

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	21 OCTOBER 2020
TITLE OF REPORT:	190316 - ERECTION OF 8 DWELLINGS AND ASSOCIATED WORKS AT WATERS EDGE, SHARMAN PITCH, HOWLE HILL, ROSS-ON-WYE, For: Mr Dowle per Mrs Julie Joseph, Trecorras Farm, Llangarron, Ross-On-Wye, Herefordshire HR9 6PG
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=190316&search-term=190316
Reason Application submitted to Committee – Redirection	

Date Received: 29 January 2019

Ward: Kerne Bridge

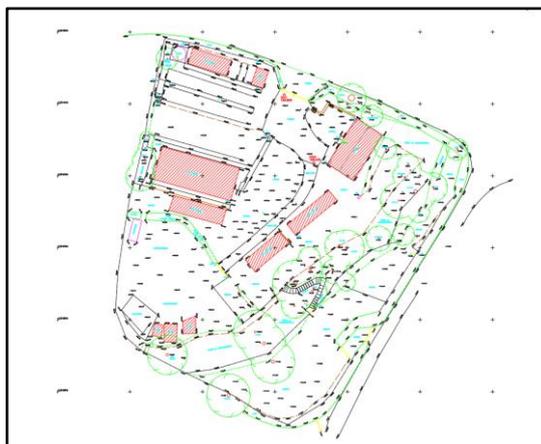
Grid Ref: 360504,220405

Expiry Date: 11 September 2020

Local Member: Councillor Yolande Watson (Councillor William Wilding has fulfilled the role of local ward member for this application.)

1. Site Description and Proposal

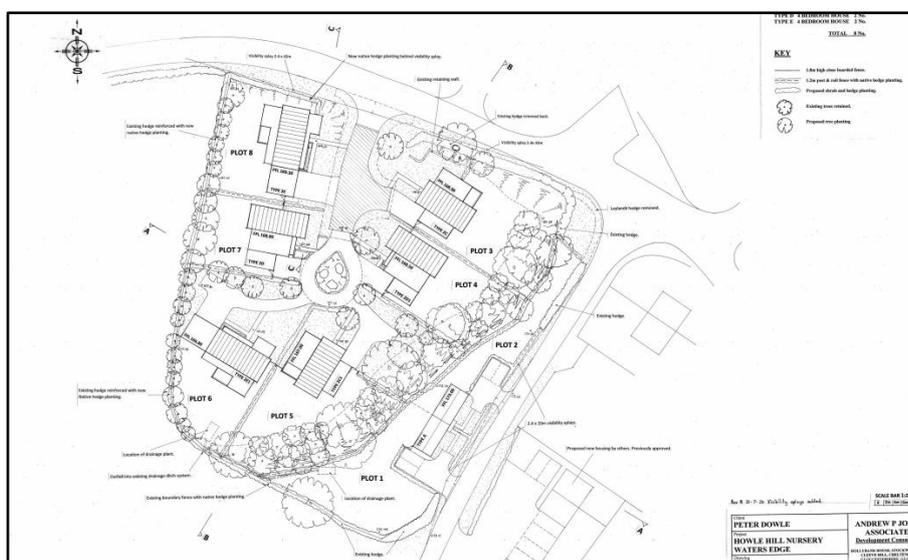
- 1.1 The application site is located in the Parish of Walford and comprises of land that is used as a specialist plant nursery known as Howle Hill Nursery. This is an established business and is located on the corner of Sharman Pitch and the U70416 from Coughton to Ruardean in Howle Hill. There is a current access onto the U70416 from the site which appears to be for customers to the nursery. The site is located within the main built form of Howle Hill, a settlement designated under Core Strategy policy RA2 for proportionate growth. It is appreciated that Howle Hill as a settlement is dispersed. The settlement and the application site is located within the Wye Valley Area of Outstanding Natural Beauty (AONB), a nationally designated landscape area. The site is not subject to nor does it affect the setting of any heritage designations.
- 1.2 The application seeks full planning permission for the erection of 8 detached, two storey dwellings with internal access road. The proposals include four house types which consist of 6 detached 4 no. bedroom properties and a pair of 2 bedroom semi-detached dwellings. The site covers an area of approximately. 0.67ha and slopes from approximately 174.1metres in the north east corner to 166.3metres in the south west corner. The woodland belt which straddles the site stands on a steep bank around 5 metres in height. There is a considerable amount of existing hard surfacing throughout the site, in addition to green houses, polytunnels and other buildings and storage sheds. As the site is currently used for commercial purposes as a horticultural nursery it can be classified as previously developed land (brownfield). The survey plan inserted below details the extent of the existing buildings within the site:



1.3 The site is located close to the junction between Sharman Pitch and Crossways, approximately 1.8km east of Coughton and 4.5km south east of Ross-on-Wye. There are currently two vehicular accesses associated with the site. The primary access is positioned off Sharman Pitch via a priority junction and the secondary access is off the Crossways via a priority junction. The plans inserted below identify the application site:



1.4 The application site is at a lower level than the surrounding countryside and it is currently screened by hedgerows. A belt of trees runs from the north east to the south west corner of the site. New planting is also proposed along the existing boundaries. Below is the proposed block plan indicating the dwellings and the relationship with the existing dwellings.



- 1.5 The scheme has been amended during the application process with the reduction of one unit from 9 to 8. Alterations in the design of the dwellings, including a reduction in the height of the dwellings have also been negotiated. In the eastern section of the site are a pair of 2 bedroomed properties which lie directly opposite a site which has planning permission for 4 dwellings. These two properties have their own access. The six 4 bedroom properties utilise the existing access into the site. The details of the proposed dwellings are described in more detail in section 6.
- 1.6 Foul sewerage will be managed by way of the addition of a new package treatment plant to serve the dwellings and surface water will be managed by means of soakaways.
- 1.7 The following supporting documentation has been deposited with the application, during consideration of this application by officers:
- Transport Statement
 - Drainage Strategy
 - Arboricultural Impact Assessment
 - Planning, Design and Access statement
 - Ecology report
 - Commercial report

2. Policies

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

https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

Herefordshire Local Plan – Core Strategy (CS):

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land For Residential Development
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
RA1	-	Rural Housing Distribution
RA2	-	Housing in Settlements Outside Hereford and the Market Towns
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
E2	-	Redevelopment of existing employment land and buildings
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Waste Water Treatment and River Water Quality

2.2 National Planning Policy Framework (NPPF):

Chapter 2	-	Achieving sustainable development
Chapter 4	-	Decision making
Chapter 5	-	Delivering a sufficient supply of homes
Chapter 6	-	Building a strong, competitive economy
Chapter 8	-	Promoting healthy and safe communities
Chapter 9	-	Promoting sustainable transport
Chapter 11	-	Making effective use of land
Chapter 12	-	Achieving well designed places
Chapter 14	-	Meeting the challenge of climate change, flooding and coastal change
Chapter 15	-	Conserving and enhancing the natural environment

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

2.3 Walford Neighbourhood Development Plan (NDP)

A Neighbourhood Area was designated on the 14th November 2012, however the plan is only at pre drating stage and as such no weight can be afforded to the Plan.

3. **Planning History**

161735 - Retrospective permission for a vehicular access egressing onto Sharman Pitch.
Refused

4. **Consultation Summary**

Statutory Consultations

4.1 **Welsh Water** comments:

Sewage. Since the proposal intends utilising an alternative to mains drainage we would advise that the applicant seek advice from The Environment Agency and or the Local Authority Building control Department / Approved Building Inspector as both are responsible to regulate alternative methods of drainage. However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

Water Supply. 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.

4.2 **Natural England – 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.

European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended), the 'Habitats Regulations'. The SAC is notified at a national level as the River Wye Site of Scientific Interest (SSSI) Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have¹. 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.

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

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 Wye 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.

Protected Landscape – Wye Valley AONB

The proposed development is for a site within or close to a nationally designated landscape namely Wye Valley AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 172 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 172 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose.

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

The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website. <http://www.defra.gov.uk/habitats-review/implementation/processguidance/guidance/sites/>

Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals.

Internal Council Consultations

- 4.3 **Transportation Manager** updated comments: The outstanding highways concern for this site was relating to the available and achievable visibility from the proposed access, particularly when looking to the right of the proposed access point. This has been the subject of a site meeting at which it was pointed out that the proposed plan indicated a tree (specifically the trunk) obstructing the visibility available. During this meeting it was also discussed that there may have been drafting anomalies with the location of the tree, and additional information was sought to more accurately set out the tree location and profile. This then would allow a more accurate visibility assessment.

Drawing number CTP-18-273 SK 03 Revision A sets out the product of this more detailed design and review by the applicants transport consultants. These consultants also set out the process of the review in an email to support the revised drawings. It sets out that an appropriate splay is deliverable within the extents of the highway, with a margin for maintaining the splay in future years. In addition this drawing shows that a slightly longer splay is deliverable than the drawing specifies and as a result this is considered acceptable.

In considering this application and the proposal set out in drawing SK03 also sets out the betterment to the junction of the U70416 and U70414 that will result as a product of the scheme.

Considering this updated design information with the proposed change of use and the improved situation that will result from the reduction of large vehicles accessing the site the proposed residential development is considered acceptable in highways terms.

In order to ensure that the splays are protected, particularly the splay to the left of the junction which relies on the application site land the application of condition CAB (2.4m x 43m in accordance with drawing SK03) should be applied in the event that permission is granted.

In addition the access amendments should be subject to condition CAE and in order to appropriately manage the construction phase the application of CAT is recommended. This should seek details on Wheel Washing Facilities, Site Operative Parking and the provisions for taking deliveries within the site to reduce the HGV operations on the U70416.

Original comments were as follows:

Additional information has been submitted regarding the achievability of the access on Sharman Pitch. The additional information has been reviewed however even if the quoted visibility splays of 34m and 37m is provided this will still be insufficient to meet the required visibility splay of 42m and 46m as calculated using the original speed and volume survey submitted. If the tree is removed to achieve the visibility splays, then there could be issues with the stability of the carriageway. The visibility splays for the other accesses along the U70414 should meet 37m in both directions.

It is noted that the change in the use of the site will reduce the number of large vehicles using the highway, however it will increase the number of vehicles moving at peak times and there are a number of narrow sections of highway which restricts two way movements. .

There are still concerns regarding the provisions of a reduced visibility splay on Sharman Pitch therefore with the comments raised above this application as it stands can not be supported. ,

- 4.4 **Principal Natural Environment Officer (Ecology)** comments on amended plans:

The site location within the River Wye Special Area of Conservation (SAC) catchment triggers the requirement for a Habitat Regulations Assessment process. The appropriate assessment completed by the LPA must be subject to consultation with Natural England prior to any consent being granted.

The updated drainage scheme dated 12th March 2020 is noted and with revised application and confirmation from the applicant/agent received at the same time the following is noted:

All foul water will be managed by plot-specific private treatment plants draining to a shared infiltration drainage field over which the applicant will have legal control for the drainage fields. There is no reason for the LPA to believe this is not achievable at this location.

Surface water will be managed through onsite SuDS and infiltration features.

The agreed scheme can be secured by condition on any consent granted.

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

All foul water shall discharge through connection to new private foul water treatment plants specific to each dwelling with final outfall to a shared soakaway drainage field on adjacent land that is under the legal control of the applicant. All surface water shall discharge to appropriate SuDS or soakaway systems. All systems shall be installed as approved and hereafter fully maintained and operated to manufacturers specifications unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies SS6, LD2, SD3 and SD4

Aside from the HRA-drainage the previous ecology comments and suggested conditions remain relevant

HRA Appropriate Assessment submitted to natural England: *NO adverse effects on the integrity* of the Special Area of Conservation; subject to appropriate mitigation being secured. Habitat Regulations 2017, Part 6, section 63(5)

The updated drainage scheme dated 12th March 2020 is noted and with revised application and confirmation from the applicant/agent received at the same time the following is noted:

All foul water will be managed by plot-specific private treatment plants draining to a shared infiltration drainage field over which the applicant will have legal control for the drainage fields. There is no reason for the LPA to believe this is not achievable at this location.

Surface water will be managed through onsite SuDS and infiltration features.

The agreed scheme can be secured by condition on any consent granted.

Recommended Planning Conditions to secure appropriate mitigation:

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

All foul water shall discharge through connection to new private foul water treatment plants specific to each dwelling with final outfall to a shared soakaway drainage field on adjacent land that is under the legal control of the applicant. All surface water shall discharge to appropriate SuDS or soakaway systems. All systems shall be installed as approved and hereafter fully maintained and operated to manufacturer's specifications unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies SS6, LD2, SD3 and SD4

Further additional comments stated as follows:

The site is within the River Wye SAC catchment and a habitat Regulations Assessment process is triggered. The required appropriate assessment must be completed by the LPA and submitted to Natural England for their formal comment PRIOR to any planning consent being granted.

