>th</sup> October). This document and its evidence base / background documents can be seen online at: [https://www.herefordshire.gov.uk/directory\\_record/3127/holmer\\_and\\_shelwick\\_neighbourhood\\_development\\_plan](https://www.herefordshire.gov.uk/directory_record/3127/holmer_and_shelwick_neighbourhood_development_plan)
- 6.10 Policy HS2 of the draft NDP identifies and defines a settlement boundary for Holmer (see map 4 below), and it is noted that the application site lies outside of this boundary. The proposal would therefore be contrary to policy HS2 of the NDP that states:

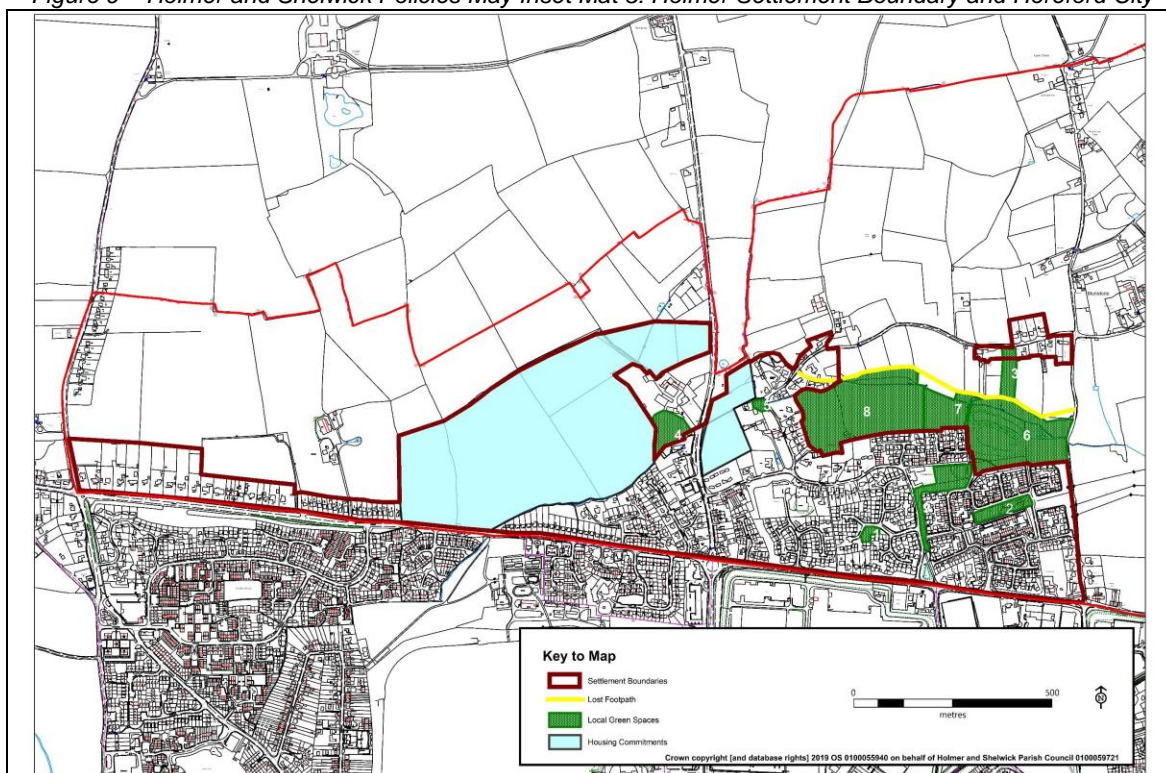
### *POLICY HS2 -NEW HOUSING DEVELOPMENT IN HOLMER*

*Within the settlement boundary for Holmer (Figure 9) new housing development will be supported. Development outside of this boundary will be considered to be in the open countryside and will be assessed against Policy RA3 of the Herefordshire Local Plan Core Strategy 2011-2031. The proposed homes will not adversely impact existing agricultural or commercial activity.*

*Development sites within the settlement boundary for Holmer may be adversely impacted by road traffic noise from the A49 and A4103. The design and layout of such sites must take into account the acoustic environment with a view to mitigating any adverse effects of road traffic noise.*



Figure 9 – Holmer and Shelwick Policies May Inset Mat 3: Holmer Settlement Boundary and Hereford City



**Map 4: settlement boundary map of the NDP**

- 6.11 As identified previously, the NDP has undergone consultation at Regulation 16, in which Strategic Planning confirmed that its policies are in general conformity with the Core Strategy, and the plan has been submitted for examination.
- 6.13 The NDP does have a settlement boundary and within the NDP it makes it clear that any proposals for new housing should be situated within the settlement boundary. As such, officers would conclude that proposed development would not adhere to the requirements of HS2 of the NDP.
- 6.14 Whilst conflict with this policy has been detected the weight that should be attributed to the policies of this emerging plan must be considered having regard to paragraph 48 of the NPPF. This matter is addressed in the comments from the Neighbourhood Planning Manager in their comments at section 4 above. Officers are of the view that, in decision making, given the stage that the plan is at that moderate weight should be afforded to the policies of the Emerging NDP.

### **Core Strategy and spatial strategy (Emerging Hereford Area Plan)**

- 6.15 The Herefordshire local Plan – Core Strategy does not have a settlement boundary and only identifies locations for the larger expansion areas. This site does not lie within one of these areas. It is officers view that it is therefore necessary to assess this application in the context of its relationship with Hereford City to establish whether its development could support the required growth.
- 6.16 It is not in dispute that the proposal would be seen in the context of other built development as the site is within the general environs of Canon Pyon Road and Roman Road and considered to be adjacent to a Hereford City settlement. The site is considered sustainable in terms of its location given the close proximity to the built up properties along Canon Pyon Road and Roman Road and the built environs of Hereford City as a whole and the application site; and notwithstanding the lack of a five year housing land supply, officers are of the view that significant weight can still be given to its housing supply policies. The scheme is considered to represent sustainable development in locational terms and significant weight is given to this. In

terms of sustainability, the site lies close to a primary and secondary school, shops, a doctor's surgery and a public house. There are also bus services to the City Centre.

- 6.17 It is also acknowledged that this site has been promoted through the emerging Hereford Area Plan and forms part of a larger area of land that was identified in 2018 to determine its suitability to accommodate residential development, under reference "Bur09". This work was undertaken to identify a schedule of "site options" as supporting evidence for potential allocations through the Hereford Area Plan (HAP), which could contribute to the Core Strategy growth target for Hereford. As confirmed by forward planning colleagues this site assessment concluded that "Bur09", specifically the western side, could have capacity for development. It is also apparent the application site is situated close to the "Holmer West" strategic site (policy HD4). However it is important to recognise this site does not form part of this urban expansion site.
- 6.18 Notwithstanding the assessment, as identified above, this site or the exercise does not carry any weight in regards to site allocations or planning policies at this stage. It is not known if the HAP will progress in its current form or at all in the future. Therefore no weight can be attached to the HAP at present.

