

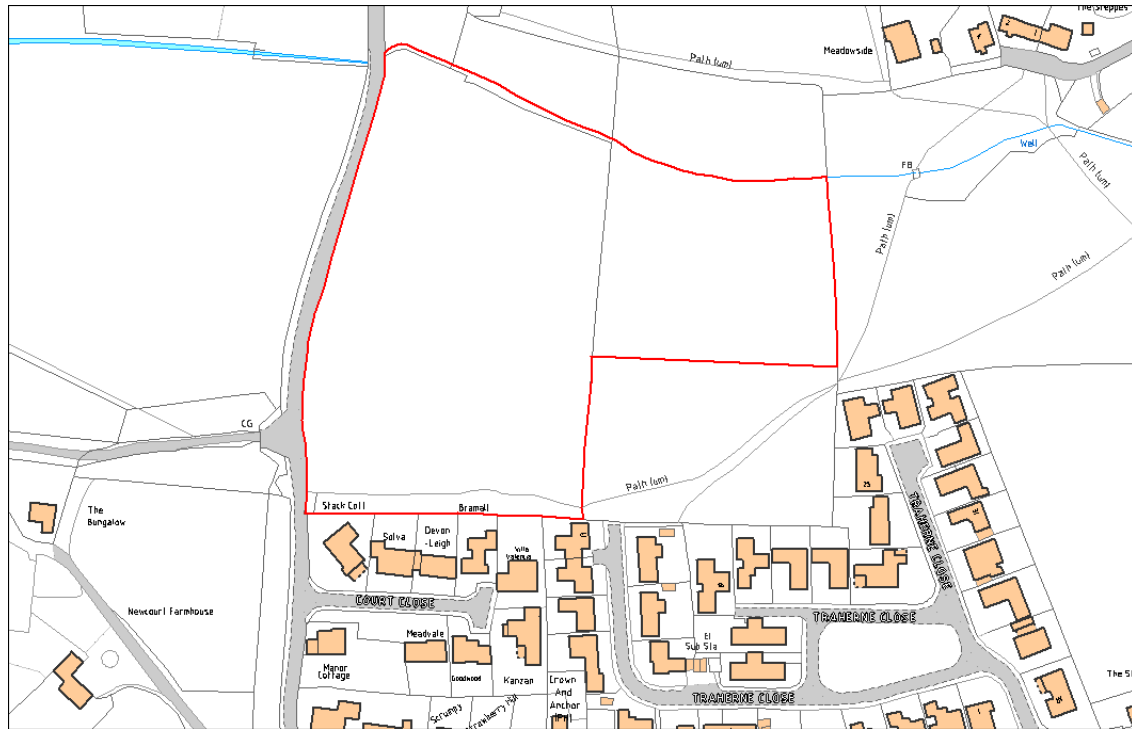
MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	11 DECEMBER 2019
TITLE OF REPORT:	190279 - PROPOSED ERECTION OF 8 BUNGALOWS. INCLUDING 5 CHALET TYPE AND CONSTRUCTION OF NEW ACCESS ROAD. AT LAND OFF COTTS LANE, LUGWARDINE, HEREFORD. For: Sweetman Developments Ltd per Mr John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, Herefordshire HR1 1LH
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=190279&search=190279
Reason Application submitted to Committee – Redirection	

Date Received: 18 January 2019 Ward: Hagley Grid Ref: 354724,241260
 Expiry Date: 12 November 2019
 Local Member: Councillor Paul Andrews

1. Site Description and Proposal

- 1.1 The application relates to a site approximately 3.5km to the north west of the city of Hereford on the fringe of the village of Lugwardine. The site is located on the northern edge of the settlement. The total application site comprises of an area of approximately 2 hectares, with the area of the residential development being 0.7 hectares.
- 1.2 The application site adjoins the existing Court Close residential cul-de-sac (to the south of the application site and the extant planning permission at land off Trahernee Close which is currently in the later stages of construction. This development is for the erection of 7 dwellings comprising bungalows and dormer bungalows.
- 1.3 The landscape character type here is Principal Settled Farmlands and historic maps indicate that the two fields and dividing boundary have retained the same pattern since the 19th century, forming an open area of land between the parkland of New Court (Unregistered Historic Park and Garden) to the west and the original medieval settlement of Hemhill to the east. The Lugwardine Conservation Area (at Hemhill) abuts the eastern edge of the wider application site (as edged red on the location plans) but is separated from the proposed dwellings by the residential development under construction off Traherne Close, the conservation area contains a Scheduled Ancient Monument (medieval moated site) and some Grade II listed buildings.

- 1.4 The site adjoins Cotts Lane a public highway linking the A438 in Lugwardine (the Hereford to Ledbury road) and the A4103 (the Hereford to Worcester road). The visual character and appearance of the lane is a distinctly rural one to the north of the application site with development abutting the highway to the south as it enters the village. The lane is notably narrow in places and sinuous in its form. Whilst the lane is relatively quiet for much of the day, during certain peak periods Cotts Lane is a cut through for motorists and traffic volumes increase. There is no speed restriction in place and as such the National speed limit applies.



Application site edged in red

- 1.5 The proposal is for the erection of eight dwellings, with a new access off Cotts Lane and associated landscaping. The proposed dwellings include bungalows and dormer bungalows, consisting of three 3 bedroom dwellings and five 4 bedrooomed dwellings. A landscaped buffer area is proposed to the north of the residential development and a pedestrian footpath links onto the adjoining Public Right of Way. The new access onto Cotts Lane would have visibility splays of 90 metres in each direction with a setback distance (from the carriageway edge) of 2.4 metres. This will result in the removal / relocation of approximately 120 metres of hedgerow.
- 1.6 The proposed block plan for the development is included below, along with the elevation plans for the proposed dwellings. Rather than describe the proposal in extensive detail, I refer one to the plans under consideration which are set out below



Block Plan as proposed (showing entire application site)



Elevation plans as proposed for plots 1 to 3



Elevation plans as proposed for plot 5



Elevation plans as proposed for plot 4



Elevation plans as proposed for plots 6 to 8

2. Policies

Herefordshire Local Plan – Core Strategy

2.1 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
RA1 - Rural Housing Strategy
RA2 - Housing in Settlements Outside Hereford and the Market Towns
RA3 - Herefordshire's Countryside
H1 - Affordable Housing – Thresholds and Targets
H3 - Ensuring an Appropriate Range and Mix of Housing
MT1 - Traffic Management, Highway Safety and Promoting Active Travel
LD1 - Landscape and Townscape
LD2 - Biodiversity and Geodiversity
LD3 - Green Infrastructure
LD4 - Historic Environment and Heritage Assets
SD1 - Sustainable Design and Energy Efficiency
SD3 - Sustainable Water Management and Water Resources
SD4 - Wastewater Treatment and River Water Quality
ID1 - Infrastructure delivery

2.2 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/downloads/download/123/adopted_core_strategy

Bartestree with Lugwardine Group Neighbourhood Development Plan (made 1 December 2016)

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

Policy BL1 Criteria for the Design of New Housing
Policy BL3 Infilling and Windfalls
Policy BL4 Settlement Boundaries
Policy BL5 Housing in the Countryside
Policy BL8 Local Green Spaces, Allotments and Rights of Way
Policy BL9 Affordable Housing
Policy BL12 Transport and Highways

National Planning Policy Framework (2019)

2.4 The following chapters of the framework are considered to be pertinent to this application:

1. Introduction
2. Achieving sustainable development
3. Plan Making

- 4. *Decision-making*
- 5. *Delivering a sufficient supply of homes*
- 6. *Building a strong, competitive economy*
- 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*

- 2.5 The Planning Practice Guidance published by the Government at the following link is considered to be a material consideration.

<https://www.gov.uk/government/collections/planning-practice-guidance>

- 2.6 Further the government's recently publish National Design Guide is considered to be material to the consideration of this application, link below.

<https://www.gov.uk/government/publications/national-design-guide>

3 Planning History

- 3.1 The proposal site itself has not been the subject of any past planning applications. The following applications on the wider site are considered relevant:

151549 - Proposed erection of 7 no. dwellings. (For DOC 3 5 6 7 8 10 & 11) – Approved with conditions

P171157/FH - Application for the modification or discharge of planning obligations – Approved

P174263/AM - Proposed non-material amendment ref 151549 (Proposed erection of 7 dwellings) - Car ports replaced with garages – Approved with conditions

P174505/XA2 - Application for approval of details reserved by condition 3 5 6 7 8 10& 11 attached to planning permission 151549 – Approved

P183264/AM - Proposed non-material amendment to planning permission ref 151549 (Proposed erection of 7 dwellings) - Change plot 6 from bungalow to chalet bungalow – Refused

P183651/F - Variation of condition 151549/F (Proposed erection of 7 dwellings) - Condition 2 amend drawing 1260.1 with 1260.1A, 1260.2 for plot 6 to 1260.13 and garage 1260-5A – Approved with conditions

4 Consultation Summary – as of 29 November 2019

Statutory Consultations

- 4.1 Welsh Water – No Objection

Original Comment

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

We have reviewed the information submitted as part of this application with particular focus on drawing number 1260-20 and the planning application form. We note that the intention is to communicate foul water to the mains sewer and to a network installed to serve the adjacent development.

With regards to surface water we note that sustainable drainage systems are to be used, however it is not clear what this will entail. The public sewerage network in the area is designated to receive foul water and therefore we would object to any communication of surface water to the public sewer network.

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 surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

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

Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

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

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.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com"

Updated Comment

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

We have reviewed the information submitted as part of this application with particular focus on drawing number 1260-20 and the planning application form. We note that the intention is to

communicate foul water to the mains sewer and to a network installed to serve the adjacent development.

With regards to surface water we note that sustainable drainage systems are to be used, however it is not clear what this will entail. The public sewerage network in the area is designated to receive foul water and therefore we would object to any communication of surface water to the public sewer network.

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.

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Advisory Notes

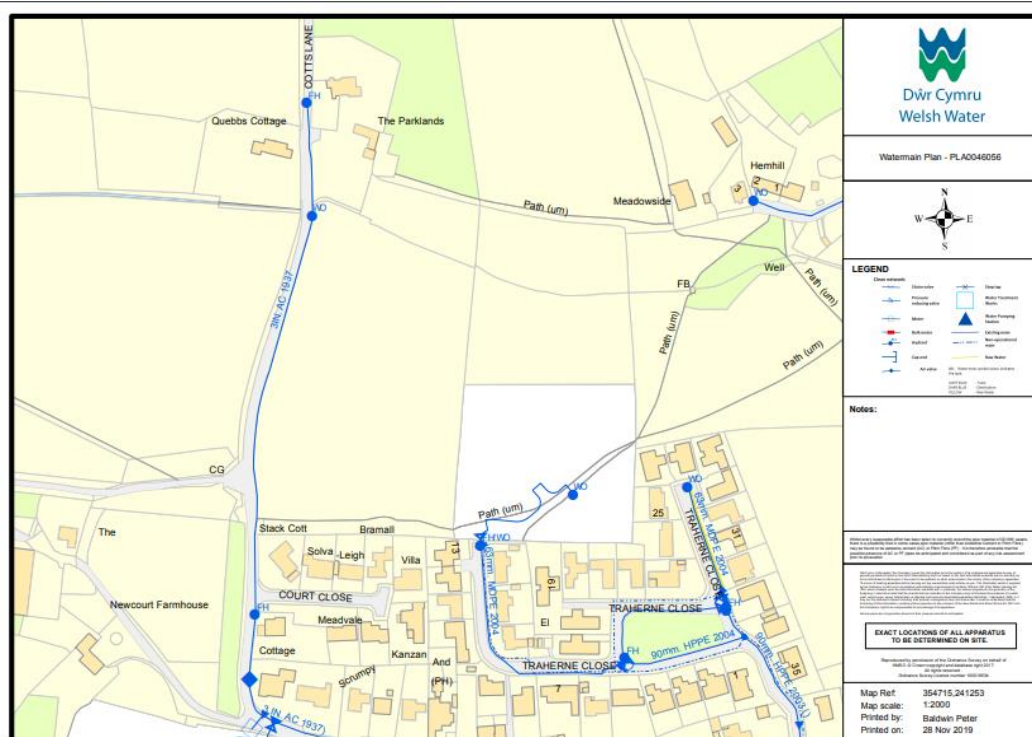
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The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes 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.

