

AGENDA

Planning Committee

Date: **Wednesday 10 December 2014**

Time: **10.00 am**

Place: **The Shire Hall, St Peter's Square Hereford HR1 2HX**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

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Agenda for the Meeting of the Planning Committee

Membership

Chairman

Councillor PGH Cutter

Vice-Chairman

Councillor PA Andrews

Councillor AJM Blackshaw

Councillor AN Bridges

Councillor EMK Chave

Councillor BA Durkin

Councillor PJ Edwards

Councillor DW Greenow

Councillor KS Guthrie

Councillor J Hardwick

Councillor JW Hope MBE

Councillor MAF Hubbard

Councillor JG Lester

Councillor RI Matthews

Councillor RL Mayo

Councillor PJ McCaull

Councillor FM Norman

Councillor J Norris

Councillor TL Widdows

Councillor DB Wilcox

AGENDA

		Pages
1.	<p>APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
2.	<p>NAMED SUBSTITUTES (IF ANY)</p> <p>To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.</p>	
3.	<p>DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
4.	<p>MINUTES</p> <p>To approve and sign the Minutes of the meeting held on 19 November, 2014.</p>	7 - 26
5.	<p>CHAIRMAN'S ANNOUNCEMENTS</p> <p>To receive any announcements from the Chairman.</p>	
6.	<p>APPEALS</p> <p>To be noted.</p>	27 - 28
7.	<p>P141917/F LAND WEST OF PATRICK ORCHARD, CANON PYON, HEREFORD, HR4 8NY</p> <p>Proposed construction of 27 dwellings to include 9 affordable, new access, sustainable drainage and landscape works.</p>	29 - 56
8.	<p>P133411/CD MODEL FARM, HILDERSLEY, ROSS-ON-WYE, HR9 7NN</p> <p>Hybrid planning application for the development of employment uses including B1 (16,500 sq.m GFA), B2 (8,900 sq.m GFA) and B8 (4,000 sq.m) including full details of the access, internal road infrastructure and circulation routes, and landscaping within a landscape buffer zone providing surface water attenuation and planting.</p>	57 - 68
9.	<p>P141022/F LAND AT PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NN</p> <p>Proposed demolition of existing building and erection of 29 dwellings with associated private drive, landscaping and external works.</p>	69 - 90
10.	<p>P140903/F LAND ADJACENT TO HIGHTOWN COTTAGE, PETERSTOW, HEREFORDSHIRE</p> <p>Proposed erection of two dwellings.</p>	91 - 100

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Planning Committee held at The Shire Hall, St Peter's Square Hereford HR1 2HX on Wednesday 19 November 2014 at 10.00 am

Present: Councillor PGH Cutter (Chairman)
Councillor PA Andrews (Vice Chairman)

Councillors: AJM Blackshaw, AN Bridges, EMK Chave, BA Durkin, PJ Edwards, DW Greenow, KS Guthrie, J Hardwick, JW Hope MBE, MAF Hubbard, JG Lester, RI Matthews, RL Mayo, PJ McCaull, FM Norman, J Norris, TL Widdows and DB Wilcox

Councillor LO Barnett

The Committee stood in silence in memory of Councillor LO Barnett, Chairman of the Council, who had recently died.

100. APOLOGIES FOR ABSENCE

There were no apologies.

101. NAMED SUBSTITUTES

There were no named substitutes.

102. DECLARATIONS OF INTEREST

Agenda item 7: P141024 Land at Flag Station, Mansell Lacy

Councillor AJM Blackshaw declared a non-pecuniary interest because he knew the father of one of the applicants through that person's role as Chairman of the Parish Council and through his own role as ward councillor.

Councillor PJ Edwards declared a non-pecuniary interest because he knew the applicant and some objectors.

Councillor J Hardwick declared a non-pecuniary interest because he knew the applicant.

Councillor RI Matthews declared a non-pecuniary interest because he knew the applicant and some objectors.

Agenda Item 8: P141550/O Land West Of Upper Court Road Bosbury

Councillor EMK Chave declared a disclosable pecuniary interest because the Church Commissioners have a fiduciary responsibility to her husband regarding his stipend as a Church of England Clergyman and to herself as potentially in receipt of a pension relating to past service as an employee of the Commissioners. She left the meeting for the duration of the item.

Agenda item 9 – P142450/O Myrtleford Cottage, Ledgemoor, Weobley

Councillor AJM Blackshaw declared a non-pecuniary interest because he knew the applicant through his role as ward councillor.

Agenda item 10 – P141830/O Court Farm, Much Birch

Councillor DW Greenow declared a non-pecuniary interest because he knew the applicant.

Councillor J Hardwick declared a non-pecuniary interest because he knew the applicant.

103. MINUTES

RESOLVED: That the Minutes of the meeting held on 29 October 2014 be approved as a correct record and signed by the Chairman.

104. CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded Members of the advice note that had been issued by the Assistant Director – Economic, Environment and Cultural Services on the weight that could be given to the submitted Local Plan and emerging neighbourhood plans when considering planning applications.

105. APPEALS

The Planning Committee noted the report.

106. P141024/F LAND AT FLAG STATION, MANSELL LACY, HEREFORD, HR4 7HN

(Proposed erection of 4 nos. Poultry buildings, associated feed bins, hard-standings and access road.)

The Development Manager gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes. This included a proposed addition to conditions 16 and 17 set out in the recommendation.

In accordance with the criteria for public speaking, Mr B Barrett, Clerk to Foxley Group Parish Council, spoke in support of the Scheme. Mrs P Powell and Mr D Palmer, local residents, spoke in objection. Mr J Davenport, the applicant and Mr T Powell, the farmer who would run the poultry unit, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, the local ward member, Councillor AJM Blackshaw, spoke on the application.

He commented on a number of issues including:

- The application raised a number of complex issues and he had consulted widely to gain an understanding of them.
- He highlighted the consultation summary at section 4 of the report. He observed that there were no objections from the statutory consultees or from the internal consultees provided certain mitigating action was taken.
- Foxley Group Parish Council had raised no objections.

- Bishopstone Parish Council had opposed the application. However, he considered that the grounds for their opposition were addressed by measures proposed in the report.
- The National Farmers Union supported the application, commenting on population growth and the demand for chicken meat.
- Cargill made a significant contribution to the local economy.
- The Campaign to Protect Rural England had asked that consideration be given to the impact on tourism. In his view the letter of support referred to at paragraph 5.7 of the report demonstrated that poultry sheds were not incompatible with tourism.
- The points raised in letters of objection were addressed within the report.
- The Environmental Permit had been issued for a development of up to 250,000 birds. The planning application was for 180,000. Any increase in the size of the development would require a further planning application.
- The reduction in food miles, sustainability and traceability of food, animal husbandry and health benefits of chicken meat, noting consumer confidence in British chicken, were arguments in support of the application.
- The diversification would sustain a respected family business and secure its future.

The debate opened and the following principal points were made:

Concerns from residents about the proximity of the development to their residences were acknowledged. However, the technical evidence set out in the report and the comments of the Environment Agency suggested that the application could and should be supported. The officer recommendation was moved and seconded.

A number of points were advanced as grounds for refusing the application and a motion for refusal was moved and seconded:

- Details of the application had kept changing.
- There were a number of properties in proximity to the development within 400 metres of the proposed site boundary.
- The development was in conflict with tourism and the holiday business run from Shetton Barns.
- There was concern about a lack of information in the application and whether procedures had been followed.
- There must be a more suitable site within the estate.
- Leaf fall would remove screening making the site more visible.
- The type of heating used in the poultry sheds, which was not yet confirmed, would have a bearing on the amount of odour generated.
- It was questioned how water could be discharged from the proposed attenuation pond into the Yazor Brook, as proposed, when the adjoining landowner had indicated they would not permit the necessary link to cross their land.

- The site was susceptible to flooding.

A number of further comments were made in debate:

- With reference to the Environment Agency's comment at paragraph 4.3 of the report, paragraph 1, and the Agency's consultation with the Council's Planning Services and Environmental Health, it was asked what was meant by the phrase "*no issues were received.*" The Environmental Health Officer commented that where there was no existing permitted activity it was not possible for the Authority to comment on such consultations. As he had previously stated, the Environment Agency could suspend or revoke a permit.
- Appropriate consideration had been given to the possibility of identifying an alternative site within the estate.
- The development would contribute to the local economy.
- Providing chickens locally to supply Cargill would contribute to animal welfare and reduce road transport.
- Chicken manure was also a useful product. It was noted that it was proposed that removal of manure from the site would be governed by condition.
- It was not accepted that the development would have an adverse effect on tourism. Technology had made the management of noise and odour much more effective.
- The assessments of noise and odour had been based on no property being within 400 metres of the site's boundary. It was asked whether sufficient account had been taken of the fact that there were properties within 320 metres of the development. The Environmental Health Officer commented that even if properties were within 200 metres of the development the assessment was that noise and odour levels would be acceptable.
- Clarification was sought on the respective roles of the Environment Agency and the local authority in enforcing noise and odour controls. The Environmental Health Officer commented that any issue of nuisance would be controlled by the Environmental Permit and it would be the responsibility of the Environment Agency to take any enforcement action. The Agency had confirmed that it had the power to suspend or revoke a permit. The Head of Development and Environmental Health added that the statutory nuisance provisions would not apply to any of the operations covered by the Environmental Permit. They would apply to aspects of the development not covered by the permit. He was not aware of a permit for a poultry unit having been revoked but the Agency had the power to do so.
- The Head of Development Management and Environmental Health confirmed that if the applicant wanted to increase the size of the development, beyond the 180,000 birds specified in the planning application, a further planning application would have to be submitted and new noise and odour assessments undertaken.
- Looking to the future, the Council's planning policies needed to take account of the conflict between intensive farming and tourism and the cumulative impact of such developments.
- There should be a nutrient management plan to ensure that the waste from such developments was not having an adverse effect on water quality.