As currently presented, and considering the most recent comments by the LPA's land drainage consultants there remains a scientific and legal doubt as to the ability to achieve a fully supported and informed scheme for foul water management that satisfies HRA requirements as well as all other statutory guidance, regulations and Core Strategy policies (including all management of outfall and legal agreement on who/how the system will be maintained), There is also currently no certainty on how a satisfactory surface water management solution can be achieved.

The LPA must be legally and scientifically certain of the achievability and ongoing management of both foul and surface water schemes BEFORE the HRA appropriate assessment can be completed and any recommendation to allow planning consent to be granted made. (Conservation of habitats and Species Regulations, NPPF, NERC Act, Core Strategy SS6, LD, SD3 and SD4

Notwithstanding the above:

The supplied ecological report appears appropriate and relevant. The recommended risk avoidance and mitigation measures should be secured through condition. A detailed biodiversity net gain enhance plan and specifications should be secured through relevant condition.

Nature Conservation – Ecology Protection, Mitigation

The ecological protection, mitigation, compensation and working methods scheme including the presence of an ecological clerk of works, as recommended in the ecology report by Janet Lomas dated November 2018 shall be implemented in full as stated and hereafter maintained 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.

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

Nature Conservation – Biodiversity and Habitat Enhancement

Prior to commencement of development a detailed scheme and plan for proposed biodiversity net gain enhancement features including provision for bat roosting and hibernation, bird nesting, hedgehog homes and pollinating insect 'nesting' should be supplied to and acknowledged by the local authority and then implemented in full. The approved scheme shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No external lighting should illuminate any biodiversity net gain feature or adjacent habitat.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), Habitat Regulations 2017, Core Strategy SS6, LD2, National Planning Policy Framework (2019), NERC Act 2006 and Dark Skies Guidance Defra/NPPF 2013/2019.

Original comments:

The site falls within the River Wye SAC catchment and triggers a Habitat Regulations Assessment. The required 'appropriate assessment' must be completed by the LPA and formally 'approved' by Natural England PRIOR to any planning consent being granted.

It is unclear from the supplied information how the foul water from the proposed plots and development will be managed as no mains sewer connection is available. The use of PTP is indicated but it is not clear if this is on a plot specific basis (as is usual best practice) or if an alternative is proposed. In line with Core Strategy policy SD4 hierarchy if final discharge to soakaway drainage fields on each plot or land under the applicants control is not proposed then a professional drainage report with all relevant percolation tests and supporting information showing that a soakaway system, including 'mound' systems is not possible must be supplied before a direct outfall to a General Binding Rules compliant watercourse can be considered.

Once this foul water information has been supplied the required HRA process can be initiated and final suggested ecology conditions and any further comments made.

4.5 **Principal Natural Environment Officer (Landscape) comments**

The site falls within the Wye Valley Area of Outstanding Natural Beauty. The landscape character type is forest small holdings and dwellings. The location is typical of the character type in terms of "dense settlement pattern with a complex matrix of narrow intersecting lanes fringed by wayside cottages interspersed with small hedged pastures and pockets of rough grazing". The site itself is unusual, as a commercial operation, with small scale buildings and structures and plants for sale in line with the business. Overall views into the site from the roadside gateway are of a mixed character. The boundary vegetation and tree belt currently makes a positive contribution to the natural environment.

The proposal for residential development on this site will alter the character of the site completely. The application is for 8 dwellings, however they are split by a large tree belt running south west to north east. The development would not be viewed together and having separate entrances and designs it would have two different characters. The pair of dwellings that front the road to Crossway require a substantial loss of roadside hedgerow and two new, separate vehicle entrances. This will considerably alter the character of this section of road on the AONB boundary and suggests that introducing two dwellings in this triangle of land is too large scale to work with the existing conditions.

The main section of the site is proposed for six dwellings. The building design and materials are interesting and it is accepted that the site location is suitable for residential development. The introduction of six, however, means that they each have relatively small garden areas, especially when taking account of the patio and paths also required in the back gardens, together with shading and leaf drop considerations from the existing retained trees. Breaking up the existing tree belt into separate ownerships could also cause maintenance issues and continuity of this feature could be compromised.

The Herefordshire Landscape Character Assessment states that increasing urbanisation is the greatest threat to the Forest smallholdings and dwelling character type and also that 'additional individual dwellings may be appropriate in some circumstances where the scale of the original settlement would not be compromised'.

Core Strategy Policy LD1 requires proposals to demonstrate that the character of the landscape has positively influenced the design, scale, nature and site selection of the development (bullet point 1). It also requires that development proposals should conserve and enhance Areas of Outstanding Natural Beauty through the protection of the area's character (bullet point 2).

The Wye Valley AONB Management Plan Policy WV-D2 requires a high standard of design to complement the local landscape character and distinctiveness.

While the site is brownfield, the proposal overall would not significantly enhance its immediate setting and does not fit in with the overall form and layout of the surrounding settlement. This is

in terms of extensive hard surfacing for vehicles, small size of private gardens and the scale of built development that will overwhelm the unique site.

Previous comments: I have reviewed the revised drawings. In relation to the previous landscape comments by E. Duberley (dated 15/11/2019)

I confirm that the latest, more detailed visibility splay and highways response adequately address retaining more roadside boundary hedgerow and protecting the beech tree at the entrance. Therefore, if the application is to be approved then only a condition for a landscape management and maintenance plan would be required

Further comments stated as follows:

I have seen the amended proposals for the scheme; these are welcomed. A minor detail relating to the exterior materials I would recommend the window frames are of a recessive colour similar to that of the roofing.

In terms of the landscape plans I am content that the majority of existing vegetation is to be retained and that extensive new planting is shown.

I do have a concern that extensive amounts of boundary hedgerow are proposed to be removed and I would recommend this is reviewed with the highways officer to establish need.

In relation to the specimen beech at the entrance to the site I note this is to be retained however I do have concerns in relation to hedgerow removal beneath it – I would recommend this is simply coppiced – and would seek clarification on any earth works retaining walls or otherwise which may disturb the root system of this tree.

When these two details are finalised I am content for a condition to be applied in relation to the management of the scheme to ensure the successful establishment of all planting.

Original comments stated as follows:

Following a site meeting this morning these are my initial thoughts in relation to the proposal:

- The site is a brownfield site it is therefore considered there is opportunity for enhancement.
- The tree belt which runs diagonally across the site should be retained and strengthened.
- The 3 dwellings shown to the east of this belt should be removed, as they are more exposed within the local landscape and necessitate hedgerow removal.
- The western site boundary should be strengthened with tree planting as this side of the development is more exposed.
- The heights of the dwellings should be considered in relation to the levels of the site and the surrounding built form, with an appropriate housing mix.
- The beech tree to the north of the site boundary should remain in situ and any proposed works potentially affecting its stability will need to be clearly identified.
- The conifer hedge can be removed but native hedgerow should seek to be retained.

Whilst it is accepted that there is opportunity for enhancement upon the site, the views into the site from the local landscape are important particularly given that fact that what is proposed represents a deviation from the existing dispersed settlement pattern of wayside cottages.

4.6 **Principal Building Conservation Officer:** These comments only relate to historic buildings, for archaeology advice please contact Julian Cotton, the Council's Archaeologist.

812m West North West lies Upper Wyhall, a Grade II* listed building with separate Grade II listed stables and cider house and set within an unregistered park and garden. The distance and

intervening topography and vegetation mean that the understanding and experience of the building would not be affected by the development.

There are also 2 listed buildings to the North North West of the site at 730m away. These consist of Tan House and Coughton Mill House. The nature of the topography means that the setting of these buildings would not be affected by the proposals.

4.7 **Archaeology:** No objection

4.8 **Environmental Health Service Manager (Contaminated Land):** Comments. I refer to the above application and would make the following comments in relation to contaminated land and human health issues.

The site is within 100m of a closed landfill according to our records. With this alongside the change to a more sensitive use in mind, I'd recommend the following condition be appended to any approval.

1. No development shall take place until the following has been submitted to and approved in writing by the local planning authority;
 - a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice
 - b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors
 - c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme s specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing.

The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: In the interests of human health.

2. The Remediation Scheme, as approved pursuant to condition no. (1) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted and agreed in writing before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health.

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

Reason: In the interests of human health.

4.9 The **Land Drainage Engineer** comments: In our previous response to this planning application we highlighted that the following outstanding information should be provided:

- Revised proposals for ground raising in rear gardens and position of the drain headwall.
- Information regarding the proposals for tankering of treated effluent.

The following information has been provided since our previous response:

- Email from Infrastruct CS Ltd dated 13 July 2020
- Drainage strategy drawing Ref WATE-ICS-01-XX-DR-C-001-P05

Only those points that were outstanding from our previous response are discussed below.

Development description

The Applicant proposes the construction of 8 dwellings with access roads. The site covers an area of approx. 0.67ha and slopes from approximately 174.1m AOD in the north east corner to 166.3m AOD in the south west corner. It is currently used for commercial purposes as a horticultural nursery.

Surface Water Management Strategy

1. Revised proposals for ground raising in rear gardens and position of the drain headwall.

On the latest drawing the length of the culvert has reduced and headwall repositioned to the north east of plot 5. We note the intention to advise the property owner with respect to right of access for the highway's authority. This should apply to all properties through which the pipe crosses. We highlight however that the pipes draining from the road into the inspection pit would be regarded as highway drains and the culvert and ditch beyond this as privately owned. The drawing states the commitment to ensure levels of the permeable paving are above the highway drainage channel and not below existing ground levels, so ensuring all flows are contained and this is agreed. We believe this is likely to be a feasible solution to minimise the risk of water resulting in flood risk to property. For the discharge of conditions application proposed level plans and/or sections of this area should be submitted that demonstrate these proposals in the detailed design for this area.

2. Information regarding the proposals for tankering of treated effluent.

It is understood that the 3rd party landowner has agreed to the siting of the drainage field although no documentation to this effect is available. The agent states that access for tankering would be subject to easement arrangements and that the route will be via a track from 3rd party outbuildings. It is unclear whether this track is currently suitable for accommodating a tanker or the where this intended route will be. A diagram of the proposal will be required. Whilst this may appear to be very detailed information, the ability to maintain the drainage field is a material consideration in the viability of the proposals. Prior to planning permission being agreed further information will be required to indicate location and suitability of the proposed tanker route. Confirmation will need to be provided as part of the discharge of conditions to confirm access has been agreed with the landowner and the location of the chamber is acceptable.

Overall Comment

Prior to the Council granting planning permission we recommend that applicant provides further information regarding the proposed route of the tanker for maintenance of the drainage field and that this proposed route is suitable to accommodate the size and weight of the tanker.

In addition the following should be provided to support any discharge of conditions application:

- Detailed drawings of the proposed surface water and foul water drainage systems, including cross sections through key features such as permeable paving and drainage field.
- Detailed calculations of the proposed surface water drainage system to demonstrate no increased flood risk up to and including the 100 year event with 40% climate change

allowance. FEH 2013 rainfall data is expected. Calculations should be based on the findings of updated infiltration testing.

- Further information regarding site levels to demonstrate that flow that may temporarily overwhelm the inlet capacity of the permeable paving will be retained within the road and parking areas up to the 100 year + CC event.
- Detailed calculations of the proposed foul water drainage field using a more appropriate Vp.
- Plans/sections of proposed levels designed to contain highway runoff within the channel adjacent to plot 5.
- Survey demonstrating condition and route of the surface water drain serving the highway.
- Details of the proposed headwall from the highway drainage pipe.
- Additional survey of the area proposed for the foul drainage field to demonstrate appropriate fall through the drainage field.
- Infiltration testing at the location and depth of the proposed drainage field in accordance with BS6297 and Section 1.32 of Building Regulations Part H.
- Infiltration testing at the location and depth of proposed surface water infiltration features undertaken in accordance with BRE365.
- Suitable testing to confirm that groundwater levels are at least 1m below the base of all infiltration features
- Evidence confirming landowner agreement for installation of the drainage field, chamber and provisions for tanker access.
- Demonstration that each package treatment plant will have its own control system and that any communal systems are located in communal areas.
- Clarification that all communal drainage infrastructure will be maintained by a third party management company.

Previous comments from the drainage officer can be viewed at: 3 responses

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=190316&search-term=howle%20hill

4.10 **Minerals and waste officer** comments: No objection

I can confirm that the site is identified under saved HUDP Policy M5 for the safeguarding of minerals. However, given the scale and nature of the proposal, and the relative abundance of hard rock reserves across the county, I have no objection to this application.

4.11 **Tree Officer:** I have no further comments to add.

Relevant Policy

NPPF:

- Paragraph 15 Conserving and enhancing natural environment

Core Strategy

- LD1
- LD3

Arboreal Features:

- There are two main arboreal features on the site which are to be retained. They are the mature Beech tree located next to the main entrance and the band of trees which runs the entirety of the site in a south west to north easterly direction, bisecting the site.