A water supply can be made available to serve this proposed development. The developer may be required to contribute, under Sections 40 - 41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site watermains and associated infrastructure. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to the address above. The proposed development is crossed by a 3 inch distribution watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

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.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com



4.2 Natural England – No Objection

"Thank you for your consultation on the above dated and received by Natural England on 24 May 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.

SUMMARY OF NATURAL ENGLAND'S ADVICE NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

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.

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

Internationally and nationally designated sites

The application site is within the catchment of the River Lugg which is part of the River Wye Special Area of Conservation (SAC) which is a European designated site, 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 Lugg 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.¹ 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.

European site - River Wye SAC - No objection

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 your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

River Lugg SSSI — No objection

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Lugg and Hampton Meadows SSSI- No objection

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Other advice

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.

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.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in GOV.UK guidance

Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#) and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Protected Species

Natural England has produced [standing advice](#) 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.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the

England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found [here](#) . Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

Ancient woodland, ancient and veteran trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a SSSI or in exceptional circumstances.

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

Paragraphs 98 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 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 restoration or enhancement to a population or habitat. Further information is available [here](#)."

Internal Council Consultations

4.3 Transportation Manager

Original Comments

"The local highway authority has no objection to the proposals subject to the following being provided:

The footway link being continued along Cotts Lane to the existing footway at Court Close.

The public footpath running along the southern boundary and linking to Trahernee Close should be provided with a hard surface to enable a connection to the school. A link should be provided from the eastern part of the development close to the turning head to the public right of way.

The type of surface should be agreed with the public rights of way officer.

A plan showing a swept path analysis of a large refuse vehicle turning into and out of the proposed development (on both directions) and turning around at the turning head.

In addition, it is noted that within the visibility splay the ground level of the site is higher than the carriageway. It will be necessary to grade the bank to ensure that no part of the visibility splay is more than 0.6m higher than the carriageway of Cotts Lane. This should be demonstrated on a plan prior to determination of this planning application.

Informatives: I11, I45, I08, I05, I43, I35

Conditions: CAB, CAC, CAE, CAJ, CAL, CAP, CAT, CAZ"

Further Comments

"The pedestrian connection from the proposed development to the PROW is acceptable, however, discussions should be had with the PROW officer to confirm that a hard surface of at least 2m in width would be acceptable between the development and Trahernee Close and the length and width of the hard surface annotated on the plan.

Once this is confirmed the local highway authority would have no objection to the proposals but it is important to stress that pedestrian connectivity to the site from Trahernee Close is key to the acceptability of the development in highway terms.

Informatives: I11, I45, I08, I05, I43, I35

Conditions: CAB, CAC, CAE, CAJ, CAL, CAP, CAT, CAZ"

Final Comments

"The only comment in relation to the recently submitted landscape plans would be that any boundary treatment (e.g. hedgerow) should be set back at least 1.5m from the back of the visibility splay to allow for growth."

4.4 Conservation Manager (Ecology)

Original Comments

"Pending sight of the referred to ecology report to allow wider comments; the required habitat regulation assessment can be completed and submitted to natural England for their formal consideration.

Subject to formal approval by Natural England a condition is requested to secure approved mitigation

Habitat Regulations (River Wye SAC) – Foul- and Surface Water

All foul water shall discharge through a connection to the local Mains Sewer network; and all surface water managed through onsite sustainable drainage scheme; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Habitat Regulations (2018), National Planning Policy Framework (2019), NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2, SD3 and SD4.

Additional ecology comments can be made once the required/referred to ecology report is made available."

HRA Screening - Appropriate Assessment (24 May 2019)

"The Conservation of Habitats and Species Regulations (2018)

Part 6, section 63

'Assessment of implications for European sites and European offshore marine sites'

HRA Screening - Appropriate Assessment

APPLICATION	190279
NO:	
SITE:	Land off Cotts Lane, Lugwardine, Hereford
DESCRIPTION:	Proposed erection of 8 bungalows. Including 5 chalet type and construction of new access road.

GRID

OS 354724, 241198

REFERENCE:

Link to planning application on Herefordshire Council website:

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=190279&search=190279

Natural England consultation reference (if available): 273047

Assessment of 'Likely Significant Effects' on:

- ☒ River Wye Catchment SAC
- ☐ Forest of Dean & Wye Valley Bat SAC (Wigpool Iron Mines SSSI)
- ☐ River Clun SAC
- ☐ Downton Gorge SAC (SSSI-NNR)
- ☐ Other site (SSSI-NNR):

Likely significant effects identified on initial Screening Assessment:

- ☒ Foul water
- ☒ Surface water
- ☐ Emissions
- ☐ Construction or Demolition processes
- ☐ Other:

Appropriate Assessment information, discussion and proposed mitigation measures:

The applicant has advised, with confirmation from Welsh Water, that all foul water will be discharged through a connection to the local mains sewer network. Information supplied also confirms that all surface water will be managed through a site specific sustainable drainage scheme (SuDS).

The mitigation can be secured through a condition on any planning consent granted.

☐ Supporting documents: (insert documents as objects here; or clearly refer to document available on HC website)

Recommended Planning Conditions to secure appropriate mitigation:

Habitat Regulations (River Wye SAC) – Foul- and Surface Water

All foul water shall discharge through a connection to the local Mains Sewer network; and all surface water managed through onsite sustainable drainage scheme; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Habitat Regulations (2018), National Planning Policy Framework (2019), NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2, SD3 and SD4.

CONCLUSION:

☒ NO adverse effects on the integrity of the Special Area of Conservation; subject to appropriate mitigation being secured. Habitat Regulations 2018, Part 6, section 63(5)"

Updated Comments

"Subject to Natural England having 'no objection' to the required appropriate assessment submitted to them a condition to secure the required-agreed mitigation is requested on any consent granted:

Habitat Regulations (River Wye SAC) – Foul- and Surface Water

All foul water shall discharge through a connection to the local (Hereford - Eign sewage treatment works) Mains Sewer network; and all surface water managed through onsite sustainable drainage scheme; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Habitat Regulations (2018), National Planning Policy Framework (2019), NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2, SD3 and SD4.

Reading the two ecological reports (Andrew Hall and James Johnston Ecology) together all relevant ecological surveys and considerations appear to have been covered and the recommendations, working methods, mitigation and biodiversity net gain features identified in these reports should be secured through a relevant condition.

Nature Conservation – Ecology Protection, Mitigation and Biodiversity Net Gain

The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity net gain enhancements, as recommended in the ecology reports by James Johnston Ecology dated August 2019 and Andrew Hall dated June 2019 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation or any biodiversity net gain enhancement features. All fruit tree planting shall utilise 'standard' trees grown on fully vigorous or 'seedling' rootstocks relevant to the fruit type and be managed such as to create a Traditional 'standard' Orchard at maturity.

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."

4.5 Conservation Manager (Landscape)

Original Comments

Further information required

Additional drawings and reports have been prepared by the applicant as an outcome of the meeting between the applicant, agent and planning officers on 6/6/2019. Reflecting on landscape notes from this meeting, the applicant has addressed some comments. However, it is felt that with a small degree of modification, the scheme could be strengthened to enhance its position within the community; promote pedestrian and cycle connections; the beautification of the landscape amenity; and contribute in a positive way to the local landscape setting and character.

Relevant Policies

NPPF

Chapter 8, 9, 12, 14 and 15

*Core Strategy
LD1, LD2, LD3, SS6 and SS7*

Guidance:

Refer to National Design Guide, Planning Practice Guidance for Beautiful, Enduring and Successful Places, published by Ministry of Housing, Communities and Local Government, September 2019.

Road frontage hedgerow

Refer to the tree officer's report for recommendations to relocate the existing hedgerow and supplement with fill species to create an instant road frontage.

Arrival hedgerow understorey and ground flora

The straightening of the hedgerow at the entrance (due to vehicle visibility splay and to maintain a defining hedge structure), has provided a road side and arrival landscape opportunity (Refer figure 3). Plant this space with a suitable wildflower and grass mix, such as Pro flora mix 7 – hedgerows and Pro flora 9 – general purpose or equivalent.

Avenue

Replace the Sorbus with Tilia mongolica/Mongolian lime (Also refer to the tree officer's comments), and space with a rigour and density to form a treed Avenue. It is a well regarded fact that streets with trees improve wellbeing, biodiversity and increase the value of development. This approach also supports the local landscape character (Refer figure 1) and can be a pedestrian and cycle connection to the Park and into the Village (Refer figure 3) with strategic orchestration of the site plan.

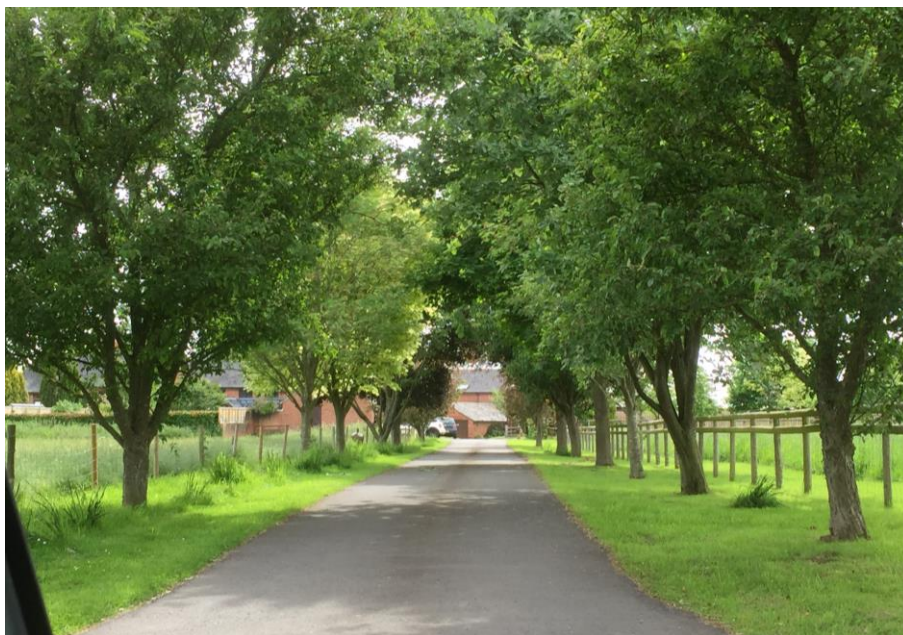


Figure 1: Treed Avenue, a distinctive landscape character of the local area. Image taken by author on Cotts Lane near the application site.

Pedestrian and cycle connections

Make the development link with the Park and Village in a logical way. Promote and allow for easy and safe pedestrian and cycle connections using neighbourhood streets and paths (Refer figure 2 and 3), rather than direct people (especially elderly and children) along a busy road that is out of the way.

Hard landscape and sustainability

Provide material selection and specification of materials, landscape elements and boundary treatments to ensure they are sympathetic with the local landscape character. Considering sustainable sourcing and SuDS.

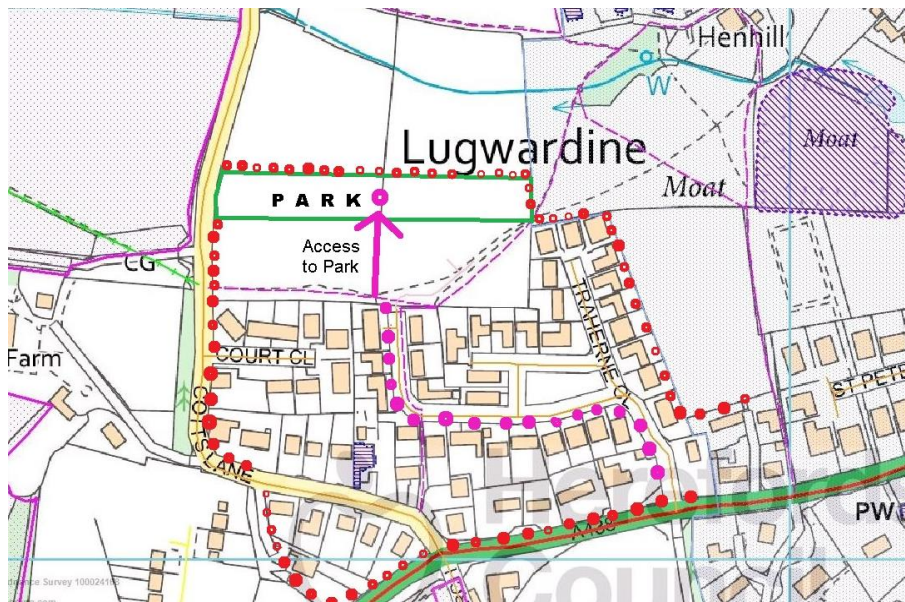


Figure 2: Core Pedestrian and Bicycle Link from village to Park



Figure 3: Core Pedestrian/Bicycle link to Park and into Village from the central development Avenue axis.”