- Appropriate weight needed to be given to the development's impact on local businesses and residents.
- The type of development in question was inimical to animal welfare.
- Tourism generated far more income for the County's economy than agriculture did. It was wrong, as in this case, to promote one business to the detriment of another.
- The Environmental Health Officer commented that whether radiators or mobile gas heaters were used would have no significant bearing on odour. If the system being used was causing a problem the Environment Agency could require a different method to be used.
- It was noted that, as stated in the update, in terms of access to Yazor Brook for drainage, if necessary, other alternative access points were available and could be considered under the relevant drainage condition.
- The Development Manager had provided clarification of the development's location in relation to neighbouring properties in his presentation. He commented that the policy that special consideration be given to proposals where residential or other protected buildings were within 400 metres of such a development had originated in the permitted development order. Any development where relevant types of property were within 400 metres of such a development required planning permission. It did not mean that such development was prohibited but that special consideration needed to be given to it.
- The Planning Lawyer clarified that the reason the previous approval of the application had been quashed and the application had been brought before the Committee was because there had been procedural error. The merits of the application had not been tested. She cautioned that, of the grounds advanced for refusal, the suggestion that there had been insufficient detail provided and that there had been changes to the application would be difficult to defend given that expert opinion had addressed such matters. If any issues could be addressed by condition an application should not be refused on those grounds alone.
- It was suggested that officers should be requested to establish, in consultation with the Chairman and local ward member, whether additional or strengthened conditions were necessary in respect of the heating system to be used and odour management and noise management plans.

The Planning Lawyer commented that the Committee had to consider the merit of the application before it. It had been advised that there were acceptable enforcement powers available to the Environment Agency and the Council. Expert opinion had identified little concern about the development. Those issues that had been raised could be addressed by conditions.

The local ward member was given the opportunity to close the debate. He commented that the applicant had supplied all the details that had been requested and had consulted widely. Odour would rarely be detectable. The tourism business referred to was upwind of the prevailing wind. Tourism and farming were not mutually exclusive. The site was surrounded by mature trees. There were no planning grounds for refusal.

RESOLVED: That officers named in the Scheme of Delegation to Officers are authorised to grant full planning permission, subject to the conditions below and any other further conditions considered necessary, in particular exploring, after consultation with the Chairman and local ward member, whether any additional

or strengthened conditions were necessary in respect of the proposed heating system, and odour management and noise management plans:

1. **A01 Time limit for commencement (full permission)**
2. **B02 Development in accordance with approved plans and materials**
3. **Notwithstanding the approved plans all the external colouring of the feed silos hereby approved shall be to colour code 'Juniper Green' BS12B29).**
Reason: With consideration to the impact on the surrounding landscape and to comply with Policies DR1 and LA2 of the Herefordshire Unitary Development Plan.
4. **H13 Access, turning area and parking**
5. **Prior to the commencement of the development hereby permitted, full details of all external lighting to be installed upon the site (including upon the external elevations of the buildings) shall be submitted to and be approved in writing by the local planning authority. No external lighting shall be installed upon the site (including upon the external elevations of the buildings) without the prior written consent of the local planning authority. The approved external lighting shall be installed in accordance with the approved details and thereafter maintained in accordance with those details.**
Reason: To safeguard the character and amenities of the area and to comply with Policy DR14 of Herefordshire Unitary Development Plan.
6. **I55 Site Waste Management**
7. **L04 Comprehensive & Integrated draining of site**
8. **All manure moved off site will be so in covered and sealed trailers.**
Reason: In consideration of the amenity of the surrounding area and to comply with Policy DR4 of the Herefordshire Unitary Development Plan (and the National Planning Policy Framework).
9. **G02 Retention of trees and hedgerows**
10. **G04 Protection of trees/hedgerows that are to be retained**
11. **G10 Landscaping scheme**
12. **G11 Landscaping scheme - implementation**
13. **G14 landscape management plan**
14. **On commencement of the development, the mitigation as proposed must be carried out in accordance with**

Recommendations 1 to 4 set out in the ecologist's badger report submitted in support of the application from Betts Ecology dated March 2014. An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Statement and the NERC Act 2006.

- 15. The recommendations set out in section 7.4 the ecologist's report from Bretts Ecology dated September 2013 must be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme must be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved. An appropriately qualified and experienced ecological clerk of works must be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.**

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6, NC8 and NC9 of Herefordshire Unitary Development Plan, in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006.

- 16. No development will take place until the developer has provided detailed construction drawings of the proposed surface water outfall to the receiving watercourse to be submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken in accordance with the approved details and retained as such thereafter.**

Reason: To ensure the integrity of the receiving watercourse and to comply with Polices DR4 and DR7 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

- 17. No development will take place until the developer has provided detailed construction drawings of the proposed attenuation structure to be submitted to and approved in writing by the Local Planning Authority. The details submitted must include information pertaining to the depth, levels and dimensions of the structure. Development shall be undertaken in accordance with the approved details and retained as such thereafter.**

Reason: To ensure that the development has sufficient capacity

to attenuate surface water runoff up to and including the 1% annual probability event (including climate change allowance) to ensure no increased flood risk to people of property elsewhere and to comply with Policies DR4 and DR7 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

INFORMATIVES:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy Environmental Information and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2. HN05 Works within the highway**
- 3. N11A Wildlife and Countryside Act 1981 (as amended) - Birds**

(The meeting adjourned between 11.30 and 11.40am.)

107. P141550/O LAND WEST OF UPPER COURT ROAD, BOSBURY, LEDBURY, HEREFORDSHIRE

(Proposed site for up to 46 dwellings, new access from upper court road, with open space, parking and associated infrastructure.)

(Councillor Chave declared a disclosable pecuniary interest and left the meeting for the duration of this item.)

The Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes. He reported that the update included an objection to the application from English Heritage.

In accordance with the criteria for public speaking, Mr P Whitehead, of Bosbury and Coddington Parish Council spoke in opposition to the Scheme. Mr M Hosking, a local resident, spoke in objection. Mr B Simpson, the applicant's agent spoke in support.

The Chairman reported that neither Councillor CNH Attwood, nor Councillor AW Johnson were able to attend the meeting. He had been asked to read a statement on their behalf, in accordance with paragraph 4.8.2.2 of the Council's Constitution providing for local ward members to speak on applications.

The principal points in the statement were:

The objections from a clear majority of residents fell into 2 main categories:

1. Scale - Bosbury is a linear village of 100 houses in a conservation area. Remaining homes are scattered in outlying areas. 46 additional houses represents a 46% increase which can only be described as excessive. The village has one oversubscribed school and a pub. No shop, post office or other community asset except a Village Hall.

Almost all residents are in favour of growth and have no in principle objection to the proposed site. The scale of this proposal however would have a dramatic effect on the village and could certainly not be described as sustainable by any meaningful definition. There are numerous small sites suitable for development within the village which, collectively, could satisfy growth requirements in a much more absorbable way.

2. Flooding - Despite claims by the Environment Agency and Severn Trent to the contrary, flooding is a serious problem in this low lying village. The proposed site slopes continuously down to the access lane. That lane slopes down from the main road to its lowest point immediately adjacent to the school and then rises beyond that point. The attenuation pond would be sited further along the lane, on higher ground. The school playground already floods from run off from the proposed site. Additional run off from this development is certain hence the attenuation pond. The pond is to be sited on higher ground yet the Environment Agency do not consider it to be a problem.

Both scale and flood control could be accommodated by a reduced number of houses all sited on the higher side of the field with the lower half reserved for a proper sized pond for flood attenuation. This is where the water currently collects and will increasingly collect without effective attenuation should this application be approved.

The Committee was requested to reject the proposal and ask the applicant to modify the proposal as suggested.

The debate opened and the following principal points were made:

- Bosbury was an iconic Herefordshire village, part of what made the County attractive for tourism. The Church of the Holy Trinity was a grade 1 listed building. The village contained a number of other listed buildings. The Conservation Manager (Historic Buildings) had commented in the report that the development would adversely affect the character and appearance of the conservation area, contrary to policy HBA6. English Heritage had also now submitted an objection. It was suggested that policy HBA 4 was also a ground for refusal and that relevant paragraphs of the NPPF notably paragraphs 60, 61, and 131 were also grounds for refusal, outweighing the absence of a five year housing land supply.
- The proposed increase in the size of the village of 46% was excessive. The draft core strategy identified that 14% growth over the period 2011-2031 would be proportionate. A smaller development might have been supported.
- It was to be regretted that although the Parish Council had submitted a Neighbourhood Plan the Committee was being advised that no weight could be given to it.
- The access road was of concern as was flooding.
- There would be a significant, detrimental effect on the character of the area.

The Chairman closed the debate on behalf of the local ward members. He reiterated their request that the Committee reject the proposal and that the applicants modify their proposal. (The Chairman also indicated that, having fulfilled the local ward member role, he would not vote on the application.)

The Development Manager cautioned that he had concerns about pursuing reasons for refusal on the technical grounds of access and flooding. However, policies relating to the development's impact on the character and setting of the village and its relationship with the conservation area and listed buildings would represent defensible grounds for refusal.

The Planning Lawyer, having regard to relevant policies, supported the view that the effects on the character and setting of the village with special regard to the setting of listed buildings had sufficient evidence as grounds for refusal.

RESOLVED: That planning permission be refused on the grounds set out below and officers named in the scheme of delegation be authorised to finalise the drafting of the reasons for refusal for publication: policies relating to the development's impact on the character and setting of the village and its relationship with the conservation area and listed buildings including HBA4 – setting of listed buildings, HBA6 – new development within conservation areas, and taking account of relevant paragraphs of the National Planning Policy Framework notably 60, 61, and 131.

INFORMATIVE

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and other material considerations and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it was not possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified approval has not, in this instance, been possible.

108. P142450/O MYRTLEFORD COTTAGE, LEDGEMOOR, WEOBLEY, HR4 8RJ

(Site for erection of dwelling.)

The Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

In accordance with the criteria for public speaking, Mr C Goldsworthy, the applicant's agent spoke in support of the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, the local ward member, Councillor AJM Blackshaw, spoke on the application.

He commented on a number of issues including:

- The applicant needed support to continue to live independently. Her daughter, a nurse at Hereford hospital, could provide this if the proposed dwelling were permitted.
- The Parish Council supported the application. There were letters both in support and in objection.
- There was a satisfactory access.
- He considered the site was within a settlement and did not agree that it contravened policy H7. He considered the development represented sustainable development in accordance with paragraph 55 of the NPPF. Such developments of good design would contribute to the housing supply.