The westerly side of the site contains 6 of the plots with the remaining two (plots 8&9) on the other side on higher ground.

Potential Impacts:

- The central band of trees, due to their proximity to plots 3, 4 & 5, will cast considerable shade. All three plots are on the southern side of the tree line and it is likely that they will experience prolonged shading when the sun is lower, dependant on time of day and year.

I would also consider that the proximity of the trees to these plots could raise 'nuisance' issues such as falling debris, leaf drop and bird droppings. Whilst I'm of the opinion that these are not reasons for objection or even for alterations to the design layout they should be taken in to consideration. The band of trees are an important landscape feature which should be left unaffected post any development. There is potential that once the site is broken up into individual ownership we will see the gradual removal of trees. Therefore to prevent this from occurring it is highly probable that a TPO shall be made to protect them.

Summary & Recommendations

On account of the retention of the trees deemed to be of good quality and low impacts on them by the proposals I am of the opinion that the site is compliant with policies LD1 & LD3 of the core strategy and therefore support the application, subject of conditions.

Conditions

CK9 - Trees In accordance with plans
(Arboricultural Impact Assessment – Adrian Hope Tree Services)

CKA – Retention of Existing Trees

CKB - Protection during Construction

- 4.12 **Waste Officer:** Comments: Will the road be constructed to a suitable specification for a 26 tonne refuse collection vehicle? If not, a collection point for bins (e.g. an area of hard standing where bins can be placed on collection day) will need to be provided near the entrance to the development. Please refer to "Guidance Notes for storage and collection of domestic refuse and recycling"

In the event that the road within this development does not become adopted by Herefordshire Council:

The council will only agree to travel private roads for the purposes of waste collection if:

The council and its contractors determine that collections can be carried out safely;

and

The council receive written confirmation from the landowner/developer that the roads over which the RCV will travel are built to a suitable specification for this type of vehicle to travel over on a frequent basis;

and

The council and its contractor are indemnified against damage to roads and general wear and tear, other than that caused through negligence.

The council and/or its contractor will assess the safety of collections at the development via the completion of a risk assessment which will take into consideration the access and suitability of the road surface, width, obstructions and turning areas for a 26 tonne refuse collection vehicle (RCV).

If a private road is not suitable for the RCV to travel or an indemnity is not signed by the landowner, the collection point for rubbish and recycling will be at a point adjacent to the nearest public highway, as determined by Herefordshire Council.

The council and its contractor reserve the right to cease collections from private roads if the roads or entrance are not maintained to a standard suitable for the RCV or there are any obstructions in place.

5. Representations

5.1 Walford Parish Council – Object

Council wish to make the following requests and comments:

- The Council assume that the planning authorities are qualified to deal with matters arising from the proximity of the development to AONB and the core strategy implications.
- The Council are not convinced that the traffic statement correctly reflects the actual usage of the roads and asks that there be a re-analysis of the traffic flows.
- The area has suffered from severe problems with overflow parking on the roads. The Council don't think that the provision of garages will accommodate modern cars and that 2 parking spaces would not be sufficient especially for the larger houses. The Council would like the parking provision to be reviewed.
- Greater consideration should be made of the appearance of the development in the context of the existing dwellings in the area.
- Although there was an outline description of sustainability of drainage in the development, there is no reference to sustainable energy plans.

Further comments were received following a re-consultation on amended plans:

- 5.2 The Chair read out a summary of two letters of objection which had been received from local residents. It was noted that there were a huge number of documents associated with this application and it was quite confusing to determine the most recent documentation. It was also noted that this application was resubmission of a previous application and while there had been some minor amendments particularly with regard to visibility splays the application was largely unchanged. The application stated it was for 9 dwellings but the plans only showed 8 dwellings.

It was resolved to **object** to this application on the basis of the previous objection, the housing was out of character and inappropriate for the site

5.3 CPRE (Herefordshire) – Objection

Comments: I am writing on behalf of the Committee of the Herefordshire Branch of the Campaign to Protect Rural England (HCPRE) to object to this application.

Our objections to the original application were sent to the Planning Officer on 19th April 2019 and a further one was sent on 26th November 2019 after the number of the houses had been reduced to 8, the height of the 6 larger ones reduced from 3 to 2 storeys and the roof design of these larger, visually prominent, houses changed to 'polytunnel' curved Profiles. All the objections in those letters still stand. Although the height reduction is an improvement this is marred by the inappropriate and insensitive roof design; polytunnels in this, the Wye Valley Area of Outstanding Natural Beauty (AONB), are not aesthetically attractive.

AONBs are protected from inappropriate development under Policy 15 of the National Planning Policy Framework (NPPF) para. 172...'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues'...(c) any detrimental effect on the environment, the landscape and recreational opportunities .. should be assessed by the Planning authorities. They are also protected under the Herefordshire Local Plan Core

Strategy Policies SS1 and LD1 and within the principles of the Wye Valley AONB Management Plan.

On the theme of the inappropriate design of the houses and the suburban layout of the 'estate' one of the documents submitted by the Applicant, entitled 'Landscape Overview for Development at Howie Hill Nursery' commencesThe concept is to create a bespoke development nestled within the existing Woodland the associated illustrations show a sophisticated artificial ambience with large boulders strewn around on the margins between the houses... these are of Forest of Dean stonewhich will be used for accent walls on each dwelling and will be used also in its boulder form as a landscape material to add accent and form. We emphasise that this is a rural area, where the local dwellings are simple and functional.

Historically this 0.67 Ha site was a working quarry (with consequent contaminating residues); more recently a modest horticultural Nursery and, currently, whilst in the ownership of the Applicant, a large, wholesale. Plant Nursery.

It has been argued that this is a 'brownfield site' but it is not on the Herefordshire Council Register of these sites. Even if it can be proved to be a 'brownfield site' the proposed housing density would be in conflict with NPPF Policy 11, para. 1/2, footnote 44.

In addition to the points made in our two previous letters objecting to the proposals there are further concerns, specifically the probable inadequacy of the drainage as described in the current application. There appears to be some doubt about the efficacy of the provisions for the disposal of foul water and the control of the surface/storm water, local residents are aware of frequent heavy flooding episodes down this steep hill.

The improved visibility splay at the entrance to the main part of the 'estate' is noted but, by opening up the aspect from the road, these large houses will be more visible and intrusive. If the site area is lit there will be 'light pollution' in this quiet area where, unusually, dark skies are still a feature. It is noted that the 'Planning Design and Access Statement' for this application has not been updated to refer to the reduced number of the re-designed houses and layout....thus it is not clear what the lighting arrangements will comprise.

The narrowness of the lane permitting access to the two more conventionally designed houses to the east (now Plots 1 and 2) will make exits quite difficult for the occupants...planning permission ref.P161735/F (retrospective) for improving the entry for traffic serving the Howie Hill Nursery was refused in September 2016; the current application may have improved the splay/visibility etc. for this access but the lane remains narrow with limited visibility.

Finally, this area is not within a Settlement, there are no services (not even mains drainage), there are no regular bus services, there are no pavements on Howie Hill nor the lane serving proposed Plots 1 & 2, and Sharman Pitch' (as it is named) is steep with limited visibility. The site area, within the confines of the old quarry, will not allow overspill parking for future residents and there is already considerable resentment of the cars and other vehicles parking opposite the Nursery main entrance on land which does not belong to the owner.

In our view this proposal cannot be described as a 'sustainable' development.

Summarising we believe that several Policies, national and local, would be contravened if this application is granted, the density and design of the houses is incongruous in this rural setting and the visual impact and size of the 'estate' would be contrary to the principles of the Wye Valley AONB Management Plan.

CPRE strives to preserve the beauty of the rural landscape and also protect the environment by discouraging inappropriate development in the countryside.

5.4 **Wye Valley Society – Objection** - Comments on amended plans as follows –

The Wye Valley Society notes that the Applicant has submitted a further set of amended plans and additional supporting information for the above application. The number of the houses has been reduced from the original 9 to 8, they are two storey instead of three and the main roof profiles of 6 of the 8 houses is unconventional in that the profiles resemble those of polytunnels.

These new plans and information still do not seem to address the planning objections raised by this Society, the Wye Valley AONB Unit, Walford Parish Council, Herefordshire CPRE and over 50 residents of the Howie Hill settlement and immediately surrounding area. We therefore wish to reconfirm our objections to this application. We would also offer the following additional comments and objections:

The further increase in the size of the access splays and re-siting of the entrance means that the development will be even more prominent when viewed from the surrounding lanes. The access splay towards the South-East would still seem to be inadequate for a road where the applicant's own survey recorded 85% tile speeds of 33.5 mph for vehicles travelling in the Westbound direction.

The 'polytunnel' style of the roofs of the majority of the houses is inappropriate as it doesn't match any other dwellings in either the Howie Hill settlement or the surrounding area. This is contrary to the requirements of Policy RA2, sub-item 1 of the Herefordshire Local Plan Core Strategy (CS) where, for 'smaller settlements' the policy clearly states that it must 'demonstrate particular attention to the form, layout, character and setting for the site and its location in that settlement and/or they result in development that contributes to or is essential to the social well-being of the settlement concerned'. The style of the proposed dwellings matches nothing in the surrounding area and clearly, from the volume of local objections, it is not considered to contribute in any way to the social well-being of the settlement. As in our previous letters we would also observe that given the negative publicity that has surrounded the widespread use of permanent polytunnels, on two intensive holdings in this Parish, this seems a most insensitive design choice.

We still see no evidence that the applicant is making provision for roof-mounted photovoltaic panels. The AONB Management Plan highlights the need for environmentally sensitive development within the AONB and we believe that this must include energy efficiency measures as part of any new buildings. In a hilltop open site, such as this, we would therefore hope that the use of PV panels be a mandatory part of any design. We would also expect that measures should be taken to maintain and promote the existing 'dark skies' within such rural parts of the AONB, including making conditions to exclude the provision of street lighting.

There is still a 'close' of 6 identical houses arranged in a regular, suburban style. This is completely alien to the dispersed nature of the existing settlement where there are a wide variety of styles but no 2 dwellings are identical and the spatial arrangement is entirely random. In such an environment the proposed design will appear to be completely different and visually will resemble a much more urban housing pattern, something that we would completely oppose in an open, rural landscape area of the AONB. In terms of style we would comment that the prevailing local pattern is a mixture of Herefordshire rubble stone cottages and some brick built single storey dwellings

We continue to believe that this site is outside the main settlement dwelling concentration for Howie Hill. As previously stated the assessment of the Howie Hill settlement, undertaken by the Planning Officer when considering application P171105/F and fully endorsed by the Appeals Inspector when dismissing the appeal APP/W1850/W/17/3179678, identified the main concentration of settlement related dwellings to be near to St John's Church and the Crown Inn (both now converted to private dwellings) with a smaller concentration around Sharman Pitch but several hundred metres from this site. We therefore believe that this application should be

considered under CS Policy RA3, rather than RA2 and, on that basis, the proposal meets none of the specific criteria for development under policies RA3 and SS2.

Reference has also been made to planning application P172215/0 which was granted in August 2018. However, we believe that P172215/0 should have no bearing on this application as it was granted primarily on the basis of providing affordable housing, albeit in a location that was acknowledged as being unsustainable. It is also just outside of the designated AONB area. Both of these points were noted in the Inspector's report when dismissing appeal APP/W1850/W/17/3179678 which also cited P172215/0 as a precedent in favour of planning approval being granted. This site is now shown on the revised location map as a 'development site already approved'. However, although outline permission for this development was given on August 2018, with a 3 year limit for commencement of development, we believe that no application for consideration of the reserved matters has yet been lodged with Herefordshire Council.

We have reviewed the additional drainage system information and would fully endorse the reservations expressed by the Council's own experts in relation to the use of the adjacent field for foul water disposal. We also remain unconvinced that the matter of surface/storm water drainage has been adequately addressed, especially considering the increased potential for torrential downpours, and are concerned that storm water may also overwhelm the foul water system with serious pollution concerns for other properties and the River Wye, as Howie Hill drains into the Castlebrook stream, a tributary of the Wye.

On the matter of landscape planting we note that the hedges on either side of the access drive have now been reduced in width to a size that appears to be incompatible with any native hedging plant. This has presumably been necessary to achieve adequate visibility splays and it therefore seems inevitable that any developer would find it impossible to retain any hedging along the Sharman Pitch roadside.

In conclusion the Society feels that the amended proposals still comprehensively fail to address the objections raised by the local community. They do not comply with the specific requirements of CS Policy RA2 in respect of 'other settlements' nor do they address the visual and environmental objectives defined in the Wye Valley AONB Management Plan. In particular this application still actually seems to embody most of the features described as having a negative impact on the AONB, as detailed in Table 9 'Housing and the Built Environment' of the current Management Plan. We believe it would also contravene the protection status of the Wye Valley AONB as stressed in Policy 15 'Conserving and Enhancing the Natural Environment' para. 172 of the National Planning Policy Framework (NPPF) and also Policy SS6 of the Herefordshire Local Plan Core Strategy (CS). We would therefore urge Herefordshire Council to refuse this application.