Further Comments

“I have seen the amended drawing, 1260-20, Rev C ‘Red line’ amended, 08.11.2019.

There are no landscape comments in relation to this amendment.

In relation to landscape, please refer to landscape comments, dated 29.10/2019 based on Proposed Landscape Scheme, Fig 02, 01, Aug 2019.”

4.6 Land Drainage

Original Comments

“I have reviewed the information provided for application 190279. I note that the site plan demonstrates that foul water will be disposed of via connection to the existing public sewer. There is no information in regards to the surface water drainage strategy. I cannot provide comments on this planning application until a surface water drainage strategy is proposed. We would expect to see infiltration testing undertaken in accordance with BRE365 as part of this

submission. We will await the submission of a surface water drainage strategy and then provide formal comments on this application.”

Further Comments

“It has been confirmed that, if infiltration techniques are not viable, there is the option of discharging surface water runoff into the ditch (as this is also under their ownership). Thus as it has now been explained that there is a viable drainage strategy for this site, we would not object to the development and would request the following information as part of suitably worded planning conditions:

- Provision of a detailed drainage strategy that demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features;*
- A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;*
- Evidence that the Applicant is providing sufficient on-site attenuation storage to ensure that site-generated surface water runoff is controlled and limited to agreed discharge rates for all storm events up to and including the 1 in 100 year rainfall event, with an appropriate increase in rainfall intensity to allow for the effects of future climate change;*
- Evidence that the Applicant is providing sufficient storage and appropriate flow controls to manage additional runoff volume from the development, demonstrated for the 1 in 100 year event (6 hour storm) with an appropriate increase in rainfall intensity to allow for the effects of future climate change;*
- Results of infiltration testing undertaken in accordance with BRE365 and confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice;*
- A detailed foul water drainage strategy showing how foul water from the development will be disposed of. This may be in the form of evidence that the Applicant has sought and agreed permissions to discharge foul water from the site with the relevant authorities;*
- Demonstration of the management of surface water during extreme events that overwhelm the surface water drainage system and/or occur as a result of blockage;*
- Demonstration that appropriate pollution control measures are in place prior to discharge;*
- Confirmation of the proposed authority responsible for the adoption and maintenance of the proposed drainage systems;*
- Details of any proposed outfall structures.*

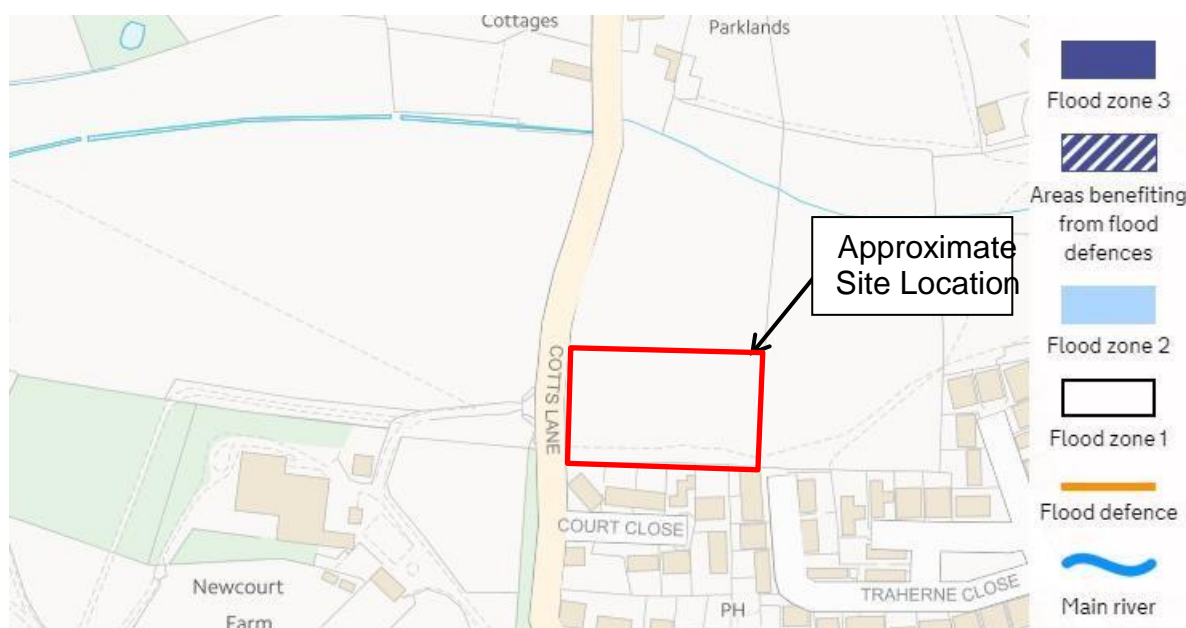
Please do pass on the following to the Applicant & Agent. For all future submissions that it must be explained that there is a viable option for disposing of surface and foul water development sites. Otherwise we will issue holding objections.”

Final Comments

*“Our knowledge of the development proposals has been obtained from the following sources:
Application for Planning Permission;
Site Plan (Ref: 1260-20);
Correspondence with the Planning Officer in regards to land ownership.*

Site Location

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



Overview of the Proposal

The Applicant proposes the construction of 8 bungalows and new access road. The site covers an area of approx. 0.80ha and is currently a Greenfield site. An ordinary watercourse flows approx. 112m to the north of the site. The topography of the site slopes down towards the north.

Flood Risk

Fluvial Flood Risk

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the low risk Flood Zone 1. As the proposed development is located within Flood Zone 1 and is less than 1ha, in accordance with Environment Agency standing advice, the planning application has not been supported by a Flood Risk Assessment (FRA). This is summarised in Table 1.

Table 1: Scenarios requiring a FRA

	Within Flood Zone 3	Within Flood Zone 2	Within Flood Zone 1
Site area less than 1ha	FRA required	FRA required	FRA not required*
Site area greater than 1ha	FRA required	FRA required	FRA required

*except for changes of use to a more vulnerable class, or where they could be affected by other sources of flooding

Surface Water Flood Risk

Review of the EA's Risk of Flooding from Surface Water map indicates that the site is not located within an area at significant risk of surface water flooding.

Other Considerations and Sources of Flood Risk

Local residents may have identified other local sources of flood risk within the vicinity of the site, commonly associated with culvert blockages, sewer blockages or unmapped drainage ditches.

Review of the EA's Groundwater map indicates that the site is not located within a designated Source Protection Zone or Principal Aquifer.

Surface Water Drainage

Infiltration testing has not been undertaken at this site. Infiltration techniques should be used where possible, however we appreciate that the option of disposing of surface water runoff into the watercourse to the north is a viable option as the land between the site and the watercourse will be under the ownership of the Applicant. As there is a solution for surface water runoff

drainage, we would not object to the proposals, however we must again make it clear that infiltration techniques should be used where possible as all new drainage systems for new and redeveloped sites must, as far as practicable, meet the Non-Statutory Technical Standards for Sustainable Drainage Systems and will require approval from the Lead Local Flood Authority (Herefordshire Council).

In accordance with the NPPF, Non-Statutory Technical Standards for Sustainable Drainage Systems and Policy SD3 of the Core Strategy, the drainage strategy should incorporate the use of Sustainable Drainage (SUDS) where possible. The approach promotes the use of infiltration features in the first instance. It should be noted that soakaways should be located a minimum of 5m from building foundations, that the base of soakaways and unlined storage/conveyance features should be a minimum of 1m above groundwater levels, and must have a half drain time of no greater than 24 hours.

If infiltration is not viable, the following should be reviewed for disposal into the watercourse: The rate and volume of discharge be restricted to the pre-development Greenfield values as far as practicable. Reference should be made to The SUDS Manual (CIRIA C753, 2015) for guidance on calculating runoff rates and volumes. The assessment of pre and post-development runoff rates should consider a range of storm durations to determine those which are critical for the site and receiving watercourse or sewer and demonstrate sufficient storage has been provided. Allowances for climate change would not typically be included in the calculation of existing discharge rates.

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

The Applicant must confirm the proposed adoption and maintenance arrangements for the surface water drainage system. The Drainage Layout plan should reflect the ownership of the respective drainage components.

Foul Water Drainage

Foul water is likely to be disposed of into the public foul sewer. A diversion may be required. This should be discussed with the public sewerage authority.

Overall Comment

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

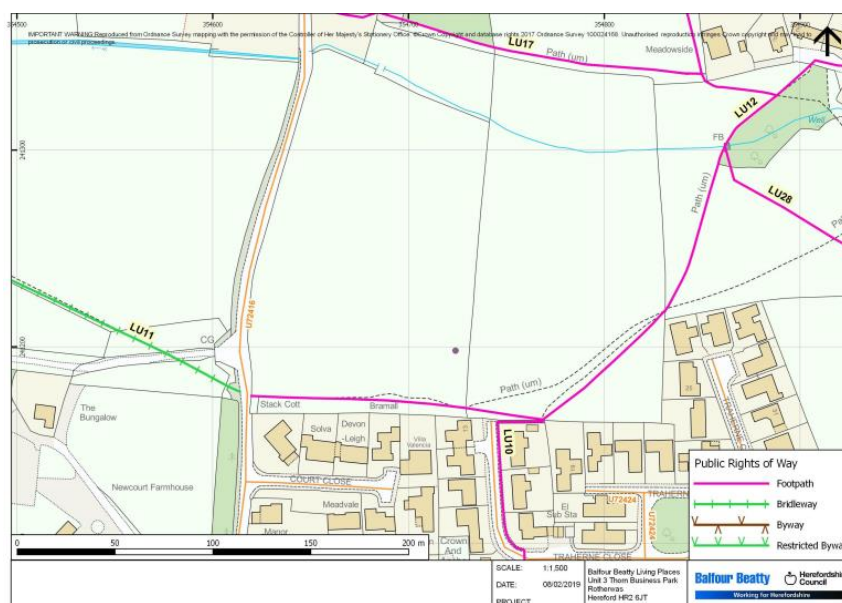
- Provision of a detailed drainage strategy that demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features;
- A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;
- Evidence that the Applicant is providing sufficient on-site attenuation storage to ensure that site-generated surface water runoff is controlled and limited to agreed discharge rates for all storm events up to and including the 1 in 100 year rainfall event, with an appropriate increase in rainfall intensity to allow for the effects of future climate change;
- Evidence that the Applicant is providing sufficient storage and appropriate flow controls to manage additional runoff volume from the development, demonstrated for the 1 in 100 year event (6 hour storm) with an appropriate increase in rainfall intensity to allow for the effects of future climate change;
- Results of infiltration testing undertaken in accordance with BRE365 and confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice;
- Demonstration of the management of surface water during extreme events that overwhelm the surface water drainage system and/or occur as a result of blockage;

- *Demonstration that appropriate pollution control measures are in place prior to discharge;*
- *Confirmation of the proposed authority responsible for the adoption and maintenance of the proposed drainage systems;*
- *Details of any proposed outfall structures (if necessary)."*

4.7 Public Rights of Way

Original Comments

"Public footpath LU12 has been shown on plans and the Planning Statement says that The existing right of way' will be 'retained within a 5-8 metre wide buffer'. No objection."



Final Comments

Public footpaths LU10 and LU12 are under closure due to the current development. PROW do not object to further development but are highly unlikely to agree to an extension of these closures due to a large number of complaints. Therefore any future work must be done while the paths are open and public must be adequately protected from any dangers."