The debate opened and the following principal points were made:

- The view was expressed that the development did represent sustainable development and should be supported. It should be acknowledged that there would be reliance on use of the private car in some locations.

- The importance of meeting social need by facilitating provision of care and support to people in their own homes also needed to be given weight.
- It was important that where an exception to policy was made the design of any property was of the highest standard.
- In relation to whether an annex should be considered rather than a separate dwelling the Development Manager commented that a condition to that effect could not be sustained if circumstances changed given that the proposal was entirely self contained and set within its own plot.

The local ward member was given the opportunity to close the debate. He reiterated that he considered the development was sustainable.

RESOLVED: That officers named in the Scheme of Delegation to officers be authorised to grant planning permission subject to conditions considered necessary and to finalise the drafting of the decision on the grounds that the development was sustainable and that it would provide social benefit facilitating the provision of care and support.

INFORMATIVE

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, including any representations that have been received. The Planning Committee considered that the modest economic and social benefits that can be attributed to the development would outweigh the unsustainable location in this instance. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

109. P141830/O COURT FARM, MUCH BIRCH, HEREFORDSHIRE, HR2 8HT

(Site for 18 no. Dwellings, associated car parking, access and landscaping.)

The Senior Planning Officer gave a presentation on the application, and updates/ additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

In accordance with the criteria for public speaking, Mrs D Hadley, a local resident, spoke in objection. Mr D Benbow, the applicant's agent, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, the local ward member, Councillor J Norris spoke on the application.

He commented on a number of issues including:

- The Parish Council had no objection.
- There were concerns about the access which was a narrow road in disrepair. There was a Doctors' surgery in that location and insufficient parking space.
- Traffic would have to queue on the A49 waiting to turn into the narrow access road.
- Residents of the development would have to cross a fast stretch of the A49 to access amenities.
- He hoped the applicant would release land to provide more parking spaces and so reduce queuing. He also hoped the applicant would ensure the development was of good design and constructed to code 4 of the code for sustainable homes standard.

The debate opened and the consensus was that the development was sustainable, on a brownfield site, would meet a housing need, and should be supported.

It was requested that efforts be made to seek to secure a crossing over the A49 and a 30mph speed limit.

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

1. **A02 - Time limit for submission of reserved matters (outline permission)**
2. **A03 - Time limit for commencement (outline permission)**
3. **A04 - Approval of reserved matters**
4. **A05 - Plans and particulars of reserved matters**
5. **B01 - Development in accordance with the approved plans**
6. **F08 – No conversion of garage to habitable accommodation**
7. **F14 – Removal of permitted development rights**
8. **G11 – Landscaping scheme - implementation**
9. **H03 - Visibility splays**
10. **H06 - Vehicular access construction**
11. **H11 - Parking - estate development (more than one house)**
12. **H17 - Junction improvement/off site works**
13. **H18 - On site roads - submission of details**
14. **H19 - On site roads - phasing**
15. **H20 - Road completion in 2 years**
16. **H21 - Wheel washing**
17. **H29 - Secure covered cycle parking provision**
18. **I16 – Restriction of hours during construction**
19. **I18 – Scheme of foul drainage disposal**
20. **K4 – Nature Conservation – Implementation**
21. **C01 - Samples of external materials**

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, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
2. **N11C – General**
3. **HN05 – Works within the highway (Compliance with the Highways Act 1980 and the Traffic Management Act 2004)**
4. **HN07 – Section 278 Agreement**
5. **HN08 – Section 38 Agreement & Drainage details**

110. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix 1 - Schedule of Committee Updates

The meeting ended at 1.25 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 19 November 2014

Schedule of Committee Updates/Additional Representations

Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.

SCHEDULE OF COMMITTEE UPDATES

P141024/F - PROPOSED ERECTION OF 4 NOS. POULTRY BUILDINGS, ASSOCIATED FEED BINS, HARD-STANDINGS AND ACCESS ROAD AT LAND AT FLAG STATION, MANSELL LACY, HEREFORD HR4 7HN

For: Mr Davenport per Mr Ian Pick, Llewellyn House, Middle Street, Kilham, Driffield, YO25 4RL

ADDITIONAL REPRESENTATIONS

Further representations have been received from Marches Planning and Property Consultancy (Marches PPC) including criticism of the Acoustic Note NO 01 submitted in support of the application, including reference to BS4142:2014 published in October and errors in distances to properties, size of buildings and distorted photos. Other comments summarised as follows:

It maintains that the land is grade 1 (excellent).

Concern that use of mobile gas heaters will increase odour and noise, whereas the Environmental Statement refers to radiators.

Change from individual control rooms to a single one.

Performance element of condition 16 and 17 missing.

Offer of condition on night time vehicle movements indicates unacceptable noise at night.

Conservation officer refers only to visual impacts, not odour impact on Flag Station
Letter of support given more prominence than objections.

Continues to breach EIA regulations by not fully disclosing proposal with reference to the 257,000 birds in the Environmental Permit.

Pamela and Derek Powell raise concern regarding drainage and that link from attenuation pond to Yazor brook crosses their land. They confirm that they would not give permission for this and a condition cannot be imposed over third party land.

The applicant's agent comments with reference to the Agricultural Land Classification Issue, the map provided by Marches PPC is a generalised guide to land classification within the area, but is not accurate on a field by field basis. Whilst parts of the applicant's holding are Grade 1 land, this individual field is the worst field on the farm. In terms of the assessment criterion for Agricultural Land Classification it can be no higher than Grade 3b.

In response to the use of mobile gas heaters the agent advises that the applicant is happy to use radiators with a gas boiler in each control room.

The agent also refers to the permission for conversion for Shetton Barns which was for 7 dwellings. Whilst the use for holiday purposes is not necessarily a change of use the intensification and change of use to a leisure complex and wedding venue has occurred and is therefore in contravention of the planning permission. An investigation of this by the enforcement section is requested.

The Environment Agency advises:

I have been contacted a number of times by Helen Hamilton from Marches PPC in relation to a number of poultry applications in Herefordshire (Flag Station, Milton Farm, Chances Pitch etc.). There have been a few sites recently, regulated by the EA that we have not objected to through the planning process. In an ideal world we would provide detailed comments on both the planning and permitting side of things but currently we do not duplicate this work and leave the assessment to our Permitting colleagues. This approach has been discussed, but I am just emailing you to clarify. Whilst we are not objecting there are nuisance issues you may pick up with your own Public Protection team but I note, from Mr Trezins comments that he would not consider objecting.

The Environmental Health Officer advises: he has considered the criticism of the noise report by Marches PPC and advises that it does not raise any issues that are of material consequence. In particular, he comments that if all fans were used at night, the noise would still be below background noise levels. Further he comments that the type of heating is not significant in terms of amenity impacts

OFFICER COMMENTS

The reference to the performance element of condition 16 and 17 missing is acknowledged and can be simply resolved.

There are control rooms in the end of each of the buildings. There is a typographical error in the Environmental Statement, which led Marches PPC to think otherwise.

Flag Station is in the control of the applicant, it is not unusual for dwellings on poultry units to be in close proximity to the buildings.

In terms of access to Yazor Brook for drainage, if necessary other alternative access points are available, and would be considered under the relevant drainage condition.

CHANGE TO RECOMMENDATION

Conditions 16 and 17 to be amended to add:

“Development shall be undertaken in accordance with the approved details and retained as such thereafter.”

**P141550/O - PROPOSED SITE FOR UP TO 46 DWELLINGS,
NEW ACCESS FROM UPPER COURT ROAD, WITH OPEN
SPACE, PARKING AND ASSOCIATED INFRASTRUCTURE
AT LAND WEST OF UPPER COURT ROAD, BOSBURY,
LEDBURY, HEREFORDSHIRE**

**For: The Church Commissioners for England per Carter
Jonas, 1 Chapel Place, London, W1G 0BG**

ADDITIONAL REPRESENTATIONS

Representation has been received from English Heritage. They object to the application and their comments are as follows:

The village of Bosbury is still a settlement with a readily discernible medieval form and character: a single street with many early houses, all visually dominated by the Grade I listed Church of The Holy Trinity with its impressive detached bell tower. The remains of the former Bishops Palace, and the site of the House of the Knights Templar, hint at the high status of medieval Bosbury, whilst the close relationship between the village and its surrounding landscape is a major characteristic of the conservation area.

The proposed development would, by its size relative to the village, disrupt that relationship, and seriously damage the present clarity of form of the medieval settlement. We note that the applicants' Design and Access Statement is apparently unaware of the newly prepared Neighbourhood Plan, which emphasises the importance of the visual relationship between the village and its surrounding countryside. By damaging that relationship, the proposal would also adversely affect the setting of the church.

OFFICER COMMENTS

The report considers in some detail the visual relationship between the site and the village. Those members attending the site inspection viewed the site from Southfield Lane and it was quite clear that the site is not visually prominent. Similarly the site is not prominent from the centre of the village. Its medieval form is such that buildings form a continuous frontage with few opportunities for views into the site. The Grade I church and bell tower, and the historic core will remain the dominant features for those passing through the village along the B4220 and from any distant views achieved from the south.

NO CHANGE TO RECOMMENDATION

P142450/O - SITE FOR ERECTION OF DWELLING. AT MYRTLEFORD COTTAGE, LEDGEMOOR, WEOBLEY, HR4 8RJ

For: Miss Watkins per Mr Colin Goldsworthy, 85 St Owen Street, Hereford, Herefordshire, HR1 2JW

ADDITIONAL REPRESENTATIONS

Two letters of support were not listed in the report. These were from Ms A Hopkins, Corner Cottage, High Street, Figheledean, Wiltshire and Mr Melvin, 1 Letter Box Cottage, Ledgemoor.

These letters raise no additional issues

Two further letters of support have also been received from occupiers of Honeysuckle Cottage, Ledgemoor and, Mrs Zappert, The Mill House, Eardisland.

These letters raise the additional points:

- Mother has been seriously ill this year and fortunately has made a good recovery but with her advancing years she may well need assistance to maintain independence.
- Applicant is well qualified to care for her mother should the need arise
- She could end up living some considerable distance away.
- Confirm that there was a gate to the rear of Myrtlefield Cottage and this was filled in many years ago but not by the present owners.