Original comments are as follows:

There have been a number of applications, in this part of Howie Hill, over the last 3 years and in all but one case the Planning Officer has concluded that the location does not meet the sustainability criteria defined in the NPPF. The Society does not believe that this situation has changed in that access to public services, such as public transport, schools, shops, churches etc requires at least a one mile journey along narrow lanes that are, in part, only capable of supporting single vehicles, are without any footways and are extensively used by large farm vehicles. We therefore believe that occupants of any dwellings in this location could only safely access services by the use of motor vehicles. Traffic on the road network in the area of the proposed development also represents a significant risk to the elderly and very young.

The applicant has referred to the site as being in the 'centre of the village of Howie Hill'. Policy RA2 actually defines Howie Hill as a settlement and a settlement as a grouping of more than 20 dwellings, often with a church or similar building. In the Delegated Decision Report for planning

application 171105, at Little Howie Farm which is just across the lane from this site, the Planning Officer undertook a very comprehensive assessment of the settlement of Howie Hill and the distribution of dwellings that might comprise the centre of the settlement. That assessment came to the conclusion that the primary grouping of dwellings was towards the site of St Johns church, now a private dwelling, and towards Sharman Pitch but in an area removed from this site. We therefore believe that this site should not be considered to within the boundaries of the Howie Hill settlement and is certainly nowhere near the centre of the existing dwellings.

We have previously commented on the RA2 suggested increase of 8 dwellings for the settlement of Howie Hill, over the current Core Strategy period. We would draw your attention to the extant permissions, on Howie Hill, at Great Howie Farm (S110885), at Thorny Orchard (P150248), at Myrtle Cottage (P170050) and recently an outline permission at Crossways (PI 72215/0) all of which are in the geographical area known as Howie Hill . The permission at Great Howie Farm was granted in 2011 and therefore falls within the 20 year core strategy period. It is for 12 new dwellings of which 5 are 2 bedroom, 6 are 3 bedroom and 1 is 4 bedroom. 2 of these dwellings are to be limited to occupation by people with local connections and 2 are to be 'affordable'. There are a further three 4 bedroom dwellings at Thorny Orchard, permission granted in 2015. The permission at Myrtle Cottage (PI70050) was for a new 3 bedroom dwelling, based on conversion of an existing outbuilding and the outline permission at Crossways is for 4 dwellings. Collectively these extant permissions provide for an additional 20 dwellings, so rather than there being a need for more dwellings, as suggested by the applicant, there is extant provision for more than double the 20 year target. Whilst there may be valid local reasons for significantly exceeding the targets laid down in the core strategy we are concerned that if a similar 100% increase were to be replicated over most of the Ross HMA then the impact on local communities, and the AONB, could be considerable and would undermine both the core strategy and the approach defined in the RHBP

The RHBP also considered the need for proportionate growth over the period 2011-2031 and appendix 4 of the core strategy indicates that the main growth in new dwellings is expected to occur between 2021 and 2031. Whilst front end loading of the target figures may be beneficial in some cases we are concerned that growth in rural areas and in the AONB needs to be managed to ensure that local services can accommodate the additional population without an excessive impact on the character and landscape quality of the AONB.

We do note that none of these extant permissions has, to date, delivered any new dwellings. This might lead to the conclusion that commercially Howie Hill is actually unsustainable in terms of new housing development, as the NPPF sustainability analysis would suggest and that there is no local need for new housing in this location.

The site is within the boundary of the Wye Valley AONB and as such should comply with Policy SD1 and the statutory requirements of the AONB Management Plan. This location is at a significant entry point into the AONB and any development will have an immediate visual impact. The current nursery business operating from the site is well screened by 6-8 foot high hedges and the small number of buildings on the site are single storey and thus not visible from the lane or surrounding vantage points. The proposed development includes 6 2 storey dwellings which will be much more prominent and the proposed hedging is much lower than that which currently exists. The proposed buildings are also of a design that is completely different to any of the surrounding dwellings. The Society notes that they appear to be of a similar design to developments in the centre of Ross on Wye and Llangrove, and not in keeping with the existing dwellings on Howie Hill. We therefore feel that this will create a very unwelcome, urban style landscape at this entry point into the AONB.

We also feel that 9 dwellings, including an access road, on a .67 hectare site represents a totally unacceptable building density for a location that is within an open countryside setting. Again it is completely different in character to the other groups of dwellings on Howie Hill and as such, does not comply with policy RA2.

The Council's Ecology consultee has already drawn attention to the lack of clarity over waste water disposal for the proposed development. We would wish to add that local knowledge indicates that this site already has a problem with surface water pooling and that sub-surface foul water off from existing properties, located across the road, has been noted on the site. We therefore feel that to place a further 9 large properties on this site would potentially result in a serious foul water disposal problem and that this could well then affect the existing properties downhill from the site. There seems to be no possibility of mains drainage being made available on Howie Hill and we would therefore suggest that any development proposal for this area should be closely investigated to ensure that there is adequate provision for safe disposal of both foul and surface water, without placing nearby properties at risk.

In conclusion the Society requests that this application be refused as it:

Does not adequately meet the sustainability criteria of the NPPF, especially in terms of safe access to local public services. The site falls outside of the presumed location of the settlement of Howle Hill, thus policy RA3 should apply rather than RA2

Does not meet any locally defined need and extant permissions already exist for 20 new dwellings. The number, size and style of the proposed development is not in keeping with surrounding area and represents an unacceptable visual intrusion within the Wye Valley AONB, thus not meeting the requirements of policies SD1 and ED1

The current drainage situation on the site suggests that it is unlikely to meet the requirements of policy SD3 and that development would pose a risk to other dwellings in the vicinity

5.5 **AONB Officer** comments:

The site of this proposed development lies within the Wye Valley Area of Outstanding Natural Beauty (AONB), which is an area designated for its outstanding national landscape. The Wye Valley AONB Partnership seeks to encourage high quality design and to conserve and enhance the landscape. It is noted that the Design and Access Statement fails to recognise that the site is within the nationally designated protected landscape of the AONB.

The AONB Unit has major concerns regarding this proposal. The site is outside the village of Walford and, while possibly a brownfield site, is in open countryside in the AONB, disconnected from the centre of the settlement of Howle Hill and far from any defined settlement boundary. The NPPF paragraph 172 states "Great weight should be given to conserving and enhancing landscape and scenic beauty in... Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.... The scale and extent of development within these designated areas should be limited." The Design and Access Statement fails to address this national policy in the Planning Statement.

The Wye Valley AONB Management Plan 2015-2020 Strategic Objective WV-D2 states "Encourage and support high standards of design, materials, energy efficiency, drainage and landscaping in all developments, including Permitted Development, to ensure greater sustainability and that they complement and enhance the local landscape character and distinctiveness including scale and setting and minimise the impact on the natural environment"

The scattered rural settlement of Howle Hill has a low settlement density with no mains sewerage or other public services or community facilities. However the development proposes an urban density level of 9 dwellings, including an access road, on a 0.67 hectares. The design of the buildings appears very standardised and does not conserve or reflect the character of existing buildings in the locality. Access to the development is only realistically achievable by the use of private motor vehicles. We are therefore concerned that the proposed design is not in a sustainable location and will create an incongruous housing estate that appears out of keeping

with the scale, setting and character of the rest the settlement on Howle Hill. It is difficult to see how this 'conserves and enhances the landscape and scenic beauty of the AONB'.

The Wye Valley AONB Management Plan 2015-2020 Strategic Objective WV-D3 states "Resist inappropriate development which will create a persistent and dominant feature out of keeping with the landscape of the AONB and/or if it damages Special Qualities in the AONB, including through high levels of noise and/or light pollution or any SAC, SPA or Ramsar site or other sites designated as environmentally important". Consequently we recommend that the Council consider refusal of the application which fails to conserve or enhance the Wye Valley AONB and the settlement of Howle Hill.

5.6 To date a total of **97 representations** (over 3 rounds of consultation) have been received to the application. The comments within the objecting representations are summarised below:

Additional 10 comments following updated drainage and highway details July/August 2020.

Summary of comments:

- Reiterate objections. View not changed
- If goes ahead it will set a precedent. It will open the floodgates to further residential planning applications on the adjoining green field sites
- Transport report argues a reduction of 44 trips makes the entrance and exit safer. Argue it might reduce the probability of a collision but not necessary safer. Nor make Sharman's pitch safer.
- TRICS data is not comparable to this site in character, location or standard to Howle hill development.
- Clearance of hedgerows is an environmental tragedy. Adverse visual impact in the AONB
- Package treatment plants need power supply and regular maintenance and breaks in power supply are comments. Additional traffic for removal of sewage
- How can the soakaways be protected from heavy loads
- PROW WA 55b opposite the site.
- Devalue property
- Construction traffic unload outside property. Inconvenient, and noise and air pollution with the works
- Much more traffic on the road,
- Houses arranged as a crescent are completely different to any nearby dwellings and density much higher
- Does not respect visual impact and no in line with RA2 or AONB management plan
- Foul water drainage not resolved as is surface water run off
- Visibility in the easterly direct seem to be inadequate and loss of hedgerow on the northern edge 60 Mph. The road has large agricultural vehicles using it.
- Have a significant and adverse visual impact on the setting of the AONB
- Not meet any defined local need for this type of housing
- Not comply with the visual impact and sustainability requirements of the NPPF and policy RA2
- Development not meet requirements under RA3, RA4, RA5, RA6
- Still have significant foul water drainage issues and cause surface water drainage problems for other properties on Howie Hill
- In breach of SS1 as not sustainable development. No jobs in the hamlet. 'commuter homes'.
- Major development in AONB
- Negative impact on existing business eg self-catering
- Development outside settlement boundary, density 12 per heater, hamlets 4.6
- Design not innovative

- No services (no pub, church, shop, school, village hall, playground), no transport direct conflict with 'Declaration of an ecological emergency and its carbon management plan. Will increase cars and vans on the road. No room for supporting own food production. No electric charging stations for cars. Not a safe, healthy, sustainable and proportionate development in the AONB

Additional comments following amended design and description

- 8 dwellings will have an impact on light pollution
- Change in design give the appearance to old fashioned Nissan huts. Design is inappropriate; within the Wye Valley AONB polytunnels are not structures to be celebrated. The design is totally alien
- Polytunnels have no architectural interest and are temporary structures
- The proposed dwellings are much higher than the polytunnel itself, therefore having a much greater and significant visual impact on the surrounding AONB
- 'Dutch Barn' design is more in keeping with our rural setting but all the houses are essentially the same design which is not in keeping with the rest of the settlement
- Plots 1 and 2 are opposite planning but is our understanding that this is only outline. As such, these houses would appear especially out of place. Upper half with timber cladding bear no resemblance to houses adjacent on either side
- Not surprisingly the property removed from the original plan is one of the small, less profitable houses
- Glad they have been reduced from three to two storey but the roof design jars
- Previous applications have stated that the nursery is not a retail business so visits from public must of a negligible number
- Residents have carried out their own traffic survey over 5 day period and shows the applicants submission is wildly inaccurate
- Landscape overview says more about what can be done during development of the site than about the implications for the residents of upkeeping a well-manicured landscape
- Landscape report is self-generated and unsympathetic to the surroundings
- The amended transportation information draws upon standardised empirical data without any analysis of probabilities, peculiar circumstances or future projections
- No mention of climate change
- Most people would estimate that fully occupied 4 bedroom dwellings have 2 cars at least (sometimes 3)
- Drainage scheme seems to be lacking in detail. Suggests that there is an extreme risk that should a development of this size be permitted it would result in a severe environmental and public health problem
- Building houses in the depths of the countryside only serves to increase the carbon footprint
- The collision data relates to crashes only and doesn't take into consideration unreported accidents or 'near misses'
- Housing estates by their very nature bring with them noise
- The arguments made under the appeal ref: 171105 are applicable to this application. The Inspector comments on the crossroads and that itself is somewhat removed from the main built up parts of the village to the north and west
- The site is at the entry to the Wye Valley AONB and as such will have a detrimental impact on the visual landscape
- WVAONB Management Plan and policies RA2 both require any development within the AONB to be sympathetic to the local area and not to impact upon the visual amenity
- This is major development
- Howle Hill is on the route of the Wye Valley Walk
- The style of housing is not in keeping with the current individual local styles and while there are currently hedges and trees bordering the site along the road, these will be removed to improve the access