### ***National Planning Policy Framework***

- 6.19 The NPPF has 'sustainable development' central to planning's remit and objectives. The NPPF also seeks positive improvements in the quality of the built, natural and historic environment and in regards people's quality of life.
- 6.20 Paragraphs 7 and 8 set out and define sustainable development and of the three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways, the social objective requires planning 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.
- 6.21 Paragraph 11 of the Framework sets out the presumption in favour of sustainable development. For decision-taking this means 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 the application of policies of the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or 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.
- 6.22 Footnote 7 of Paragraph 11 confirms the meaning of 'out of date' for housing. The local authority is currently failing to provide a 5 year Housing Land Supply, plus a buffer and as such Paragraph 11 is triggered due to conflict with the relevant requirements of NPPF chapter 5 'Delivering a sufficient supply of homes'.
- 6.23 Where the existence of a five year land supply cannot be demonstrated, there is presumption in favour of granting planning permission for new housing unless the development can be shown to cause demonstrable harm to other factors that outweigh the need for new housing. In reaching a decision upon new housing the housing land supply position will need to be balanced against other factors in the development plan and/or NPPF which could result in the refusal of planning permission. This site is therefore assessed and considered on its suitability as being sustainable in regards its location and material constraints and considerations.
- 6.24 Accordingly, the Council's housing land supply position regarding the NPPF does not result in the proposal being acceptable when there are both material considerations demonstrating the



development should be refused or where, locally, housing supply targets can be demonstrated.

- 6.25 Paragraph 103 states: The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
- 6.26 Paragraph 109 states: Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.27 NPPF Paragraph 124 states: The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 outlines that planning decisions should ensure that developments:

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
  - Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
  - Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
  - Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 6.28 It is recognised that there is currently a housing land supply deficit, with the published position being a 4.05 year supply. This is an important material consideration and the implications for this, as set out in the NPPF, apply. This requires the application of the 'titled' planning balance assessment set out in paragraph 11d) ii).

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

- a) 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.

- 6.29 To be able to draw conclusions and undertake the planning balance, it is also necessary to consider the proposals having regard to the economic, social and environmental objectives of sustainable development and also undertake an assessment of the technical matters. These are explored below:

### **Officer Appraisal**

- 6.30 This is an application in outline form; it therefore only seeks to establish the principle of residential development for 95 dwellings and the access thereto, Access as set out in the NPPG, means - the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
- 6.31 Whilst 'layout', is a reserved matter, an illustrative plan provides an example of how the intended development could be accommodated. Layout means - *the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.*
- 6.32 With this in mind, the application is to be considered against its compliance with policy in respect of the principle of the development and the matter of access.
- 6.33 Whilst spatially, the site's location is one that is considered to be acceptable, being adjacent to the settlement with good access to goods and services, the development of the site must be considered having regard to the other policies of the Core Strategy, Neighbourhood Development Plan and the NPPF taking into account any material considerations as appropriate

### **Impact upon the character and appearance of the settlement and landscaping**

- 6.34 Policy LD1 (Landscape and Townscape) of the core strategy seeks development proposals 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.
- 6.35 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, through the retention of important trees, appropriate replacement of trees lost through development, and new planting to support green infrastructure.
- 6.36 Green infrastructure is also covered by Policy LD3, which requires development proposals to protect, manage and plan for the preservation of existing and delivery of new green infrastructure; and to protect valued landscapes, trees and hedgerows. Proposals will be supported where the provision of green infrastructure enhances the network and integrates with, and connects to the surrounding green infrastructure network.
- 6.37 Whilst layout is a matter for future consideration, the illustrative plan demonstrates that a medium density scheme (37.5 dwellings per hectare) is broadly in accordance with the pattern of development of the immediate area and vicinity including more recent approved residential development located at nearby Holmer West. The illustrative layout identifies that the siting and layout can be achieved without detriment to the nearby surrounding residential properties. Officers would therefore conclude that this development is capable of compliance with the requirements of this policy although acknowledge that the matter of layout is one for future consideration.

- 6.38 The site comprises an existing greenfield site. Core Strategy policy SS6 states that development proposals should be shaped through an integrated approach to planning certain listed environmental components from the outset. This needs to be based upon sufficient information to determine the effect upon each of these. Of these the following are considered relevant: landscape, townscape and local distinctiveness biodiversity and geodiversity especially Special Areas of Conservation and Sites of Special Scientific Interest the network of green infrastructure; local amenity, including light pollution, air quality and tranquillity; agricultural and food productivity.
- 6.39 Landscaping is a matter reserved for future consideration. In terms of landscape impact, the site forms part of the original field pattern which links with the wider open countryside. It is also noted the site is not covered by any designations relating to character or quality. When considering the degree of adverse impact upon the landscape it is noted the land is low lying and essentially flat in character; this in conjunction with the field hedgerows and the landscape buffer along the road will reduce the visual effects of the scheme substantially. One of the key issues in this regard relates to the retention where possible of the roadside hedge and boundary trees. Officers consider the proposal is not considered to result in material landscape or visual harm to the wider landscape.
- 6.40 The need to provide appropriate visibility splays is a factor to the extent of hedgerow that is actually required to be removed, and a key consideration is how this will be replaced and reinforced to form this boundary. As part of the new access into the site, it is noted a number of trees need to be removed. The arboricultural officer has confirmed the area tree preservation order, no 103 does not apply to this site despite representation received which advises it does. As such the arboricultural officer confirms the trees on the western boundary are not included in the order and therefore there is no statutory protection and the trees worthy of a new order. It is acknowledged that due to the agricultural use of the site there are very few trees in the site and those trees within the site are located on the boundaries. The only proposed losses are the trees on the western boundary which are considered of low amenity value and the losses can be mitigated with new plantings. In this regard there is extensive proposed tree and hedgerow planting to compensate for the loss of trees and hedgerows and officers have raised no landscape objection to the proposed loss of trees.
- 6.41 The Landscape Officer has not objected to the original submission (or the amended plans) on the basis that the change to the landscape character including the loss of hedgerow along the A4110 can be achieved without causing unacceptable landscape impact. During the application process, the landscape strategy has been amended in particular the design of the site's frontage onto Canon Pyon Road (A4110) and this is inserted below for ease of reference:



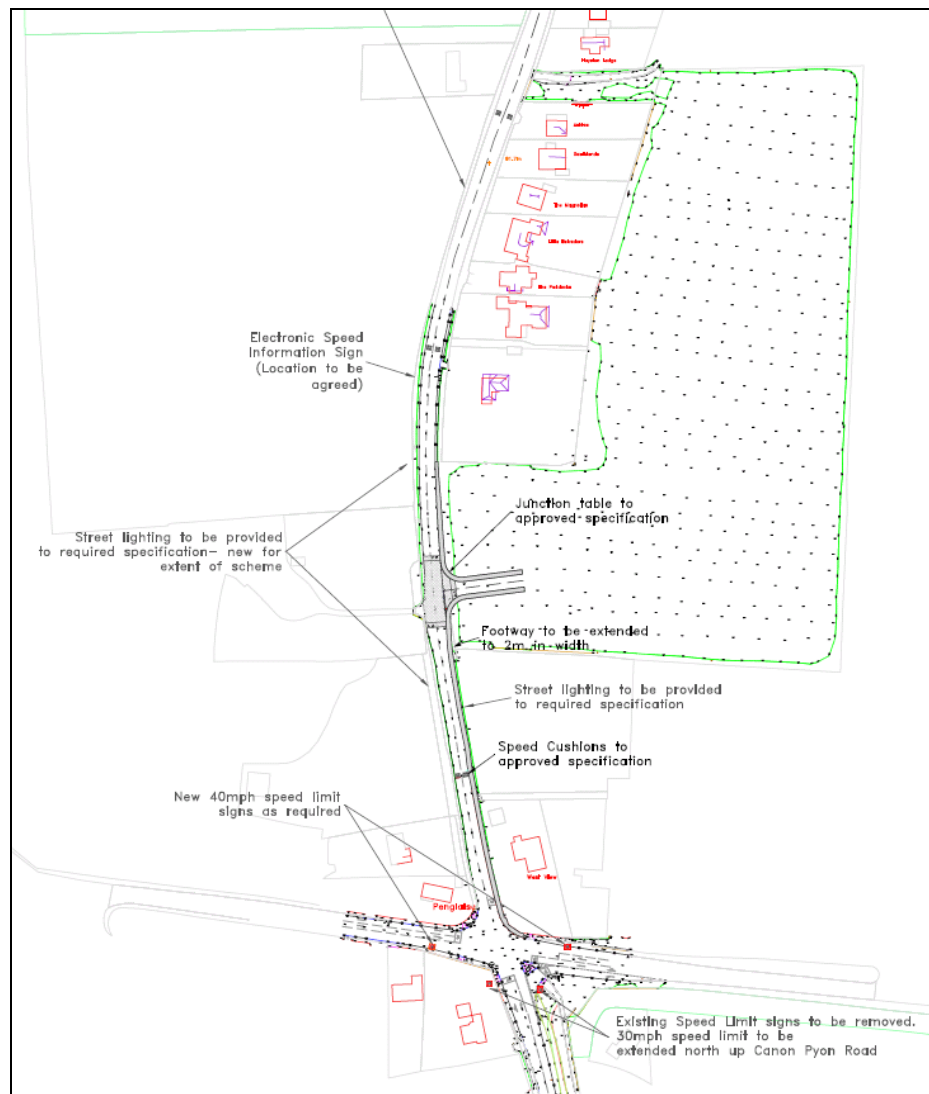
**Map 5: Landscape Strategy Plan**

- 6.42 As it is noted the SuDS basins will be incorporated into this public open space which will be sown with a wildflower / grass mix tolerant of periodic wet conditions as well as aquatics for areas which will be permanently wet. Additional lengths of hedge planting have been included on the plan to better differentiate between public and private space and provide additional biodiversity benefits. Proposed new hedgerow trees lining the road will mirror the character of the opposite side. This hedgerow will be placed upon a shallow bund in order to mitigate views of the new homes from the road, together with helping to mitigate noise from the road for future residents.
- 6.43 The landscape strategy responds in regards to the planting of local species which is encouraged. Again though, the precise details of the layout and landscaping are matters to be agreed through a reserved matters submission should planning permission be granted in outline. The proposal would clearly result in significant change to this greenfield site and the Landscape Officer's responses clearly identify the key issues.

- 6.44 In conclusion officers are satisfied that the development lies in a position that relates well to the existing built form, is contiguous and can be achieved without causing unacceptable landscape impacts. The detail of the landscaping should form part of the reserved matters submissions and can be secured via a condition and it will be necessary to give careful consideration to any reserved matter application to ensure that the landscape character is taken into account at design stage. Officers are satisfied that, on the basis of the information provided, a scheme can be delivered that is in compliance with Policy LD1, LD2 and LD3 of the Core Strategy and policy HS5 of the NDP.

### Highways (Access)

- 6.45 As defined in article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 'Access' means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network. The site for 95 dwellings is proposed to be served from one vehicular access point from the A4110 Canon Pyon Road. This is illustrated within the Transport Assessment and is shown below:



**Map 6: Canon Pyon Road: Proposed vehicular access point**

- 6.46 CS policy MT1 and the NPPF require developments to provide safe access for all users. This includes motorised and non-motorised vehicles and pedestrians.

- 6.47 As part of the application a transport assessment was undertaken and submitted. As access is not a reserved matter, full details of the proposed access are to be assessed as part of this application. The proposed access strategy is for primary vehicular, pedestrian and cycle access to be provided via a new priority T-junction from Canon Pyon and the proposed arrangement is for a bell-mouth T-junction with 10m kerb radii with 2m footways.
- 6.48 The proposed site access has an achievable visibility splay of 3.5m x 96m to the north and 3.5m x 65m to the south, which is commensurate to the recorded 85th percentile speed of the road. Highway officers have confirmed the achievable visibility splays are acceptable.
- 6.49 It is also detailed within the submitted site access strategy that works also include the relocation of the existing 30mph speed limit to extend to a point approximately 470m north of the proposed site access junction. A gateway / transitional 40mph speed limit is also proposed approximately 1.3km north of the proposed site access. Officers welcome these but they would need to be secured as part of any TRO application.
- 6.50 Also, the proposed access strategy works include provision for a footway / cycleway along the eastern side of the carriageway of Canon Pyon to provide pedestrian and cycle access to Roman Road. Officers consider the off-site works are acceptable in principle, however again the details and positioning will need to be agreed in further detail and will be secured to planning conditions and a Section 278 Agreement.
- 6.51 The transport manager has assessed the proposed development trip rates. These have been calculated using TRICS based on 62 open-market and 33 affordable units. The results estimate that the development could be associated with 49 two-way trips in the AM and PM peak periods, respectively.
- 6.52 Within the submitted transport assessment modelling has been undertaken on the assessment of key junctions on the local highway network and two junctions have been modelled in detail based on anticipated development trips having a +5% impact on existing operation. The proposed site access junction and the A4110 Roman Road / Canon Pyon signalised crossroads junction. The modelling has also been undertaken to include junctions modelled up to a future year 2022, including consideration of committed development in the area. Also the development traffic has been distributed based on journey to work Census 2011 Data, which is considered acceptable. The approach taken in terms of committed development traffic and trip distribution is deemed to provide a robust assessment of committed development traffic at junctions in the study area identified.
- 6.53 When looking at the Canon Pyon / Roman Road signal junction modelling it suggests that the junction is currently operating close to capacity. Highways officers have commented that the addition of committed development and traffic anticipated to be generated by the proposed scheme would exacerbate capacity issues.
- 6.54 The model submitted as part of the TA did not include provision for any pedestrian phases. At the request of the LHA, the Applicant has provided an additional assessment to include for a pedestrian stage.
- 6.55 The Canon Pyon / Roman Road signal junction has been modelled based on the extant 4-stage method control i.e. all arms are staged to run separately, as per the latest controller specification for the signal junction (confirmed by HC's Traffic-Street Lighting Team). The modelling results suggest that the existing Canon Pyon / Roman Road signal junction is currently operating close to capacity (i.e. with a Degree of Saturation (DoS) over 90%). The addition of committed development and traffic anticipated to be generated by the proposed scheme exacerbate capacity issues. The model submitted as part of the TA did not include any pedestrian phases. At the request of the LHA, the Applicant has provided an additional

assessment to include a pedestrian stage. Based on the modelling provided, the results confirm that the impact of the proposed development cannot be considered 'severe'.