NO CHANGE TO RECOMMENDATION

P141830/O - SITE FOR 18 NO. DWELLINGS, ASSOCIATED CAR PARKING, ACCESS AND LANDSCAPING. AT COURT FARM, MUCH BIRCH, HEREFORDSHIRE, HR2 8HT

For: Mr Green per Mr Dean Benbow, 21 Mill Street, Kington, Herefordshire, HR5 3AL

ADDITIONAL REPRESENTATIONS

1. A response from the Council's Drainage consultants has been received which concludes as follows:

"As the site covers an area greater than 1ha, a flood risk assessment (FRA) should have been provided as part of the planning application however this was not done. In addition the proposal details provided by the Applicant do not provide sufficient detail to understand the surface water and foul drainage proposals for the site. However it is acknowledged that the risk of flooding to the site is likely to be low, and due to the low density of the development

there should be sufficient space within the development to provide an adequate surface water drainage system.

We therefore have no objections in principle to the proposed development on flooding or drainage grounds, subject to the provision of a surface water and foul water drainage strategy that incorporates SUDS principles and provision of FRA undertaken in accordance with the NPPF. This information must be provided as part of any subsequent reserved matters application. We also require infiltration test results to be provided prior to construction.

It is recommended that details of the foul water drainage proposals are discussed and agreed with the Environment Agency.”

2. A further letter of objection has been received providing images of the local highway and parking issues thereon. A representative sample of these images has been included within the Committee presentation.

OFFICER COMMENTS

Condition I18, no.19 of the 21 recommended conditions appended to the officer report, sufficiently covers the securing of acceptable foul and surface water drainage.

NO CHANGE TO RECOMMENDATION

MEETING:	PLANNING COMMITTEE
DATE:	10 DECEMBER 2014
TITLE OF REPORT:	APPEALS

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To note the progress in respect of the following appeals.

Key Decision

This is not an executive decision

Recommendation

That the report be noted.

APPEALS RECEIVED

Application 140306/O

- The appeal was received on 10 November 2014
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr And Mrs Thomas Davies
- The site is located at Forton Meadows, Winforton, Herefordshire, HR3 6EA
- The development proposed is rural enterprise dwelling.
- The appeal is to be heard by Hearing

Case Officer: Mr P Mullineux on 01432 261808

Application 140750/O

- The appeal was received on 10 November 2014
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mrs Melanie McGee
- The site is located at Land at Bank House, Kingsthorpe, Herefordshire, HR2 8AH
- The development proposed is Site for one new dwelling and replacement garage
- The appeal is to be heard by Written Representations

Case Officer: Mr Matt Tompkins on 01432 261795

Application 140963/O

- The appeal was received on 3 November 2014
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Bovis Homes Limited
- The site is located at Land at 144 Aylestone Hill, and land to the east of Aylestone Hill, Hereford, HR1 1JJ
- The development proposed is Site for the development of up to 135 homes (including 35% affordable homes), public open space, new access (including demolition of 144 Aylestone Hill). Structural landscaping, sustainable drainage including balancing ponds and infrastructure and associated works.
- The appeal is to be heard by Inquiry

Case Officer: Mr E Thomas on 01432 260479

Application 141134/O

- The appeal was received on 20 November 2014
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr Paul Smith
- The site is located at Land adjacent to Vine Tree Close, Withington, Herefordshire
- Proposed erection of up to 45 dwellings, construction of a new vehicular access and associated works.
- The appeal is to be heard by Written Representations

Case Officer: Mr Edward Thomas on 01432 260479

APPEALS DETERMINED

Application 131680/F

- The appeal was received on 18 August 2014
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Markey Builders (Gloucester) Ltd
- The site is located at Land at Tump Lane, Much Birch, Herefordshire
- The development proposed was Proposed erection of 12 affordable dwellings, comprising a mixture of 2 and 3 bed houses on land off Tump Lane

The main issue(s) were: whether new dwellings in this location would be sustainable, having particular regard to: highway safety, and in particular pedestrian facilities in the area; the effect of the proposal on the character and appearance of the area, and in particular the design and appearance of the new dwellings; and whether there is a suitable mechanism to secure the delivery of affordable housing on the site.

Decision:

- The application was Refused at Planning Committee against Officer Recommendation on 12 March 2014
- The appeal was Dismissed on 18 November 2014

Case Officer: Mr Matt Tompkins on 01432 261795

If members wish to see the full text of decision letters copies can be provided.



MEETING:	PLANNING COMMITTEE
DATE:	10 DECEMBER 2014
TITLE OF REPORT:	P141917/F - PROPOSED CONSTRUCTION OF 27 DWELLINGS TO INCLUDE 9 AFFORDABLE, NEW ACCESS, SUSTAINABLE DRAINAGE AND LANDSCAPE WORKS AT LAND WEST OF PATRICK ORCHARD, CANON PYON, HEREFORDSHIRE, HR4 8NY For: Mr Pryce per Mr Russell Pryce, Unit 5, Westwood Industrial Estate, Pontrilas, Hereford, Herefordshire HR2 0EL
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=141917&search=141917
Reason for Application Submitted to Committee – Contrary to Policy	

Date Received: 24 June 2014

**Ward: Wormsley
Ridge**

Grid Ref: 346182,248902

Expiry Date: 23 September 2014

Local Member: Councillor AJM Blackshaw

1. Site Description and Proposal

- 1.1 The application site comprises a parcel of pasture land that is 1.4 hectares in size and lies to the west side of the A4110 road to the northern end of the village of Canon Pyon. The site is relatively flat with a gentle fall from south to north. The northern boundary of the site is defined by the brook, bound on both sides by mature trees and vegetation. Beyond this lies the village recreation field. The west boundary is defined by a mature hedgerow whilst the eastern boundary with the road is enclosed by a post and rail fence that is adjacent to the public footway and grass highway verge. In the north east corner of the site is an apple and pear orchard. Access to the site is currently via field gates, one positioned centrally and one to the northern end.
- 1.2 The application site lies outside of but adjacent to the defined settlement boundary of Canon Pyon. Canon Pyon is a main village as defined by policy H4 of the Herefordshire Unitary Development Plan. Local Amenities include the pub, village hall, shop and a primary school to the north. Canon Pyon is identified in the Core Strategy as a village that is appropriate for proportionate growth. The site has also been assessed for its suitability as part of the Strategic Housing Land Availability Assessment 2012 as having low or minor constraints.
- 1.3 The proposal is a detailed application for planning permission for the construction of 27 dwellings (including 9 affordable dwellings). The application submission also includes provision for a sustainable drainage scheme, including attenuation ponds and public open space to the north. Within this a children's play area is also included, along with a network of footways and a bridge providing access to the recreation ground/playground. The plans, including layout and

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

house type designs have been amended as part of the proposal to address concerns raised locally and by consultees.

1.4 The mix of housing across the site includes:

- House Types A - D are 4 bedroom detached dwellings (x8)
- House Type E - 2 bedroom semi-detached or terraced properties (affordable Housing) (x5)
- House Types F - H are 3 bedroom detached / link detached dwellings (x6)
- House Type J - 2 bedroom semi-detached bungalows (x2)
- House Type K - 3 bedroom semi-detached dwellings (affordable housing) (x4)
- House Type L - 3 bedroom detached dwellings (x2)

All dwellings have their own gardens and off road parking within their curtilages.

1.5 Access to the site would be via a single point (6m in width) with a 2m footway on either side in a central position on the site, this would extend for approximately 30m before dividing to form two cul-de-sacs. A footway (2m in width) would be retained/improved across the full width of the site within the highway verge. Internally, the cul-de-sacs have footways to one side, with connectivity to the open space provided between plots 24 and 25 and then onward to the playground/recreation ground via a new bridge.

1.6 The application is accompanied by a Planning, Design, Access and Heritage Statement, Ecological Assessment, Stage 1 Road Safety Audit, Flood Risk Assessment and draft heads of terms. Accompanying the amended plans is a detailed letter responding to concerns raised as part of the initial consultation period.

2. Policies

2.1 National Planning Policy Framework (NPPF)

The following sections are of particular relevance:

- Introduction - Achieving sustainable development
- Section 6 - Delivering a wide choice of high quality homes
- Section 7 - Requiring good design
- Section 8 - Promoting healthy communities
- Section 10 - Meeting the challenge of climate change, flooding and coastal change
- Section 11 - Conserving and enhancing the Natural environment
- Section 12 - Conserving and enhancing the Historic environment

2.2 Herefordshire Unitary Development Plan (UDP)

- S1 - Sustainable Development
- S2 - Development Requirements
- S7 - Natural and Historic Heritage
- DR1 - Design
- DR2 - Land Use and Activity
- DR3 - Movement
- DR4 - Environment
- DR5 - Planning Obligations
- DR7 - Flood Risk
- H4 - Housing within the Identified Settlement Boundary of Main Villages
- H7 - Housing in the Countryside Outside Settlements
- H9 - Affordable Housing
- H13 - Sustainable Residential Design
- H15 - Density

H19	-	Open Space Requirements
RST3	-	Outdoor Play and Open Space Requirements
T6	-	Walking
T8	-	Road Hierarchy
LA2	-	Landscape Character and Areas Least Resilient to Change
LA3	-	Setting of Settlements
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
NC8	-	Habitat Creation, Restoration and Enhancement
HBA4	-	Setting of Listed Buildings
HBA6	-	New Development Within Conservation Areas
CF2	-	Foul Drainage

The Unitary Development Plan 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/planning-and-building-control/planning-policy/unitary-development-plan>

2.3 Herefordshire Local Plan Core Strategy (Pre-submission Publication):

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	-	Herefordshire's Villages
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
OS1	-	Requirement for Open Space, Sports and Recreation Facilities
OS2	-	Meeting Open Space, Sports and Recreation Needs
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Local Distinctiveness
LD2	-	Landscape and Townscape
LD3	-	Biodiversity and Geo-diversity
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
ID1	-	Infrastructure Delivery

2.4 Neighbourhood Plan

Pyons Group Parish Council successfully applied to designate the Parish as a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. This was agreed in 2013 and works on preparing this Neighbourhood Plan are ongoing. No material weight can be given to this emerging plan.