- A project of this size will negate removal and damage to trees and hedgerows, wildlife and aspect will be destroyed
- The application states it would be necessary to destroy by felling certain trees and hedgerows. Particularly a 'substantial' oak tree. Is this really what should happen in the name of this submission
- The three storeys will visibly stand out most significantly. The hamlet consists of rural style cottages and houses previously passed as suitable to the AONB. The whole area of Howle Hill reflects the beauty of the English countryside
- Some residents will see 3 storey buildings directly in their eye line. Surely that cannot be right
- Children live directly aside the lane and are restricted to not enjoying their bicycles or local freedom, an enjoyment we all partook in our younger years. Horse riders will chose to veto the lane
- We live in the countryside to enjoy the peace and quiet of the area – this will no longer be the case
- Would cause devaluation of own home with the loss of space from other homes and the wonderful view of the Welsh hills
- Need for these properties is questionable and does not include any affordable housing. Development includes 6 x 4 and 5 bed properties. The Rural Housing Background Paper established there was a significant oversupply of large, higher value properties
- The Council recently declared a climate emergency and therefore needs to take urgent action. The proposals does not contain design elements such as orientation of buildings, solar gain, renewable energy, sustainable water drainage
- The design is neither outstanding or innovative and out of keeping with surrounding development
- The proposal would disrupt the fragile eco-system of the surrounding area
- The NPPF requires development to be sustainable which in this case is clearly not met with a lack of connections to public transport and public footpaths. There is also no employment, shop or pub to support
- Due to the remoteness each home enjoys the benefits of internet shopping, there is agricultural traffic and necessary utility vehicles for oil, gas and septic tank clearing
- Sharman's Pitch is an extremely steep lane with limited passing for two vehicles
- The traffic count census carried out factually incorrect. It should be recounted and site south west after Myrtle Cottage. The true numbers would be staggeringly greater
- To claim traffic movements will be reduced is making full use of the statistics – a business that size should never have been allowed to develop there in the first place
- The main egress from the development is directly onto a bend in a road that already has too much fast traffic
- The number of cars likely to be parked at the development will easily occupy the allocated 18 parking spaces and leave no option but for visitors to park on the road. Roadways appear to be 1.5 car width offering no simple access for emergency vehicles
- Existing permissions represent an increase of some 31% - way in excess of 14% within RA2. In addition the housing density within the current settlement lies at 0.7 houses per area but in the proposed it would be 13.4 houses per hectare. This unsympathetic increase in housing and housing density is completely out of character with the settlement and contrary to the requirement of policy RA2
- Clear that the site used to be a quarry but not mentioned in the application. These sites have been filled and levelled but locals are aware that all sorts of waste have been deposited and indeed a bore hole sunk to try to provide water for Dowle's Nursey showed traces of arsenic
- 2011 permission stated that due to the type of development full site investigation was not recommended. It is now planning for family homes and I feel it would be prudent to establish the sites health credentials
- There is no mains drainage on the site and nowhere for drainage

- The site is 'wet and damp' with considerable run off the current drain under the Dowle site just emptying into a ditch behind the site which has caused flooding to land and farm buildings. New development (in terms of surface and foul water) is only going to worsen matters
- Howle Hill is not a village or even a hamlet. It is two, spread out rural settlements that the planning application does not make clear at all and indeed, is very misleading. Recent planning application 171105/F was refused due to being located in an isolated rural location
- Previous application by the last owner for a bungalow on the site was refused ACCESS?
- The already successful business is exactly what Herefordshire Council are saying is necessary for the rural community. No discussion as to why the site should not have been marketed as a viable nursery business
- Challenge whether this is a brownfield site (not in the Herefordshire Register of Brownfield Sites). It was developed as a lime stone quarry in the 19th century. It was then used as a market garden. The use as a nursery has not involved the construction of any permanent structures – plants are grown in polytunnels and the office is a portacabin
- As the nearest neighbour 50m from the boundary of the site I object. This would blight the viability of our holiday let. This would be the case through the noisy dusty construction period. Longer term the visual impact from the property would be adversely affected
- The development will cause a number of years of disturbance on a noise and pollution level and the logistics will create traffic dramas
- The development will have a significant, negative impact on businesses on Howle Hill which rely on tourism
- Their erection could trigger further nearby developments that would lead to a creeping urbanisation
- Howle Hill does not offer enough social, economic, employment facilities or opportunities

5.7 **Supporting comments:**

- To see the site develop into a stunning example of modern housing would be an asset to the area and an exciting progression of an existing community
- Positive elements such as retention of woodland, retention of existing hedging, innovation using local stone, grey water harvesting and electric car charging points
- Reduction in heavy vehicles delivering to the nursery and reduction in cars from workforce
- Dwellings would be modern (yet in a way not to taint the area), airy and spacious, and in a beautifully landscaped spot
- This project would attract many young people, and not only young
- High quality, eco-friendly design, taking care of the wildlife which would blend into the existing landscape
- Outdoor areas seem so well considered
- Other new groups of homes or estates we have looked at have an extremely dangerous and fast road as their entrance

5.8 In addition comments have been received from the Walford Parish Residents Association (WPRA):

Additional comments following amended design and description

I am writing, on behalf of the Committee of the Walford Parish Residents' Association, to object to this amended application for 8 houses instead of 9, with 2 storeys rather than 3, and with a very different roof profile for 6 of the 8 houses.

I wrote to you on 15th April this year expressing our concern and stating that, in our opinion, the proposals in that first application, were contrary to Policies RA1, RA2 and RA3 of the Core Strategy and that the design and mass was inappropriate in the Wye Valley Area of

Outstanding Natural Beauty (AONB). Additionally, NPPF Policy 15 Conserving and Enhancing the Natural Environment paragraph 172 stresses that 'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues'.

While we welcome the reduction of one house on this 0.67 Ha site and also the reduction in height of 6 of the 8 houses, we feel that the changed design of the roof structures is totally alien in this area. The fact that this site is being run as a Nursery, with polytunnels housing the plants, is not a reason to emulate the appearance of these temporary structures in permanent dwellings. We trust that you will take our points into consideration when this application is decided.

Original comments stated as follows:

The above matter was raised and discussed at the Walford Parish Council meeting on the 27 March '19 at which concerns were raised. We consider that the views of local residents were not fully represented by the Parish Council. It is understood that there are grave concerns as to the nature and extent of this planning application and the possible adverse impact that it would have on the community.

This Association objects to the proposal and believes that planning permission should not be given. The reasons for this are as follows:-

1. The impact of this number of proposed houses on that site, contrary to Policies RA1, RA2, and RA3
2. It is within the Wye Valley AONB, and the density is inappropriate within this Area
3. It is against the advice given in Policy RA2, Paragraph 4.8.23, of the Core Strategy
It is therefore earnestly requested that this Planning Application is not allowed to proceed

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=190316&search-term=190316

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

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

6. Officer's Appraisal

Policy context

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). It is also noted that the site falls within the Walford Neighbourhood Area, where the Plan is at drafting stage. At this time the policies in the NDP can be afforded no weight as a planning consideration. The National Planning Policy Framework 2019 is a significant material consideration.

6.3 With regards to heritage matters, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the*

case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

- 6.4 The legal framework for AONBs in England and Wales is provided by the Countryside and Rights of Way Act (CRoW) 2000 which reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty, and sets out responsibilities for their management. In particular relevance to the proposal is following sections –
- 6.5 Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty; Section 84 confirms the powers of local authorities to take appropriate action to conserve and enhance the natural beauty of AONB and Section 85 places a duty on all public bodies and statutory undertakers to ‘have regard’ to the ‘purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.
- 6.6 The NPPF is a significant material consideration and has ‘sustainable development’ central to planning’s remit and objectives. The NPPF also seeks positive improvements in the quality of the built, natural and historic environment and in regards people’s quality of life.
- 6.7 Paragraph 11 of the Framework sets out a framework for decision taking and the presumption in favour of sustainable development. For decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless (having regard to footnote 6) the application of policies of the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 6.8 Having regard to this, it is a matter of fact that currently the Council is unable to demonstrate a 5-year housing land supply and this was confirmed in the recent position statement as being 3.69 years. This leads to the policies for housing supply being considered out of date. Footnote 6 of paragraph 11 clarifies that the AONB is an asset of particular importance.
- 6.9 Where the existence of a five year land supply cannot be demonstrated, there is presumption in favour of granting planning permission for new housing unless the development can be shown to cause demonstrable harm to other factors that outweigh the need for new housing. In reaching a decision upon new housing the housing land supply position will need to be balanced against other factors in the development plan and/or NPPF which could result in the refusal of planning permission. This site is therefore assessed and considered on its suitability as being sustainable in regards its location and material constraints and considerations. Case law firmly established that policies within the NPPF do not make "out-of-date" policies for the supply of housing irrelevant in the determination of a planning application or appeal. Weight is, as ever, a matter for the decision-maker.
- 6.10 Policy SS1 of the Herefordshire Local Plan – Core Strategy (CS) sets out that proposals will be considered in the context of the ‘presumption in favour of sustainable development’ which is at the heart of national guidance contained within the NPPF. This policy states:
- ‘When considering development proposals Herefordshire Council will take a positive approach that reflects the presumption in favour of sustainable development contained within national policy. It will always work proactively to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the social, economic and environmental conditions in Herefordshire.

Planning applications that accord with the policies in this Core Strategy (and, where relevant, with policies in other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or the relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking account whether:

- a) Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in national policy taken as a whole; or*
- b) Specific elements of national policy indicate that development should be restricted.'*

Location of residential development

- 6.11 In locational terms, paragraph 79 of the Framework seeks to restrict development in isolated locations, but does acknowledge in rural locations it may be the case that development in one village supports the services in another village nearby. That said, the adoption of the Core Strategy represents a shift in policy that recognises proportionate growth is required in rural areas for social and economic purposes. It is with this in mind that the proposal is assessed under the CS policies alongside the Framework, notwithstanding the out of date nature of the policies.
- 6.12 Policies SS2 (Delivering new homes) and SS3 (Releasing land for residential development) of the CS clearly set out the need to ensure sufficient housing land delivery across the County. In order to meet the targets of the CS the Council will need to continue to support housing growth by granting planning permissions where developments meet with the policies of the CS, (and, where relevant with policies in other Development Plan Documents and Neighbourhood Development Plans). Policy SS2 states that a supply of deliverable and developable land will be identified to secure the delivery of a minimum of 16,500 homes in Herefordshire between 2011 and 2031 to meet market and affordable housing need. 6,500 of these will be in Hereford, where it is recognised that there is a wide range of services and consequently it is the main focus for development.
- 6.13 Outside of Hereford City, and the market towns, CS Policy RA1 identifies that Herefordshire Rural areas will need to find a minimum of 5,300 new dwellings between 2011 and 2031 to contribute towards the county's housing needs. The dwellings will be broadly distributed across the seven Housing Market Areas (HMAs). Howle Hill is within the Ross-on-Wye HMA, which is earmarked for an indicative 14% indicative housing growth and is listed in Figure 4.15 under policy RA2 as a settlement where proportionate housing is appropriate.
- 6.14 Notwithstanding the above, the preamble to Core Strategy Policy RA2 states that NDPs will be the principal mechanism by which new rural housing will be allocated. As stated above, the Walford NDP is only at pre drafting stage and therefore does not form part of the Development Plan for the county.
- 6.15 For decision making, when assessing the Development Plan in the first instance, and in particular considering policy RA2, this states that new development will be permitted where the following criteria are met:
 - 1. Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area. In relation to smaller settlements identified in Figure 4.15, proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement; and/or they result in development that contributes to or is essential to the social well-being of the settlement concerned;
 - 2. Their locations make best and full use of suitable brownfield sites wherever possible;

3. They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding development and its landscape setting; and
 4. They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in a particular settlement, reflecting local demand.
- 6.16 Officers conclude, that when assessed against criteria 1 above the site clearly lies adjacent the main built form of the settlement. Taking this and all of the above into account, it is officers' opinion that the site is appropriate for residential development in locational terms.
- 6.17 In regards to Criteria 2 of CS policy RA2 the site is clearly previously developed land/brownfield.
- 6.18 Criteria 3 of CS policy RA2 is also critical here as this requires that proposals are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting. This is covered below, however it is acknowledged that particular attention should be paid to the form layout, character and setting of the site and its location within that setting. The settlement of Howle Hill comprises sporadic development. However there is a clear cluster of buildings around the crossroads. The proposed 6 dwellings in the main part of the site will be well screened due to being located at a much lower level. The proposed pair of semi-detached properties are not considered to be out of keeping with the character of the wider landscape.
- 6.19 In regards to Criteria 4 of CS policy RA2, it is noted the proposal will deliver 8 market housing and will be a mix of 2 bedroom and 4 bedroom properties. This will help to meet the deficiency within the parish of 55 units. It is acknowledged that there is a lack of 3 bedroom properties but it is for the market to determine the housing mix on each site and this is a modest scale of development where a diverse mix is not considered to be an overriding policy requirement.
- 6.20 As part of this assessment, it is also critical to acknowledge the site's location within the Area of Outstanding Natural Beauty. The NPPF directs, at paragraph 172 that great weight should be given to conserving and enhancing landscaping and scenic beauty in Areas of Outstanding Natural Beauty. This paragraph goes onto say that planning permission should be refused for major development ⁵⁵other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.
- 6.21 Footnote 55 clarifies that for the purpose of para 172, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it would have a significant adverse impact on the purposes for which the area has been designated or defined. These criteria will be considered below, alongside the relevant Development Plan Policies and guidance contained within the NPPF before drawing a conclusion.