- 6.56 An additional 'sensitivity test' has also been included within the TA which modifies the Canon Pyon/Roman Road signal junction to a more 'efficient' 2-Stage method control. Whilst the results suggest that the junction could operate within capacity based on this method-control change, the LHA has previously raised concerns with modifying the staging of the signals on highway safety grounds, due to an increase in cyclist casualty incidents. The sensitivity assessment confirms that if the junction were to revert to its original 2-Stage method control, the junction would operate within capacity with a maximum degree of saturation of 99.8% and a maximum queue of 18 PCUs, in a future year 2022 with committed and proposed development, with a pedestrian phase. However, the LHA would still be reluctant to change the method-control of the junction on highway safety grounds.
- 6.57 The scheme will also generate S106 Contributions for highway improvements and these are covered within the S106 section of this report.
- 6.58 The Transportation Manager and Highways England have not objected to the proposed access in highway safety terms. Notwithstanding some objectors' views with regards the submitted likely trip generation from the site (particularly morning and afternoon for work/school journeys) and the capabilities of the road network to accommodate this, the Transportation Manager has advised that this is based on industry standards (TRICS) and on this basis a case cannot be substantiated that the local road network could not accommodate the resulting traffic. It is therefore considered that the proposal would provide a safe and suitable vehicular access for 95 dwellings in accordance with CS policy MT1 and the requirements of para 108 of the NPPF.
- 6.59 Core Strategy policy MT1 of the Herefordshire Local Plan, requires development proposals to demonstrate that the strategic and local highway networks can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce or mitigate any adverse impact from the development. Developments should also ensure that proposals are designed and laid to achieve safe entrance and exit, have appropriate Operational and manoeuvring space. NPPF Policies require development proposals to give genuine choice as regards movement. Core Strategy policy SS4 requires developments to minimise the impacts on the transport network.
- 6.60 NPPF 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 a significant amount of movements should take into account whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken on the transport network or on highway safety can be mitigated. Development should only be prevented or refused on transport grounds where the 'residual cumulative impacts of development are severe.' (NPPF para 109).
- 6.61 On a separate matter it is noted that a travel plan has been prepared and this will ensure future residents are aware of opportunities to promote sustainable transport modes and to reduce the use of private vehicles. However, the plan will need to be amended as requires additional details to be included within the document. Therefore this element has been conditioned to be submitted prior to first occupation on site.
- 6.62 It is acknowledged the local residents and the local Parish Councils have raised significant concerns in regards to the highway network, safety, lack of footpaths, volume of traffic, signal and junction capacity, lack of public transport, and construction traffic. To conclude, the Council's Highway Engineers have assessed the proposed means of access, visibility splays and are satisfied that adequate visibility can be provided and that the traffic movements associated with the proposed development can be absorbed without adversely affecting the



safe and efficient flow of traffic on the highway network. A number of conditions have been suggested below that will manage construction traffic. Officers would therefore conclude that the proposal is compliant with Policy MT1 and SS4 of the Core Strategy.

### **Design and Amenity**

- 6.63 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.
- 6.64 The application submission is in outline form only, which reserves all details apart from access for further consideration. Many of the issues raised will need to be carefully considered at the Reserved Matters Stage, in particular, the relationship with the dwellings on the eastern and southern side of the site which abut the residential properties within Roman Road and Canon Pyon Road. However, given the size of the site and the number of properties proposed, officers are satisfied that a scheme could be developed that ensures that its residential amenity is secured. The policy also requires consideration in relation to matters of the amenity of residents / occupants of the new dwellings and this will again be a matter for consideration at a later stage.
- 6.65 Policy SS6 of the Core Strategy outlines that development proposals should support the local distinctiveness of an area. As such it is felt that the design of any housing should respond to the character of traditional buildings within the locality and the wider area. This element would be considered within any reserved matters application. Officers would conclude that the proposal accords with the requirements of Policy SD1 and SS6 of the Core Strategy and policy HS3 of the NDP.
- 6.66 SS7 is a strategic policy requiring focus on measures to address climate change. Policy SD1 also seeks to secure this. It is noted that whilst this is primarily a matter for Reserved Matters stages, it is expected that developers will consider matters such as the fabric first approach, layout. The applicants have also agreed to the imposition of a condition requiring the installation of electric vehicle charging points.

### **Noise**

- 6.67 The planning practice guidance was revised on 22<sup>nd</sup> July 2019 and includes an additional statement which advises 'good acoustic design needs to be considered early in the planning processes to ensure that the most appropriate and cost effective solutions are identified at the outset.' A Noise Impact Assessment was submitted which examines the impact of road traffic noise from the Canon Pyon Road. Within the report at the noise monitoring point closest to the road where dwellings are proposed, average predicated daytime noise levels were 58 LAeq dB daytime and 51 LAeq dB at night. It also highlights that elsewhere on the application site and further away from the road, predicted noise levels are much lower. The impact means that there will need to be some noise attenuation at plots closest to the road.
- 6.68 Officers are recommending a planning condition which will ensure that any subsequent reserved application will be required to be accompanied by a further noise assessment to ensure adequate amenity is delivered for future occupiers. As such there is no objection from the environmental health officers. The proposal adheres with the aims of policy SD1 and the relevant aims and objectives of the NPPF.

## **Historic Environment**

- 6.69 As part of the submission a historic environment desk based assessment was supplied. Within the site the assessment identifies potential for the presence of buried archaeological remains. This was confirmed by the Council's archaeological officer who noted as the application area is close to the junction of two Roman roads, and although this area has been subject to severe truncation by modern farming practices, there nevertheless remains some moderate potential for intermittent roman period finds here.
- 6.70 No objection has been raised to the development in regard to archaeology, and any adverse effect can be reduced through the implementation of an appropriate scheme of archaeological mitigation. An appropriately worded planning condition has been added and as such the proposed development complies with Chapter 16 of the NPPF and Core Strategy policy LD4.

## **Biodiversity and Ecology**

- 6.71 The application submission has been supported by an extended Phase 1 Habit Survey and a number of protected species surveys. These reports confirm that there are no statutory or non statutory conservation designations on the site or surround the application site.
- 6.72 The supporting survey and report found that the ecological value of the site is currently low, and that the development proposals will improve the ecological value of the site beyond the current situation through the planting of native species, wildlife hedgerows and the provision of bat boxes, bird boxes and hedgehog habitat features within the site.
- 6.73 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 the ecologist has raised no objection following the submission of an ecological assessment and is satisfied with the conditions suggested that require more detail to be submitted prior to work commencing before reserved matters stage that the proposal would comply with the requirements of the policy. Detailed landscape plans also include reference to the ecological recommendations and enhancements that can be achieved with appropriate planting and mitigation and protection. Officers are aware the ecology report mentions a range of suggested biodiversity net gain enhancements but provides no details sufficient to secure through a Condition and so a detailed Biodiversity Net gain scheme is requested as a pre-commencement condition to specify types, numbers and locations of all net gain features finally proposed and based on the finally approved layout A condition has been included below to ensure compliance with policy LD2 and the guidance contained within the NPPF.

