

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	16 DECEMBER 2020
TITLE OF REPORT:	201300 - PROPOSED ERECTION OF 5 NO. DWELLINGS AND ASSOCIATED WORKS AT LAND TO THE WEST OF ASHDOWN HOUSE, MARDEN, HEREFORDSHIRE For: Mr & Mrs Thomas per Mr Matt Tompkins, 10 Grenfell Road, Hereford, HR1 2QR
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=201300&search-term=201300
Reason Application submitted to Committee – Re-direction	

Date Received: 27 April 2020

Ward: Sutton Walls

Grid Ref: 352874,250099

Expiry Date: 22 June 2020

Local Member: Councillor Kema Guthrie

1. Site Description and Proposal

- 1.1 The application site relates to a parcel of land located to the west of Ashdown House, within the hamlet of Litmarsh, 2 miles to the north of Marden. The site is essentially level and rectilinear in shape, totalling to an area just greater than 1 hectare. The location of the application site in relation to Litmarsh is denoted by the red star in Figure 1 as set out below.

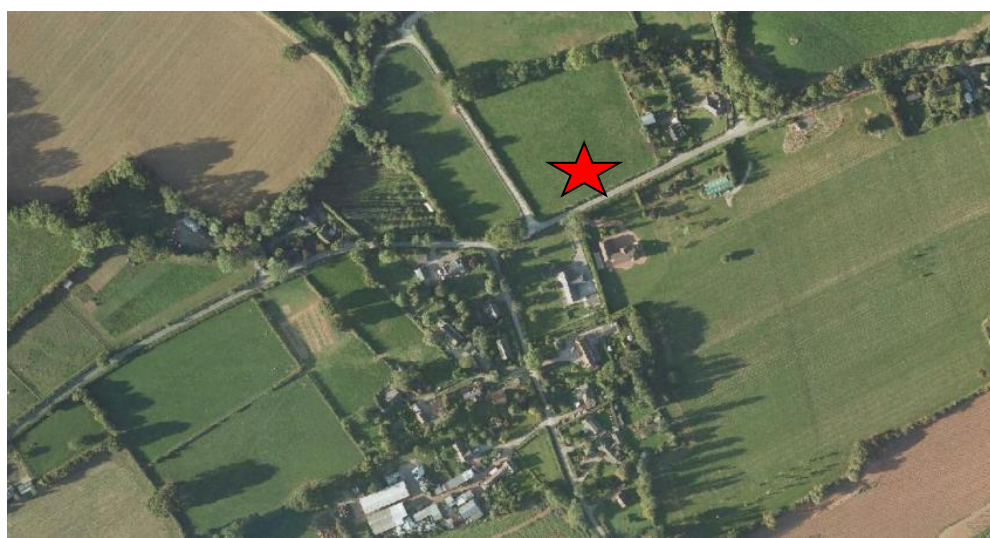


Figure 1 – Site Location Plan

PLOT 1	Three bedroom detached dwelling with detached two bay garage
PLOT 2	Three bedroom detached dwelling with integral two bay garage
PLOT 3	Two bedroom semi-detached dwelling
PLOT 4	Two bedroom semi-detached dwelling
PLOT 5	Three bedroom, one and a half storey dwelling with integral two bay garage

Figure 3 – Breakdown of proposed dwellings

- 1.6 Each of the dwellings are individually designed, save the two semi-detached dwellings proposed for the central part of the development. There is a mixed palate of materials proposed for the dwellings, including horizontal weatherboarding, render and brickwork. The siting and positioning of the dwellings would not be strictly regimental in nature, with plot 1 to the west of the site orientated at a 45° angle relative to the remaining dwellings of which principally face the highway.
- 1.7 The proposal would retain the existing roadside hedgerow except for the part to be removed to facilitate the creation of the two new accesses to serve the development. The plots would be delineated by further native species planting and a fence would separate the rear gardens of the pair of semi-detached dwellings.
- 1.8 Foul water from the dwellings is proposed to be dealt with by way of individual, plot specific package treatment plants, discharging to three suitably sized and designed drainage mounds on land within the applicants control to the rear of the gardens. Surface water would be dealt with by way of an on-site attenuation tank.

2. Policies

2.1 The Herefordshire Local - Plan Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
RA1	-	Rural Housing Strategy
RA2	-	Housing in Settlements Outside Hereford and the Market Towns
RA3	-	Herefordshire's Countryside
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Wastewater Treatment and River Water Quality

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

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

2.2 The Marden Neighbourhood Development Plan (MNDP) (made 6 October 2016)

M2	-	Development in Designated Hamlets
M3	-	General Design Principles
M4	-	Ensuring an appropriate range of tenures, types and sizes
M10	-	Landscape Character
M11	-	Flood Risk and Surface Water Run-off
M12	-	Public Rights of Way/Connectivity

2.3 It is noted that Marden Parish Council submitted their reviewed draft Neighbourhood Development Plan to Herefordshire Council on 26 November 2020. The consultation period runs from 30 November 2020 to 15 January 2021. At this regulation 14 draft plan stage, the draft Neighbourhood Development Plan (dNDP) can be afforded limited weight.

The Marden Neighbourhood Development Plan policies together with any relevant supporting documentation can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/downloads/file/9017/neighbourhood_development_plan

2.4 National Planning Policy Framework 2019 (NPPF)

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

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the policies relevant to the determination of this application have been reviewed and are considered to remain entirely consistent with the NPPF and as such can be afforded significant weight.

3. **Planning History**

- 3.1 152314/O - Proposed bungalow, garage and access – Refused 17 September 2015
- 3.2 151485/O - Proposed dwelling, garage and new access – Refused 9 July 2015

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water – no objection

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

We note from the application that the proposed development does not intend to connect to the public sewer network. As the sewerage undertaker we have no further comments to make. However, we recommend that a drainage strategy for the site be appropriately conditioned, implemented in full and retained for the lifetime of the development.

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

4.2 Natural England – comments on the submitted HRA Appropriate Assessment are awaited and shall be included in the committee update sheet.

Internal Council Consultations

4.3 Transportation Manager

9 July 2020 – no objection

The proposal submitted includes an access to serve multiple dwellings. The following observations are a summary of the highways impacts of the development:

The amendments required to form the access will require separate permission from the local highway authority. This is likely to be in the form of a Section 184 Licence and details of this can be found by following the link below.

The access proposed meets the visibility requirements and the associated rationale is acceptable in demonstrating the access amendments will not result in an unacceptable impact on road safety. The access meets the highway in a perpendicular fashion, this maximises visibility and ensures that turning movements can happen efficiently.

The details of the way in which the access drains is not included in the proposal. It is not acceptable for water to shed from accesses onto the public highway as a result condition CAE should be attached to any permission granted to ensure that this is addressed prior to construction.

The proposed access specification meets the requirements of the Section 184 licence, more specifically, it recognises this standard and confirms adherence to it. This is acceptable and a section 184 licence should be applied for in the event that permission is granted to construct the access points.

The vehicle turning/manoeuvring area is adequate for the scale of the dwellings. The parking levels provided is considered acceptable, having regard to the content of Herefordshire Council's Design Guide for New Developments. It is unclear from the submission if cycle parking is to be included. This is a requirement for all new developments and as such Condition CB2 should be applied to ensure its delivery.

The following link may assist the applicant in discharging conditions:

https://www.herefordshire.gov.uk/downloads/download/585/highways_and_new_development

For any works within the extent of the highway permission from the LHA will be required. Details of obtaining this permission can be found at:

https://www.herefordshire.gov.uk/downloads/download/368/dropped_kerb_documents

There are no highways objections to the proposals, subject to the recommended conditions being included with any permission granted.

In the event that permission is granted the following conditions and informative notes are recommended.

CAB - Visibility Splay Required (2.4m x 71m)

CAE - Access Construction Specification

CB2 - Provision of Secure Cycle Parking

I11 - Mud on Highway

4.4 **Conservation Manager (Ecology)**

20 November 2020 – HRA Screening and Appropriate Assessment

Appropriate Assessment information, discussion and proposed mitigation measures:

The following notes are made in respect of the HRA process

The Foul Drainage Strategy by Hydro Logic Services ref L0284 dated 26/10/2020 refers.

- Due to poor percolation a standard 'drainage field is not achievable at this location
- The revised proposal within the supplied report details the use of a private treatment system with outfall to a mound soakaway system on land under the applicant's control but outside the development site boundary.
- As advised in the Environment Agency's "Advice for Local Authorities on non-mains drainage from non-major developments" drainage mounds are not considered as being compliant with General Binding Rules and in all circumstances require a Discharge Permit/Licence to be obtained from the Environment Agency. This is supported by BS6297 Annex C – C.1.
- As this is an 'initial' planning consent the required EA 'discharge' licence can be secured by a relevant pre-commencement condition on any planning consent granted.
- The LPA from available information has no reason to believe the required EA Licence will not be granted.
- The detailed proposal within the supplied report appears to be demonstrate compliance with the other required criteria agreed between the LPA and Natural England in regard to private drainage systems.
- As the proposed system is not a standard soakaway system and requires an EA licence a formal appropriate assessment process and consultation with Natural England must be completed and a 'no objection' response received PRIOR to any final grant of planning consent.

- It is noted that surface water can be managed through an appropriate SuDS system within the development site. This ensures any potential contaminants, pollutants and particulates are removed from the water prior to a managed discharge to the adjacent watercourse - and thus removed from creating any adverse effect on the Lugg SAC)
- There are shared systems between the properties for both the surface water management scheme and some shared aspects of the foul water system, The management and maintenance for all shared features (as relevant to each property and system can be secured for the lifetime of the development through a relevant condition.

Recommended Planning Conditions to secure appropriate mitigation:

Habitat Regulations River Lugg (River Wye) SAC – Foul Drainage Strategy

As detailed in the Foul Drainage Strategy by Hydro Logic Services ref L0284 dated 26/10/2020 all foul water shall discharge through connection to new private foul water treatment systems with final outfall to mound soakaway drainage fields on land under the applicant's control 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 SS1, SS6, LD2 and SD4

Habitat Regulations River Lugg (River Wye) SAC – Surface Water Management Plan

All surface water shall be managed through a Sustainable Drainage as detailed in the Surface Water Drainage Strategy by Hydro Logic Services ref L0284 dated 26/10/2020 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 SS1, SS6, LD2 and SD3

Habitat Regulations River Lugg (River Wye) SAC – Foul Water Outfall

Prior to commencement of any construction approved under this consent, written confirmation from the Environment Agency on the acceptability of the mound soakaway drainage system approved under this planning consent shall be supplied to, and be acknowledged in writing by the Local Planning Authority.