4.8 Conservation Manager (Trees)

Designations/Constraints Relevant Policy

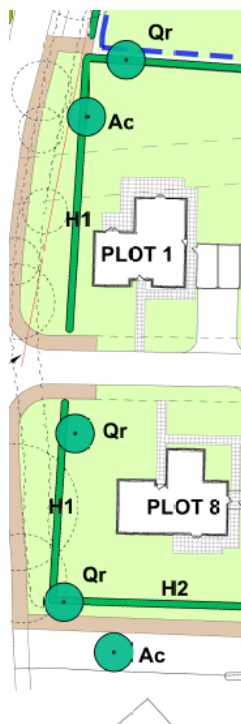
- *NPPF:
Paragraph 15 Conserving and enhancing natural environment*

Core Strategy

- *LD1*
- *LD3*

Arboreal Features:

- *The site in its current state is low in tree numbers. Following a site visit I observed the eastern boundary is populated by two mature ash trees of questionable structural and physiological condition.*
- *The western boundary, adjacent to Cotts Lane is a mature hedgerow containing a mix of native species and a number of individual hedgerow trees which are also native barring a semi mature sycamore.*



Potential Impacts:

- *To achieve the desired vision spay for the access the western hedge will largely be removed along with the trees.*
- *My preference would be that this hedge is transplanted to the location of the proposed new hedge and any gaps are filled with new plantings of the same species of existing hedgerow.*
- *I have reservations with the choice of using sorbus at the frontage of the properties. Whilst these are attractive native trees, they are also relatively small which have little visual impact compered to larger species. I would suggest that a more suitable species would be Tilia mongolica/Mongolian lime. It is a medium sized tree which won't overcrowd the dwellings but will offer better visual amenity value than Sorbus.*

Summary & Recommendations:

I would like to see an amendment to the landscape plan which acknowledges my comments and demonstrates betterment of the site."

4.9 Neighbourhood Planning Manager

"The Bartestree with Lugwardine Neighbourhood Development Plan was made on 1 December 2016. It now forms part of the Development Plan for Herefordshire. As the NDP has been made over 2 years, the policies relating to housing provision will be considered out of date as the LPA cannot demonstrate a 5 year housing land supply.

This is relevant only to the policies concerning the 'numbers and distribution of housing' which could be effected and not policies such as open countryside or local green spaces which could also affect the supply of housing or the associated development management policies.

This means that the Core Strategy and neighbourhood plans will still have significant weight. It is only those policies which are directly related to the supply of housing land which are considered 'out of date', not the whole neighbourhood plan. This is a similar position to the Core Strategy housing supply policies which are also deemed 'out of date'. Case law has demonstrated that 'significant weight' should be given to the general public interest in having plan-led planning decisions.

The weight of the neighbourhood plan will be determined by a number of elements including the contribution already met to achieving proportional growth and site allocations. As of April 2018 Bartestree with Lugwardine Neighbourhood area has exceeded their proportionate growth of 152 target by 3, from April 2011-April 2018. 40 dwellings have been built and 115 have been granted planning permission"

4.10 Open Space

"Supporting Policy

National Planning Policy Framework:

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

OS1: Requirements for Open Space, Sports and Recreation Facilities

OS2: Meeting Open Space and Recreation Needs

In accordance with policy requirements 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.

Neighbourhood Development Plans

Bartestree and Lugwardine Neighbourhood Development Plan 2016 (Adopted)

Policy LB8

Evidence Base and standards

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 2012 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.

On Site POS: This application is for 8 bungalows. In accordance with Core Strategy Policies OS1 and OS2 and it is considered too small a development to provide any on site open space in accordance with standards used by the council which would be of a usable size for recreation purposes.

In lieu of on-site provision in accordance with the SPD on Planning Obligations Herefordshire Council has agreed that housing sites of 10 and less are exempt from planning obligations.

Therefore provision of POS on sites of less than 10 is not requested as either an on or off site contribution

Drawing no. 1260-20 Location and Block Plan, shows a large area to the north of the proposed development to be “gifted” to the Parish Council as community open space, size not specified. The applicant has acknowledged that this is significantly more than would be achieved from a development of this scale. The applicant also describes the land in terms of the benefit it would bring in providing public open space.

The open space offered with this application is not a requirement of policy but has been included as part of the applicants wishes.

Whilst this is a generous offer, the applicant has offered no supporting evidence in terms of its need locally or how it will be used and managed. All good quality open space need to be in the right location, needed and sustainable otherwise under used areas can quickly become no go areas and subject to anti social behaviour.

Evidence of need: Lugwardine is closely connected to Bartestree and both villages lie along the A438 separated by only a few fields. As such the Bartestree and Lugwardine Neighbourhood Development Plan (NDP) includes both settlements.

The NDP through Policy LB8 seeks to protect existing local green spaces but does not identify the need for additional facilities other than allotments for leisure. This would indicate that only allotments for leisure use was identified as a local need during the consultation process carried out for the NDP.

This is supported by the Play Facilities Study and Investment Plan evidence base which does not identify the need for additional play facilities.

NDP Policy LB8 does acknowledge that land has previously been secured to facilitate the provision of additional recreation and sports facilities in accordance with the Playing Pitch Assessment and Outdoor Sports Investment Plan for Bartestree and Lugwardine and in response to local need. An area of land was gifted to the Parish Council south of the A438 adjacent to existing facilities at Bartestree Village Hall and Recreation Area as part of planning application 143720/O in support of creating a sustainable sports and recreation hub for both villages.

The applicant has suggested that the land would be gifted to the Bartestree and Lugwardine Parish Council. The only identified requirement is for allotments for leisure as described in NDP Policy LB8. This policy requires any proposals to meet the request of allotment for leisure to not conflict with other policies in the plan.

It is noted that the Parish Council has resolved to object to this proposal in being contrary to policy BL4 of the NDP in that the proposed development would be outside the settlement boundary.

In conclusion:

NDP Policy LB8 identifies allotments for leisure as the only new green space required.

There is no identified need for additional play facilities in accordance with the Play Facilities Study and Investment Plan Additional land has previously been secured in Bartestree to meet existing deficiencies in accordance with the Playing Pitch Assessment and Outdoor Sports Investment Plan. The proposal is not supported locally by the Parish Council who would potentially be in receipt of the land.”

5 Representations

5.1 Lugwardine & Bartestree Parish Council

Original Comments

"Bartestree with Lugwardine Group Parish Council RESOLVED to OBJECT to this application for the following reasons:

- 1: The proposed development would be outside the settlement boundary as shown in Policy BL4 of the Bartestree with Lugwardine NDP 2016.*
- 2: Bartestree with Lugwardine has made a worthy contribution to the housing supply in the county by already exceeding its minimum target number of houses, which have approval, with twelve years of the current planning period remaining. Importantly the majority of these houses have already been constructed or are currently under construction.*
- 3: Whether the proposed development is considered under NDP policy BL3 Windfalls or BL5 Housing in the Countryside, it does not comply with BL3 iv) because it would not have a safe and suitable access. The proposed access via the unclassified U72416 Cotts Lane is unsuitable for any increase in traffic. It is very narrow, mainly single track with passing places and with a very sharp bend at the southern end.*
- 4: The proposals also fail to comply with NDP Policy BL12 Transport and Highways: Section i): No safe access to adjacent roads Section iv): The site would not and could not be linked to the village by an existing or new footway/cycleway due to the lack of space and so could not provide safe passage to village facilities including bus stops.*
- 5: There are limited opportunities within the settlement boundary without resorting to development outside of the boundary.*
- 6: Access is onto an unclassified road. Highways have previously refused access for development of Quarry Field on to Cotts Lane. This lane is not suitable for additional traffic.*
- 7: Despite the development which has already taken place, there are no new facilities, indeed there has been a reduction in the bus service.*
- 8: The local schools are full, with no room for extension at the primary school."*

Final Comments

Bartestree with Lugwardine Group Parish Council RESOLVED to continue OBJECT to this application for the following reasons:

- 1: The proposed development would be outside the settlement boundary as shown in Policy BL4 of the Bartestree with Lugwardine NDP 2016.*
- 2: Bartestree with Lugwardine has made a worthy contribution to the housing supply in the county by already exceeding its minimum target number of houses, which have approval, with twelve years of the current planning period remaining. Importantly the majority of these houses have already been constructed or are currently under construction.*
- 3: Whether the proposed development is considered under NDP policy BL3 Windfalls or BL5 Housing in the Countryside, it does not comply with BL3 iv) because it would not have a safe and suitable access. The proposed access via the unclassified U72416 Cotts Lane is unsuitable for any increase in traffic. It is very narrow, mainly single track with passing places and with a very sharp bend at the southern end.*
- 4: The proposals also fail to comply with NDP Policy BL12 Transport and Highways: Section i): No safe access to adjacent roads Section iv): The site would not and could not be linked to the village by an existing or new footway/cycleway due to the lack of space and so could not provide safe passage to village facilities including bus stops. 5: There are limited opportunities within the settlement boundary without resorting to development outside of the boundary.*

- 6: *Access is onto an unclassified road. Highways have previously refused access for development of Quarry Field on to Cotts Lane. This lane is not suitable for additional traffic.*
- 7: *Any increase in traffic using Cotts Lane would add to the danger for motorists already using the lane. It is not suitable for the traffic using it at present let alone an increase in the future.*
- 8: *Despite the development which has already taken place, there are no new facilities, indeed there has been a reduction in the bus service.*
- 9: *The local schools are full, with no room for extension at the primary school.*
- 10: *The timing of ecological reports was such to show minimal impact to wildlife and were not a true reflection of the significance of wildlife on the site. The field was ploughed in April and the survey done in June.*
- 11: *There is no mention of the use of renewable energy, rainwater harvesting or decreased carbon footprint in the application.*
- 12: *To avoid a conflict of interest, the Parish Council do not wish to consider the offer of a gift of land until a decision has been made on the application."*

5.2 Ramblers Association

Whereas for the most part footpath Lugwardine LU12 seems to be left in its correct position and possibly enhanced by the natural corridor being created around it. The downside is that at the eastern end, the footpath is routed along the estate road which would seem to be against the recommendations of the DOE Rights of Way Circular 1-09.

I ask you to ensure that the developer is aware that there is a legal requirement to maintain and keep clear a Public Right of Way at all times.

5.3 Third Party Representations

The application has received eleven representations to date, two supporting the application, three offering qualified comments and six objecting to the development. The main points raised are summarised below:

- Potable water pressure is already low in the area and the development may further impact this
- The application would result in additional traffic on Cotts Lane, which is a small lane and can not support any additional vehicular movements.
- Cotts Lane is already a severe traffic hazard particularly at times of school pick-ups
- Lugwardine has already delivered plenty of homes, with the village already exceeding its quota and so are any more needed
- The application site is outside of the NDP settlement boundary
- The application will disturb local bats
- The historic character of the field scape will be lost and the views from the Public Rights of Way
- Access for development at Quarry Fields was declined, why can it be allowed for this development
- The lower field floods in times of heavy rain
- The development would offer significant benefits for the village, including the proposed gifted land
- The development is on a green field that benefits from flora and fauna.
- The developer has set each part of the development under ten dwellings to avoid needing any affordable housing
- The development will not cause any noise or nuisance issues as it will attract older people
- The application lacks green efficiency measures
- The development will result in the public footpath being closed for a further prolonged period of time

- The development will not be suitable for people downsizing as they are all at least three bedroomed dwellings

5.3 The all the consultation responses can be viewed in full on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=190279&search=190279

6 Officer's Appraisal

Policy context and Principle of Development

6.1 The proposal is considered in line with the statutory requirements of Section 70 (2) of the Town and Country Planning Act 1990 (as amended) which requires that when determining planning applications, the local planning authority shall have regard to the provisions of the development plan, local finance considerations (so far as material to the application) and any other material considerations. Following this requirement, Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states the following:

"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 (taken as a whole) is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework ('NPPF' or 'the framework' henceforth) is also a significant material consideration, but does not constitute a statutory provision, unlike the development plan.

6.3 As is set out at paragraph 30 of the framework and stipulated at Section 38 (5) of the Planning and Compulsory Purchase Act 2004 (as amended), *"if to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document"*. In this way should a conflict between the NDP and the CS arise, the NDP will take precedence over the CS unless there are other material considerations that dictate otherwise

6.4 CS Policy SS1 sets out the presumption in favour of sustainable development, which is reflective of the positive presumption enshrined by the current NPPF as a golden thread running through plan-making and decision-taking. Policy SS1 also confirms that proposals which accord with the policies of the CS (and, where relevant, other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise. Again, this is broadly reflective of Paragraph 11 of the current NPPF.

6.5 CS policy SS2 confirms that Hereford is the main focus for new housing development in the county, followed by the five market towns in the tier below. In rural areas new housing will be acceptable where 'it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community'. Similarly, at paragraph 78 the current NPPF advises that to promote sustainable development housing should be located where it will enhance or maintain the vitality of rural settlements.