The site lies within the River Wye SAC catchment and a Habitat Regulation Assessment has been completed. Natural England have confirmed as the proposal complies with core strategy Policy HD1, SD3 and SD4 they are able to conclude there will be no adverse effects.

## **Affordable Housing/Housing Mix**

- 6.74 Policy H1 of the Core Strategy sets the threshold for the delivery of affordable housing at sites of more than 10 dwellings. The proposal is for 95; and therefore there is a requirement for its provision. The site will be providing 35% affordable housing as confirmed by the Housing Officer.
- 6.75 Policy H3 requiring residential developments to provide a range and mix of housing. In particular, larger sites (more than 50 units), such as this will be expected to:

*1. provide a range of house types and sizes to meet the needs of all households, including younger single people;*

2. provide housing capable of being adapted for people in the community with additional needs;

3. provide housing capable of meeting the specific needs of the elderly population by:

- providing specialist accommodation for older people in suitable locations;
- ensuring that non-specialist new housing is built to take account of the changing needs of an ageing population;
- ensuring that developments contain a range of house types, including where appropriate, bungalow accommodation.

*The latest Local Housing Market Assessment will provide evidence of the need for an appropriate mix and range of housing types and sizes.*

- 6.76 The Herefordshire Local Housing Market Assessment produced by GL Hearn consultants, which forms part of the evidence base for the Core Strategy, provides a further insight into local housing needs in terms of tenure and size for the period 2011-31. It deals not only with affordable housing, but also open market requirements across the county over the plan period. [https://www.herefordshire.gov.uk/downloads/file/1644/local\\_housing\\_market\\_assessment\\_2013](https://www.herefordshire.gov.uk/downloads/file/1644/local_housing_market_assessment_2013)
- 6.77 The housing mix proposed is as follows and would comply with the requirements of this policy and a condition is recommended to ensure that an appropriate mix can be secured on the site through the reserved matters submissions: Draft mix currently under discussion is:

#### **62 Open Market**

1 bed	0
2 Bed	27
3 Bed	27
4 Bed/ 5 Bed	8

#### **33 Affordable**

1 bed	4 x apartments social rent
2 Bed	7 x social rent, 2 wheelchair accessible bungalows & 5 house 7 x shared ownership houses
3 Bed	7 x social rent, 1 wheelchair accessible bungalow & 6 houses 7 x shared ownership houses
4 Bed/ 5 Bed	1 (ideally a 5 bed 9 person dormer bungalow)

#### **Open Space Provision**

- 6.78 Policy OS1 and OS2 of the Core Strategy require the provision of open space. Open space requirements from all new developments are to be considered on a site by site basis and in accordance with all applicable set standards. In this instance, due to the scale of the development there is a requirement to provide on site play / open space provision. This site has a requirement to provide a minimum of 0.261ha (2610sqm) of on-site green infrastructure comprising of Public Open Space: 0.087ha (870sqm) and Children's play: 0.174ha (1740sqm) @ 0.8ha per 1000 population of which 0.054ha (540sqm) should be formal play @ 0.25ha per 1000 population and officers are satisfied that the site is capable of being developed in accordance with the requirements of policy OS1 and OS2 of the Core Strategy. A suitable worded condition has been added and will also be secured within the S106 agreement. The maintenance of the Public open space will be by a management company and this again will be secured within the S106 agreement.

#### **Drainage**

- 6.79 Representations raise concerns about network capacity for the foul drainage. Welsh Water have jurisdiction over this element and are the statutory consultee. Welsh Water confirmed that applicant has engaged and commissioned the undertaking of a Hydraulic Modelling

Assessment on the public sewer network in order to identify a suitable connection point and to assess the impact of the proposed development upon the existing public sewer network. Welsh Water have confirmed they are satisfied a suitable engineering solution exists to overcome any capacity concerns. Welsh Water have confirmed the existing potable water network does not have the required capacity to accommodate the development however this matter is being addressed as part of our current capital investment period. The scheme is under construction and due for completion by 31st March 2020 they have confirmed that adequate capacity will exist once these works are complete. A suitably worded condition has been added to address this matter.

- 6.80 The site is located within Flood Zone 1 (as defined by the Environment Agency), this is deemed to be: an area of low probability for fluvial flood. As part of the application a drainage strategy has been submitted and reviewed by officers. In terms of surface water drainage, the Land Drainage Consultant has not raised an objection subject to additional information being provided and as such recommended a number of conditions. At this outline planning stage, the proposal demonstrates that the development can be suitably drained in principle ensuring the protection of adjoining land from flooding by surface water.
- 6.81 Both Welsh Water and the Land Drainage Consultant have requested further confirmation but in principle have raised no objection. Given that this is an outline application, for 95 dwellings, it is considered that there is likely to be a technical solution and drainage details could be required by condition to be submitted to ensure the RMs applications to ensure it is considered holistically. On this basis drainage can be satisfactorily addressed through conditions/RMs applications. As such the requirements of policy SD3 and SD4 can be met.

### Section 106 Agreement

- 6.82 The heads of terms have been assessed against the adopted supplementary planning document dated 1 April 20018 and regulations 122 and 123 of the Community Infrastructure Levy regulations 2019 (as amended). Planning contributions as shown below will be secured from the development. These figures will be indexed when due:

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of:

**£2,845.00** (index linked) for a 2+ bedroom open market apartment

**£4,900.00** (index linked) for a 2/3 bedroom open market dwelling

**£8,955.00** (index linked) for a 4+ bedroom open market dwelling

to provide enhanced educational infrastructure at Holmer Primary School and Whitecross High School. The sum shall be paid prior to commencement of development, and may be pooled with other contributions if appropriate.

2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of:

**£1,465.00** (index linked) for an open market flat

**£1,720.00** (index linked) for a 2 bedroom open market dwelling

**£2,580.00** (index linked) for a 3 bedroom open market dwelling

**£3,440.00** (index linked) for a 4+ bedroom open market dwelling

to provide sustainable transport infrastructure to serve the development. The sum shall be paid prior to commencement of development, and may be pooled with other contributions if appropriate.