Reason: In order to ensure compliance with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies SS1, SS6, LD2, SD3 and SD4

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

Prior to any construction above damp proof course level, details of how all shared elements of the foul water drainage and surface water schemes will be managed for the lifetime of the whole development approved under this consent shall be supplied to the Local Planning Authority for written approval. The approved management scheme shall be hereafter implemented in full unless otherwise agreed in writing by the Local Planning Authority

8 September 2020 – qualified comment

Surface Water

It is noted that a shared sustainable drainage scheme is proposed to manage surface water from the proposed development (5 residential properties). Subject to confirmation by the

council's drainage consultants on the proposed technical capacities and specifications being appropriate and the system deliverable at this location this would be an acceptable solution in regards of the required HRA process – subject to a relevant condition to secure the legal management and maintenance of all parts of the shared system for the lifetime of the development – this could be secured by a relevant pre-occupation condition.

Foul Water

It is noted that the local ground conditions preclude the use of a 'normal' soakaway drainage field to manage outfall from the proposed plot-specific Package Treatment Plants. The proposed scheme includes the use of two 'shared' drainage mounds (semi-detached plots and two western plots and one a plot specific drainage mound (serving the eastern most plot). In principle based on supplied information this foul water manage scheme is likely to achieve an acceptable outcome within the required HRA process.

As the proposal is a 'non-standard' system the proposed drainage mound system will require relevant approval and licences from the Environment Agency. To provide the required security that the proposed systems can actually be achieved the relevant EA licences should be obtained and submitted in support of the application to enable the HRA process to proceed with required legal and scientific security. Natural England have in other cases not 'approved' the required HRA appropriate assessment submitted to them by the LPA until confirmation these Licences will have been issued by the EA has been presented to NE in support of the appropriate assessment. The applicant is advised to progress these applications and submit the relevant EA approvals to the LPA. Once received the HRA process and required appropriate assessment with supporting information can be completed by the LPA and submitted to Natural England for their required formal consultation.

In a similar requirement to the shared aspects of the SuDS system to provide required legal and scientific security of 'ownership' and management and maintenance for the lifetime of the development of the shared drainage mounds an appropriate legal agreement for each shared system will be required, this can be secured by a relevant pre-occupation condition on any planning consent granted.

12 May 2020 – object

As the applicant has identified in their Planning Statement dated April 2020 this application may not be granted consent until the required habitat Regulation Assessment process has been satisfactorily completed and a conclusion of 'no adverse effect on the integrity of the River Lugg SAC has been concluded.

The application site lies within the catchment of the River Lugg catchment, which comprises part of the River Wye Special Area of Conservation (SAC); a habitat recognised under the Habitats Regulations, (The Conservation of Habitats and Species Regulations 2017) as being of international importance for its aquatic flora and fauna.

At present the levels of phosphates in the River Lugg exceed the water quality objectives and it is therefore in unfavourable condition. Where a European designated site is considered to be 'failing' its conservation objectives there is limited scope for the approval of development which may have additional damaging effects.

The competent authority (in this case the Local Planning Authority) is required to consider all potential effects (either alone or in combination with other development) of the proposal upon the European site through the Habitat Regulations Assessment process.

Permission can only be granted if there is scientific certainty that no unmitigated phosphate pathways exist and that the HRA process can confirm 'no adverse effect on the integrity of the River Wye SAC'. Natural England; the statutory nature conservation body, advise that recent

case law requires effective mitigation to be demonstrated on a case by case basis whilst the River Lugg Nutrient Management Plan is reviewed to ensure greater certainty that this can provide large scale mitigation development in the area.

Therefore at this point in time on the basis of the information provided I find that the proposed development would harm a designated nature conservation site and would therefore conflict with policy SD4 of the Core Strategy which seeks to ensure that development does not undermine the achievement of water quality targets for rivers within the county and policy LD2 which states that development should conserve, restore and enhance biodiversity and geodiversity.

Additionally, the proposal would be inconsistent with the provisions in the NPPF in relation to conserving and enhancing the natural environment and would not accord with the Conservation of Habitats Regulations, (The Conservation of Habitats and Species Regulations 2017).

Further information and current guidance and information is available on the council's website:

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

Notes:

The applicant has not supplied any professional drainage reports demonstrating that the proposed foul water and surface water management schemes are compliant with the currently agreed HRA 'soakaway criteria', Core Strategy policies SS6, LD2, SD4 and SD3 and all other relevant regulations.

The site is within approx. 600m of the River Lugg and is close to existing ponds that have the potential to support protected species. The supplied ecology report recommends that a relevant ecological working method statement/risk avoidance measures be secured prior to any work commencing on site. These should include consideration for all species including Great Crested Newts and Otters that may utilise the site in their terrestrial phase or as part of their foraging. Otters are recorded breeding on the River Lugg at Bodenham Lake and are known to be transient across large areas during their foraging and commuting. The proximity to the Lugg SAC and hydrological links means that the required EWEMS/RAMs should be included as part of a wider Construction Environmental Management Plan to ensure that all potential environmental effects and aspects of the construction process are fully considered and relevant mitigation secured. This CEMP can be secured by a condition on any planning consent that may be granted.

Habitat Regulations (River Lugg (Wye) SAC) and Nature Conservation Protection

Before any work, including any site clearance or demolition begins, equipment or materials moved on to site, a fully detailed Construction Environmental Management Plan (CEMP) and named 'responsible person', including detailed ecological risk avoidance measures based on current site conditions and all protected species known to be locally present – including Otter, reptiles and amphibians, shall be supplied to the local planning authority for written approval. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have finally been removed.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), Wildlife & Countryside Act (1981), National Planning Policy Framework, NERC Act (2006), NPPF (2019) and Herefordshire Council Core Strategy (2015) policy SS6, LD2 and LD3

As the applicant has acknowledged developments should demonstrate how they are going to achieve a Biodiversity Net Gain and sufficient detail must be provided so that the LPA can secure these through condition. To provide this securable detail a plan with specification of proposed 'hard' habitat features such as boxes,, bricks and tiles should be supplied for approval by the LPA. This can be secured through condition on any consent granted.

Nature Conservation – Biodiversity and Habitat Enhancement

Prior to any construction above damp proof course levels, a detailed scheme and annotated location plan for proposed biodiversity net gain enhancement features including significant provision for bat roosting, bird nesting, pollinating insect homes and hedgehog houses and movement corridors 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 habitats on or off the site, boundary features or biodiversity net gain enhancements.

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.

4.5 Land Drainage Engineer

3 December 2020 – qualified comment

Surface Water Drainage

We understand that there is a ditch on the south side of the plot, which includes some culverted sections. Because there is no accurate level data, some assumptions have needed to have been made regarding the invert level of the ditch.

A geocellular tank has been proposed in front of two of the properties. This is shown discharging into the ditch that runs to the south western corner of the plot and into a culvert that crosses below the lane towards the west. We understand that the design work has been completed using LIDAR rather than topographical data, which should give sufficient detail to develop the design for an Outline planning submission.

The crates will need to be installed at a depth that meets the manufacturer's requirements. It is quite possible that the driveway would need to be raised upwards above the crates so that sufficient cover can be provided. This detail could be clarified under a detailed planning application.

There is no information regarding who will maintain the geocellular tank and the hydrobrake. The tank crosses below the two driveways. If the tank collapsed in the future, then the maintenance liability would need to rest with a suitable party. Will each respective access drive be jointly owned by the two properties that the drive serves? If this is the case then it would be easiest if there were two tanks each below the adjacent access drives, thus in the event of the tank collapsing the two residents who access their properties could then complete remedial work without a neighbourhood dispute arising with the other residents.

In principle we accept that the surface water drainage strategy is acceptable but consider that a condition could be included requesting a detailed Surface Water Drainage Strategy with supporting drawings

Foul Water Drainage

We notice that the site is located within the river Lugg catchment area, as stated in the Current Development in the River Lugg Catchment Area Position Statement March 2020

Three drainage mounds have been proposed. Noting that the mounds would be raised, the drain serving the most westerly house appears to run uphill. There are four properties and so we consider that each property will need to have its own dedicated drainage mound. The land

on which the drainage mounds are installed will need to be owned by the respective home owners.

The applicant has approached the EA Permitting department and queried whether a Permit is required. Our interpretation is that discharge to a drainage mound located over impermeable soil would constitute a Water Discharge Activity as opposed to a Ground Water Discharge activity. Conversely a discharge to a drainage mound located over semi- permeable soil would constitute a Ground Water Discharge Activity. At the application site, owing to the clay soil water will re-emerge at the base of the drainage mounds, thus creating a Water Discharge Activity. The EA guidelines that have been presented request that the applicant checks to see whether the discharge is compliant with the Binding Rules, using the available evidence (such as soakaway test results) to make this judgement. The officer appears to have reviewed the case assuming that the water is discharging to ground. Please also refer to the applicant's email dated 26 October 16:30.

We note that Ecology have accepted the proposals to discharge effluent via drainage mounds over clay, within the Lugg catchment.

We are now in receipt of comments from the EA regarding our query regarding Drainage Mounds and this is attached. The EA have commented that their role is not to design the drainage mound, but only to determine any permit application.

We note the following comments in particular:

1. The drainage mounds should comply with both BS 6297 and the Building Regulations. If these criteria are met then in principle the EA would be unlikely to object.

In this case individual drainage mounds have been proposed serving individual properties, accordingly this is a low risk scenario which the EA may consider acceptable.

Relevant extracts from BS 6297 and the Building Regulations are copied below:

Diagram 2 in Part H2 of the Building Regulations includes Note 3 which reads as follows:

"Where the permeable soil is slow draining and overlaid on an impervious layer, the mound filter system should be constructed on a gently sloping site"

Our understanding is that Note 3 was included to reduce the likelihood of treated effluent resurfacing from the ground, forming springs.