3. Planning History

3.1 None.

4. Consultation Summary

Statutory Consultees

- 4.1 Welsh Water raises no objection to the proposal and recommends that conditions be attached to any planning permission. They also advise that the proposed development site is crossed by a public sewer with the approximate position being marked on the attached record plan. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line.
- 4.2 The Environment Agency makes the following comments on the amended/updated information:

We have no objection to the proposed development and would offer the following comments at this time.

Flood Risk: The site is predominantly located in Flood Zone 1, the low risk Zone. All build development is within this Zone. On this basis we would not normally provide a bespoke comment to the application, hence my email relating to the initial consultation.

I note that problems regarding surface water flooding have been raised through the consultation process. As you are aware the Environment Agency primarily focus on fluvial flood risk i.e. flooding from watercourses. With regard to pluvial, or surface water, flooding it is the duty of Herefordshire Council as the Lead Local Flood Authority (LLFA), in discussion with your Land Drainage team, to review the submitted detail and be satisfied that the proposals will not increase flood risk post development.

As such I would refer you to your own Land Drainage team to review the additional detail. I note that they raised concerns on this initial submission which has necessitated the further detail now provided.

Internal Council Advice

- 4.3 The Transportation Manager made the following comments on the initial plans.

The junction location is considered acceptable. The footway along the A4110 fronting the site should be widened to 2.0m as part of the proposals. Regarding the internal layout, I would comment as follows:-

1. Link path to SUDS area – will need to be adopted and tarmac surfaced – and will need to link to PC play area, as discussed.
2. No hedges against kerb lines, driveways need visibility and forward visibility is also required on bends.
3. Verges on A4110 frontage to be raised to prevent parking on them.
4. SUDS area will need to be adopted and 60 year commuted sum applied
5. Drives where no service strip exists – will need to be longer 6m in front of garages or 5.5m elsewhere.
6. Radii on main entrance could be reduced to 6m to minimise highway impact on street scene.
7. Balancing pond to be designed in accordance with CIRIA SuDS Manual.

Following receipt of amended plans to address these issues, it was confirmed that there were no further comments to add.

4.4 The Conservation Manager (Ecology) has made the following comment:

I have read the ecological assessment for the proposal and I am supportive of this application in that it offers significant biodiversity benefits via habitat creation and management to the site. The remnant Traditional Orchard has been taken into account and has been incorporated into the design. The management plan for surface water through a SuD system and the use of mains sewer for foul drainage means that there will be no impact upon watercourses. The flood risk area of the site is given over to the landscaping of the existing orchard with pond and watercourse management which should also benefit biodiversity of the site. If approval is given I would like to see the addition of two non-standard conditions to the decision notice in relation to habitat enhancement and hedgerow protection.

4.5 The Conservation Manager (Historic Buildings) has made the following comments:

The site is located opposite the main built area of Canon Pyon, to the south of the A4110 which runs through the village. There is a grade II listed, the Nag's Head pub, to the north east of the site and on the north side of the main road.

Given the proximity of the listed building to the site, the proposed development would be within the setting of the heritage asset. It is not considered that, as proposed, the development would be detrimental to the character and appearance of the building and it therefore complies with Policy HBA4.

4.6 The Conservation Manager (Archaeology) has made the following comments:

I note the presence of a recorded Roman Road alignment to the east of the site. In essence, this alignment is broadly equivalent to that of the modern A4110 as it runs through the village, forming the eastern edge of the application site. The Roman Road is clearly indicated on mapping of the area, including on mapping submitted as part of this proposal.

It is sometimes the case that the immediate environs of Roman Roads contain associated remains. This is particularly when close to significant Roman settlements such as [in Herefordshire] Kenchester and Stretton Grandison. On the other hand, it is often the case, in the 'countryside' as it were, that the presence of such a road does not indicate particular probability of other remains.

There would appear to be no evidence in this part of Canon Pyon that further remains are likely, so I would largely agree with the negative assessment that is made in the application.

As regards the Roman Road specifically, there is a possibility that e.g. the access works to this development will do some harm to its preserved sub surface form. I do not think that this is a major issue in this case, but nevertheless some mitigation should be sought here.

I have no objections but recommend limited archaeological recording be secured by way of condition.

4.7 The Housing Manager has made the following comments:

Support the above application for 18 open market dwellings and 9 affordable dwellings. Discussions have taken place with the Agent and the application reflects those discussions with the number and tenure of those dwellings being provided meeting the identified need.

The application confirms that the dwellings are to be constructed to DQS, Lifetime Homes and the Code for Sustainable Homes all standards required by the Housing Team.

4.8 The Land Drainage Engineer responded as follows to the initial consultation:

Fluvial Flood Risk

The Environment Agency's Flood Map for Planning (Figure 1) shows the site is mostly located in Flood Zone 1 (<0.1% annual probability of flooding from rivers) and that part of the site may lie within Flood Zone 2 or 3. A FRA has been prepared for the development which states that the northern fringe of the site is situated within Flood Zone 3 (>1% annual probability of flooding).

In accordance with NPPF, new development should be steered away from areas at risk of flooding through the application of the Sequential Test. NPPF states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The proposed development will require the Sequential Test to be carried out. The planning authority should advise on whether the development passes the Sequential Test. It is noted that the Parish Council and local residents have suggested possible alternative sites.

In accordance with the NPPF Practice Guidance residential development is considered "more vulnerable" to flooding. More vulnerable development is considered appropriate in Flood Zone 1 and 2 but subject to the Exception Test in Flood Zone 3a. Although part of the site is situated in Flood Zone 3a and 3b, as detailed in the FRA the proposed development will be situated wholly in Flood Zone 1. Assuming the development passes the Sequential Test, we are therefore satisfied that the development is appropriate at this site, subject to appropriate assessment of risks and mitigation as detailed below.

The FRA identifies the main source of fluvial flooding as the un-named tributary of the Wellington Brook running along the northern boundary of the site. The FRA identified one record of flooding in the village, in 1979, as detailed in the council's Preliminary Flood Risk Assessment. Local residents have however commented that the Canon Pyon Brook has flooded on several occasions since 2000 with the A4110 being impassable at two locations in the 2000 and 2007 events.

The FRA included a hydrological and hydraulic assessment to estimate flood level for the brook through the site. A detailed review of the calculations has not been completed however the FEH Statistical method is considered an appropriate hydrological method.

A HEC-RAS hydraulic model was developed of the brook through the site. The FRA states that the downstream culvert was assumed to be blocked in the model, with downstream boundary levels defined assuming weir flow across the road. Again a detailed review has not been completed but in principle this is an acceptable approach to estimate flood levels for the brook. The assessment indicated that land along the northern boundary of the site and in the north east corner is at risk of flooding from the brook.

The FRA states that all proposed properties are located in Flood Zone 1. Comments from local residents and the EA Surface Water Flood Risk Map indicate potential for flooding from the drain south of the site along Nupton Road east to the A4110. The EA map indicates this is unlikely to affect the site itself however may have implications for access (discussed below).

Proposed floor levels have not been provided, however the FRA states that the building plots will consider relevant constraints (i.e. ground floor levels a minimum of 300mm above adjacent ground levels or 300mm above the 100 year (climate change) flood level). Assuming ground levels at the site will not be significantly altered it appears that a minimum freeboard of 300mm above the 100 year (with climate change) flood level should be achievable and that floor levels should then be above the 1,000 year flood level. The Applicant should provide details of proposed finished floor levels to demonstrate these provide a suitable freeboard above the relevant modelled 100 year (climate change) flood level. A 600mm freeboard is preferred unless this is not technically feasible, in which case a minimum freeboard of 300mm should be provided.

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

The FRA considers safe access and egress and states that the proposed development access road will be situated above the 1,000 year flood level and therefore provide a dry escape route during extreme events. We concur with this assessment within the site. The FRA goes on to say that the A4110 route to the south is above the 1,000 year flood level and therefore provides an access route from the village. However information from local residents and the EA Surface Water flood risk map show a flood flow route along Nupton road south of the site. The EA map shows the A4110 / Nupton Road junction at "High" risk of flooding and local residents indicate the A4110 can become impassable during more severe flood events. If this is the case it will also affect exiting residents in the village. As the proposed development will lead to a significant increase in the number of properties it is recommended that Herefordshire's Emergency Planners are consulted to confirm that the additional numbers of people in the village will not put an unacceptable strain on resources.

Other Considerations and Sources of Flood Risk

The FRA considered flood risks from other sources. The FRA concludes the development is at low risk of sewer and highway flooding but highlights a low lying area of the site susceptible to accumulation of runoff (assumed to be the north east corner). The FRA states that the proposals will include a new drainage system designed "to handle extreme storm events" and that ground floor levels will be raised above adjacent levels. We note that a DCWW watermain crosses the site. Although unlikely, flooding due to a burst of the watermain should also be considered when setting site levels. The Applicant should provide a plan showing proposed levels to demonstrate that flows (from runoff and / or the watermain) will be directed away from existing and proposed properties towards less vulnerable areas. As discussed previously surface water flooding may have implications for access and egress.

The FRA concludes the site is at low risk of flood from reservoirs / water storage facilities, tidal waters and groundwater flooding (as ground floor levels are to be raised). We concur with this assessment.

Surface Water Drainage

The FRA included an assessment of the impact of the development on surface water runoff and options for sustainable drainage. The FRA states that greenfield runoff rates have been calculated using the Rational method. The Applicant should provide information to justify the use of the Rational method for estimation of greenfield runoff rates as opposed to the IH124 method usually adopted as recommended in the Defra/EA document 'Preliminary Rainfall Runoff Management for Developments' (Revision E, January 2012).

The FRA includes an assessment of sustainable drainage options. Infiltration measures were discounted as the available information on soils and geology suggests the permeability at the site is too low. Other source control techniques were considered unlikely to be able to manage all runoff at the site. The assessment concluded that passive treatment systems, in the form of storage tanks or ponds, oversized drainage network or storm cells were most appropriate. The FRA includes an assessment of storage volumes provided through various techniques and concludes that a storage pond is likely to be the preferred option. The FRA indicates that the required storage volume would be in the order of 114 m³ and a pond could be located in the north eastern part of the site.

The Design & Access statement states that infiltration tests will be undertaken to confirm ground conditions are unsuitable for infiltration. Assuming this is the case it states that attenuation storage will be provided to restrict site discharges to greenfield rates. It also states that pollution prevention measures will be installed but no details are provided. No information is presented on adoption or maintenance of the drainage system.