The monies shall be used by Herefordshire Council, at its option for any or all of the following purposes:

- Pedestrian infrastructure improvements to connect the development site to local schools, services, employment and leisure facilities identified on Figure 3.5 of the Asbri Transport Assessment May 2019
- Cycle infrastructure improvements to the cycle network identified on Figure 2.6 of the Asbri Transport Assessment May 2019
- Bus infrastructure improvements to the bus network identified on Figure 3.4 of the Asbri Transport Assessment May 2019
- Contribution towards the delivery of the northern section of the Western Relief Road

NOTE: A s278 agreement may be required for;

- the relocation of existing 30mph speed limit to extend to a point approximately 470m north of the proposed site access junction
  - a gateway/transitional 40mph speed limit approximately 1.3km north of the proposed site access
  - 2 metre footway/cycleway along the eastern side of the carriageway to provide pedestrian and cycle access to the Roman Road
  - Electronic speed indicator device
  - Speed cushions
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£80.00** (index linked) to provide 1x waste and 1x recycling bin for each dwelling. The sum shall be paid prior to commencement of development.
  4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£1,297.00** (index linked) for each open market dwelling to provide an off-site sports contribution towards hockey, football, cricket, rugby and cycle track infrastructure. The sum shall be paid prior to commencement of development, and may be pooled with other contributions if appropriate.
  5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£63,331.26** (index linked) to provide infrastructure at Hereford Hospital. The sum shall be paid prior to the commencement of development, and may be pooled with other contributions if appropriate.
  6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£36,000.00** (index linked) to provide infrastructure at Bobblestock, Credenhill and Quay House surgeries. The sum shall be paid prior to commencement of development, and may be pooled with other contributions if appropriate.
  7. The developer covenants with Herefordshire Council to provide a minimum of 0.261ha (2610sqm) of on-site green infrastructure comprising;
    - Public Open Space: 0.087ha (870sqm) @ 0.4ha per 1000 population
    - Children's play: 0.174ha (1740sqm) @ 0.8ha per 1000 population of which 0.054ha (540sqm) should be formal play @ 0.25ha per 1000 population
  8. The maintenance of any on-site Public Open Space (POS) will be by a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as the parish council and/or a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

9. The developer covenants with Herefordshire Council to provide 35% on site affordable housing.

*NOTE: The type, tenure, local connection requirements and requirement to be retained in perpetuity will be a condition of the outline planning permission. A further section 106 agreement will be needed to secure these at reserved matters stage.*

10. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 3, 4, 5 and 6 above, for the purposes specified in the agreement within 10 years of the date of payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
11. The sums referred to in paragraphs 1, 2, 3, 4, 5 and 6 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
12. If the developer wishes to negotiate phased payment of the contributions then the developer covenants with Herefordshire Council to pay no more than 2% of the total sum of contributions detailed in this Heads of Terms towards the monitoring and enforcement of the obligations. The contribution shall be paid on or before the commencement of the development.
13. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

Further to the above, on the basis of the 35% affordable housing proposed and as confirmed by the Housing officer, the development is policy compliant with regards to Core Strategy policy H1

- 6.83 On the basis of the above, and as confirmed by the Planning Obligations Manager, a policy compliant draft Heads of Terms has been agreed.

#### **Other matters**

- 6.84 In relation to impacts affecting the amenity of both existing and future occupants, given the orientation of the site and relationship with neighbouring properties, it is considered likely that a scheme that is both in keeping and avoids overlooking and overshadowing could be achieved. It is however found to be appropriate to condition working hours during the construction phase of any development on the site. With regards to lack of details regarding boundary treatments this would be secured at the reserved matters stage.

#### **Non material planning considerations**

- 6.85 Issues such as loss of a view, or negative effect on the value and resale of properties are not material planning considerations. The fear of anti social behaviour and crime is acknowledged. At the reserved matters stage the creating of safe and attractive places to live and will be addressed to ensure the design and layout of the residential development incorporates crime reduction measures.

#### **Planning Balance & Conclusion**

- 6.86 Both Core Strategy 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 which are economic, environmental and social should be pursued jointly and simultaneously.

- 6.87 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
- 6.88 In this instance as the application is for housing and in light of the housing land supply deficit must be considered in accordance with the tests set out by paragraph 11 of the NPPF and 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 as a whole, or if specific policies within the NPPD indicate that development should be restricted.
- 6.89 When determining this application, the development plan is comprised of the Core Strategy and the Holmer and Shelwick Neighbourhood Development Plan. The NDP is post regulation 16 and been sent to examination and as such is afforded moderate weight. It is acknowledged that the site does lie outside the settlement boundary for Holmer as included within the NDP. However, noting that the NDP can only be afforded moderate weight at this point in time it is necessary to assess the proposal in relation to the Core Strategy policies which are afforded greater weight.
- 6.90 The site is well located due to being close to the City of Hereford and with good access to the local services, including schools, surgeries as well as having a bus services in close proximity to the site. This proposal site constitutes an appropriately located sustainable site in this settlement identified for future growth in policy HD1 of the Core Strategy. These are all social benefits that weigh in favour of the development.
- 6.91 The application is made in outline with access to be determined. The proposals demonstrate that a means of access commensurate with the scale of development proposed (95 dwellings) can be provided and officers are of the opinion that the local road network can safely absorb the additional vehicular traffic and pedestrian movement generated from the development and note that Highway officers and Highway England has raised no objection to the proposed.
- 6.92 The concerns raised by the Parish Council and local residents have been carefully considered but the proposed works, with appropriate conditions and mitigation would ensure compliance with the requirements of policy MT1 of the Core Strategy and with the guidance contained within the National Planning Policy Framework that states that development should only be prevented or refused on transport grounds where the residual cumulative impact of the development is severe. The scheme will create a pedestrian link which is also considered to be a social benefit in favour of the development.



- 6.93 The Local Planning Authority (LPA) cannot demonstrate a 5 year supply of housing land with requisite buffer. The proposal delivers 95 dwellings in a location identified as suitable for new residential development within a layout that respects and enhances the landscape character type. The ability to condition the housing mix to ensure it meets local demand and the dwellings in the context of an undersupply within the county are a factor to which significant weight should be attributed. However, I acknowledge that at a local level the growth has exceeded the minimum growth target.
- 6.94 The site's accessibility and positive contribution to both the quantum and range of housing (including the affordable units) clearly weigh in its favour. In addition, whilst adjacent to a main built up area, the scheme demonstrates in illustrative terms that it can accommodate the 95 dwellings and associated infrastructure in a manner that sympathetically reflects its context. In respect of the loss of hedgerow to accommodate the access any adverse landscape and visual impact, weighs against the scheme, but the harm is able to be reduced, as demonstrated by the landscape strategy, and be in compliance with the qualitative aspects of relevant policies.
- 6.95 There is also an absence of harm as all technical matters relating to highways, heritage, drainage and ecology have been assessed as being addressed and where necessary, mitigated with conditions and meet local and national planning policy aims and objectives.
- 6.96 To sum up, 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.

Economic Benefits of the proposal are a key aspect and would include:

- Construction and supply of associated materials, goods and services which are undertaken within the construction phase
- Support to the local area in spend by occupiers of the new dwellings
- Economic benefit from labour in the construction industry

Environmental benefits are more marginal and would include:

- The retention of the majority of the existing hedgerows and trees (apart from loss of landscape to create new vehicular access) will ensure the retention of existing biodiversity assets and also the implementation of a bio diversity enhancement plan will serve to secure additional benefits.

- 6.97 The role of planning in line of the social benefits it to secure and provide communities and by providing a mix of homes which can meet the needs of present and future generation and by helping to create and foster well designed communities. This proposal will deliver a mix of housing including affordable units to meet the local requirements within a sustainable location with good connectivity as well as providing an area of open space are all further social benefits of the scheme which I add moderate weight to.
- 6.98 The principle of development is considered to be acceptable with detailed design matters being considered in the reserved Matters stage to ensure compliance, in particular, with Policies SD1, LD1, LD2, LD3 and LD4 of the Core Strategy.