The proposals for application 201300 include installing drainage mounds above impermeable soil, on a sloping site. On this basis we conclude that the proposals are not consistent with a discharge to ground. Accordingly in this scenario (owing to the provision of permeability tests showing inadequate soakage) the proposals to discharge treated effluent via a drainage mound would require an EA permit, because the discharge would be classed as a surface water discharge.

2. "...such mounds would be installed at the operator's risk"

We highlight the issue that the government guidance on Septic Tanks has recently changed. If a septic tank is causing pollution (discharging to a dry ditch for example) then the owner risks prosecution.

Any drainage mound will become less effective over time. The same environmental legislation will apply to drainage mounds. The future resident will need to be made aware of their duties to maintain and reinstate the drainage mound as required.

3. The permit application will need to include the submission of a risk assessment. "...the design/operation of the discharge system will form a part of that risk assessment.

A risk assessment needs to be presented to the EA as part of the permit application. This will need to be reviewed to ensure all of the design and operation risks have been considered. The installation of a drainage mound also requires approval from the LLFA. In this case we note that there is no risk of downstream flooding.

Diagram 2 in Part H2 of the Building Regulations includes Note 2 which reads as follows:

"Surface water runoff and uncontaminated seepage from the surrounding soil may be cut off by shallow interception drains and diverted away from the mound. There must be no seepage of waste water to such an interceptor drain"

The proposals for the design of the drainage mound should be identified on a drawing

Overall Comment

The surface water drainage strategy is acceptable in principle although we request clarification regarding the ownership of the proposed tank.

An additional drainage mound will be required to ensure that each home has an independent foul drainage system.

An EA permit (discharge to surface water) is required before planning approval is granted

30 September – qualified comment

The proposed strategies do in theory work, however we would like to see further details regarding the strategies due to the poor infiltration rates obtained by testing and the large amount of public representation mentioning flooding and water level concerns. I realise some of these points have been designated for the detailed design however due to the difficult nature of this site we request that information is provided at this stage.

We would like further information on:

- How the large storage tank will be situated, currently it is shown among the planted hedge and trees which could cause future problems with tree roots and such.
- The attenuation tank plan shows four separate inlets (Western house, Western garage, 2nd house in from west and the remaining properties) will each of these inlets have a silt trap and who is responsible for the maintenance of the tank, silt traps and outlet to ensure proper operation.
- The invert of the inlet to the storage tank is currently undetermined however the invert level of the outlet must be sufficient that it will discharge into the ditch, therefore the level of the ditch should be known to ensure discharge into the ditch is achievable.

The storage tank is shown as a shallow geocellular crate, taking up the entire width of the driveway. The applicant would need to consider how this tank may be replaced in the future, noting that in the event of collapse of the tank the access to the property would be compromised. There are two alternatives that could be considered:-

- I. Repositioning the most westerly house so that it is further from the road, this would then create space for a balancing pond.
- II. Installing a pipe below the full length of the driveway, i.e. parallel with the road. This would allow the same volume of storage to be provided. I note the comment below regarding the depth of the ditch, which is typically about 600mm - 700mm. Any below ground storage relies on the pipe or crate needing to have sufficient cover. The depth issue does not appear to have been considered by the applicant

We are currently in discussion with the EA regarding the implantation and use of drainage mounds in areas of poor infiltration rates. Further information from the EA should be with us soon.

17 June 2020 – qualified comment

Review of the Environment Agency's Flood Map for Planning indicates that the site is located within the low risk Flood Zone 1.

In accordance with Environment Agency standing advice, the planning application should be supported by a Flood Risk Assessment (FRA) undertaken in accordance with National Planning Policy Framework (NPPF) and its supporting Planning Practice Guidance.

This guidance is in accordance with requirements of the NPPF and Policy SD3 of the Core Strategy. Guidance on the required scope of the FRA is available on the GOV-UK website at <https://www.gov.uk/planning-applications-assessing-flood-risk>.

Surface Water Flood Risk

Review of the EA's Risk of Flooding from Surface Water map indicates that the site is not at risk of surface water flooding. However the representations online indicates that the highway adjacent to the proposed site does experience surface water flooding.

Other Considerations and Sources of Flood Risk

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

Surface Water Drainage

Having reviewed the online representations it has been noted that the highway adjacent to the proposed site has the potential to flood from surface water. It should be ensured that no surface water or run-off is allowed to discharge from the site onto highway land.

The Applicant has provided an indicative proposal for a surface water strategy. The applicant should provide a detailed surface water drainage strategy showing how surface water from the proposed development will be managed. The strategy must demonstrate that there is no increased risk of flooding to the site or downstream of the site as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change. Note that in February 2016 the EA updated their advice on the potential effects of climate change and that a range of allowances should be considered to understand the implications: <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>.

All new drainage systems for new and redeveloped sites must, as far as practicable, meet the Non-Statutory Technical Standards for Sustainable Drainage Systems and will require approval from the Lead Local Flood Authority (Herefordshire Council).

The Cranfield University Soils Map identifies the soils within the proposed development area to be slightly impeded drainage thus the use of infiltration techniques may not be a viable option for managing surface water. On-site testing undertaken in accordance with BRE365 should be undertaken to determine whether the use of infiltration techniques are a viable option. Where site conditions and groundwater levels permit, the use of combined attenuation and infiltration features are promoted to provide treatment and reduce runoff during smaller rainfall events.

It should be noted that soakaways should be located a minimum of 5m from building foundations, that the base of soakaways and unlined storage/conveyance features should be a minimum of 1m above groundwater levels and must have a half drain time of no greater than 24 hours.

The drainage system should be designed to ensure no flooding from the drainage system (which can include on-the-ground conveyance features) in all events up to the 1 in 30 year event. Guidance for managing extreme events can be found within CIRIA C635: Designing for exceedance in urban drainage: Good practice.

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

Foul Water Drainage

As there is not a foul public sewer in this area, the Applicant will be required to complete a Foul Drainage Assessment (FDA) form and submit this as part of any forthcoming planning application. The FDA form can be found on the GOV.UK website at this link: <https://www.gov.uk/government/publications/foul-drainage-assessment-form-fda1>

The Applicant should demonstrate that alternative proposals are compliant with the general Binding Rules and are in accordance with the Building Regulations Part H Drainage and Waste Disposal.

The Applicant should undertake percolation tests in accordance with BS6297 to determine whether infiltration techniques are a viable option for managing treated effluent (see Section 1.32 of Building Regulations Part H Drainage and Waste Disposal).

We notice that the site is located within the river Lugg catchment area, as stated in the Current Development in the River Lugg Catchment Area Position Statement March 2020 and as there is no foul public sewer in the area the following must be adhered to for use of drainage fields, this is to reduce the likelihood of phosphorus reaching the river:

- The drainage field is more than 50m from the designated site boundary or sensitive interest feature (includes Habitats of Principal Importance and other designated ecological important features identified through Core Strategy SD4/LD2/SS6 and;
- The drainage field is more than 50m from any surface water feature e.g. ditch, drain, watercourse, and;
- The drainage field in an area with a slope no greater than 15%, and;
- The drainage field is in an area where the high-water table groundwater depth is at least 2m below the surface at all times and;

- There are no other hydrological pathways which would expedite the transport of phosphorous e.g. fissured geology, flooding, shallow soil.

The document can be found at:

https://www.herefordshire.gov.uk/download/downloads/id/19059/current_development_in_the_river_lugg_catchment_area_position_statement.pdf

If infiltration testing results prove soakage is viable, the following must be adhered to for Package Treatment Plants:

- The drainage field should be located a minimum of 10m from any watercourse, 15m from any building, 50m from an abstraction point of any groundwater supply and not in any Zone 1 groundwater protection zone. The drainage field should be sufficiently far from any other drainage field, to ensure that overall soakage capacity of the ground is not exceeded.
- Drainage fields should be constructed using perforated pipe, laid in trenches of uniform gradient which should not be steeper than 1:200. The distribution pipes should have a minimum 2m separation.
- Drainage fields should be set out in a continuous loop, i.e. the spreaders should be connected. If this feature is missed, it will gradually clog with debris and the field will become increasingly ineffective.

In accordance with Policy SD4 of the Core Strategy, the Applicant should provide a foul water drainage strategy showing how it will be managed. Foul water drainage must be separated from the surface water drainage. The Applicant should provide evidence that contaminated water will not get into the surface water drainage system, nearby watercourse and ponds.

Overall Comment

Before planning approval is granted, we request two sets of soakaway tests in accordance with BRE365 and BS629, including groundwater level data. This may demonstrate that the foul drainage strategy is acceptable.

On receipt of acceptable results we recommend that the following information provided within suitably worded planning conditions:

- Provision of a detailed drainage strategy that demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features;
- A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;
- A detailed foul water drainage strategy showing how foul water from the development will be disposed of.

4.6 Public Rights of Way Development Officer – no objection

5. Representations

5.1 Marden Parish Council

14 July 2020 – object

At its meeting on 13.7.20 Marden Parish Council resolved to object to the amended plan for 201300 on the grounds of the comments in the PC's response of 27.5.20, namely:

1. The application is outside the Litmarsh settlement boundary, so is in non-conformity with Marden NDP policies M1 and M2; as it is in open countryside it should be determined against Core Strategy policy
2. Good agricultural land will be lost and the proposed density for the development is not in keeping with other properties in the area, so the application is in non-conformity with policies M3 and M10
3. The site is adjacent to MR3 footpath and access track to Berrington Water, which is used regularly by walkers and HGVs accessing Berrington Water; the 2 accesses are near a road junction and after a bend on a narrow country road, therefore in non-conformity with policy M3
4. The PC is concerned about proximity of the site to a water course and lake and the risk of a detrimental effect on wildlife from sewage or run-off contamination, so in non-conformity with policy M11
5. 2 previous applications (151485 and 152314), for a single house and bungalow respectively, were refused as they were in open countryside and unsustainable
6. Therefore the parish council considers this application for 5 dwellings, with an increased loss of agricultural land, much greater proximity to MR3 and increased waste to be disposed of, is certainly unsustainable and does not conform to the NDP, Core Strategy or NPPF.