Landscape; Locality and AONB Impact

- 6.22 Core Strategy policy RA2 is underpinned by Policy LD1 of the Core Strategy, Landscape and townscape. Development proposals need to demonstrate that features such as scale and site selection have been positively influenced by the character of the landscape and townscape, and that regard has also been had to the protection and enhancement of the setting of settlements. Development proposals should also conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including locally designated parks and gardens; and should incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings
- 6.23 Core Strategy policy SD1 (Sustainable Design and Energy Efficiency) also seeks to secure high quality design and well planned development, that contributes positively to the character of the area and that development successfully integrates into the existing built, natural and historic environment. Regard is also had to both the AONB and built environment location.

- 6.24 Policy SS6 of the Core Strategy states that development needs to conserve and enhance environmental assets that create the county's distinctiveness. With SD1 going on to state that development should be designed to maintain local distinctiveness, achieved through the incorporation of architectural detailing and the use of appropriate materials. Development should safeguard amenity of existing and proposed residents and ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination and therefore scale, height and proportion needs consideration. This refers to the overshadowing or overlooking of neighbouring properties and how overbearing a structure is. The Core Strategy seeks, via policy LD1, to ensure development proposals demonstrate how the character of the landscape and townscape has positively influenced the design, scale, nature and site selection of the proposal. Development should be integrated appropriately through the use of landscape schemes and their management. Furthermore LD1 seeks to maintain and extend tree cover where important to amenity.
- 6.25 With regards to landscape impacts, policy LD1 applies, which seeks to conserve and where possible, enhance the rural landscape and AONBs. I am also aware that 'great weight' should be afforded to conserving and enhancing the landscape and scenic beauty of AONBs as identified at paragraph 172 of the NPPF, which is also epitomised at Policy SS6 of the CS.
- 6.26 It is acknowledged that the proposal site itself is unusual, as a commercial operation, with small scale buildings and structures and plants for sale in line with the existing plant nursery business. Therefore the overall views into the site from the roadside gateway are of a mixed character that do not in themselves contribute positively. It is however considered that the existing boundary vegetation and tree belt currently makes a positive contribution to the natural environment.
- 6.27 There is no denying that the proposal for residential development on this site will alter its character. The 8 dwellings, are to be split by a large tree belt running south west to north east and the two elements would not be viewed together. Furthermore they have separate entrances and designs such that there are two different characters. It is noted the pair of dwellings that front the road to Crossways require a loss of roadside hedgerow to form the vehicle entrances and this will alter the character of this section of road. This is on the AONB boundary. The main section of the site is where the six dwellings are proposed and the building design and materials have evolved during the application process. It is accepted that the site location is suitable for residential development. The proposed scheme would change the character and appearance of the site which will result in some harm to the landscape but this harm is limited and localised, and will be mitigated by additional planting.
- 6.28 It is clear that Core Strategy Policy LD1 requires proposals to demonstrate that the character of the landscape has positively influenced the design, scale, nature and site selection of the development and it also requires that development proposals should conserve and enhance AONBs through the protection of the area's character and the Wye Valley AONB Management Plan Policy. WV-D2 requires a high standard of design to complement the local landscape character and distinctiveness. It can be argued that as the site is brownfield, the proposal would enhance its immediate setting. However, it can equally be claimed that the development does not easily relate to the overall form, layout and scale of the surrounding area. However due to the unique nature of the site (brownfield, well screened and the main part of the development being at a lower level) the proposal is not considered to overwhelm the settlement.
- 6.29 Rightful concerns have been raised by the Parish Council, AONB Officer, the CPRE, Wye Valley Society and third parties .The Council's landscape officer has therefore been consulted for views on the application.
- 6.30 In this context, concerns have been raised that the development due to its size and the perceived adverse significant landscape impact would otherwise outweigh a presumption in favour of sustainable development, on grounds of visual amenity and landscape character. The siting of the pair of semi-detached properties would be clearly seen on the edge of the AONB boundary.

Officers consider that the negotiated reduction of one unit from this part of the site and the proposed design and scale of the dwellings will ensure that they will not appear too prominent.

- 6.31 In regards to the main part of the site for the 6 units, this is well screened and retention of the belt of trees through the centre of the site with the hedges to the west and south being enhanced with additional planting is welcomed. It is apparent there will be some hedge loss on the northern boundary of the site to accommodate the required visibility splays but this will be replaced by a new mixed species hedge. The retention of the veteran beech tree on the northern boundary (a key focal point of the entrance) will be retained and new hedging planted to replace that which is lost. The proposed 6 dwellings, although sizeable, would not, in my view, appear prominent or discordant, even during the winter months, when the screening effects of vegetation may be lessened and when compared to the other buildings on site already
- 6.32 The scheme and layout has evolved and is considered referential to the location in regards to design, scale and layout which has been positively influenced by the surrounding townscape and landscape but it is acknowledged that the removal of hedgerow will have a slight adverse effect upon the character of the AONB boundary. In regards to the landscape impact this will be offset by the introduction of new trees at the front of the site, behind the hedgerow. These will frame the view into the village and add some visual interest to the front of the site. The proposed planting to the rear of the site will ensure the development is well defined and does not have wider adverse effects upon the character of the area. Some public representations stated that the proposal should be considered as overdevelopment, however, the site is well proportioned for the provision of 6 detached properties, with sufficient space for parking and private amenity spaces.
- 6.33 The provision of landscape planting and biodiversity enhancements to help integrate the development into its surroundings has been proposed. This mitigation will also ensure the overall proposal will integrate into the surrounding landscape character. A detailed landscaping scheme and implementation of it as well as a management plan is recommended by the landscape officer and suitable conditions have been attached.
- 6.34 In the particular circumstances of this case, it is also necessary to include a materials condition to ensure that the external finishes are appropriate to ensure they are locally appropriate. It is concluded that the development of this site would represent a form of development that would maintain the local landscape character and the character and setting of the settlement. On this basis and through appropriately worded conditions, the proposal is viewed to be in alignment (albeit with some tension) with Policies LD1 and SS6 of the Core Strategy and Section 15 of the NPPF and that there is not considered to be a technical objection in relation to the impact on the landscape, locality or AONB.

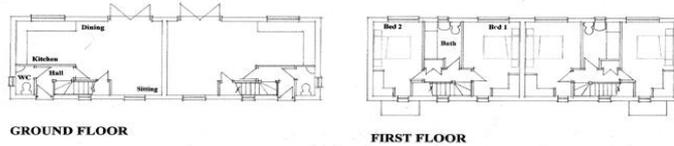
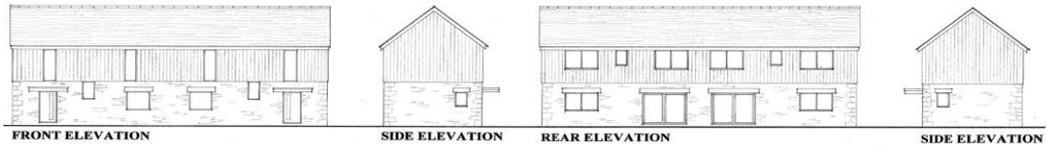
Design and Amenity

- 6.35 The NPPF promotes a high level of design. Para 124 states that:

“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work”

Whilst para 131 goes further and requires local authorities in determining applications to give great weight to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area.

- 6.36 The detail of the design is assessed by policy SD1 of the Core Strategy. This policy states that proposals should be designed to maintain local distinctiveness through detailing and materials, respecting scale, height, and proportions and massing of surrounding development. The proposal should also safeguard the amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing.



SCALE BAR 1:100
0 5 10m 15m 20m

Client PETER DOWLE	ANDREW P JONES ASSOCIATES
Project HOWLE HILL NURSERY WATERS EDGE	Development Consultants
Drawings HOUSE TYPE A (PLOTS 1&2)	HOWLE HILL NURSERY, STANWELL LANE, GLOS. CROFTON, GLOS. ST. JOHN'S, TELFORD, SHROPSHIRE, GLAS 200. TELEPHONE: 01927 50690. e-mail: a.j@apjassociates.co.uk



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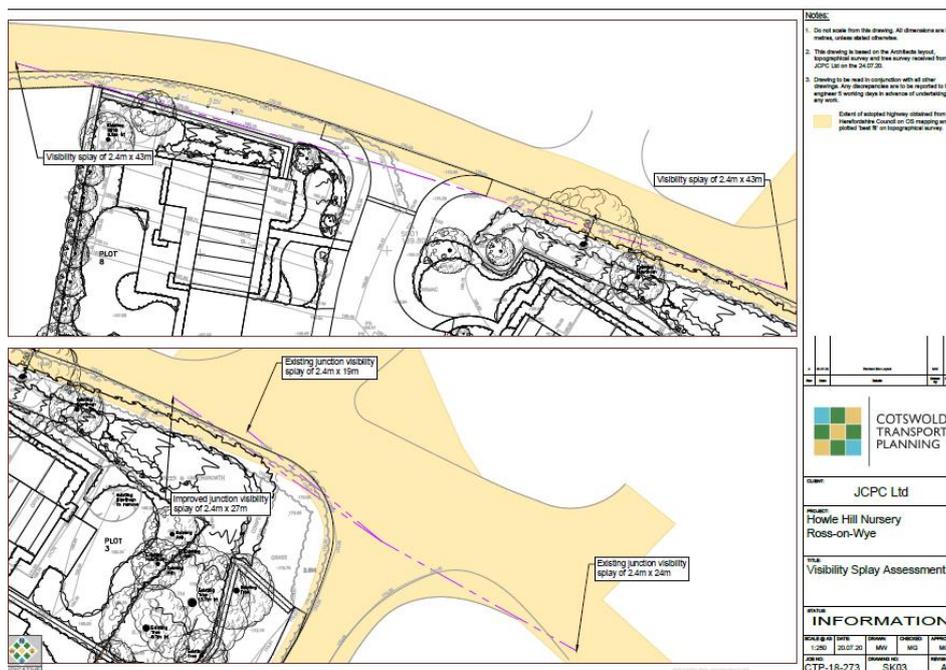
- 6.40 It is apparent when reviewing the application site, the lower part of the site in which 6 detached dwellings are proposed, is well screened as well as sitting at a significantly lower level than the road. This enables the development to be relatively well self-contained. It is evident that the settlement of Howle Hill has an eclectic mix of design types so there is no definitive style characterising the area.
- 6.41 The proposed materials of the dwellings are not found to be out of keeping with the locality or unacceptable in principle. However, it is found to be appropriate to condition exact details and finishes of the materials on any approval. When looking at amenity impacts, each dwelling will benefit from its own garden to the rear. Given the orientation of the dwellings, there are not found to be detrimental issues of overlooking for future occupiers. In relation to existing properties within the settlement in close proximity there are no concerns due to the distance and no concerns in regards to overshadowing or privacy are anticipated.
- 6.42 It is noted there are concerns raised in regards to the building design, the designs are bespoke and have evolved over the application period. This has included a reduction in units. Clearly

design is a matter of subjectivity but it is considered that the bespoke style of the units sits comfortably in this setting.

- 6.43 To conclude, the design of the dwellings is found to have been influenced by the locality, the materials are in keeping with the surroundings and the differing form respects the ad hoc way in which the settlement has grown. As such in design terms the proposal is considered to be an appropriate and informed response to context which safeguards existing and new residential amenity and meets the relevant criteria of CS policies SS6, RA2 and LD1 and the design aims and objectives of the NPPF.