We accept the proposals in principle, however a detailed drainage strategy will be required for the development to support the application demonstrating how surface water from the proposed development will be managed, including consideration of exceedance during events greater than the design standard and / or when the system does not operate as intended. Guidance for managing extreme events can be found within CIRIA C635: Designing for exceedance in urban drainage: Good practice. The strategy should demonstrate that runoff will not exceed pre-developed greenfield rates and ensure no unacceptable flood risk to the development or increased flood risk to people/property elsewhere up to the 1 in 100 year event, including an allowance for climate change. Areas designated for surface water storage should be located outside of the 100 year (with climate change) flood extent.

In accordance with the draft National Standards for Sustainable Drainage and Policy DR4 of the Unitary Development Plan, the drainage strategy should incorporate the use of Sustainable Drainage (SUDS) where possible. The surface water drainage strategy should be designed to mimic the existing drainage of the site. Infiltration techniques should be used unless infiltration testing or a contamination assessment confirms these are not feasible.

Details of any necessary maintenance of the proposed surface water drainage system should be provided by the Applicant along with who will be responsible for undertaking maintenance. It is noted that under Schedule 3 of the Flood & Water Management Act, once enacted, Herefordshire Council as lead local flood authority are responsible for adopting new SUDS systems serving more than one property. Further guidance should be available in 2015.

The Applicant must consider treatment of surface water prior to discharge. Evidence of adequate separation and/or treatment of polluted water (including that from vehicular areas) should be provided to ensure no risk of pollution is introduced to groundwater or watercourses, both locally and downstream of the site.

Foul Water Drainage

No information is provided on foul drainage. It is assumed the Applicant intends to connect to the public sewer and the response from DCWW suggests this will be feasible. The Applicant should confirm their proposal for disposal of foul drainage in their drainage strategy.

Overall Comment

We recommend that the council objects to the application on the grounds of insufficient information relating to drainage. Whilst the proposals are acceptable in principle, further detail regarding the proposed drainage strategy should be provided to support the Application. The following information should be provided to support the application:

- A detailed drainage strategy, with supporting calculations, showing the location and sizes of any attenuation storage (demonstrating these are outside the 100 year (climate change) flood extent) and demonstrating how discharges from the site are restricted to greenfield rates for all events up to the 100 year (with climate change allowance). Greenfield rates should be calculated in accordance with current guidance. The drainage strategy should demonstrate that exceedance of the drainage system has been adequately considered and that suitable mitigation is included to prevent an unacceptable risk of flooding to the development or existing properties;
- Details of the proposals for adoption and maintenance of the surface water and foul water drainage systems;
- Evidence of adequate separation and/or treatment of polluted water (including that from vehicular areas) should be provided to ensure no risk of pollution is introduced to groundwater or watercourses, both locally and downstream of the site.
- Prior to construction, evidence of infiltration testing in accordance with BRE365 to confirm that infiltration measures are not feasible.

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

In addition Herefordshire Council planners should confirm the development meets the requirements of the Sequential Test and it is recommended that the Emergency Planning team is consulted to confirm that the additional properties will not lead to an unacceptable strain on resources in the event of a flood preventing access to the village.

- 4.9 Following receipt of additional information the Council's Land Drainage Engineer has made the following additional comments:

Further information to support the surface water drainage strategy

The amended site layout shows a "sustainable drainage pond" in an area of open space to the east of the site. The same plan shows the pond located outside of the 100 year (climate change) flood extent. The cover letter provides further details of the proposed attenuation pond and confirms the existing site levels allow for the pond to be constructed at existing ground levels. The letter also confirms that infiltration tests have been completed and do not support the use of soakaways at the site. Details of the test results have not been provided. It is recommended they are provided to the Council to support the detailed drainage design.

Details of measures to manage exceedance flows have not been provided, however the cover letter states that "the SUDS drainage strategy will ensure that existing surface water runoff is properly managed rather than running off the field directly onto the highway". Elsewhere it is stated that levels at the site generally fall south to north (towards the brook) and that slab levels can be set a minimum of 300mm above the 100 year (climate change) flood level. In the original FRA it was stated that floor levels would be set a minimum of 300mm above surrounding ground levels. On this basis it is considered that exceedance flows can likely be safely managed in the development without increasing flood risk to existing properties.

This information is considered sufficient for planning however the Applicant should provide a detailed drainage layout and supporting calculations prior to construction, clearly demonstrating how discharge rates and volumes are managed for a range of events up to the 100 year (climate change) event so as not to increase off site discharges. The layout should also clearly show how exceedance flows will be managed through the development.

Justification of the use of the rational method to calculate greenfield runoff rates

The cover letter correctly refers to the recent science report (SCO90031) which recommends the use of FEH methods in preference to other methods (including the IH124 method). However the report and EA Flood Estimation Guidelines do not state that the Rational method is therefore preferred, which the letter implies. The EA guidelines reiterate the science report recommendation that for greenfield runoff calculations FEH estimates for a nearby catchment should be obtained and scaled down to the site area, assuming the study site is representative of the surrounding area. A second phase of the study is expected to provide guidance on the practical implementation of this recommendation for site runoff calculations. The EA guidelines also reiterate FEH guidance against the use of the Rational method as "it gives peak flows typically twice as large as those from the FEH rainfall runoff estimates for small lowland catchments".

If the IH124 method has been discounted, we recommend that either FEH methods should be used to estimate the greenfield runoff rate at the site or various methods should be used to assess the range of greenfield runoff rate estimates and the implications considered in the drainage strategy. Our primary concern is that by adopting the Rational method the existing greenfield runoff rate at the site has been overestimated, which in turn would underestimate the storage volume required. The site layout indicates that space is available to provide additional storage if required however we recommend the Applicant considers the implications of a significant change to the greenfield runoff rate.

We are satisfied that the information presented is acceptable for planning purposes however the Applicant should provide greenfield runoff rates, calculated in accordance with current guidance, to support the detailed drainage design.

Proposals for adoption & maintenance of drainage

The cover letter states that Herefordshire will adopt the SUDS with a commuted sum for maintenance. It is unclear from the letter if this proposal has been discussed with the council to confirm they would adopt the SUDS. If not done already, it is recommended that this is confirmed with the Council's land drainage department and if necessary the Applicant should consider an alternative proposal.

Separation and/or treatment of polluted water

The cover letter states that pollution prevention measures will be installed prior to water entering the pond (details to be confirmed at a later stage in consultation with Welsh Water and the Council). The letter also states that the attenuation pond will include micro pools to catch finer sediment. The site layout plan indicates there should be sufficient space to accommodate these measures.

This information is considered sufficient for planning however the Applicant should provide a detailed drainage layout and supporting calculations prior to construction, clearly demonstrating how adequate separation and treatment is achieved.

Sequential Test & Access/Egress

The cover letter states that the sequential test is not applicable to development proposed in Flood Zone 1. The NPPF states that the SFRA is the basis for applying the test and the sequential approach should be used in areas known to be at risk from any form of flooding. Whilst the accompanying practice guidance refers to steering development towards Flood Zone 1 it also states that "within each flood zone, surface water and other sources of flooding also need to be taken into account in applying the sequential approach to the location of development".

As part of the site is located in Flood Zone 3 and there is evidence that surface water flooding may compromise access to the development we consider that the sequential test should apply to this development. However we note that the proposed development itself is to be located in Flood Zone 1, and is not at significant risk of surface water flooding. Flood risks to the main road in the village may also affect other potential development sites as well as existing development. This should be considered in the application of the sequential test. We also note that for alternative sites to be considered they must be "reasonably available". We accept that safe access and egress is available within the development however information provided indicates that the A4110 may become impassable at times where the brook crosses and at the Nupton Road junction. As this is the main access road through the village we suggest the main factor to consider in the application of the test is whether this flooding would have the same or similar impacts on potential alternative sites. We recommend the Council's emergency planning team is consulted to confirm that the additional properties will not lead to an unacceptable strain on resources in the event of a flood preventing access to the village. They may also be able to advise on whether there would be any significant implications of development at the proposed site compared with alternative sites in the village.

Overall Comment

We have no objections in principle to this development if the Council is satisfied that the development meets the requirements of the sequential test. We also recommend that the

Council confirms they would be in a position to adopt and maintain the proposed SUDS. If this is not the case, or cannot be confirmed at the present time, the Applicant should confirm what alternative arrangements can be made. If not already completed, we also recommend the emergency planning team is consulted to confirm the additional properties will not lead to an unacceptable strain on resources in the event of a flood.

If the Council is minded to grant planning permission the Applicant should provide the following information prior to construction, secured through appropriate planning conditions:

- Provision of a detailed drainage strategy, with supporting calculations, that demonstrates opportunities for the use of SUDS features have been maximised. The results of infiltration tests should be provided to support the strategy. The supporting calculations should demonstrate that discharge rates are not increased for a range of events up to the 100 year (with climate change allowance); greenfield runoff rates should be estimated in accordance with current guidance. The strategy should also clearly show how exceedance flows will be safely managed within the development without increasing flooding to 3rd parties.
- Details of proposed pollution control measures.
- Details of proposals for adoption and maintenance of the drainage system.

4.10 The Parks and Countryside Manager has made the following comments:

It is noted that the applicant has made some changes to the proposed POS/Play and Recreation area/SUDs area as a result of our previous comments and concerns. This new scheme has also provided us with an opportunity to consider some additional issues around design and future adoption. In detail:

Revised Layout - (Response to Objections).

Re-consideration of POS/SUDs layout:

For a development of this size (27 houses) as per previous advice given and in accordance UDP policies H19 and RST3 and the "Fields in Trust" guidance requires the following for POS/Play

- 0.02ha POS
- 0.04 ha provision for children including approx. 0.01 ha (100sq m) formal play
- Total: 0.06ha (600sqm).

These standards have now been considered by the applicant resulting in a more detailed site layout which now identifies areas of "usable" POS/Play, including formal play opportunities and a community orchard in excess of the policy requirements as follows:

- Total 0.19 hectares (1900 sq. m).
- This includes a dedicated area outside the floodplain of 0.012ha (120sq m) of formal play.

In addition the SUDs area of 0.1ha (1000 sq. m) could provide opportunities for informal recreation and biodiversity if designed accordingly.