27 May 2020 – object

At its meeting on 26.5.20, Marden Parish Council resolved to object to 210300 on the following grounds:

1. The application is outside the Litmarsh settlement boundary, so is in non-conformity with Marden NDP policies M1 and M2; as it is in open countryside it should be determined against Core Strategy policy
2. Good agricultural land will be lost and the proposed density for the development is not in keeping with other properties in the area, so the application is in non-conformity with policies M3 and M10
3. The site is adjacent to MR3 footpath and access track to Berrington Water, which is used regularly by walkers and HGVs accessing Berrington Water; the access is near a road junction and after a bend on a narrow country road, therefore in non-conformity with policy M3
4. The PC is concerned about proximity of the site to a water course and lake and the risk of a detrimental effect on wildlife from sewage or run-off contamination, so in non-conformity with policy M11

5. 2 previous applications (151485 and 152314), for a single house and bungalow respectively, were refused as they were in open countryside and unsustainable
6. Therefore the parish council considers this application for 5 dwellings, with an increased loss of agricultural land, much greater proximity to MR3 and increased waste to be disposed of, is certainly unsustainable and does not conform to the NDP, Core Strategy or NPPF.

5.2 To date, a total of 40 letters of objection have been received from 20 households. The comments can be summarised as follows;

Principle/Sustainability of site

- Site lies within open-countryside and is not included within the NDP as a site for residential development
- Proposal is representative of ribbon development in open countryside
- Infrequent bus service
- Many homes have been built in Moreton and Marden which address any local housing shortage
- The use of brownfield land should be prioritised
- The application site is outside of the settlement boundary for Litmarsh and therefore approval of this application would submit a precedent for further such development
- Prime reason for NDP was to prevent random small developments
- Social and economic benefits would be minimal rather than significant.
- Application for one dwelling on the site was previously refused so cannot comprehend how scheme for five can even be considered – nothing has changed since.
- Neighbourhood Development Plans carry statutory weight so they must be given due consideration in the determination of future planning applications.
- Proposal would represent a 25% increase in the size of the hamlet which is inappropriate

Design/Landscape Character

- Cluster of dwellings is out of keeping with the rest of the hamlet
- Design of the dwellings is modern and out of keeping and would be an 'estate character'
- Proposal does not maintain an appropriate density in respect of the surrounding area – it is more appropriate to an urban or suburban area.
- Lack of open-space surrounds the dwellings in contrast with the other dwellings in Litmarsh
- Harm to the Lugg Valley landscape
- Visual amenity harm – i.e to users of footpaths.
- Proposal has little regard to the amenity of future residents

Highways and Access

- Local roads in a poor state of repair and are prone to flooding
- The road is busy used as an alternative route between Hereford and Leominster when the A49 is closed
- Development would increase traffic on local roads by 25%
- On-street parking would be a problem given that the road is a bus route
- Development allows for 12 parking spaces but there would be more cars than this.

- Access arrangements are convoluted and close to the access serving Berrington Water which sees large numbers of HGVs
- Speed survey undertaken during the winter when roads were quitted
- Second access proposed is in shadow of hedge which means surface can be icy in winter
- Second access seems to allow for ease of access to the rear of the site – possibly for more housing.
- Second access would allow for further vehicular movements to and from the site simultaneously – exacerbating the problem.

Drainage

- No mains drainage which could lead to increased phosphates to River Lugg
- Localised flooding is already a problem and there are concerns that additional run-off could exacerbate flooding on the road to The Vault.
- Road to Berrington Water can become flooded and the development would exacerbate this
- The proposed foul water method is questionable and would take up the whole of the rear garden area.
- Concerns in respect of percolation testing.
- Concerns with foul water disposal close to lake.
- Use of the proposed mounds is unsightly and indicates high density development which would usually be served the mains.

Ecology

- Dis-benefits of proposal include harm to range of wildlife – particularly that using Berrington Water and its surrounds for nesting/feeding.
- Proposal would lead to an increase in light pollution – impact on wildlife
- Harm to the Berrington Lake

Other

- Site is on prime arable agricultural land which would be sacrificed
- Concerns over supply of fresh water in low pressure area
- Would not provide affordable housing
- Should permission be granted, the following should be conditioned;
- Energy efficiency measures
- Type of package treatment plant should be high quality
- Grey water treatment systems for dwellings

5.3 13 letters of support have also been received. The comments received can be summarised as follows;

Principle/Sustainability of site

- Whilst it is acknowledged that site is outside of the settlement boundary for Litmarsh, consideration must be given to the Council's lack of five year housing land supply and thus there is a presumption in favour of sustainable development.
- Site is within 50 metres of a regular bus service
- Encourages local building industry

Design/Landscape Character

- Good, sustainable design which would add to the attractiveness of the village
- Well laid out.
- Infill development here is appropriate
- Density responds well to the rest of the village

Housing Mix

- Good mix of dwelling types to cater for everyone
- There are a shortage of smaller properties in the area
- Accommodation required to sustain rural economy

Drainage

- The site is flat and flood free

Highways

- There are no traffic issues here.

- 5.4 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=201300

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

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

6. Officer's Appraisal

Policy Context and Principle of Development

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:
- 6.2 "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."
- 6.3 In this instance the adopted development plan (taken as a whole) is the Herefordshire Local Plan – Core Strategy (CS) and the Marden Neighbourhood Development Plan which was made on 6 October 2016. The draft Marden Neighbourhood Development Plan (dMNDP) can be attributed limited weight in the decision-making process, as set out at Paragraph 2.3. The National Planning Policy Framework (NPPF) is also a significant material consideration, but does not constitute a statutory presumption, unlike the development plan which carries the statutory presumption as set out above.
- 6.4 Policy SS1 of the CS sets out the presumption in favour of sustainable development, which is reflective of the positive presumption enshrined by the current NPPF. The policy also confirms that proposals which accord with the policies of the CS and, where relevant, other development plan documents and NDPs) will be approved, unless material considerations indicate otherwise. This is broadly reflective of paragraph 11 of the NPPF.

- 6.5 Strategic Policy SS2 of the CS confirms that Hereford is the main focus for new housing development in the county, followed by the five market towns. In rural areas, new residential development will be acceptable where it would contribute to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community. Likewise, at Paragraph 78, the NPPF advises that in order to promote sustainable development, housing should be located where it will enhance or maintain the vitality of rural settlements.
- 6.6 The application at this time must be considered in the context of the Council being unable to identify a five year supply of deliverable housing sites or demonstrate it can meet the housing deliverability test. At Paragraph 11, the NPPF confirms that when making decisions the 'presumption in favour of sustainable development' should be applied. It goes on to set out at 11 (d) that where the policies most important for determining the application are 'out-of-date' planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or the application of the policies in the framework provides a clear reason for refusing the proposal. At footnote 7, it is confirmed that a failure to demonstrate a five year supply of housing and requisite buffer in accordance with Paragraph 73 will render relevant policies to delivering housing out-of-date.
- 6.7 It is acknowledged that, at this point in time, the Council cannot demonstrate a five year supply of deliverable housing sites. A supply statement has recently been published which outlines that as of the 1 April 2020, the supply position in Herefordshire stands at 3.69 years. Consequently, the presumption in favour of sustainable development as set out under paragraph 11 of the NPPF is fully engaged. Permission should be granted, therefore, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the current NPPF as a whole, or if specific policies in the current NPPF indicate development should be restricted.
- 6.8 Notwithstanding this, Supreme Court judgements and subsequent appeal decisions have confirmed that policies relevant for the supply of housing can still be afforded weight in the decision making process, and it is a matter of planning judgement for the decision-maker to attribute the degree of weight to be afforded depending on the context of the decision. Moreover, policies not directly relevant to the supply of housing still attract full weight.
- 6.9 Also pertinent in this instance is the MNDP which was made on 16 October 2016 and therefore forms part of the statutory development plan in this part of Herefordshire, alongside the CS. At Paragraph 14, the NPPF advises that where the positive presumption at 11 d) (as set out above) applies to applications relating to the supply of housing, the adverse impact of allowing development that conflicts with an NDP is likely to significantly and demonstrably outweigh the benefits, provided that all of the following apply;
- a) *the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made*
 - b) *the neighbourhood plan contains policies and allocations to meet its identified housing requirement*
 - c) *the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and finally*
 - d) *the local planning authority's housing delivery was at least 45% of that required over the last three years.*
- 6.10 Noting the above, it is only criteria a) which cannot be met as the MDNP became part of the development plan for this part of Herefordshire on 20 April 2018 and therefore the housing supply policies of the MNDP do not benefit from the enhanced protection as afforded by Paragraph 14.

- 6.11 Outside of Hereford City and the market towns, CS Policy RA1 identifies that Herefordshire's 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 (HMA's). Litmarsh is within the Hereford HMA, which is earmarked for an indicative 18% housing growth, and is listed in Figure 4.15 under policy RA2 as an 'other' settlement where proportionate housing is appropriate where it is within or adjacent to the main built-up part of the settlement. The MNDP includes a policy relating to the scale and type of new housing development in designated hamlets, Policy M2, which includes Litmarsh. The policy sets out a number of criteria for new housing development to be considered against, one of which is that proposals should be within the settlement boundary as shown on the policies map for each settlement.
- 6.12 The parish of Marden is subject to an 18% growth target as a minimum over the plan period to 2031. This equates to 89 new dwellings, as shown Figure 4. To date, there have been completions of 42 dwellings in the parish, with commitments of 112 dwellings as of April 2020.

Parish / Group parish	Number of households in parish	% growth in CS	Number of new houses to 2031	Completions 2011-2020	Commitments as at 1 April 2020	Site allocations within NDPs at April 2020	Residual (minus (red) is still to find)
Marden parish	580	18	104	42	112	Nil	50

Figure 4 – Housing figures for Marden Parish

- 6.13 It is acknowledged that the application site lies wholly outside of the identified settlement boundary for Litmarsh, as illustrated in Figure 5. In this regard the proposal is contrary to criteria a) of Policy M2 of the MNDP, given that the MNDP only supports new housing developments within the prescribed settlement boundary. This policy is therefore stricter than that set out by Policy RA2 of the CS, which requires that new residential development is located within or adjacent to the main built-up parts of the identified settlements.