Having regard to s38(6) of the Planning and Compulsory Purchase Act 2004, officers consider that the proposal accords with the provisions of the Core Strategy when taken as a whole.

- 6.99 Moreover, and in the light of the lack of housing land supply and evidence of under-supply for market and affordable housing, officers consider that given the positive benefits arising and lack of significant or demonstrable adverse impacts, the application should be recommended for approval as per the NPPF test at paragraph 11. The position for the present is that only moderate weight cannot be attributed to the emerging NDP.
- 6.100 Officers acknowledge the high level of neighbour objection and parish objections as well there is a requirement to address the County housing land supply shortfall. However, officers are content that there are no overriding other matters of such material weight that would justify withholding planning permission and the application is therefore accordingly recommended for approval.
- 6.101 The recommendation is contingent on the completion of a S106 agreement in accordance with the draft Heads of Terms.

## **RECOMMENDATION**

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

- 1 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.**  
  
**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**
- 2 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last reserved matters to be approved, whichever is the later.**  
  
**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**
- 3 Approval of the details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.**  
  
**Reason: To enable the local planning authority to exercise proper control over these aspects of the development and to secure compliance with Policy SD1 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.**
- 4 The development shall be carried out strictly in accordance with the approved plans:  
Site Location Plan: CSA/3339/112 Rev A  
Revised Landscape Strategy: CSA/3339/112C  
Illustrative masterplan: CSA/3339/115 Rev B  
Topographical Survey Sheet 3 of 3 Rev B: AP/3252/02B  
Development Framework Plan CSA/3339/116 Rev A  
except where otherwise stipulated by conditions attached to this permission.**  
  
**Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 5 Prior to completion or first occupation of the approved development, [whichever is the sooner] a landscape scheme shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include a scaled plan identifying:**
- a) Trees and hedgerow to be retained, setting out measures for their protection during construction, in accordance with BS5837: 2012.**
  - b) Trees and hedgerow to be removed.**
  - c) All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.**
  - d) All proposed hardstanding and boundary treatment.**

**Reason: To safeguard and enhance the character and amenity of the area in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.**

- 6 Before the development is first occupied or brought into use, a schedule of landscape maintenance for a period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. Maintenance shall be carried out in accordance with this approved schedule.**

**Reason: To ensure the future establishment of the approved scheme, in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.**

- 7 Any trees, plants, or hedgerows which within a period of five years from the date of first planting die, are removed, become seriously damaged or diseased, or become (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the current planting season or the first two months of the next planting season, whichever is the sooner, unless the Local Planning Authority gives written consent to any variation.**

**Reason: In order to maintain the visual amenities of the area and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 8 Prior to the commencement of the development a tree protection plan in accordance with BS5837:2012 shall be submitted and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details for the duration of the construction phase.**

**Reason: To safeguard all retained trees during development works and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 9 Prior to the commencement of any works a method statement for trees must be submitted and approved by the Local Planning Authority and the development shall be carried out in accordance with the approved method statement.**

**Reason: To safeguard the character and amenity of the area and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 10 No buildings on the application site shall be brought into use earlier than 31st March 2020, unless the upgrading of the public water supply system has been completed and written confirmation of this has been issued to the Local Planning Authority.

Reason: To prevent further hydraulic overloading of the public potable water supply network, to protect the health and safety of existing residents and ensure the site can be effectively served with potable water.

- 11 No above ground development shall take place until detailed drawings of the drainage system and associated structures that maximise the use of SuDS and that include the location of all manholes and pipes, as well as details of inlets, outfalls and SuDS features (including cross sections with invert levels, maximum water levels, top of bank levels, freeboard);

Details shall include, but not limited to:

i) Updated calculations of greenfield runoff rates, proposed discharge rates and attenuation storage requirements using FEH methods and 2013 rainfall data;

ii) Detailed explanation as to how flow that exceeds the capacity of the drainage network will be managed within the site up to the 1 in 100 year event;

iii) Assessment of risk from failure of any above ground storage structures.

iv) Formal agreement from the relevant undertaker that surface water and foul water can be discharged to the sewerage network;

v) Confirmation of agreement in principle of proposed adoption and maintenance arrangements for all parts of the surface water and foul water drainage system;

vi) Operational and maintenance manual for all proposed drainage features that are to be adopted and maintained by a third party management company.

Reason: To ensure suitable drainage can be achieved on site.

- 12 The ecological protection, mitigation, compensation and working methods, as recommended in the ecology report by Aspect Ecology dated March 2019 shall be implemented in full as stated unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Habitats & Species Regulations 2018 (as amended), Policy LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006

- 13 Prior to commencement of any construction works a detailed plan of proposed biodiversity enhancement- 'net gain' features, including significant provision for bat roosting, bird nesting, pollinating insect homes and hedgehogs, has been submitted to the local planning authority for written approval. The approved scheme shall be implemented in full and hereafter maintained unless otherwise approved in writing by the Local Planning Authority. No external lighting shall illuminate any new ecological feature or adjacent habitat or boundary feature; and all lighting shall support the Dark Skies principles.

Reason: To ensure that all protected species are considered and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Habitat

**Regulations 2018 (as amended), Policy LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006.**

- 14 Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site as detailed on Figure 4.3 of the submitted Transport Assessment. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.**

**Reason: In the Interests of highway safety and to comply with Herefordshire Core Strategy policies SS4 and MT1**

- 15 The construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the Local Planning Authority, at a gradient not steeper than 1 in 12.**

**Reason: In the Interests of highway safety and to comply with Herefordshire Core Strategy policies SS4 and MT1**

- 16 Development shall not begin until details of the off-site works as proposed along the A4110 Canon Pyon have been submitted to and approved in writing by the Local Planning Authority, and the development shall not be occupied until the scheme has been constructed in accordance with the approved details.**

**Reason: In the Interests of highway safety and to comply with Herefordshire Core Strategy policies SS4 and MT1**

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

**Reason: In the Interests of highway safety and to comply with Herefordshire Core Strategy policies SS4 and MT1**

- 18 During the construction phase no machinery shall be operated, no construction works shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday - Friday 7.00am - 6.00pm, Saturday 8.00am -1.00pm nor at any time on Sundays, Bank or Public Holidays.**

**Reason: To protect the amenity of local residents and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 19 No development shall take place until the developer has secured the implementation of a programme of archaeological survey and recording [to include recording of the standing historic fabric and any below ground deposits affected by the works]. This programme shall be in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority and shall be in accordance with a brief prepared by the County Archaeology Service.**

**Reason: To allow for recording of the building/site during or prior to development and to comply with the requirements of Policy LD4 of the Herefordshire Local Plan – Core**

**Strategy.** The brief will inform the scope of the recording action and the National Planning Policy Framework. The commencement of development in advance of such approval could result in irreparable harm to any identified heritage asset.

- 20** Prior to the first occupation of the development hereby permitted full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of each dwelling shall be submitted to the Local Planning Authority for their written approval. The covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the first use of the development hereby permitted. Thereafter these facilities shall be maintained.