Access and Highway Safety

- 6.44 Policy MT1 of the CS and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 103 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 108 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where 'the residual cumulative impacts of development are severe.'(NPPF para. 109).
- 6.45 In respect of sustainability it is noted there is no public transport through the settlement. A condition is recommended to secure the provision of bicycle storage on the site to encourage a wider range of sustainable transport options. There will undoubtedly be a reliance on the private motor vehicle to access shops and employment as this is acknowledged to be a rural area where access to such services is limited. Nevertheless, in the context of Howle Hill's settlement status the application site is considered to be sustainably located.
- 6.46 As can be seen from the consultation responses from the Council's Transportation Manager, revisions have been sought in order to assess the highways impacts as a result of the additional dwellings in this location. While the nature of the local road and significant concerns raised by local residents are acknowledged, the revisions which demonstrate that a safe access can be achieved means that it is not found to amount to a 'severe' cumulative impact. The proposed development does not present an unacceptable impact on highway safety and does not result in detrimental impacts in regards to capacity.
- 6.47 The site currently operates as a horticultural nursery as well as being open to the public. The site historically has struggled with deliveries from larger vehicles to the site which in the past have caused some local concerns. The site has very limited parking and no capacity for larger delivery vehicles to park or turn within the premises. As such the larger vehicles are forced to park on the road. Contrary to this the submitted layout plan indicates the provision of sufficient car parking spaces for the size of the dwellings as well as the required turning space for service vehicles
- 6.48 Access arrangements serving the proposal have been demonstrated to achieve relevant technical standards and required visibility splays to the satisfaction of the Transportation Manager. The access arrangements are shown below:



6.49 The parking and turning provision is in line with the Council's Highways Design Guide. The proposal is therefore considered to adhere to CS SS4 and MT1 and subject to conditions has the support of the Local Highways Authority. As directed by the NPPF, and corroborated by the lack of objection from the Transportation Manager, refusal on highways grounds is not found to be justified. With this in mind, as well as the proposed layout, the application is found to meet the aims of policy MT1 of the Core Strategy.

Ecology and trees

6.50 Policies LD2 and LD3 of the Core Strategy are applicable in relation to ecology and the impact on trees. These state that development proposals should conserve, restore and enhance the biodiversity and geodiversity assets of the County and protect, manage and plan for the preservation of existing and delivery of new green infrastructure.

6.51 The site falls within the River Wye and Wye Valley and Forest of Dean Bat Sites SACs/SSSI 'Impact Risk Zones' in particular this means that foul and surface water management and any external lighting will need to be designed to mitigate all 'Likely Significant Effects' as both Natural England as a statutory consultee and this LPA need to assess any full application with regard to Habitat Regulations. The application is accompanied by a Tree Report and Survey and Ecological appraisal report. The ecological report followed a phase one extended habitat survey. The report makes several recommendations. The Council's Ecologist has viewed this and is content with the findings and recommendations, subject to these being conditioned on any approval. With the site falling within the River Wye SAC catchment, a HRA AA has been sent to Natural England for their approval. They have confirmed they have no objections to the proposal.

6.52 As highlighted within the submitted arboricultural report and comments from the Tree Officer, the mature beech tree located next to the main entrance and the band of trees which runs the entirety of the site in a south west to north easterly direction, bisecting the site are the main considerations. It is agreed that the band of trees is an important landscape feature which should be left unaffected post development. With regard to the impacts on the trees on the site, the Council's Tree Officer has viewed the submission and subject to conditions has no objection. Details of the landscape layout are provided below for reference.



6.53 In light of the foregoing, and following the submission of amended plans and additional information, the proposal is found to comply with the aims of policies LD2 and LD3 and all reasonable and responsible measures have been taken such as to ensure the LPA legal duty of care.

Drainage

6.54 Policy SD3 of the Core Strategy states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water. For waste water, policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway).

6.55 As the proposed development site is located within Flood Zone 1 and is less than 1ha, in accordance with Environment Agency standing advice, the planning application does not need to be supported by a Flood Risk Assessment (FRA). It is noted that drainage colleagues have not objected to the proposal, although they have sought further clarification during the application on the management of existing surface water flows and the proposed foul water drainage strategy which has been provided. The surface water will be disposed of by soakaways and the access road will be constructed using a permeable surface to avoid any surface water run off onto the main road and all foul water is to be managed by plot-specific private treatment plants draining to a shared infiltration drainage field over which the applicant will have legal control. However, there is no reason for the LPA to believe this is not achievable at this location. The most recent comments of the Council's Drainage Engineer are noted. Given the size of the site and the supporting information, the methods are found to be policy compliant and achievable on the site. As such, it is considered that the requirements of Policies SD3 and SD4 would be satisfied subject to suitably worded conditions.

Sustainability

- 6.56 CS policy SS7 seeks to address climate change and at a strategic level this includes designing developments to reduce carbon emissions and sets out key considerations, which include ensuring design approaches are resilient to climate change impacts, and demonstrating water efficiency measures to reduce demand on water resources, amongst other things. Policy SD1 – Sustainable design and energy efficiency, also sets out what developments should utilise physical sustainability measures, such as orientation of buildings, water conservation measures, storage for bicycles, recycling and waste, and sustainable construction methods amongst other things.
- 6.57 Elements specifically relating to addressing and mitigating climate change in line with Core Strategy policy SS7 will be secured by condition. However within the supporting information the dwellings are proposing the following with the aim of achieving a low carbon output:
- Air source heat pumps
 - High specification thermal glazing
 - High quality insulation
 - Grey and rain water harvesting
 - Electric charging points

Heritage

- 6.58 When considering the impact of a development proposal upon the setting of heritage assets, there are several stages. Firstly identifying those assets which may be affected and their significance. Then those aspects of their setting which contribute to the significance are identified and lastly the impact of the development upon this significance is considered. It should be noted that a view to or from a heritage asset does not necessarily mean that a site is within that asset's setting, this depends upon whether that view contributes to the significance of the asset. Also a site can be within the setting of a heritage asset without there being a direct view under certain circumstances. The fundamental principle is whether or not a development affects the significance of a heritage asset, including those aspects of its setting which contribute to its significance.
- 6.59 It is acknowledged that 812 metres West North West lies Upper Wyhall, a Grade II* listed building with separate Grade II listed stables and cider house which is set within an unregistered park and garden. The distance and intervening topography and vegetation mean that the understanding and experience of the building would not be affected by the development. Also, there are 2 listed buildings to the North North West of the site, some 730m away. These consist of Tan House and Coughton Mill House. The nature of the topography also means that the setting of these buildings would not be affected by the proposals and in this regard I find no conflict with CS policy LD4 nor is there a requirement to undertake the heritage impact/public benefit assessment prescribed by the NPPF.

Other matters

- 6.60 In terms of the hierarchy matrix that was used to determine the settlements for proportionate growth under policy RA2, the Core Strategy is adopted and therefore forms part of the Development Plan for the County. Any concerns relating to the inclusion of Howle Hill as a RA2 settlement should have been submitted during the consultation on that document. This does not represent a reason to refuse the planning application now being considered. The planning policy position and circumstances of planning, particularly around the provision of housing and sustainability have changed considerably and it is acknowledged that development in rural settlements bring forward economic, social and environmental benefits.
- 6.61 Issues such as loss of a view, or negative effect on the value and resale of properties are not material planning considerations. The housing targets within the settlement are a minimum and

considering the 14% indicative growth required across the Ross on Wye Housing Market Area, a total of 55 new houses are still required within the Walford Parish between 2011 and 2031. (based on April 2020 data).

Housing mix and affordable housing

- 6.62 Policy H1 of the Core Strategy sets the threshold for the delivery of affordable housing at sites of more than 10 dwellings. The proposal is only for 8 and therefore there is no requirement for its provision.
- 6.63 Policy RA2 (4) seeks to ensure that schemes generate the size, type, tenure and range of housing that is required in particular settlements, reflecting local demand. Policy H3 builds on this, requiring residential developments to provide a range and mix of housing. In particular, larger sites, such as this will be expected to:
1. *provide a range of house types and sizes to meet the needs of all households, including younger single people;*
 2. *provide housing capable of being adapted for people in the community with additional needs; and*
 3. *provide housing capable of meeting the specific needs of the elderly population by:*
 - *providing specialist accommodation for older people in suitable locations;*
 - *ensuring that non-specialist new housing is built to take account of the changing needs of an ageing population;*
 - *ensuring that developments contain a range of house types, including where appropriate, bungalow accommodation. .*

- 6.64 Policy H3 of the Core Strategy states that residential developments should provide a range and mix of housing units which can contribute to the creation of balanced and inclusive communities. As highlighted above the proposal is below the threshold for affordable housing provision and the site provides 6 x 4 bedroom properties and 2 x 2 bedroom dwellings. However, ultimately policy H3 leaves it for the market to determine the housing mix on each site and does not establish a specific requirement at this modest scale of development. So the scheme follows the principle of this policy.

Loss of Employment Land

- 6.65 As referenced above the site is currently used as a plant nursery. As part of the application, it has confirmed this business will be relocating. The reason for this has been identified as the existing poor access and the fact that the site has no capacity to extend further. The site is not a protected employment site as defined within the Core Strategy. However, it is acknowledged that as part of the submission the applicant has commissioned a Commercial Assessment which demonstrates that there is sufficient, more suitable employment land available in the vicinity and the loss of this site will not have a negative impact on the economic climate of the area. Part of the existing business, has already moved to a new premises and there are some associated benefits with a residential redevelopment of the site, particularly the removal or larger delivery lorries. It is therefore considered there is no direct conflict with Policy E2.

Contaminated Land

- 6.66 The comments from the Council's Contaminated Land Officer are noted and confirm that given the site's former uses and the proximity (100m) to a closed landfill a desk study to consider contamination has been requested. Appropriate conditions have been added to ensure compliance with the requirements of policy SD1 of the Core Strategy.

Minerals and Waste

- 6.67 The site is identified under saved HUDP Policy M5 for the safeguarding of minerals due to the presence of hard rock. As identified above in the past it is evident that general quarrying did occur in the area. However, over the years there has been an increase in residential properties. This factor, along with the general access into the site, would make it unlikely to be a site where extraction would be encouraged in the future. Given the context of the site and the nature of the proposal, and the relative abundance of hard rock reserves across the county, there is considered to be no conflict with Policy M5.

Planning balance and conclusion

- 6.68 In accordance with s.38 (6) of the 2004 Act, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Core Strategy constitutes a spatial strategy and policies designed to achieve sustainable development under the three objectives; social, economic and environmental. The NPPF, a material consideration, also seeks sustainable development through the economic, social and environmental objectives for planning. To enable a conclusion to be reached on whether the application proposals are in accordance with the development plan and to take account of material considerations, a consideration of the conflicts with the development plan alongside the benefits and impacts of the proposals against each of the three roles or dimensions of sustainable development in turn needs to take place.
- 6.69 The application is for 8 dwellings on a previously developed/brownfield site which is adjacent to the main built form of a settlement identified under CS policy RA2, where the Plan directs development proposals which are outside Hereford city and the market towns. However, the site is located within an Area of Outstanding Natural Beauty. The NPPF at paragraph 172 is explicit that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.
- 6.70 The NPPF sets out the scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.
- 6.71 Consideration of such applications should include an assessment of:
- a) *the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
 - b) *the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
 - c) *any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated*
- 6.72 For the purposes of the above paragraphs, the NPPF (footnote 55) is clear in advising that whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. This proposal is for a scheme of 8 units so is of a relatively modest scale. Furthermore it relates to a site where the main part of the development will be well screened. As such it is concluded there would be no harm to the setting of the AONB and overall it is not considered to significantly impact on the area and its characteristics. Officers as such conclude that this proposal does not represent 'major development' within a designated area and as such there is no direction to refuse the application.

- 6.73 In accordance with the statutory requirement, determination must be made in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF affirms at paragraph 12 that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 6.74 As set out in the foregoing paragraphs the development proposed is considered to accord with the Core Strategy. This is because the site lies adjacent to a main built up part of the settlement, in accordance with policy RA2.
- 6.75 Next it is necessary to turn to the material considerations, to ascertain if these indicate if a decision should be made other than in accordance with the Development Plan. A key material consideration is the NPPF. As the application is for the supply of housing, specifically 8 dwellings, the current implications of the Local Planning Authority not being able to demonstrate a 5 year housing land supply, plus requisite buffer, as set out in the NPPF (footnote 7), must be considered. The current published position is a 3.69 year supply. At paragraph 11d the NPPF states that where policies which are most important for decision making are out-of-date, permission should be granted unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 6.76 This application is for housing, so the policies most important for determination of the application relating to housing as per paragraph 11d, footnote 7, of the NPPF must be considered as out of date by reason of the current housing land supply deficit. This does not mean that they attract no weight, but rather reduced weight which is to be determined by the decision maker.
- 6.77 Given the site's location and the proposal 11di is not engaged as there are no policies in the framework that provide a clear reason for refusal in this instance. Paragraph 11dii is, however, engaged, and the tilted balance adopted. The titled planning balance, is generally assessed under the three overarching objectives of the planning system, namely the economic, social and environmental objectives. The proposal would positively contribute to the supply of housing at a time when at the county level the supply is not meeting targets and this would bring forward economic and social benefits. Furthermore it is noted that there is no NDP in place covering this area and so the local supply of housing land remains uncertain.
- 6.78 The benefit of granting planning permission would be the provision of eight dwellings on a brownfield site. The provision of housing in an area where there is a shortfall in housing sites is a benefit which carries significant weight. In terms of identified harm, there would be a degree of localised visual harm resulting from the alterations needed to achieve the visibility splays construction of the dwellings and removal of hedgerow and a temporary loss of habitats and wildlife connectivity until the mitigating planting is established. There would also be moderate landscape impact associated with the introduction of housing to the east of the site. As such there is some conflict with CS Policy LD1 which is attributed moderate weight. There would also be a moderate impact due to the proposed scale of the development and as such I would attribute weight to this. No other conflict has been identified with the more general provisions of CS Policy LD1 as a result of the scale of the proposed landscaping.
- 6.79 Officers acknowledge the large number of local representations received in regards to highway safety. It is noted that the LHA raise no objection and subject to conditions adequate visibility at the access can be achieved. These have been carefully considered but the proposed works, with appropriate conditions and mitigation would ensure compliance with the requirements of policy MT1 of the Core Strategy and with the guidance contained within the National Planning Policy

Framework that states that development should only be prevented or refused on transport grounds where the residual cumulative impact of the development is severe.