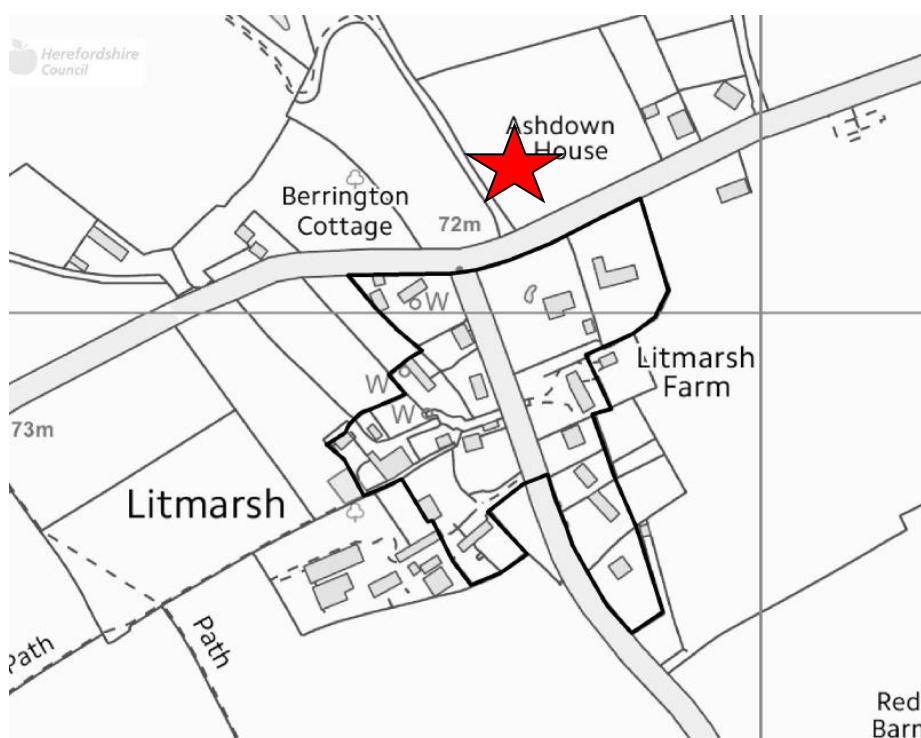


Figure 5 – Application site (red-star) in relation to Litmarsh settlement boundary

- 6.14 Given the relatively small size of the hamlet, it is recognised that the increase in built form would be appreciable. However, subject to an assessment on the proposed design, siting and visual impact, the provision of five dwellings is not considered to be disproportionate. In locational terms, the site is found to the immediate north-east of the main cluster of development in Litmarsh which is predominately accessed off the unclassified road leading south towards The Vault. However, further sporadic development is found along the C1120 and because of this, when traversing east/west along this route, there is notable sense of settlement. Furthermore, the application site is positioned between Ashdown House (and Little Berrington Bungalow beyond) and the access to Berrington Water. 'Charnwood' and 'Cider Mill' sit opposite the site on the southern side of the C1120 and so the site has a direct and proximal relationship with existing residential development, regardless of whether or not this is within the settlement boundary prescribed for the hamlet. As such, it is considered that in locational terms, the application site is well related to the existing built form and is somewhere in which new residential development can be looked upon favourably.
- 6.15 It is noted that the easternmost part of the site has previously been subject to two outline planning applications for single dwellings, both of which were refused. However, whilst the planning history of a site is material to the consideration of any subsequent application, in this instance the policy context has since altered, not least by the adoption of the CS and the MNDP, together with revisions to the NPPF and of course, a changing landscape with reference to the Council's housing land supply position. The scale and nature of the development proposed is also fundamentally different. Therefore, in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Design, siting, visual impact and amenity

- 6.16 Policy RA2 of the CS sets a number of policy requirements for new residential development in Herefordshire's villages. Aside from the requirement that proposals are found to be within or adjacent to the main built up part, schemes should also be designed and laid out to reflect the size, role and function of the settlement. In smaller settlements (those listed at Figure 4.15)

which include Litmarsh, proposals are expected to demonstrate particular attention to the form, layout, character and setting of the site and its location within the settlement. At the local level, Policy M2 sets out further criteria for new residential development within the hamlets, largely mirroring that set out at SD1 and LD1 of the CS and includes the following;

- b) Maintains an appropriate density in context with the immediate surrounding area;*
- c) Ensures appropriate and safe access can be achieved;*
- d) Provides appropriate residential amenity for future occupiers including consideration of any adjacent noise generating agricultural, industrial or commercial activities;*
- e) Is of high quality design and is in keeping with the immediate surroundings, environment and rural landscape;*
- f) Demonstrates a contribution to the delivery of an appropriate mix of dwelling types and sizes including affordable housing, to meet the needs of all sectors of the community;*
- g) Reflects the scale and function of the settlement; and*
- h) Ensures that any likely significant effect on the River Wye SAC is avoided or adequately mitigated.*

6.17 The provision of five dwellings on the site would be of a slightly increased density relative to the existing development located closest to the application site – notably ‘Charnwood’ and ‘Cider Mill’ to the south which benefit from extensive curtilages. However, when having regard to the density of development more widely within the locale – namely that to the east and west of the unclassified road to the south of the site, it would not be considered inappropriate. Policy M3 of the MNDP is pertinent here, stating that proposals should maintain the historic pattern of development by respecting the layout associated with historic plots in the immediate area. As such, taking reference from the density and plot size of the aforementioned dwellings to the south of the site is not strictly appropriate. Instead, regard should be had to the historic pattern of development along The Vault road and the C1120 whereby traditional dwellings are sited more densely with more restricted curtilages.

6.18 Moreover, the dwellings would be served by two, shared accesses. The westernmost access would serve the two dwellings to the west and the eastern access would serve the pair of semi-detached dwellings and the easternmost dwelling. This would help to break up the development and negate the need for an uncharacteristic ‘internal access road which would be more in keeping in an urban setting. The dwellings would all be sited and orientated so that they have, to some extent, a relationship with the C1120, although with Plot 1 would be positioned at a 45 degree angle to the other dwellings and Plot 5 having a more discrete principal elevation. This weakened relationship with the highway would mean that the scheme would present itself in a more organic fashion, rather than a regimented row of dwellings – a form of development that is not generally considered to be characteristic in rural settlements.

6.19 As instructed by Policy LD1 and the local level, Policy M10, proposals should be influenced by the local landscape character and retain existing field patterns and boundaries, amongst other things. The proposal presents the development of a green-field site adjacent to the main built up-part of a named settlement. However, the site is rectangular in shape and relatively small, when compared to the surrounding agricultural land. It is bound by existing vegetative features and is not prominently sited by way of elevation or exposure to long ranging vistas. Moreover, it is not subject to any local or national landscape designations. It is noted that Policy M3 sets out that new housing development should not result in the loss of an area which makes a significant contribution to public amenity by virtue of its open space character. Whilst the site does contribute somewhat to the generally rural character and the dispersed pattern of development

along the C1120, given that it is not contiguous with notably open agricultural land and does not afford wide-ranging vistas, it is not considered to be that which provides a significant contribution to the rural character so far that its loss would be considered harmful to local amenity and present conflict with Policy M3.

- 6.20 It is considered that the proposed development would sit neatly on the site and would not present as an incursion into the open-countryside and would be considered as an infilling of single-depth development along the C1120, contained within the existing parcel of land. In addition, the provision of new native species hedgerow planting and landscaping would ensure that the scheme integrates well into the existing landscape character. Further details of this, to include the landscaping of the area to the rear of the dwellings in which the drainage mounds would be sited, would come forward at a later date and would be secured by condition.
- 6.21 Notwithstanding the above, the proposal would inevitably change the character of the settlement, but the variation in the design and siting of the dwellings together with two separate accesses would ensure that the development is not uncharacteristically urban in its form as to appear as an incongruous or visually obtrusive addition to the hamlet. As such, it is considered that the proposal would not cause demonstrable harm to the landscape character or visual amenity of the settlement and would generally accord with Policy RA2, LD1, M2, M3 and M10 of the development plan.
- 6.22 The proposal includes a mix of dwelling types and designs and would utilise a varied palate of building materials including red facing brick, render and weatherboarding. Projecting gables and dormer windows would add some architectural interest to each of the dwellings with some comprising integral garages. The designs of dwellings as deposited would respond to the dwellings found to the south of the site and the materials would reference those used more widely within Litmarsh and the surrounding area. The variation in scale of the dwellings as proposed takes reference from the ad-hoc nature of existing dwellings in the locale where larger dwellings can be found adjacent to smaller dwellings. Examples of this within close proximity to the site including Ashdown House and Little Berrington Bungalow to the east and Charnwood and Cider Mill to the south. Furthermore, on the basis that Litmarsh does not present any clear design or architectural lead, the proposed are considered to be acceptable in this rural location. As such, whilst the concerns raised with regards to the dwellings appear urban in their character, it is considered that the deviation in the design of each dwelling and the use of appropriate materials (i.e weatherboarding) would help to ensure that the scheme would respond positively to the existing ad-hoc nature of the built environment in the locale. Details of materials would be secured by way of condition. To this end, the proposal is considered to accord with Policy M2 and M3 of the MNDP and Policy SD1 of the CS which seeks to ensure that new buildings are designed to maintain local distinctiveness, through incorporating local detailing and materials and respecting height, scale, proportions and massing of existing buildings.
- 6.23 Policy SD1 and M2 require new residential development to provide appropriate residential amenity for future occupiers and also those neighbouring the site. Given the fenestration and siting of the proposed dwellings, it is not considered that there would be any overlooking between Ashdown House and the site and the absence of any other dwellings within immediate close proximity to the site (noting the set back of Charnwood and the Cider Mill from the highway). Between the dwellings themselves, any overlooking has generally been designed out although a condition requiring obscure glazing is recommended for those windows which serve bathrooms. The scale of the proposed dwellings and their inter relationship would not be such which raises concerns in respect of overshadowing or any overbearing appearance which could cause harm to the amenity of future occupiers. The dwellings would be appropriately sited within plots with generous curtilage providing ample amenity space for future occupiers.