**Reason:** To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform to the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 21** Prior to the first occupation of [any of] the dwelling to which this permission relates an area for car parking shall be laid out within the curtilage of that property, in accordance with the approved plans which shall be properly consolidated, surfaced and drained, in accordance with details to be submitted to and approved in writing by the Local Planning Authority and those areas shall not thereafter be used for any other purpose than the parking of vehicles.

**Reason:** In the Interests of highway safety and to comply with Herefordshire Core Strategy policies SS4 and MT1

- 22** The reserved matters application submitted pursuant to Condition 1 shall be accompanied by details of a scheme for the delivery of the tenure for both open market, affordable and the wheelchair accessible unit. This scheme shall comprise a schedule outlining the number of 1, 2, 3 and 4 + bed dwellings open market and affordable with regard to the affordable housing the tenure mix shall be provided and the overall mix being in general accord with the Council's Local housing Market Assessment (or any successor document adopted by the LPA).

**Reason:** To define the terms of the permission and to comply with Policy H3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 23** The reserved matters submission submitted pursuant to Condition 1 shall be accompanied by details of noise attenuation measures for the proposed dwellings. The scheme shall have reference to the most recent and relevant Pro PG Planning and noise guidance advice provided by BS 8233:2014, Guidance on sound insulation and noise reduction in buildings and the World Health Organisation Guidelines for community noise. The approved scheme shall be implemented before the first occupation or use of the dwellings and thereafter maintained.

**Reason:** In the interests of the residential amenity of future residents in accordance with policy SD1 of The Herefordshire Core Strategy and NPPF 2019

- 24** The plans for the provision for open space and play areas shall be set out in accordance with the standards adopted by the Local Planning Authority and shall be submitted to and approved in writing by the Local Planning Authority.

**Reason.** In order to comply with the requirements of Policies OS1 and OS2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

## **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 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 in the National Planning Policy Framework.**
- 2 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.**
- 3 No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ to progress the agreement.**
- 4 It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.**
- 5 In connection with Condition [H30][H31], the applicant is advised that the annual Travel Plan Review must include a survey of staff/resident travel patterns and attitudes to travel. (For businesses employing less than 50 people and for residential developments of less than 50 units, a travel survey will only be required every two years). For residential developments, the review should also include traffic counts and an assessment of trips by mode. Applicants are encouraged to conduct their own monitoring and review process. However, they may choose to engage outside consultants to manage the process on their behalf. Council officers can also provide monitoring services for Travel Plan reviews and for this a request should be made to the Sustainable Transport Officer, Herefordshire Council Transportation Unit, PO Box 236, Plough Lane, Hereford, HR4 0WZ.**
- 6 In connection with Condition [H30][H31] the applicant is advised that advice on its formulation and content can be obtained from the Sustainable Travel Officer, Herefordshire Council Transportation Unit, PO Box 236, Plough Lane, Hereford HR4 0WZ.**
- 7 This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800), shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works.**

**Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.**



- 8 It is the responsibility of the developer to arrange for a suitable outfall or discharge point. It cannot be assumed that the highway drainage system can be used for such purposes.
- 9 Records show that the proposed development site is crossed by a public watermain with the approximate position being marked on the attached Statutory Public Record. The position shall be accurately located, marked out on site before works commence with no development taking place within the specified protection zone. 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.

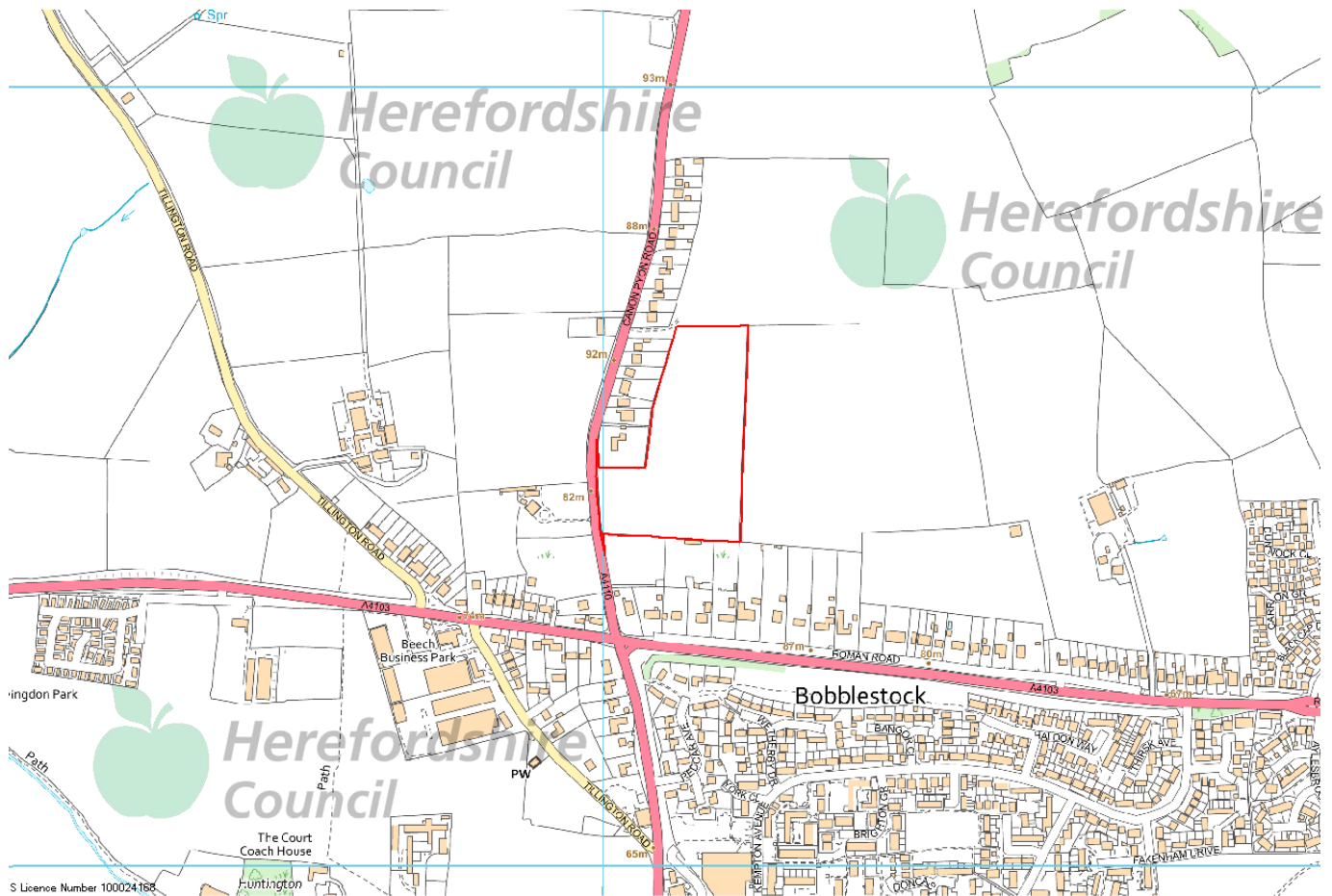
Decision: .....

Notes: .....

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## Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

**APPLICATION NO:** 191770

**SITE ADDRESS :** LAND EAST OF, CANON PYON ROAD, HEREFORD, HEREFORDSHIRE

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