- 6.80 It is also noted that a large number of concerns have been raised in respect to the development affecting the AONB. The site does not constitute 'major development' in the AONB, and as set out above, the harm to the landscape and the AONB is limited to a predominantly local impact which can be sufficiently mitigated via adequate ecological and landscape measures. Officers consider the design approach is acceptable and appropriate within the wider context and the layout is acceptable in terms of its relationship with the existing dwellings and the street scene.
- 6.81 Having regard to the three indivisible dimensions of sustainable development as set out in the Core Strategy and NPPF, officers conclude that the scheme, when considered as a whole, is representative of sustainable development and that the presumption in favour of approval is therefore engaged.
- 6.82 There would be economic benefits during the construction phase to suppliers and trades and after occupation through increased expenditure of disposable incomes. There is also an economic benefit with the proposed amalgamation of the client's existing business in Huntley with the relocation from this site to allow further expansion and creation of jobs. The payment of the New Homes Bonus is also another benefit to take into account. There may be some social benefits as a result of increased residents in the local area to support the facilities in Walford. These benefits are considered cumulatively to be moderate, given the scale of the proposal. There would also be a reduction in traffic associated with the existing businesses on site which would be another benefit. The contribution that the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged as fulfilment of the economic and social roles.
- 6.83 While there will be a degree of reliance on the private motor vehicle the site is identified as an RA2 settlement in the HMA. The scheme provides an opportunity to enhance biodiversity, so this does not weigh against the scheme in environmental terms.
- 6.84 In terms of identified harm, there would be a degree of localised visual harm resulting from the creation of the access, construction of the dwellings and removal of hedgerow and a temporary loss of habitats and wildlife connectivity until the mitigating planting is established.
- 6.85 Bringing all of the above together the proposal is considered consistent with the aspirations of the Core Strategy taken as a whole albeit with some tension with policy LD1. However, it is considered to represent a sustainable pattern of development on a brownfield site. In light of the tilted balance the adverse effects of the proposal in relation to landscape change are not considered to significantly outweigh the identified benefits. The adverse effects identified are not sufficient to significantly or demonstrably outweigh the benefits when assessed against the NPPF as a whole. Having regard to the above, officers on balance recommend that planning permission be granted subject to the below conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. C07 Development in accordance with approved plans and materials

Pre-commencement conditions

3. 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:

- A method for ensuring mud is not deposited onto the Public Highway
- Construction traffic access location
- Parking for site operatives
- Construction Traffic Management Plan

The development shall be carried out in accordance with the approved details for the duration of the construction of the development.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning.

4. 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 43 metres in each direction along the nearside edge of the adjoining carriageway in accordance with drawing SK03. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

5. Prior to the commencement of the development a tree protection plan in accordance with BS5837:2012 shall be submitted and approved in writing by the local planning authority and thereafter implemented in accordance with the approved details for the duration of the construction phase.

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

6. Development shall not commence until until the following details are submitted to and approved in writing to the local planning authority of the following:

- Detailed drawings of the proposed surface water and foul water drainage systems, including cross sections through key features such as permeable paving and drainage field.
- Detailed calculations of the proposed surface water drainage system to demonstrate no increased flood risk up to and including the 100 year event with 40% climate change allowance. FEH 2013 rainfall data is expected. Calculations should be based on the findings of updated infiltration testing.

- • Further information regarding site levels to demonstrate that flow that may temporarily overwhelm the inlet capacity of the permeable paving will be retained within the road and parking areas up to the 100 year + CC event.
- • Detailed calculations of the proposed foul water drainage field using a more appropriate Vp.
- • Plans/sections of proposed levels designed to contain highway runoff within the channel adjacent to plot 5.
- • Survey demonstrating condition and route of the surface water drain serving the highway.
- • Details of the proposed headwall from the highway drainage pipe.
- • Additional survey of the area proposed for the foul drainage field to demonstrate appropriate fall through the drainage field.
- • Infiltration testing at the location and depth of the proposed drainage field in accordance with BS6297 and Section 1.32 of Building Regulations Part H.
- • Infiltration testing at the location and depth of proposed surface water infiltration features undertaken in accordance with BRE365.
- • Suitable testing to confirm that groundwater levels are at least 1m below the base of all infiltration features
- • Evidence confirming landowner agreement for installation of the drainage field, chamber and provisions for tanker access.
- • Demonstration that each package treatment plant will have its own control system and that any communal systems are located in communal areas.
- • Clarification that all communal drainage infrastructure will be maintained by a third party management company.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

7. Prior to commencement of development a detailed scheme and plan for proposed biodiversity net gain enhancement features including provision for bat roosting and hibernation, bird nesting, hedgehog homes and pollinating insect ‘nesting’ should be supplied to and acknowledged by the local authority and then implemented in full. The approved scheme shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No external lighting should illuminate any biodiversity net gain feature or adjacent habitat.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), Habitat Regulations 2017, Core Strategy SS6, LD2, National Planning Policy Framework (2019), NERC Act 2006 and Dark Skies Guidance Defra/NPPF 2013/2019.

8. No development shall take place until the following has been submitted to and approved in writing by the local planning authority;
- a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice
 - b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors

- c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme s specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing.

The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: In the interests of human health.

9. The Remediation Scheme, as approved pursuant to condition no. (1) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted and agreed in writing before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health.

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

Reason: In the interests of human health.

Other stage conditions

11. 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.

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.

12. Prior to the first occupation of the development a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 of the Herefordshire Local Plan Core Strategy shall be submitted to and approved in writing by the local planning authority and implemented as approved.

Reason: To ensure compliance with Policies SD3 and SD4 of the Hereford Local Plan – Core Strategy and the National Planning Policy Framework

13. Prior to the first occupation of the development hereby permitted full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of each dwelling shall be submitted to the Local Planning Authority for their

written approval.. The covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the first use of the development hereby permitted. Thereafter these facilities shall be maintained;

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

14. Prior to the commencement of any above ground works details of the following:

- Air source heat pumps to all dwellings
- Triple glazing to all dwellings
- Provision for electric car charging in all dwellings
- Cycle storage provision in all dwellings
- insulation
- Grey and rain water harvesting
- Electric charging points

shall be submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the approved details and shall be installed before the first occupation of each dwelling.

Reason: To ensure adherence to the approved plans, to protect the general character and amenities of the area and promote renewable and low carbon energy in accordance with the requirements of Policy SD1, SD2 and LD1 and of the Herefordshire Local Plan – Core Strategy National Planning Policy Framework.

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

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

16. Before the development is first occupied a schedule of landscape management and maintenance for a period of (state number of years) shall be submitted to and approved in writing by the local planning authority. Maintenance shall be carried out in accordance with the approved schedule.

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

Compliance conditions

17. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the Arboricultural Impact Assessment produced Adrian Hope Tree Services (ref 13866) dated 19th October 2018.

Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

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

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 19. No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the construction phase and thereafter for [...] years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars.**

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

- 20. All foul water shall discharge through connection to new private foul water treatment plants specific to each dwelling with final outfall to a shared soakaway drainage field on adjacent land that is under the legal control of the applicant. All surface water shall discharge to appropriate SuDS or soakaway systems. All systems shall be installed as approved and hereafter fully maintained and operated to manufacturer's specifications unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies SS6, LD2, SD3 and SD4

- 21. The ecological protection, mitigation, compensation and working methods scheme including the presence of an ecological clerk of works, as recommended in the ecology report by Janet Lomas dated November 2018 shall be implemented in full as stated and hereafter maintained 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.**

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.

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

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

INFORMATIVES:

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
2. **I11 - Mud on highway**
3. **I09 - Private apparatus within the highway**
4. **I45 - Works within the highway**
5. **I05 - No drainage to discharge to highway**
6. **I47 - Drainage other than via highway system**
7. **I35 - Highways Design Guide and Specification**

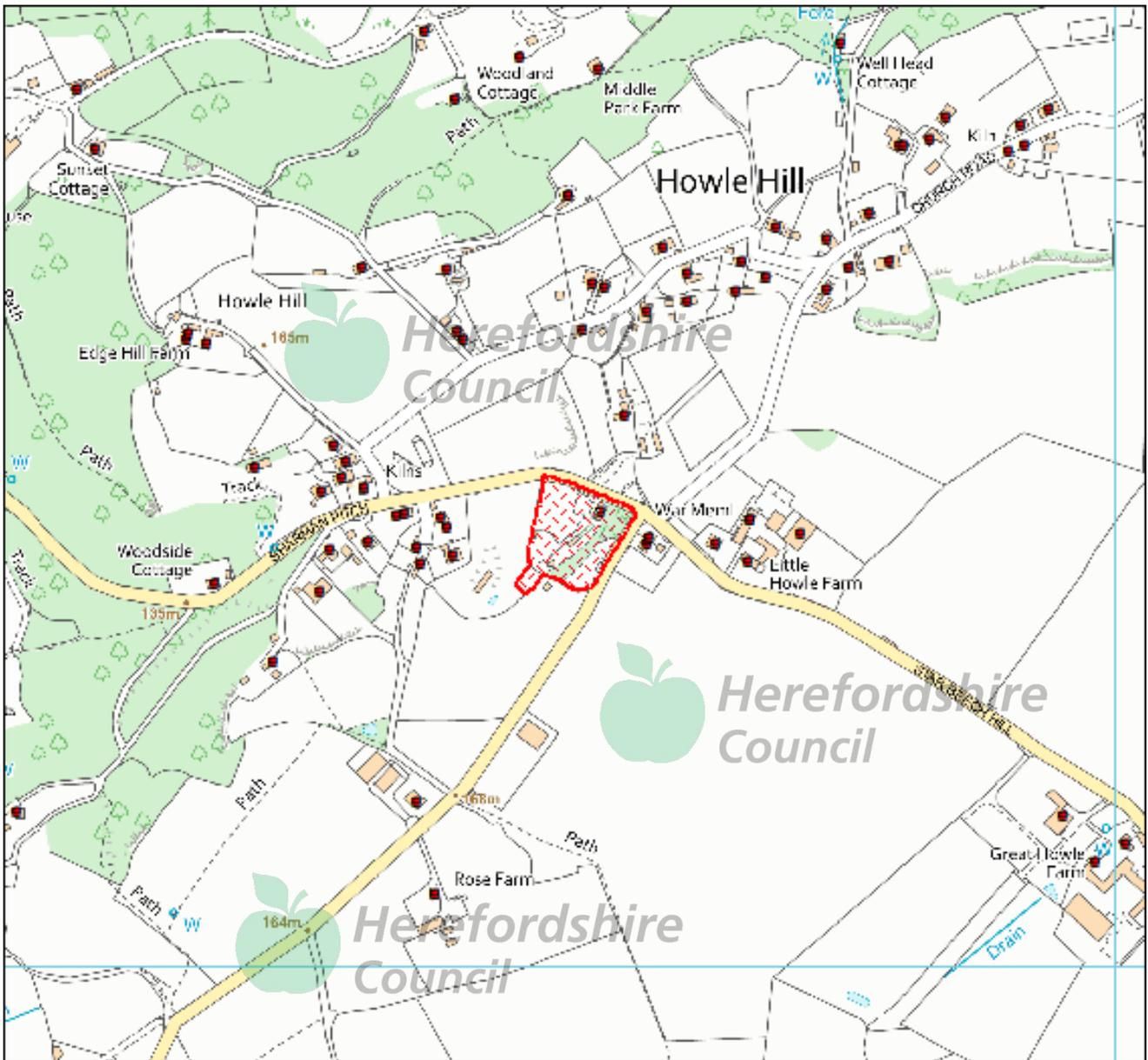
Decision:

Notes:

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Background Papers

Internal departmental consultation



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APPLICATION NO: 190316

SITE ADDRESS : WATERS EDGE, SHARMAN PITCH, HOWLE HILL, ROSS-ON-WYE,
HEREFORDSHIRE

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