Affordable Housing and Mix

- 6.24 Policy H3 of the CS states that residential developments should provide a range and mix of housing units which contributes to the creation of balanced and inclusive communities. Echoing the tenets of this at the local level is Policy M4 of the MNDP which sets out that proposals for new housing development will have to demonstrate how they contribute to maintaining a mix of tenures, types and size of dwelling in the parish in accordance with the housing needs of the Parish. Whilst seven years old, the Herefordshire Local Housing Market Assessment (GL Hearn) provides an overarching picture with respect to the size and type of dwellings required through the plan period to 2031, in each of the Housing Market Areas (HMA). The Parish of Marden lies within the Hereford (Rural) HMA. The assessment clearly shows that three bedroom dwellings account for over 54% of the dwellings required, followed by two bedrooms and four bedrooms at 23% and 18% respectively.
- 6.25 The proposal would comprise a mix of two and three bedroom dwellings. This mix is considered acceptable and would reflect that demand as set out within the local housing market assessment. The provision of smaller dwellings (two bedroom) would be welcomed in a small hamlet such as Litmarsh and would contribute positively to the social well-being of the settlement, in accordance with RA2, H3 and M4 of the development plan. Noting the scale of the proposal, on-site or contributions towards, affordable housing are not required in this case.

Highways, Transport and Active Travel

- 6.26 Policy MT1 of the CS and NPPF guidance 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. Policy M2 echoes the tenets of the aforementioned policy and requires safe access to new residential development in the hamlets. Likewise, Policy M3 sets out that new housing development should not have a detrimental effect on the safe and efficient operation of the existing transport and road infrastructure. Development should only be prevented or refused on transport grounds where the impact on the local highway network would be unacceptable or 'the residual cumulative impacts of development are severe, as set out at Chapter 109 of the NPPF.
- 6.27 As shown in Figure 5 below, Litmarsh, as denoted by the blue-star, is served by the 426 bus route which provides an extension of the Hereford City – Marden service to Leominster via Bodenham. The bus stop is located adjacent to the Vauld turning, 50 metres from the site and under a minutes' walk. The service allows those residing in the hamlet to access Hereford City before 09:00 with a further four services in a southerly direction each day. Conversely, there are 6 northbound services a day, two of which depart Hereford City after 16:00 and therefore is conducive to commuting for students and those with standard working hours. This level of public transport provision for what is a very small and rural community is considered to be an exception, when having regards to other, comparatively sized settlements throughout Herefordshire. As such, the proposal does offer real and genuine chose with respect to the choice of sustainable transport modes.

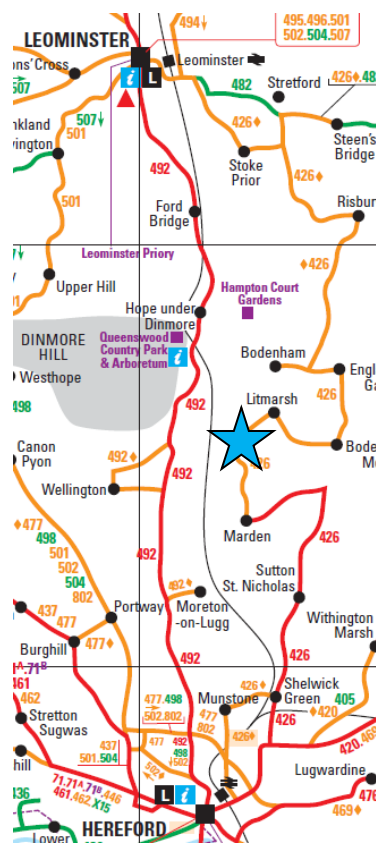


Figure 6 – Map of 426 Bus Service

- 6.28 As discussed in the forgone paragraphs, the dwellings would be served by two accesses taken from the C1102. It is noted that considerable amounts of representation raise concerns with regards to the proposed access arrangements and cite the use of the route as a rat-run between Hereford and Leominster when the A49(T) is closed, and the adverse condition of the road during the winter. Whilst the concerns about the new access being provided on the basis of providing for further development to the rear are acknowledged, the application is being considered on the basis of that submitted and the requirement for safe and characteristic access to the dwellings proposed. The applicant has undertaken an Automatic Traffic Count (ATC) survey to ascertain the vehicle speeds and traffic flow characteristics of the road, in order to determine the requisite visibility splays required. This was undertaken in January 2020 and notwithstanding the concerns raised which comments on the fact that this does not capture seasonal traffic (i.e agriculture or that associated with HGV traffic), the Council's Highways Manager has not requested surveying be undertaken at varying times within the year.
- 6.29 The access as proposed to the site can demonstrate that the requisite splays (2.4m x 71m) can be achieved, with this being secured by way of condition. Policy M3 of the MDNP seeks to ensure that movement to, within, around, and through the development is satisfactory. With this in mind, the internal access arrangements are considered to be acceptable, with ample space afforded to each of the dwellings for parking through the provision of adequate external parking space or garaging. A condition is recommended to secure details of the access construction and this would safeguard against any water shedding from the access road to the highway. Provision of secure bicycle storage would also be conditioned. A dedicated space for bin collections is indicated and this is considered acceptable.
- 6.30 Taking the above into account, noting the scale of the development and the acceptability of the proposed access arrangements, it is not considered that the proposal would cause an unacceptable impact on the highway network or severe residual cumulative impacts which would warrant refusal of the application. As such, the proposal is considered to accord with

Policy M2 and MT1 of the development plan and the principles as set out at Chapter 9 of the NPPF.

Public Right of Way

- 6.31 It is noted that Public Right of Way (PROW) MR3 runs along the western boundary of the site along the access road to the Berrington Water. Policy M12 of the MNDP sets out that proposals for new housing take opportunities to include enhancements to footpaths, cycle routes and bridleways. The proposed site would be located within immediate proximity to MR3 and thus would provide good connectivity to the footpath network. The PROW officer raises no objection to the proposal.

Drainage and Flooding

- 6.32 Considerable representation raises concerns with regards to the proposed drainage arrangements and the impact they may have on existing flooding problems experienced on the highway and other locations close to the site. To this end, Policy SD3 of the CS 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. Locally, Policy M11 of the MNDP sets out that new development should preferentially be located within Flood Zone 1 and should be designed to maximise the retention of surface water, minimising run off. It sets out that water attenuation facilities such as lagoons, ponds and swales should be provided within the development site. Policy M3 also requires the use of sustainable drainage systems.
- 6.33 The Environment Agency flood map for planning indicates the site is in Flood Zone 1 and is therefore considered to be an area having less than 0.1% annual exceedance probability of river flooding. This suggests the site is at low risk of fluvial flooding. As the site exceeds 1 ha (1.14), a Flood Risk Assessment (FRA) has been submitted as required by footnote 50 to Paragraph 164 of the NPPF. However, it is noted that there are no recorded pluvial or fluvial risks associated with the application site.
- 6.34 The applicant has submitted a detailed surface water management plan. This summarises that infiltration at the site is very poor and thus not possible as a means of dealing with surface water due to low permeability given the presence of clay soil and bedrock. As such, it is proposed to deal with surface water by way of an attenuation tank which would be constructed from cellular storage crates wrapped in an impermeable geotextile. This would be installed below the access road. Run-off from the development would discharge to the watercourse running along southern boundary of the road. The Council's Land Drainage Engineer does not raise any objections to the principle of this method. However, finer details are required for review by the Engineer and these would be secured by condition. With this in mind, there is considered to be no overriding conflict with Policy SD3 or M3.
- 6.35 In respect of foul 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). Litmarsh is not served by mains drainage and therefore private treatment of waste water is required. As such, it is proposed that the foul water generated from the five dwellings would be dealt with by way of an individual, plot-specific package treatment plant. Thereafter, the water would flow to drainage mounds to the rear of the plots. A standard, linear drainage field in this location is not considered to be suitable given that the area has low permeability. The design of this non-linear method of foul drainage is based on a formula including the population/occupancy of the dwellings and the percolation rate. At present, three

mounds have been proposed to serve the five dwellings and they would be positioned to the rear of the plots. The applicant's Drainage Consultant has provided an indicative cross section of a drainage mound as shown in Figure 6.

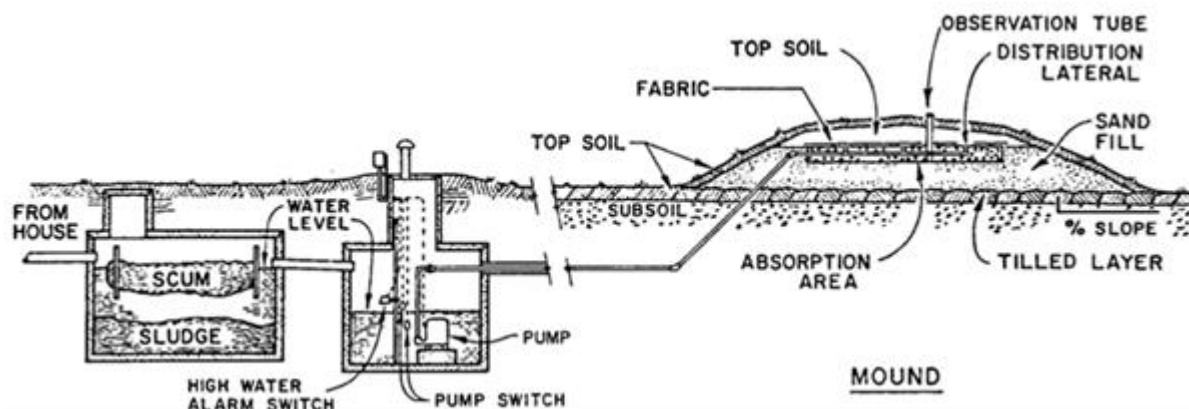


Figure 6 – Indicative drainage mound cross-section

- 6.36 The Council's Land Drainage Engineer does not raise any explicit objection to the use of a mound system in this location or suggest it not to be achievable – noting the abundance of land within the control of the applicant, but comments on the need for an individual mound for each dwelling. The finer details of the drainage strategy would be forthcoming, secured by way of condition. These details would be reviewed by the Land Drainage Engineer prior to being approved.
- 6.37 It is also noted that the Land Drainage Engineer comments on the requirement of a license to discharge from the Environment Agency. Given the poor permeability of the ground at the application site, the use of drainage mounds would create a 'Water Discharge Activity'. The guidelines from the Environment Agency place the onus on the applicant to ascertain whether or not the proposal accords with the General Binding Rules and therefore, requires a licence or not. At this juncture, it is pertinent to recall the principles of Paragraph 183 of the NPPF which makes the distinction between the role of a planning decision and other controls and states the following:

The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

- 6.38 The implications of the above on the Habitat Regulations Assessment process will be discussed in the proceeding sections. However, with regards to compliance with Policy SD4 and SD3, there is considered to be no conflict, subject to safeguarding conditions to re-inforce the critical aspects. This would include details of ownership, management and maintenance of the various elements of the foul and surface water drainage methods.