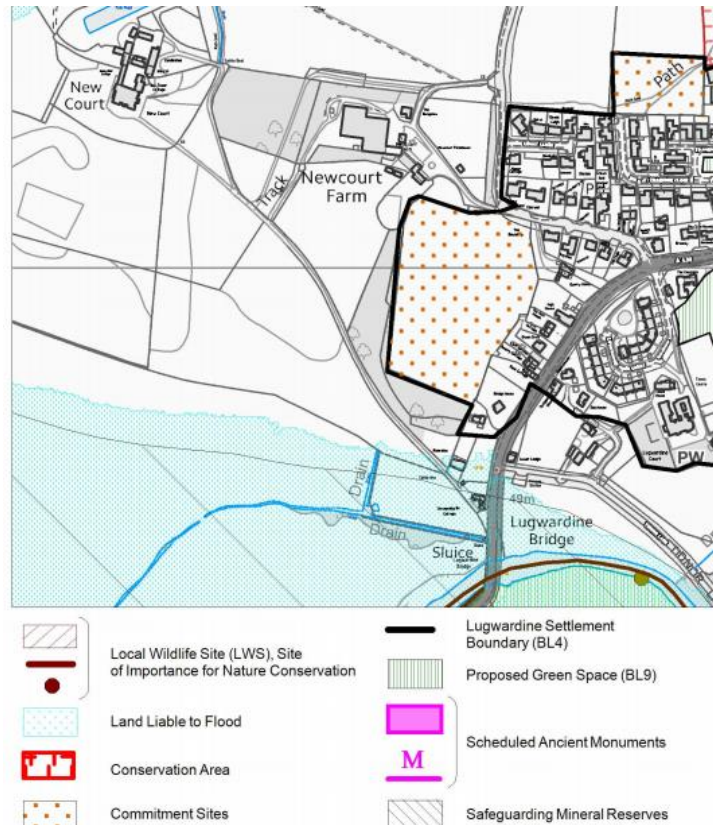
6.6 The application at this time must be considered in the context of the Council being unable to identify a five year supply of deliverable housing sites or demonstrate it can meet the

housing deliverability test. At paragraph 11, the current NPPF confirms that when making decisions the 'presumption in favour of sustainable development' should be applied. It goes on to set out at 11 (d) that where the policies most important for determining the application are 'out-of-date' planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or the application of the policies in the framework provides a clear reason for refusing the proposal. At footnote 7, it is confirmed that a failure to demonstrate a five year supply of housing and requisite buffer in accordance with paragraph 73 will render relevant policies to delivering housing out-of-date.

- 6.7 It is acknowledged that, at this point in the time, the Council is unable to demonstrate a five year supply of deliverable housing sites. A supply statement has recently been published which outlines that at 1st April 2019, the supply position in Herefordshire stands at 4.05 years. As a result, the presumption in favour of sustainable development set out under paragraph 11 of the Framework is fully engaged. Permission should be granted, therefore, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the current NPPF as a whole, or if specific policies in the NPPF indicate development should be restricted.
- 6.8 Notwithstanding this, Supreme Court judgements and subsequent appeal decisions have confirmed that policies relevant for the supply of housing can still be afforded weight in the decision making process, and it is a matter of planning judgement for the decision-maker to attribute the degree of weight to be afforded depending on the context of the decision. Moreover, policies not directly relevant to the supply of housing (such as those dealing with matters of flood risk, highways safety or heritage impacts) still attract full weight.
- 6.9 Policy RA1 explains that the minimum 5,300 new dwellings will be distributed across seven Housing Market Areas (HMAs). This recognises that different parts of the County have differing housing needs and requirements. The policy explains that the indicative target is to be used as a basis for the production of Neighbourhood Development Plans (NDPs). The growth target figure is set for the HMA as a whole, rather than for constituent Neighbourhood Areas, where local evidence and environmental factors will determine the appropriate scale of development. The Core Strategy, leaves flexibility for NDPs to identify the most suitable housing sites, through their policies and allocations.
- 6.10 CS Policy RA2 states that Neighbourhood Development Plans (NDPs) will be the principal mechanism by which new rural housing will be allocated. Where these are absent or not advanced in the process to be afforded weight in the planning balance the main focus for development will be within or adjacent to the main built up parts of the settlement. Lugwardine is identified as a settlement for housing growth under Policy RA2 and associated Table 4.14 of the CS, the policy sets out that it is for NDPs to define the bounds of settlements where considered necessary. The area does benefit from a Neighbourhood Development Plan (NDP), the Bartestree with Lugwardine Group NDP, which was made 1st December 2016, though it is now over two years old.
- 6.11 NDP policy BL4 defines a settlement boundary for the village which the site falls outwith but adjoins and is considered to accord with the spatial aspect policy RA2 of the Core Strategy.

"Policy BL4 Settlement Boundaries

Settlement boundaries for Bartestree and Lugwardine have been defined and are shown on Map B. Within these settlement boundaries, development will be supported in principle."



Excerpt of the Lugwardine Settlement Boundary map from the NDP

- 6.12 The NDP then goes on to detail the circumstances when housing development outside of the settlement boundary (i.e. in the open countryside) will be acceptable in exceptions criteria detailed under policy BL5.

“Policy BL5 Housing in the Countryside

Residential development outside the settlement boundaries of Bartestree and Lugwardine will be limited to:

- I. the replacement of existing dwellings that have a lawful residential use and where the replacement is comparable in size and scale and is within the curtilage of the existing dwelling;*
- II. extensions to existing dwellings;*
- III. proposals which accord with Policies BL3 and BL6 of this Plan;*
- IV. rural exception sites in accordance with Core Strategy Policy H2 and*
- V. proposals which are in accordance with Core Strategy Policy RA3.”*

- 6.13 Policy BL5 is explicit at criteria III that applications which accord with Policy BL3 (the policy relating to ‘Infilling & Windfall’ development) and Policy BL6 (the policy relating to ‘Redundant Rural Buildings’) are acceptable. Policy BL6 is not considered to be relevant for this application, with considerations focusing on Policy BL3.

“Policy BL3 Infilling and Windfalls

Development of infill and windfall sites will be supported provided:

- I. the development is in keeping with the scale, form and character of its surroundings;*
- II. it does not impact adversely on the amenity of neighbouring properties including loss of daylight, loss of car parking or mature vegetation or landscape screening;*
- III. it is in character with existing dwellings;*

IV. it has a safe and suitable access to the public highway.”

- 6.14 For the avoidance of doubt the supporting text for Policy BL3 sets out what the NDP’s interpretation of Infill and Windfall sites.

“Infill is the filling of a small gap between existing dwellings with usually one or at most two new properties in similar sized plots to those of the neighbouring dwellings.”

“A windfall site is any area of land that is suitable for development within the terms of planning policies that has not been specifically identified and allocated within a Development Plan Document.”

- 6.15 The NDP’s definition of a Windfall Site is noted to broadly mirror that of the framework, as “sites not specifically identified in the development plan”. The application is considered to be an area of land that is suitable for development in the spatial sense as it adjoins the settlement of Lugwardine (which the development plan identifies as a sustainable place for housing growth), the site is relatively unconstrained from issues such as flooding and heritage. The application site is considered to be a Windfall Site in the terms of policy BL3 of the NDP.
- 6.16 The NDP sets out in the supporting text for Policy BL4 that the re-introduction (as part of the NDP) of settlement boundaries will retain the historic identity and distinctiveness of Bartestree & Lugwardine; and protect important views north towards Dinmore Hill and the hills of South Shropshire (among other views) from the intrusion of new development. In this way, I do not consider that the proposed development would result in or lead to a conglomeration or merging of the two settlements, further I do not consider that the application would impinge upon important views to the north from the settlement.
- 6.17 The application site is noted to be outside of the Lugwardine settlement boundary, as identified in the NDP. However, I consider that Policy BL3 of the NDP does allow for development outside of the settlement boundary and the application site is considered to fall within the definition of such a Windfall Site where such development in the open countryside can be considered, subject to a number of criteria. Accordingly I consider the principle of development on this site is acceptable, provided the criteria for development are satisfied.
- 6.18 Notwithstanding all of the above, It is noted that the NDP became part of the development plan over two years ago, thus as the policies most relevant for decision making are considered to be out of date, the housing policies in this instance; the provisions of paragraph 14 of the framework do not apply as the NDP fails to meet all the criteria.

Design, Character & Appearance

- 6.19 When considering the design and landscape impact of a proposed development, CS Policy SD1 is significant as it requires development proposals to create safe, sustainable, well integrated environments for all members of the community. In so doing, all proposals should take into account the local context and site characteristics. Moreover, new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development. Where appropriate, proposals should also make a positive contribution to the architectural diversity and character of the area, including through innovative design. They should also safeguard the residential amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing.
- 6.20 The framework is a key material consideration for the proposal, chapter 12 on achieving well-designed places sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, as good design is a key aspect of sustainable development. Decision-making (as directed at paragraph 127 of the framework)

should ensure developments will: function well and add to the overall quality of the area 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 including the surrounding built form and landscape setting (whilst not preventing innovation or change); establish or maintain a strong sense of place creating attractive and distinct places to live and visit; with a high standard of amenity for existing and future users that doesn't undermine quality of life or community cohesion and resilience. Additionally paragraph 98 of the framework sets out that decisions should protect and enhance public rights of way, including taking opportunities to provide better facilities for users.

- 6.21 The framework is clear at paragraph 130 that *"planning permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides."* The government has confirmed by way of a Written Ministerial Statement (on 1st October 2019) that *"in the absence of local design guidance, local planning authorities will be expected to defer to the illustrated National Design Guide"*; the National Design Guide is therefore considered to be a material consideration for consider what achieves good design in proposed developments.
- 6.22 Conversely design should not be concocted as a reason for refusal when proposals accord with the design expectations of the framework and development plan. Additionally at paragraph 131, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in wit the overall form and layout of their surroundings.
- 6.23 The NDP includes a specific policy for the consideration of design for new dwellings at policy BL1:

"Criteria for the Design of New Housing

Good design and the maximum possible reduction in carbon footprint will be sought by:

- i. incorporating locally distinctive features - although new innovative design or features will not necessarily be resisted where they fit sensitively within the particular village frontage and street scene;*
- ii. incorporating eco friendly initial designs that include orientation of buildings, the provision of energy and water conservation measures, cycle and recycling storage, broadband infrastructure and renewable energy infrastructure such as photovoltaic panels or other sustainable renewable energy solutions wherever possible;*
- iii. making proportionate provision for open green spaces which are linked where possible to the wider natural environment and accessible to the public for recreational use;*
- iv. retaining important features such as tree cover, ponds, orchards and hedgerows and adding to the natural assets of the parish where opportunities are available;*
- v. where possible, garages must be built in direct association with the houses whose inhabitants may be expected to use them. They must be of a sufficient size to accommodate modern cars. Proposals for rear or separate parking courts will not be permitted unless alternative provision is impracticable. Sufficient off street parking must be provided to accommodate space for visitor parking for each household;*
- vi. an appropriate size of garden space should be provided in proportion to each new dwelling;*
- vii. on site measures that support energy conservation, such as tree planting and other forms of green infrastructure to provide shade and shelter, the inclusion of sustainable drainage systems, the maximum use of permeable surfaces and*

minimising the use of external lighting to that which is necessary wherever possible;

- viii. *assisting offsite measures such as supporting infrastructure to promote sustainable travel and enabling a sustainable drainage system to serve a wider range of properties where appropriate;*
- ix. *minimising construction traffic and reducing waste;*
- x. *including, where possible, dwellings that meet standards for lifetime homes”*



Plan showing the layout of the residential development

- 6.24 The application proposes to use materials that are considered to be broadly in-keeping with the pallet of materials used on the adjoining development at land off Traherne Close.
- 6.25 The scale of the dwellings proposed are considered to be in-keeping with the existing dwellings that adjoin the site. The properties adjoining (to the south) on Court Close are predominantly bungalows with dormers, with the dwellings under construction at land at Traherne Close comprising of bungalows and dormer bungalows. Officers consider that bungalows are the most appropriate dwelling type for the site, as the introduction of genuinely two storey dwellings on the site would be awkwardly juxtaposed with the character of dwellings in the immediate vicinity. The ridge height of the tallest dwelling is 6.5 metres to the ridge, with the dwellings (plots 6-8) on the southern side of the development having a lower ridge height. In this manner the scale of the proposed dwellings is not considered to be unduly dominating for the site, given its context adjoining a similar scheme to the east.
- 6.26 On balance, the scale, form, character and appearance of the development as a whole is considered to be policy compliant.
- 6.27 The proposed dwellings are not considered to adversely impact the residential amenity of neighbouring dwellings. This is due to the dwellings on the southern side of the development

Further information on the subject of this report is available from Mr Alastair Wager on 01432 383882

(plots 6-8) comprising of bungalows which are not considered to overlook the neighbouring properties to the south on Court Close, this is aided by the public right of way to the south increasing separation distances (which is between 20-30 metres). Considering the proposed dwellings on the eastern side of the site, the dwellings are also separated by around 30 metres. Whilst the dwellings include balconies, the separation distance is still considered to be acceptable in the context and given the screening. I note the proximity of the balcony at plot 4 to the rear garden of plot three, however the intervening garage is considered to alleviate concerns of overlooking. Plots 1-3 overlook the existing field which will form a landscape buffer. Thus the proposal is not considered to overlook, overshadow or overbear other dwellings or the public right of way and so the application is considered to preserve amenity in the locale.