The revised plan now shows boundaries for POS/Play and the SUDs area demarked by footpaths. This will help to identify future maintenance and adoption requirements but to further help Herefordshire Council (Parks and Highways) it is requested that an indicative adoption plan to accompany the landscape plan is provided at the relevant time for our consultation/agreement.

Play Area/POS /Landscape Requirements:

Given the location and size of development the applicant as advised, has re-consulted with the Parish Council and established that their preferred option is for a play area for younger children to be provided on site, which could include natural play opportunities if appropriate. It is understood that the final detail/design will be finalised as part of the requirements of a condition and adoption process and in consultation with both Herefordshire Council and the Parish Council.

Access has now been considered as requested and the applicant has now provided direct access to the existing village recreation ground which is adjacent to this site including a new timber footbridge over the stream and access through the play/POS area. New benches and bonded/sealed surfaced footways/cycle ways will be provided. We would expect the foot and cycle link from the estate, as per the Council's Highways Design Guide to be a minimum of 3.5m wide to accommodate the joint use.

It is noted that there will be a number of trees on the POS. We would request an updated Tree Survey with agreed works to be completed as part of the adoption process. In particular we would be expecting Willows (Tree 14 & 15) to be re-pollarded prior to adoption and the Ash (tree 3) crown reduced.

Final Design and Adoption Process:

It is acknowledged that the final design (SUDs/POS) is to be agreed by Herefordshire Council as part of the requirements of a condition and the adoption process. As part of this process we would expect the applicant to take account of those issues we have flagged up above which if not dealt with at this stage could impact on future maintenance and adoption processes.

- 4.11 The Council's Emergency Planning Officer has made the following comments in response to the latest Land Drainage Comments:

As I see it the entrance to the development sits between two areas of flooding. The brook to the north which sits within Flood Zone 3 and an area of surface water flooding to the south at the junction of Butthouse Road. Looking at only the surface water mapping for a 1 in 100 flood event (flood zone data I have doesn't include hazard and depth information but the two should be comparable) the brook (north) has a maximum significant hazard rating and the junction (south) has a maximum moderate hazard rating. A moderate rating is described as 'Dangerous to some'. The maximum flood depth at the junction is between 0.15-0.30m which is the highest reasonable (I wouldn't want to say safe) depth that you can drive through.

Therefore passed on a (brief) scientific assessment, access to the site can be maintained at a moderate risk level for both pedestrian and vehicular transport. This risk level is not high enough for myself to have any objections to this application.

Regards an increase in resources, I am not in a position to make that assessment (and have no time to consult with the relevant authorities), however, based on previous applications, as the site is not for the use of vulnerable persons the expectation is that residents are resilient themselves, unless the conditions are extreme, and as access can be maintained at a suitable level no evacuation of the site should need to take place. The only concern is residents passing through the northern zone in deep water (over the brook max depth 0.90m) in a vehicle and requiring assistance. However, it is my belief that this site could only have an insignificant increase on the likelihood of that event and I do not believe that any of our partner agencies would object to this application.

Furthermore we should consider both confirmed reports of flooding both historically and the accounts of those that have lived in the area (some of whom appear to write the same letter of support). The 1979 incident mentioned in the site FRA, the SFRA does include a report of flooding at The Nags Head PH and New End. Whilst these are listed as fluvial events it is more likely (considering the current mapping) that these were pluvial events, on the River Wye (fluvial flood event) the 1979 event has been estimated at a probability of 1 in 25. Other events mentioned under objections (where the road was unpassable) include 2000, River Wye (fluvial) 1 in 23, and 2007, Lugg at Leominster 1 in 20 (fluvial). Without hard evidence we cannot ascertain whereabouts the road was unpassable, the brook or objection. Considering the pluvial flooding earlier this year in February, it has (I believe), in places, been estimated as high as a 1 in 250 year (pluvial) event. As this part of the A4110 was not closed during this time (but with consideration that all flooding events are different and I have not check with our Highways department for any closures on this road during previous floods) it lends itself in support of those accounts put forward buy some of the local residents.

Unfortunately past flood reporting is not comprehensive. If the planning officer has any lingering concerns over this road becoming unpassable I would suggest they contact Highways and ask for any records that relate to this road being closed due to flooding

5. Representations

5.1 Pyons Group Parish Council responded to the initial consultation as follows:

At an extraordinary meeting held on Wednesday 16 July 2014, the parish council agreed that it was not opposed in principle to developing the land West of Patrick Orchard. However, there are several significant concerns that the parish council strongly believes need to be taken into account:

The southern half of the proposed development which fronts the road is too close to the A4110 and overbearing in relation to the existing properties on the other side of the road, and the village. The field is significantly higher on the side of the A4110 which is proposed for development and this has not been adequately accounted for in the proposed location and design of the houses fronting to the A4110. This line of houses needs to be broken up with fewer houses, and the rooflines lowered, for example by the use of gables.

The draft Core Strategy proposes an 18 percent increase in housing stock in Canon Pyon, and the recent Valentine Court approval already increases stock by over 30 percent; this proposed development would further increase that figure to over 60 percent. Therefore there is scope to reduce the density of houses in the southern half of the development significantly, bringing it into line with the northern half. The parish council urges this is done, and that the affordable houses are spread throughout the proposed development rather than concentrated in the southern half.

The parish council has been consulted by the developers and is disappointed that live-work units and a play area for the very young have not been included in the plans.

The parish council wishes to be assured that water drainage and sewage has been given due attention in the proposed plans. It appears that the attenuation pond, for example, is in the area of the field which is a designated flood zone.

5.2 Following a meeting with the applicant, case officer and subsequent receipt of the amended plans, Pyons Group made the following comments:

Pyons Group Parish Council supports the changes made to the design of some of the houses, and the introduction of gaps between more of the houses roadside to the A4110.

However, the visual impact on the A4110 is still considered to be too great and the parish council believes a cut in the overall number of houses, reducing the number by four (4) houses, will provide scope to revisit the layout and reduce the visual impact.

Given the planning permission that is already in place for 10 affordable houses (P131885/F) on the Land adjacent to Valentine Court, the parish council is willing to see the number of affordable houses reduced on the Land West of Patrick Orchard.

Pyons Group Parish Council remains concerned that while the draft Core Strategy proposes an 18 percent increase in housing stock in Canon Pyon, the recent Valentine Court approval already increases stock by over 30 percent; which when combined with this proposed development would further increase that figure to over 60 percent.

The parish council would like to see the profile of the properties roadside to the A4110 reduced to ensure they are not overbearing to the existing properties on the other side of the A4110. At a site visit on 18 October 2014, it was noted that there is only one small area where the two sides of the A4110 are at the same level; for the greater part the Land West of Patrick Orchard is significantly higher than the land opposite. One option to consider is to place the gables within the roof, allowing the properties to be lower in profile as the top floor will be partially within the roof space.

The parish council is pleased to have been consulted by the developers and planning services through this process and believes that if these issues are addressed constructively the proposed development will be a positive addition to the community in the village.

5.3 Letters of representation in objection to the proposal have been received from 6 households:

These raise the following concerns and issues:

- Impact upon views.
- Loss of privacy for dwellings opposite.
- Additional noise causing loss of quiet enjoyment of property.
- Change in character from rural to urban.
- Density too great, too many dwellings
- Increase in traffic movements.
- Access arrangements for repair and maintenance for the adjoining buildings
- Bat Colony in the trees.
- Flooding on the A4110 (in 2007) cut off the A4110. Flooding crosses the road from Nupton Lane. Photographs have been provided demonstrating this situation down the lane to Kinford.
- Depth of water effectively making access very difficult for passing traffic
- Flooding on the highway and the road being cut off will prevent access and egress to the proposed development site and greatly increase the pressure on emergency services. This has been blocked at least twice in the last 15 years. Allowance for climate change would increase the peak flow and severity of flooding further still and would restrict access and egress even further.
- Additional dwellings would add to surface water flooding
- Inadequacy of Flood Risk Assessment as fails to correctly identify the flood flow paths.
- NPPF requirements requires detailed consideration of flood risk and requires that a sequential test be undertaken. The application fails the sequential etc as there are other reasonably available sites appropriate for development in areas with a lower probability of flooding.
- The applicants have not applied the sequential tests properly / misinterpreted the NPPF.

- Both the NPPF and Herefordshire Council Strategic Flood Risk Assessment (SFRA) clearly state that such sites should not be developed for a more vulnerable land use such as residential, if alternative sites exist which are at a lower risk of flooding.
- Looking at sites identified by the Pyons Group Parish Council two other sites were found to have lower flood risk and four found to have lower flood risk across the whole site.

5.4 3 Letters of support have also been received that refer to the issue of flooding and these make the following comments:

- state that whilst surface water does run-off the fields and down Nupton Lane past the pub, it has never been so deep or running so fast that you are unable to drive or even walk through.
- Former landlord of pub confirmed that during heavy rainfall, excess water has run down Nupton Lane but it did not affect pub or its day to day running.
- Note Nupton Road ditches have recently been cleared by the Council and are extremely deep.
- Housing is in a sustainable location in the heart of the village and design looks like it has been well thought out so hopefully be a positive addition to the village.

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

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

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

6.1 The application falls to be considered having regard to the following key issues:

1. Principle of Development
2. Flood Risk
3. Design, Layout and Character of the Area
4. Open Space Provision
5. Landscape and Diversity
6. Highway Safety
7. Affordable Housing and Planning Obligations

Principle of Development

6.2 The issue of the Council's lack of a five year housing land supply has been well rehearsed over recent months by other applications and appeal decisions for residential development on land outside of settlement boundaries identified by Policy H4 of the Herefordshire Unitary Development Plan (HUDP). This application is submitted on the same basis.

6.3 In order to establish a degree of consistency in the absence of housing policies that are considered to be up-to-date with the National Planning Policy Framework (NPPF) the Council has adopted an interim protocol for the consideration of applications that would otherwise be contrary to Policy H7 of the HUDP. It accepts that appropriate residential development outside the development boundaries of main settlements may be permitted to help address the housing shortfall, subject to all other material planning considerations, and specifies that sites should be located adjacent to main settlements defined by Policy H4 of the HUDP. This approach is consistent with the NPPF which presumes in favour of sustainable development.