Ecology

- 6.39 In regards to ecology & biodiversity matters generally on the site, Policy LD2 of the CS is most applicable in considering matters of ecology and this broadly requires that all developments should conserve, restore and enhance the biodiversity assets of the county through a range of measures. Policy LD3 also requires that proposals should protect, manage and plan for the preservation and provision of green infrastructure, whilst policy LD3 states that developments

should maintain and extend tree cover where they are important to amenity. All of these policies are in line with the dictum set out by Chapter 15 of the NPPF.

- 6.40 Concern has been raised with regards to the proposal's impact on local biodiversity, namely due to the proximity to lakes at Bodenham and those to the immediate north of the site at Berrington Water, all of which have the potential to support protected species. The Council's Planning Ecologist has reviewed the submitted ecology report which recommends that a relevant ecological working method statement/risk avoidance measures be secured prior to any work commencing on site. This would include consideration for all species including Great Crested Newts and Otters that may utilise the site in their terrestrial phase or as part of foraging. Otters specifically, are recorded to breed on the River Lugg at Bodenham Lake. A condition is therefore recommended, to secure a fully detailed Construction Environmental Management Plan (CEMP). This would be submitted prior to commencement on the site. With this in mind and subject to the conditions, it is considered that the proposal would accord with Policy LD2 of the CS.

Habitat Regulations

- 6.41 The application site lies within the catchment for the River Lugg, which comprises part of the River Wye Special Area of Conservation (SAC), a European site covered under the Habitats Directive & the Conservation of Habitats and Species Regulations 2017. The River Wye SAC is an internationally important conservation site which has been designated for its special features of ecological and biodiversity value.
- 6.42 Under the Habitats Directive, Herefordshire Council as the 'competent authority' has a statutory duty to assess if a proposal is likely to have 'a significant effect' on the SAC. This initial assessment is known as the 'screening stage' and is to consider if there is a possibility of a likely significant effect on the integrity of the SAC. Once an 'Appropriate Assessment' (AA) has been triggered by the screening stage, the competent authority may only grant consent if it can be demonstrated 'beyond reasonable scientific doubt' that the proposal would not adversely affect the integrity of the SAC.
- 6.43 The AA must consider the implications on the European site in view of the site's conservation objectives; in cases where there is considered to be an effect on a site but it will not undermine the conservation objectives, the proposal cannot be considered to have a LSE on the European site; as the procedures are designed to maintain designated habitats and species 'at a favourable conservation status'. However if the European site's conservation status is not considered to be favourable, then the proposal must 'maintain' / 'restore' the condition and not worsen it.
- 6.44 The River Lugg as part of the SAC, is currently failing its conservation objectives as the present levels of phosphates in the River Lugg exceed the SAC's ecology objectives for water quality, it is therefore considered to be in an unfavourable ecological condition. Where a European designated site is considered to be 'failing' its conservation objectives there is limited scope for the approval of development which may have additional damaging effects. As such, direct discharge from treatment works (either mains treatment works or private treatment plants), are considered to have a LSE, as there would be an increased phosphate discharge into the River Lugg.
- 6.45 However in respect of discharges of treated foul water to drainage fields in the River Lugg catchment, Natural England have advised that if compliance with all of the following criteria is demonstrated, then phosphate pathways to the River Lugg would be considered unlikely.
- The drainage field is more than 50m from the designated site boundary or sensitive interest feature (includes Habitats of Principal Importance and other designated ecological important features identified through Core Strategy SD4/LD2/SS6 and;

- The drainage field is more than 50m from any surface water feature e.g. ditch, drain, watercourse, and;
 - The drainage field in an area with a slope no greater than 15%, and;
 - The drainage field is in an area where the high water table groundwater depth is at least 2m below the surface at all times and;
 - There are no other hydrological pathways which would expedite the transport of phosphorous e.g. fissured geology, flooding, shallow soil.
- 6.46 The above is set out in the Council's Position Statement for Development in the River Lugg Catchment Area March 2020.
- 6.47 The proposal has been assessed by the Council's Ecologist and a Habitats Regulations Assessment – Screening Assessment has been undertaken; this concludes that due to the application meeting the five criteria, there would be no likely significant effects on the integrity of the SAC. Further, an AA has been completed and submitted to Natural England. This comprises mitigation secured by planning conditions and includes written confirmation on the use of mound drainage systems from the environmental regulator (the EA). Subject to Natural England concurring with Herefordshire Council's conclusions, the proposal would not cause any harm to the integrity of the River Wye SAC, according with Policy SD4 of the CS and M2 of the MNDP.

Climate Change

- 6.48 Policy SS7 of the CS requires a focus on measures to address the impact that new development in Herefordshire has on climate change, outlining how development proposals should include measures which will mitigate their impact on climate change, with Policy SD1 also seeking to support these measures. Herefordshire Council has unanimously passed a motion declaring a Climate Emergency, signalling a commitment to ensuring that the council considers tackling Climate Change in its decision-making, with this resolution came a countywide aspiration to be zero carbon by 2030; to aid the consideration of development proposals the Council produced a Climate Change Checklist.
- 6.49 As discussed in the forgone sections of the report, new residential development is locationally directed to those places in which offer a baseline of provision of services and amenities, thus, generally reducing the need to travel for these. Whilst Litmarsh is absent of any notable amenities, it benefits from a regular bus service and thus offering a sustainable means of transport for services in Leominster, Bodenham, Marden and Hereford City.
- 6.50 Notwithstanding the sustainable location of the development, thus reducing the need to travel for services, the proposal is considered to need to include measures to support low-carbon ways of living. Paragraph 110 of the NPPF sets out that developments should be designed to enable the charging of plug-in and other ultra-low emission vehicles, with such vehicles contributing to the objectives of reducing reliance on fossil fuels and so climate change. In this regard, the applicant agrees to a condition requiring the details of electric vehicle charging points to be submitted to the LPA. Bicycle parking and storage could be provided for in the garages proposed but a condition is recommended requiring the specific details on this matter.
- 6.51 As underlined in the completed Climate Change Measures compliance checklist, the proposed dwellings would be orientated to face south, maximising solar gain and therefore reducing the need for space heating and electric lighting. In respect of renewable and low carbon energy measures, solar panels are proposed for the roofs of the dwellings and the applicant agrees to a condition requiring the submission of details of these. These would reduce the amount of energy required from the grid and would help to heat water and provide some heating. Air

source heat pumps are also proposed and these would be predominately provide for heating. Details of these would also be required as part of a condition to which the applicant consents to.

- 6.52 With the above suite of climate change measures in mind, it is considered that the proposal has regard to the Climate Emergency and explicitly demonstrates ways in which it can assist Herefordshire's in mitigating the impact of new development on climate change. As such, it is considered that the proposal accords with Policy SS7 and SD1 of the CS.

Heritage

- 6.53 With reference to the proposals impact on the historic environment, the site is not located within a conservation area, nor are there considered to be any heritage assets within immediate proximity to the site. The Grade II listed Litmarsh Farm is found 100 metres to the south of the application site. Given that the asset is accessed off The Vault road, together with the intervening development, there is limited inter and co-visibility between the application site and the heritage asset. It is therefore considered that the impact that the proposed development would have on the setting on the listed Litmarsh Farm would be de-minimis. As such, no conflict with Policy LD4 of the CS is found and the duty as placed on the Council at Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 can be discharged.

Other Matters

- 6.54 Comments received have raised concern over the loss of prime agricultural land. Conversely, it has been commented that additional residential accommodation is needed in rural areas to support the land based industry in the locale, contributing positively to the local economy. Pertinent here is Policy SS6, a strategic policy of the CS which sets out that development proposals should be shaped through an integrated approach to planning, including the impact they would have on components including agriculture and food productivity. Whilst there is no policy per se which directs decision-takers to withhold planning permission which would lead to a reduction in prime agricultural land, the proceeding text to SS6 states that the approach should generally be to avoid land of high sensitivity, including that which is of high agricultural value. Further text then goes on to set out that 'areas of lower quality agricultural land will be utilised in preference to the best and most versatile agricultural land'. Material here is also Paragraph 170 of the NPPF which sets out that planning decisions should contribute to and enhance the natural and local environment by inter alia, recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital including the economic benefits of the best and most versatile agricultural land.
- 6.55 It is accepted that the parcel of land is relatively small and given that it does not lie contiguous to other open agricultural land, it is considered to be conducive to modern farming practices. According to Natural England's Agricultural Land Classification Map for the West Midlands Region, the site is classified as Grade 3, the middle grading where land is described to be good to moderate. Given the abundance of land of a higher grading with close proximity to the site and noting the very small amount of land which would be taken out of agricultural use, the proposal is not considered to raise any material conflict with Policy SS6 of the CS.
- 6.56 Finally, in respect of concerns over the supply of pressured water to the new dwellings, this would be the responsibility of Welsh Water and it is noted that they have not raised any objection to the application.

Conclusion

- 6.57 The NPPF has at its heart a presumption in favour of sustainable development. Sustainable development is considered to consist of the three key elements – social, environmental and economic. These are interdependent and need to be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.