- 6.28 The application is not considered to result in the loss of car parking. However the application will result in the loss of a portion of vegetation which is landscape screening, this matter is considered under the landscape section of the appraisal below.
- 6.29 Policy BL3 of the NDP requires development to be in keeping with the character of its surrounding and be in character with the existing dwellings. The application site is considered to be adjoined on two sides by residential development, with the site of the proposed dwellings representing a logical rounding off of development in this area. The application takes largely the same layout as that of Court Close (to the south) and as considered above the scale and form is appropriate in this location. The proposed residential development is considered to be of a density that is appropriate for the context of the site (a density of 11 dwellings per hectare). This is noted to be low for a residential development scheme, however the context of the site is one on the fringe of a rural village and I consider a higher density scheme would be out of context in the locale. The application is thus considered to be in-keeping with the character of residential development in the area.
- 6.30 The application is considered to provide an acceptable arrangement for the garages and parking for each dwelling, with there being sufficient for the scale of dwelling proposed.
- 6.31 The application is considered against the criteria for development under policy BL3 of the NDP. The proposal is considered to accord with criteria I & IV of the policy, with the highway considerations of the proposal being considered below. The application is considered to result in the loss of mature vegetation and landscape screening which is considered below.

Sustainable Design and Energy Efficiency

- 6.32 CS Policy SS7 sets the strategic objective for all development proposals to include measures which help mitigate the impact upon climate change. This includes locating development in the most sustainable locations; reducing the need to travel; and designing development to reduce carbon production and promote the efficient use of resources. Policy SD1 also states that development will be supported where it utilises physical sustainability features such as orientation of buildings, water conservation measures; cycle storage and renewable energy generation. The NDP emphasises this at policy BL1: Criteria for the design of new housing, this seeks to achieve the maximum possible reduction in carbon footprint.
- 6.33 The applicant has submitted a statement of the sustainability credentials and energy efficiency. This statement refers to the development that adjoins the site as examples of the provisions that the application scheme will include. In this regard the proposed development includes the provision of modern insulation and is expected to be relatively well air sealed thus reducing heat loss. The proposed dwellings will include gas central heating systems and will also include Waste Water Heat Recovery Units (which extract excess warmth from waste water and utilise it to warm fresh potable water before it is put into a heating system, thus reducing energy consumption). The proposal does not include any other renewable initiatives, but it is advised that proposed development will also need to adhere to the national Building Regulation

standards, which in the absence of any more specific policy requirements locally is the limit of planning control on this matter.

- 6.34 In this case, the proposal is considered to adhere to the principles of policy SS7 in the sense that the site is sustainably located with a settlement that offers a range of services, facilities and public transport links – including to the wider range of services found in Hereford. The site offers easy access to services, such as the local public house, which can be readily accessed by foot. There is also a regular bus services into Hereford. The development does not include any commitments to additional renewable measures such as solar panels, ground or air source heat pumps or the like and whilst NDP policy BL1 encourages developments to achieve good design by using such features, I do not consider the absence of renewable energy infrastructure to be contrary to a policy of the development plan.

Housing Mix

- 6.35 The framework and the CS policies RA2 and H3, seek to ensure that development proposals provide a range of house types and sizes to support the creation of strong, inclusive and vibrant communities. The application site falls within the Hereford Housing Market Area & the Council's Herefordshire Local Housing Market Assessment -2012 (as updated), includes the housing need for the Hereford area. In the Hereford HMA 17% of dwellings are anticipated to be two bedroom properties, 55% three bedroom dwellings and 23% four bedroom dwellings.

Table 50: Estimated Size and Type of Dwellings Required 2011 to 2031 – Market Housing (Hereford HMA)

Type/size	Hereford Urban		Hereford Rural		Hereford HMA	
	Number	%	Number	%	Number	%
1 bedroom	166	3.9%	61	5.0%	227	4.2%
2 bedroom	654	15.5%	279	22.9%	933	17.1%
3 bedroom	2,366	56.0%	662	54.5%	3,028	55.7%
4+ bedroom	1,040	24.6%	213	17.5%	1,253	23.0%
Total	4,225	100.0%	1,215	100.0%	5,440	100.0%
Houses	4,081	96.6%	1,204	99.1%	5,285	97.2%
Flats	144	3.4%	11	0.9%	155	2.8%
Total	4,225	100.0%	1,215	100.0%	5,440	100.0%

Source: Housing Market Model

- 6.36 The application is considered to provide a modest mix of dwelling types and sizes, with three dwellings being three bedroomed and the rest (five dwellings) having four bedrooms. This mix is not considered to expressly match the expectations of the HMA directly, however there is undoubtedly a mix and the dwellings are bungalows or dormer bungalows in their form, which are not readily provided by most housing developments. Thus the housing mix of the proposed development is considered to be acceptable and accords with CS policies RA2 and H3.

environmental assets that contribute towards the county's distinctiveness, in particular its settlement pattern, landscape, biodiversity, heritage assets, and especially those with specific environmental designations. All proposals should be shaped through an integrated approach to planning to ensure environmental quality and local distinctiveness.

- 6.38 Specifically in regard to landscape, the framework indicates decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity and recognising the intrinsic character and beauty of the countryside (paragraph 170). At paragraph 180, decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) on the natural environment (amongst others), as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development, in doing so areas of tranquillity should be identified and protected where they have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason, as well as limiting the impact of light pollution on nature conservation.
- 6.39 The application site is within the open countryside, but on the fringe of the settlement of Lugwardine. The site is adjacent to the Unregistered Park and Garden of Newcourt House, a non-designated heritage asset (which lies to the west of Cotts Lane). The framework sets out at paragraph 197, that in weighing applications that indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 6.40 The application has been supported by a 'Landscape Visual Appraisal' & 'Landscape Statement', the conclusion being that no substantial adverse effects are predicted on local residents or road users once the landscape treatment has become established and the development would not compromise the village character, important views or its landscape setting. It is noted that neither of these documents makes any reference to the adjoining Unregistered Park and Garden.
- 6.41 NDP Policy BL3 states that development outside of the settlement boundary will be supported where it does *'not impact adversely on the amenity of neighbouring properties including loss of daylight, loss of car parking or mature vegetation or landscape screening'*.
- 6.42 The application will result in the loss of a substantial length of hedgerow (approximately 130 metres) that includes a number of hedgerow trees. This includes the removal and regrading of the bank adjoining the highway. This work is necessary to achieve the visibility splays for the new access onto Cotts Lane. The application proposes to replant the hedgerow in a new location at the back of the visibility splays. This stretch of hedgerow is considered to be mature and contributes positively to the character of the area in this rural locale, with the hedgerows providing a sense of enclosure to the lane that is typical of such rural highways. The removal of this section of hedgerow is considered to result in landscape harm which will be evident in the short to medium term. In the absence of any mitigation, this would of itself be contrary to policy BL3 of the NDP and CS policy LD1.
- 6.43 The application is supported by an indicative landscaping scheme and the proposed block plans indicate an area to the north and north east of the residential development to form a landscape buffer area. Whilst the landscaping scheme supplied is indicative, with a condition being recommended to secure it, it shows how planting as part of a landscaping scheme would offer benefits to the development.



Indicative proposed landscaping scheme

- 6.44 The proposed landscaping buffer to the north of the site, along with planting on the boundary of the site and within the development is considered to offer an enhancement. Specifically, the landscaping buffer area, once established is considered to clearly define the bounds of the village in the future; offers an ecological enhancement and will limit the long distance views from the north looking south at the development. This aspect of the application is considered to offer a significant benefit to and is considered positively in the planning balance as it accords with policy BL1 of the NDP and CS policy LD1.
- 6.45 Considering the impact upon the non-designated heritage asset, the Newcourt Unregistered Park and Garden, I consider that the application will only impact on the setting of this heritage asset as the application site is outside of the park and garden. I consider that the benefits of the scheme and the long term landscaping benefits will balance out the initial harm to the setting of the non-designated heritage asset in this instance.
- 6.46 The comments from the Conservation Manager (Trees) are noted and it is recommended that a landscaping scheme is secured via condition, allowing these details to be agreed at a later stage.

Highways & Pedestrian Connectivity

- 6.47 The application proposes to create a new access off the public highway. This access includes a visibility splay of 90 metres in each direction with a set back of 2.4 metres. The access point onto Cotts Lane will be onto a stretch of highway with a national speed limit. However the site adjoins the 30mph speed limit which applies to the rest of the village. The highway currently has a modest curve running past the site, with the adjoining hedgerows reducing forward visibility and the application includes a visibility splay that will increase forward visibility on this stretch of the lane. The application site also encompasses a Public Right of Way (LU12), which forms part of the Three Choirs Way. The application including a footpath link from the residential

development onto the public right of way thus allowing future occupiers to walk via Traherne Close into Lugwardine.

- 6.48 CS Policy MT1 relates to the highways impacts of new development and requires that proposals demonstrate that the strategic and local highway network can absorb the traffic impacts of the 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 and mitigate any adverse impacts from the development. It also requires under (4) that developments are designed and laid out to achieve safe entrance and exit and have appropriate operational and manoeuvring space
- 6.49 The framework sets out (at paragraph 108) applications for development should ensure opportunities to promote sustainable transport have been taken, safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network or highway safety can be mitigated. Further at paragraph 109 the framework sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.
- 6.50 The Transportation Manager has commented on the application and has not raised an objection. It is noted that the site access will be onto a stretch of highway with a national speed limit, though this is close to the 30mph speed limit area for the village and the Transportation Manger's consideration of the actual speed of vehicles travelling on the lane clarifies that speeds are substantially below the national speed limit and much closer to 30mph. The highway impact from the development is not considered to be severe in this case and the residual cumulative impact on the road network is also not considered to be severe, given the modest increase in vehicle numbers due to this development.
- 6.51 The application site is noted to be elevated over Cotts Lane, with the hedgerow and bank separating the application site from the highway. The Transportation Manager has accordingly requested details to be secured via condition ensuring that the visibility splay is achieved satisfactorily.



Site Photos looking across Cotts Lane to the application site

- 6.52 The proposal includes the provision of a footpath linking the residential development to the existing public right of way that runs through the site. This is considered to provide good pedestrian connectivity to the village via Traherne Close, offering future residents a genuine alternative to using a motor vehicle for local journeys.

Ecology

- 6.53 The determining authority has responsibilities under Section 63 of the Conservation of Habitats and Species Regulations 2017. The application site lies within the catchment area and Impact Risk Zone for the River Wye - Special Area of Conservation & Site of Special Scientific Interest, as the site is hydrologically linked to the protected assets. The competent authority therefore has a duty to ensure there would be no likely significant effects upon these designated sites as a result of proposed development, this is reinforced in paragraphs 175 & 177 of the framework. It is noted at this point that the area of the River Lugg that forms part of the River Wye SAC is currently failing its conservation objectives, however the River Wye element is not currently failing these objectives. The Council has produced a position statement which addresses this issue and can be accessed at the link below:

https://www.herefordshire.gov.uk/info/200142/planning_services/66/about_planning_services/12

- 6.54 The site is noted to fall within the catchment area for the River Lugg, however the application proposed to connect to a mains sewer operated by Welsh Water, with part of this sewer running underneath the application site. The sewer conveys the foul water to the Welsh Water operated Eign treatment works. The foul water is then treated and discharged into the River Wye, thus the foul water will not impact on the River Lugg.
- 6.55 The proposal has been assessed by the Council's Ecologist and a Habitats Regulations Assessment – Screening and Appropriate Assessment has been undertaken as. This concludes that due to the mitigation included with the proposal and secured via planning conditions, it is considered to mitigate against any 'Likely Significant Effect' on the River Wye Special Area of Conservation. Natural England concur with the Council's HRA conclusions and so have no objection to the proposal. Therefore in this aspect, the proposal is considered to accord with Policies LD2 and SD4 as it will not detrimentally impact on the biodiversity or ecological significance of the River Wye.
- 6.56 The Council's Ecologist has considered the ecology reports that have been submitted and raised no objection with no objections being raised to the proposal from an ecology perspective.

Drainage

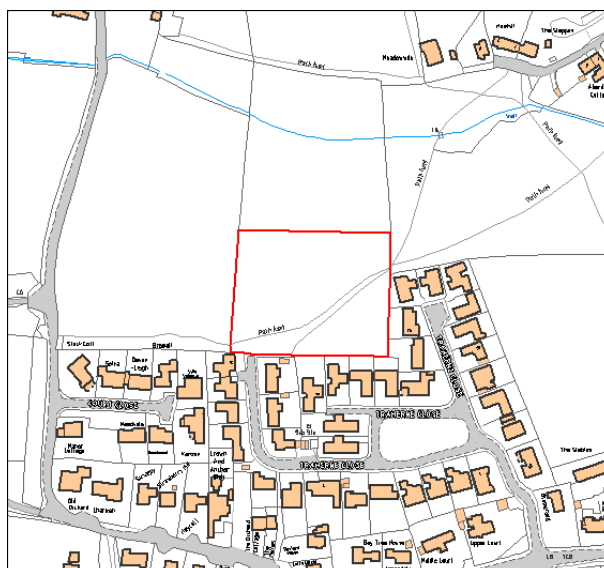
- 6.57 CS Policy SD4 states that in the first instance development should seek to connect to the existing mains wastewater infrastructure network. The application proposes to drain foul water from the dwellings to the mains sewer which in turn drains to the Welsh Water Eign treatment works. Welsh Water have responded to the consultation and have raised no objection to the foul water being managed via the mains sewer. The application is therefore considered to accord with CS Policy SD4 .
- 6.58 The application proposes to manage surface water via a sustainable drainage system. The Council's Drainage Engineer has commented on this arrangement and considers it to be acceptable subject to details being secured via condition.
- 6.59 The representation regarding the water pressure of the potable water supply is noted, however Welsh Water have been consulted on the application and no technical objection has been raised on the basis of water supply, thus the application is considered to be acceptable in this regard.

Open Space

- 6.60 The consultation response received from the Open Space officer is noted, however it is no longer considered to be pertinent to this application. The application has been amended with the area of 'land dedicated to parish' being removed from the proposed development since it has not been established that there was local support for future maintenance of it. The absence of open space is considered to fail to accord with criteria III of the policy BL1 of the NDP, which seeks 'proportionate provision for open green spaces which are linked where possible to the wider natural environment and accessible to the public for recreational use. However whilst this is a criteria for the design of new housing, I do not consider the conflict to be such that this should warrant a reason for refusal as the land will remain a landscape buffer (thus providing a benefit)
- 6.61 Further whilst the NDP includes a policy supporting the provision of allotments the application is not considered to be contrary to policy BL8, but merely that this benefit can no longer be attached to the application in the planning balance.

Planning Obligations

- 6.62 CS policy H1 establishes the thresholds and targets for seeking Planning Obligations via Section 106 of the Town and Country Planning Act 1990 (as amended) with: *"All new open market housing proposals on sites of more than 10 dwellings which have a maximum combined gross floor space of more than 1000m²" will be expected to contribute towards meeting affordable housing*". The NDP mirrors this threshold for contributions at policy BL9.
- 6.63 The application is for less than ten dwellings, however the combined gross floor area of the eight dwellings exceeds 1000 square metres. Thus under a strict interpretation of the policies, financial contributions for the eight dwellings might have been sought.
- 6.64 However the Council has recently published its Housing Delivery Test Action Plan 2019 (HDTAP) which sets out four key actions which include a CS Review, action in respect of the speed of determination of planning applications, close work with Homes England and not seeking tariff based contributions on developments of 10 dwellings or less. This is specified under action four which states: *"for tariff based contributions system no financial contributions will be required for sites of ten or less dwellings recognising that this matter will be reconsidered as part of the Core Strategy review"*.
- 6.65 The HDTAP is a significant material consideration when considering if financial contributions should be sought. In the circumstances and given that it is drafted to increase the delivery of housing, I do not consider it is appropriate to seek contributions in this instance. A position consistent with many others taken by the Council in relation to smaller residential development.
- 6.66 Considering the issue of severance of land or phasing to avoid planning obligations an application was submitted on 21 May 2015 at the land off Traherne Close for seven dwellings (reference 151549). This application was determined on 19 January 2016. Developer contributions were originally secured on this site but were later removed by way of a variation of condition application (ref: 171157), this being as a result of a change in policy expressed in a Written Ministerial Statement and the Planning Practise Guidance (at the time the decision was made. Thus no contributions have been secured on this adjoining site and the development is now nearing substantial completion on this site. The developer for this site and the current application is the same.



Application site at Traherne Close (Ref: 151549)

6.67 The site that forms part of this application for eight dwellings immediately adjoins the development off Traherne Close for seven dwellings.

6.68 The CS includes a 'Planning Obligations – Supplementary Planning Document' which was published in April 2008. The document includes guidance (at paragraph 3.2.8) around the thresholds for contributions for affordable housing which the LPA applies to Planning Obligations.

- *"Where 15 or more houses are proposed in Hereford and the market towns (except Kington) or 6 or more houses are proposed in the main villages (including Kington); or*
- *To all sites of more than 0.5 hectare in Hereford and the market towns and of more than 0.2 hectare in the main villages and also where the Council reasonably considers that development of a site has been phased, or a site sub-divided or parcelled in order to avoid the application of the affordable housing policy, whether in terms of number of units or site size. In these circumstances the whole site will be assessed; or*
- *Where the Council reasonably considers that a development scheme has been specifically designed to fall under the threshold or a site's potential is not being fully realised; or*
- *If having had a scheme approved, a subsequent proposal for additional housing units brings the cumulative total over the threshold."*

6.69 The current application is noted to have been submitted a considerable period of time after the approval of the adjoining application for seven dwellings. The application also indicates that the applicant does not own the application site. The applicant has confirmed that the land owner invited negotiations over the current application site following the approval of the adjoining application, with the current application not being considered at the point of determination of the application in 2016. Further the applicant points to the routing of the Welsh Water sewer that has been installed to serve the development off Traherne Close, that runs underneath the current application site and is a clear constraint given its position and the ensuing buffer zone (see block plan for reference).

6.70 In light of the above, Officers consider that there is no evidence of a deliberate attempt to avoid Section 106 contribution application does not amount to the deliberate severance of an application site. The passing of time, routing of the Welsh Water sewer under the applicant site and the access arrangements of entirely separate development site, would indicate that the application is a genuinely later proposal submitted as the existing development nears completion. Thus I do not consider it appropriate to seek affordable housing provision in this instance.

Housing Supply

- 6.71 The Council is noted to be unable to demonstrate a five year housing land supply at the present time, and so the framework directs that the policies most relevant for the determination of applications should be considered to be out of date.
- 6.72 It is noted that representations indicate that the settlement of Lugwardine has already delivered its quota of housing, and so does not need any more residential development to be granted consent. However the housing growth figure from the development plan is a minimum not a limit.
- 6.73 In relevant case law it is suggested that *“where the development plan upon which the calculation of the five year requirement for a district is based contains a policy distributing development to different areas of the district, the decision-maker may consider such factors as to whether a failure to provide a five year supply in the district is in fact attributable to problems with delivering sites in a discrete part of the district, whether reliance upon the development proposed to address the shortfall would breach the objectives of the distribution policy which continue to be soundly justified and whether the shortfall would be addressed within an appropriate timescale by other means which would not breach the distribution policy”* (Edward Ware Homes Ltd v SSCLG & Bath and North Somerset Council [2016] EWHC 103 (Admin)).
- 6.74 The group parish of Bartestree & Lugwardine is planned to have 18% growth as a minimum over the Core Strategy’s plan period (2011-2031), this level of growth would result in 152 new dwellings, as shown in the table below. To date there have been commitments to or completions of 158 dwellings in this area, thus delivering six additional dwellings over the minimum figure, with under twelve years left to run in the plan period.

Parish / Group parish	Number of households in parish	% growth in CS	Number of new houses to 2031	Completions 2011-19	Commitments as at 1 April 2019	Site allocations within NDPs at April 2019	Residual (minus is still to find)
Bartestree & Lugwardine Group	846	18	152	85	73	Nil	6

- 6.75 The framework is clear at paragraph 11, that where an authority is unable to demonstrate a five year housing land supply, the policies most relevant to the determination of applications should be considered to be out of date. The most relevant policies for this application are consider to be the restrictive policies around the supply of housing; however it is for the decision maker to consider and attribute the weight to these out of date policies. Whilst the group parish has delivered more dwellings than the minimum so far through the plan period, this is not considered to outweigh the housing policies being out of date and is not considered to amount to a reason for the refusal of an application.
- 6.76 On the basis that the Council cannot demonstrate a five year housing land supply, and that it is otherwise accepted that the site is sustainable in all other respects, the addition of a further eight dwellings in this location is not considered to represent disproportionate growth and the fact that the minimum target has been slightly exceeded is not; in this particular instance, reason to withhold planning permission.

Planning Balance and Conclusions

Further information on the subject of this report is available from Mr Alastair Wager on 01432 383882

- 6.77 The National Planning Policy Framework has at its heart a presumption in favour of sustainable development which is echoed in CS policy SS1. Sustainable development is considered to consist of three key elements, 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
- 6.78 Though the three objectives of sustainable development are not criteria against which every decision can or should be judged, with decisions planning any active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 6.79 Development proposals that are considered to represent sustainable development, meet the first test and are considered to be sustainable development, thus benefiting from a presumption in favour of the development. The second half of Paragraph 11 of the NPPF applies the presumption in-favour of sustainable development for decision-making; 11 c) outlines that development proposals in accordance with an up-to-date development plan should be approved without delay; 11 d) outlines that where the development plan is silent or the policies most relevant for the determination of the application are out-of-date (those being the housing policies), permission should be granted unless either of the following criteria are met.
- 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.
- 6.80 The restrictive policies set out at Paragraph 11 are set out at Footnote 6 of the framework, they include protected areas or assets such as Special Areas of Conservation, Sites of Special Scientific Interest, Local Green Space, Areas of Outstanding Natural Beauty, designated heritage assets or areas at risk of flooding. None are considered to apply in this instance.
- 6.81 Officers consider that the application does represent a sustainable form of development. Spatially the site adjoins Lugwardine, a settlement that has services with the development offering pedestrian connectivity to the village. The highway access arrangements are considered to be satisfactory and whilst there would be some short to medium term harm to the immediate landscape, the proposal includes landscape enhancements that would offer a

medium to long terms enhancement. Thus the proposal is considered to represent sustainable development.

- 6.82 As the application is for housing and in light of the housing land supply deficit, the policies most relevant to housing are considered to be out of date and so permission should be granted, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.
- 6.83 In this instance Officers consider that the restrictive housing policies of the development plan are the most important policies for determining the application. These include policies RA1 and RA2, as well as Policies BL3, BL4 and BL5 of the NDP. Further the provisions of paragraph 14 of the framework are not considered to apply in this case as the NDP was made over two years ago.
- 6.84 The appraisal has identified some conflict with the provisions of the development plan and harm arising from the loss of hedgerows on Cotts Lane which is considered to detrimentally impact the landscape character of the locale. However, this harm is not considered to significantly and demonstrably outweigh the benefits of providing eight houses in this instance, when considered against the provisions of the framework as a whole. Therefore, on balance the application is recommended for approval as per the recommendation below.
- 6.85 The recommendation is contingent on the remaining period of the public consultation passing with no further representations being received on additional material planning considerations.

RECOMMENDATION:

Subject to no further objections raising additional material planning considerations being received by the end of the consultation period 12th December 2019, the officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by officers.