- 6.58 The Council is noted to be unable to demonstrate a five year housing land supply at the present time, and so the NPPF directs that the policies most relevant for the determination of applications should be considered to be out of date. However, these housing policies remain to accord with the NPPF and should be provided considerable weight in this decision. Via paragraph 11(d)(ii), the NPPF directs decision makers to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.
- 6.59 It is further noted that the MNDP does not benefit from the enhanced protection afforded by Paragraph 14 of the NPPF, given that it became part of the development plan for Herefordshire more than two years ago.
- 6.60 It is accepted that the parish of Marden has delivered its requisite supply of housing however, it is stressed that the housing growth target is a minimum, not a ceiling. In fact, Litmarsh has experienced very limited growth so far with the majority of development within the Parish being focussed on Marden.
- 6.61 The application site is found outside of the settlement boundary prescribed for Litmarsh in the MNDP. As such, the proposal represents conflict with Policy M2 of the MNDP. However, the site is considered to be contiguous with the main built-up part of the hamlet and consequently can be found to adhere with the requirements of CS Policy RA2. Some additional tensions are noted in respect of the level of growth experienced within the Parish and the scale of the development proposed relative to the scale of the hamlet. However, in the absence of any identified demonstrable landscape harm or negative impact on the amenities of the locale, only limited weight can be attached to this tension.
- 6.62 The proposal would bring forward needed smaller units to this rural hamlet, in the form of two and three bedroom dwellings – the demand for which is set out in the local housing market assessment. This would safeguard and enhance local social wellbeing and there would be associated benefits in the economic sphere from increased local expenditure, bolstering local service provision. Specifically, Marden hosts a village shop and a newly re-opened public house – The Volunteer Inn. Nearby Bodenham also benefits from such village services.
- 6.63 In environmental terms, subject to appropriate mitigation and safeguarding conditions, it is considered that the proposal would not cause any undue harm to biodiversity networks in the locale, with additional landscaping providing the opportunity for net gain. In addition, the proposal would not cause or exacerbate existing flooding or harm the integrity of the River Wye SAC. In this regard, the proposal is therefore considered to accord with Policies M10, LD2, LD3, SD3 or SD4 of the development plan.
- 6.64 In addition to the forgone paragraph, the proposal includes a suite of measures aimed at tackling climate change at the local level. For example, the installation of solar panels, electric charging points and dwellings orientated to face south are recorded as environmental benefits of the scheme, according with Policy SD1 and SS7 of the CS.
- 6.65 The proposal would not result in an unacceptable impact on the local highway network given the demonstration of appropriate visibility splays. Moreover, the proposal would allow for genuine choice with regards to modes of transport by way of proximal access to a regular bus service to Hereford City, provision for private electric vehicle charging points and secure, covered cycle storage.
- 6.66 In weighing the above in the balance as prescribed by Paragraph 11 of the NPPF, it is not considered that the minor harm identified with respect to the conflict with Policy M2 as a result of the site being located outside of the settlement boundary would significantly and demonstrably outweigh the identified benefits associated with the five houses to be provided in

this instance, when considered against the provisions of the NPPF as a whole. Therefore, on balance the application is recommended for approval, subject to the conditions as set out below.

RECOMMENDATION

That the application is delegated to officers to grant planning permission, subject to written confirmation from Natural England that they have no objection to the submitted Appropriate Assessment, subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

- 1. C01 - Time limit for commencement (full permission)**
- 2. C07 - Development in accordance with approved plans and materials**
- 3. C13 - Samples of external materials**
- 4. CBK - Restriction of hours during constructionHours of construction**
- 5. C58 - Domestic use only of garages**
- 6. C68 - Obscure glazing to windows**
- 7. CAB - Visibility splay required (2.4m x 71m)**
- 8. CAE - Vehicular access construction**
- 9. CB2 - Secure covered cycle parking provision**
- 10. CK3 - Landscape scheme**
- 11. CK4 - Landscape maintenance plan**
- 12. CE6 - Efficient use of water**
- 13. CBM - Scheme of foul and surface water drainage strategy**
- 14. As detailed in the Foul Drainage Strategy by Hydro Logic Services ref L0284 dated 26/10/2020 all foul water shall discharge through connection to new private foul water treatment systems with final outfall to mound soakaway drainage fields on land under the applicant's control 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 SS1, SS6, LD2 and SD4.
- 15. All surface water shall be managed through a Sustainable Drainage Strategy as detailed in the Surface Water Drainage Strategy by Hydro Logic Services ref L0284 dated 26/10/2020 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 SS1, SS6, LD2 and SD3.
- 16. Prior to commencement of any construction approved under this consent, written**

confirmation from the Environment Agency on the acceptability of the mound soakaway drainage system approved under this planning consent shall be supplied to, and be acknowledged in writing by the Local Planning Authority.

Reason: In order to ensure compliance with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies SS1, SS6, LD2, SD3 and SD4.

17. Prior to any construction above damp proof course level, details of how all shared elements of the foul water drainage and surface water schemes will be managed for the lifetime of the whole development approved under this consent shall be supplied to the Local Planning Authority for written approval. The approved management scheme shall be hereafter implemented in full unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure ongoing compliance with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies SS1, SS6, LD2, SD3 and SD4.

18. CE2 - Renewable energy installations

- Solar panels
- Air source heat pumps

19. Before any work, including any site clearance or demolition begins, equipment or materials moved on to site, a fully detailed Construction Environmental Management Plan (CEMP) and named 'responsible person', including detailed ecological risk avoidance measures based on current site conditions and all protected species known to be locally present – including Otter, reptiles and amphibians, shall be supplied to the local planning authority for written approval. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have finally been removed.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), Wildlife & Countryside Act (1981), National Planning Policy Framework, NERC Act (2006), NPPF (2019) and Herefordshire Council Core Strategy (2015) policy SS6, LD2 and LD3.

20. Prior to any construction above damp proof course levels, a detailed scheme and annotated location plan for proposed biodiversity net gain enhancement features including significant provision for bat roosting, bird nesting, pollinating insect homes and hedgehog houses and movement corridors 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 habitats on or off the site, boundary features or biodiversity net gain enhancements.

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.

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

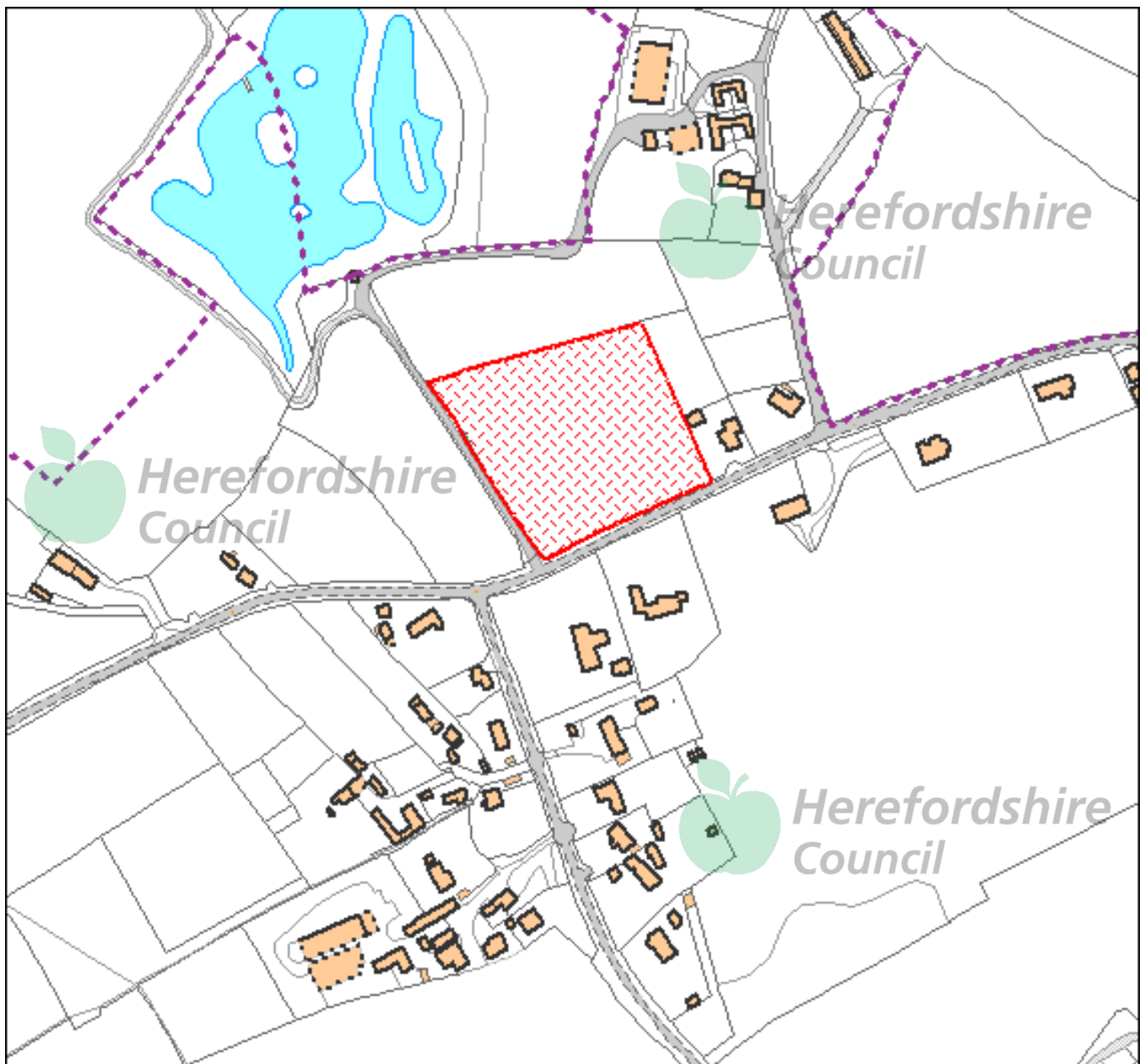
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 201300

SITE ADDRESS : LAND TO THE WEST OF ASHDOWN HOUSE, MARDEN, HEREFORDSHIRE

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Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504