1.	<p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990</p>
2	<p>The development shall be carried out strictly in accordance with the following approved plans, Drawing Numbers:</p> <p style="padding-left: 40px;">1260-20, Rev C – Location & Block Plan 1260-21 – Plots 1-3 1260-22 – Plot 4 1260-24 – Plot 5 1260-23 – Plots 6-8</p> <p>except where otherwise stipulated by conditions attached to this permission.</p> <p>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.</p>
3	<p>With the exception of any site clearance and groundwork, no further development shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.</p>

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	<p>Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.</p>
4	<p>The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity net gain enhancements, as recommended in the ecology reports by James Johnston Ecology dated August 2019 and Andrew Hall dated June 2019 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation or any biodiversity net gain enhancement features. All fruit tree planting shall utilise ‘standard’ trees grown on fully vigorous or ‘seedling’ rootstocks relevant to the fruit type and be managed such as to create a Traditional ‘standard’ Orchard at maturity.</p> <p>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.</p>
5	<p>All foul water shall discharge through a connection to the local (Hereford - Eign sewage treatment works) Mains Sewer network; and all surface water managed through onsite sustainable drainage scheme; unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In order to comply with Habitat Regulations (2018), National Planning Policy Framework (2019), NERC Act (2006) and Herefordshire Council Local Plan - Core Strategy (2011-2031) policies LD2, SD3 and SD4.</p>
6	<p>Before any other works hereby approved are commenced, visibility splays, and any associated set back splays at 45 degree angles shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 90 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, placed, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.</p> <p>Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of the Herefordshire Local Plan – Core Strategy (2011-2031), Policies BL3 & BL13 of the Bartestree with Lugwardine Neighbourhood Development Plan (2011-2031) and the provisions of the National Planning Policy Framework.</p>
7	<p>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.</p> <p>Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of the Herefordshire Local Plan – Core Strategy (2011-2031), Policies BL3 & BL13 of the Bartestree with Lugwardine Neighbourhood Development Plan (2011-2031) and the provisions of the National Planning Policy Framework.</p>
8	<p>Prior to the first occupation of any of the dwellings to which this permission relates an area for car parking shall be laid out within the curtilage of that property, in</p>

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	<p>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.</p> <p>Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform to the requirements of Policy MT1 of the Herefordshire Local Plan – Core Strategy (2011-2031), Policies BL3 & BL13 of the Bartestree with Lugwardine Neighbourhood Development Plan (2011-2031) and the provisions of the National Planning Policy Framework.</p>
9	<p>Development shall not begin in relation to any of the specified highways works until details of the highways access works have been submitted to and approved by the local planning authority in writing following the completion of the technical approval process by the local highway authority. The development shall not be occupied until the scheme has been constructed in accordance with the approved details.</p> <p>Reason: To ensure the safe and free flow of traffic on the highway and to conform to the requirements of Policy MT1 of the Herefordshire Local Plan – Core Strategy (2011-2031), Policies BL3 & BL13 of the Bartestree with Lugwardine Neighbourhood Development Plan (2011-2031) and the provisions of the National Planning Policy Framework.</p>
10	<p>Development shall not begin until details and location of the following have been submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved:</p> <ul style="list-style-type: none"> - A method for ensuring mud is not deposited onto the Public Highway - Construction traffic access location - Parking for site operatives - Construction Traffic Management Plan - Construction working hours <p>The development shall be carried out in accordance with the approved details for the duration of the construction of the development.</p> <p>Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy (2011-2031), Policies BL3 & BL13 of the Bartestree with Lugwardine Neighbourhood Development Plan (2011-2031) and the provisions of the National Planning Policy Framework.</p>
11	<p>The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been 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.</p> <p>Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy (2011-2031), Policies BL3 & BL13 of the Bartestree with Lugwardine Neighbourhood Development Plan (2011-2031) and the provisions of the National Planning Policy Framework.</p>

12	<p>With the exception of site clearance and ground works, no development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first use occupation of any dwelling hereby approved.</p> <p>Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.</p>
13	<p>Prior to the first occupation of any of the residential development hereby permitted written evidence / certification demonstrating that water conservation and efficiency measures to achieve the ‘Housing – Optional Technical Standards – Water efficiency standards’ (i.e. currently a maximum of 110 litres per person per day) for water consumption as a minimum have been installed / implemented shall be submitted to the Local Planning Authority for their written approval. The development shall not be first occupied until the Local Planning Authority have confirmed in writing receipt of the aforementioned evidence and their satisfaction with the submitted documentation. Thereafter those water conservation and efficiency measures shall be maintained for the lifetime of the development.</p> <p>Reason: To ensure water conservation and efficiency measures are secured, in accordance with policy SD3 (6) of the Herefordshire Local Plan – Core Strategy (2011-2031), Policy BL1 of the Bartestree with Lugwardine Neighbourhood Development Plan (2011-2031) and the provisions of the National Planning Policy Framework.</p>
14	<p>With the exception of site clearance and groundworks, no further development shall commence until a landscape scheme shall be submitted and approved in writing by the local planning authority. This landscaping scheme must include the provision of the landscape buffer area as indicated on dwg. No. 1260-20 Rev C (& as indicatively illustrated on Fig.02 ‘Proposed landscape scheme’). The scheme shall include a scaled topographic plan identifying:</p> <ul style="list-style-type: none"> a) A plan showing existing and proposed finished levels or contours, specifically including the grading of the bank that forms part of the visibility splays. b) Trees and hedgerow to be retained, setting out measures for their protection during construction, in accordance with BS5837:2012. c) Trees and hedgerow to be relocated. d) Trees and hedgerow to be removed. e) All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details. f) All proposed hardstanding and boundary treatment. g) An implementation programme <p>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 (2011-2031), Policy BL1 of the Bartestree with Lugwardine Neighbourhood Development Plan (2011-2031) and the provisions of the National Planning Policy Framework.</p>

15	<p>The hard and soft landscape works shall be carried out in accordance with the approved details before any part of the development is first occupied into use in accordance with the agreed implementation programme.</p> <p>The completed scheme shall be managed and /or maintained in accordance with an approved scheme of management and/ or maintenance.</p> <p>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 (2011-2031), Policy BL1 of the Bartestree with Lugwardine Neighbourhood Development Plan (2011-2031) and the provisions of the National Planning Policy Framework.</p>
16	<p>Before the development is first occupied or brought into use, a schedule of landscape maintenance for a period of five 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.</p> <p>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 (2011-2031), Policy BL1 of the Bartestree with Lugwardine Neighbourhood Development Plan (2011-2031) and the provisions of the National Planning Policy Framework.</p>
17	<p>With the exception of ground works and site clearance, a detailed specification and plan for the surfacing of the public right of way which crosses the site and the footpath link (as indicated on dwg. No. 1260-20 Rev C), for a width of at least 2 metres shall be provided to and agreed in writing by the Local Planning Authority. The surfacing and works to the public right of way and footpath link shall be completed and confirmed in writing to the Local Planning Authority, prior to the occupation of the fourth dwelling on the development.</p> <p>Reason: To ensure the Public Right of Way and footpath link is surfaced to a satisfactory standard. In order to conform with policies MT1 of the Herefordshire Local Plan – Core Strategy (2011-2031), Policy BL13 of the Bartestree with Lugwardine Neighbourhood Development Plan (2011-2031) and the provisions of the National Planning Policy Framework.</p>
18	<p>Details of any external lighting proposed to illuminate the development shall be submitted to and approved in writing by the local planning authority before prior to the installation of said lighting. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.</p> <p>Reason: To safeguard local amenities and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy, Policy BL1 of the Bartestree with Lugwardine Neighbourhood Development Plan (2011-2031) and the provisions of the National Planning Policy Framework.</p>

INFORMATIVES:

1.	IP2 Application Approved Following Revisions
2.	The developer should be aware that a 3inch watermain may cross the application

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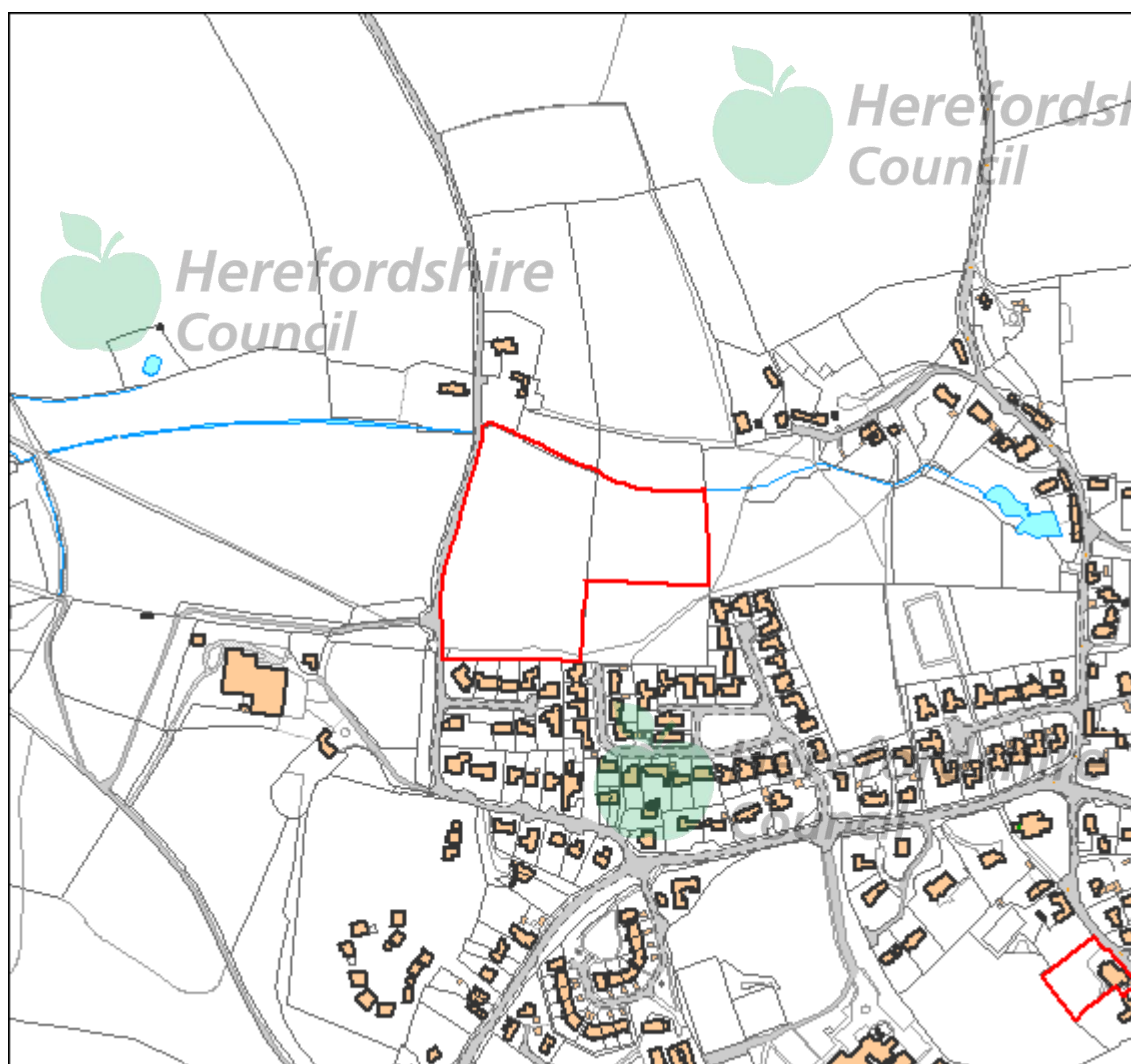
	site and the watermain may need to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.
3.	I11 Application Approved Following Revisions
4.	I45 Works within the highway
5.	I05 No drainage to discharge to highway
6.	I43 Protection of visibility splays on private land
7.	I35 Highways Design Guide and Specification
8.	<p>In regard to condition 12 which relates to the provision of a surface water drainage strategy, the Local Planning Authority anticipates that the following details need be provided as part of an acceptable drainage scheme:</p> <ul style="list-style-type: none"> • Provision of a detailed drainage strategy that demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features; • A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change; • Evidence that the Applicant is providing sufficient on-site attenuation storage to ensure that site-generated surface water runoff is controlled and limited to agreed discharge rates for all storm events up to and including the 1 in 100 year rainfall event, with an appropriate increase in rainfall intensity to allow for the effects of future climate change; • Evidence that the Applicant is providing sufficient storage and appropriate flow controls to manage additional runoff volume from the development, demonstrated for the 1 in 100 year event (6 hour storm) with an appropriate increase in rainfall intensity to allow for the effects of future climate change; • Results of infiltration testing undertaken in accordance with BRE365 and confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice;

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 190279

SITE ADDRESS : Land off Cotts Lane, Lugwardine, Hereford

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