- 6.4 In simple geographic terms the site is compliant with the interim protocol as it is immediately adjacent to the Canon Pyon settlement boundary and is well related to its services and amenities. The village continues to be identified as one that is appropriate for proportionate growth in the emerging policies of the Core Strategy and is considered to be sustainable in accordance with the NPPF. The determination of this application therefore rests with the requirements of paragraph 14 of the NPPF and its presumption in favour of sustainable development. Paragraph 14 requires that development proposals that accord with the development plans are approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as taken as a whole.

Flood Risk

- 6.5 Paragraph 103 of the NPPF advises that, when determining planning applications, Local Planning Authorities should ensure flood risk is not increased elsewhere as a consequence of the development proposed. It also requires that development is appropriately flood resilient and resistant, including safe access and escape routes where required. It also gives priority to the use of sustainable drainage systems. The HUDP is considered to be up to date with the NPPF with respect to flood risk as these objectives are reflected by Policy DR7.
- 6.6 The Environment Agency's Flood Map shows that the majority of the site lies within the low risk, Flood Zone 1 and the proposed area to be developed falls within this zone. To the north of the site, along the stream corridor is an area that is zoned as Flood Zone 2 / 3 and this area has been excluded from the development area and would become public open space. A Flood Risk Assessment (FRA) has been submitted with the application that confirms this position in respect of Fluvial Flooding and the Environment Agency has confirmed that they have no objection to the development on this basis.
- 6.7 Both the NPPF and policy H7 of the HUDP require that the Local Planning Authority be satisfied that the proposed development should ensure that flood risk is not increased elsewhere. Consultation with the Council's Land Drainage Engineer has confirmed that they are satisfied, on the basis of the information provided, that the SUDS Drainage strategy proposed can safely manage the surface water from the development without increasing flood risk to existing properties. This is subject to conditions in relation to a detailed drainage layout, and separation and treatment being provided and provision for the adoption of the SUDS system being secured through the Section 106 agreement (as per the Heads of Terms attached).
- 6.8 It is also necessary to establish whether the site is appropriately flood resilient, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning. It is agreed that safe access and egress is available within the development itself but the application process has raised concern about the surface water flooding on the A4110. This may occur when / if the brook overtops or where the surface water crosses the road between Nupton Lane and the Mill Road (Lane to the north of the Nags Head). There is conflicting information in this respect with letters advising it is impassable, and letters that refer to this as being passable with care. Having consulted with the Council's Emergency Planning Officer they have concluded that the risk levels are not high enough to raise an objection to this proposal.
- 6.9 Concerns are also raised by local residents in respect of the approach to sequential testing taken by the applicant. The NPPF is clear that inappropriate development should be avoided by directing development away from areas at highway risk and confirms that local plans should apply a sequential, risk based approach to the location of development. Paragraph 101 of the NPPF states that a sequential approach should be used *'in areas known to be at any risk of flooding'* and it is the interpretation of this that has caused conflict. The applicant has taken the approach that as the developable site is in Flood Zone 1 then sequential testing is not applicable. The objector has taken the view that a sequential approach should be used in areas

known to be at risk from any form of flooding. In this instance, this is a referral to the surface water flooding on the highway.

- 6.10 The proposed developable area site itself is one that lies in the lowest risk area, a flood zone 1 and there is no dispute over whether the dwellings themselves would flood. The key concern relates to the severity of the flooding on the highway and the subsequent risks and pressures that may be placed on emergency services and occupants because of this. Given that no objections have been raised by either the Land Drainage Engineer or Emergency Planning Officer on this matter, it is officers opinion that the risks in this instance are low and that this site would in fact represent a location for development that complies with the requirements of the NPPF and Policy DR7 of the HUDP.
- 6.11 It is officers' opinion that given the opinions above, sequential testing is not required in this instance. However, it is noted that the objectors have suggested other sites that may be sequentially preferable, taking these from an initial draft of the Neighbourhood Plan. No detailed assessment of these sites has been undertaken as part of this application and their acceptability and whether they are 'reasonably available' cannot be accurately assessed. It is, however, noted that part of the site that forms this application, is included in the suggested sites for the Neighbourhood Plan but it is acknowledged that no weight can be given to this document at this time.
- 6.12 Having regard to the above, the proposal is considered to represent a site suitable for development having regard to flood risk and drainage. As such it would comply with the requirements of the HUDP policies DR4 and DR7 and with the guidance contained within the NPPF.

Design, Layout and Character of the Area

- 6.13 The application has been amended to address the concerns raised by officers, local residents and the Parish Council. Canon Pyon is a village that has a strong linear character focussed around the A4110. The application submission included an assessment of the existing architectural character of the area and this assessment has informed design proposals. The proposed layout has also been informed by the landscape character depth and shape of the site and the requirement to retain the orchard to the north to accommodate the open space and address flood and drainage requirements. The proposal, in its amended form, retains the linear form of the village for its southern end, with dwellings fronting the road, with their parking and gardens to the rear. The siting of the properties has been staggered slightly to add additional variation, and following consultation with the Parish Council, the plots repositioned so that there is a mix of detached and semi-detached dwellings and designs improved to include half dormers, chimneys, varied porch designs and a mix of materials. Remaining properties to the west of the site front on to the internal estate road with parking to their frontage. Two bungalows have also been included in this proposal following consultation with the Parish Council.
- 6.14 The northern part of the site has a lesser density to reflect the transition between the site and the adjoining orchard and open countryside to the west. These are larger, detached dwellings with ample gardens and parking and landscaping. Provision has also been made in the design to accommodate 'work' space above the garages, to try and address the request of 'live work' accommodation. Pedestrian access leads between plots 24 and 25 to the public open space.
- 6.15 The overall density of the development of the southern end of the development is relatively low at 33 dwellings per hectare. The overall density as a whole is 19 dwellings per hectare. The different density areas were introduced following early advice and assessment of the character areas to the development and the surrounding area. The applicant notes that the number of properties within the street frontage is in fact identical to the opposite side of the road.

- 6.16 The Parish Council has requested that the number of dwellings overall be reduced, but it is officers' opinion that the amendments that have been made have gone a significant way to improving the layout and design of the proposed development and that these variations will ensure that the proposals respect the character of the locality without appearing cramped or as an overdevelopment of the site. The reduction in density as the site moves southwards also ensures an acceptable transition between the built up area and rural edge of settlement.
- 6.17 The revised scheme also ensures the ability for additional tree planting and landscaping to the street frontage that will help integrate the development and its built form, softening views of the development. Hedgerow retention around the site is also welcomed and its protection, during construction, along with the trees to the east is ensured by way of condition in accordance with the requirements of policy LA5 of the Unitary Development Plan. The proposed development site is also of sufficient distance away from the Listed Building to ensure that there is no impact on the setting in accordance with policy HBA4.
- 6.18 Concern has also been raised in respect of the development being 'overbearing' on the street and on the dwellings opposite. Site sections have been prepared that detail this 'across street' relationship and demonstrate that whilst site levels are marginally higher, the design changes (dormer style properties with lower eaves heights) have ensured that the relationship is not one that is overbearing or would be intrusive on amenity with a distance of 24m between the nearest dwellings across the highway. Acceptable levels of amenity can be achieved in accordance with the requirements of policies DR2 and H13 of the Unitary Development Plan.

Open Space Provision

- 6.19 Policy H19 of the HUDP includes requirements for open space provision for residential developments. The site includes 0.29 hectares of informal public open space (more than the 0.02 hectares required). Following consultation with the Parish Council, the site includes a smaller children's play area (Specification to be agreed by condition) and a footway link via a new bridge across the brook to the existing playground and open space. The Council will adopt these areas (in consultation with the Parish Council) and ensure future maintenance. Having regard to the provisions made, the proposal would, subject to appropriate conditions and a Section 106 agreement being signed, comply with the requirements of policy H19 of the Unitary Development Plan.

Landscape and Biodiversity

- 6.20 This land also has an important environmental role in respect of Biodiversity with the ecological appraisals identifying considerable potential to deliver enhancement through the landscaping of this site and also create a peripheral buffer area between residential developments and the surrounding landscape which also compliments the landscape character of the area. The proposed development, subject to the conditions recommended would comply with the relevant policies of the HUDP and with the guidance contained within the National Planning Policy Framework.

6.21 Highway Safety

The proposed development would be served by a single point of entry on the A4110. Visibility in either direction can be readily achieved and there are no objections from the Council's highway officer in this respect. Whilst there is an existing footway that provides access, this will be improved and widened and internal footways will improve connectivity to the recreation ground. Pedestrian safety has also been addressed. The proposal would therefore comply with the requirements of policies DR3 and H13 of the HUDP and with guidance contained within the National Planning Framework subject to compliance with the appropriate suggested conditions.

Affordable Housing and Section 106 Agreement

- 6.22 Policy H9 of the Unitary Development Plan requires that provision is made for 35% of the proposed dwellings to be 'affordable dwellings'. This site provides for 9 affordable dwellings to a tenure that has been agreed with the Council Housing Manager. These will be secured in perpetuity through the Section 106 agreement (as per the Heads of Terms attached). The provision of such dwellings forms an important social role of sustainable development to which significant weight can be attributed. The proposal accords with the requirements of this policy.
- 6.23 Policy DR5 of the Unitary Development Plan, alongside the Council's Supplementary Planning Document requires that contributions are secured by way of a Section 106 agreement. A Heads of Terms is attached that reflects the financial contributions but there is still some ongoing discussion with respect to how these contributions will be apportioned to the individual projects. Subject to the resolution of these outstanding issues and signing of the Section 106 the proposal would comply with the policy requirements of the Unitary Development Plan.

Conclusion

- 6.24 The Council cannot demonstrate a five-year supply of housing land with the requisite buffer. The housing policies of the HUDP are thus out of date and the full weight of the NPPF is applicable. HUDP policies may be attributed weight according to their consistency with the NPPF; the greater the consistency, the greater the weight that may be accorded. The pursuit of sustainable development is a golden thread running through both plan-making and decision-taking and identifies three dimensions to sustainable development; the economic, social and environmental roles.
- 6.25 The site's location, immediately adjacent to and well related to the main settlement of Canon Pyon that offers a good range of services and access by way of public transport to the wider area and the facilities and services it provides. The economic role of the proposed development includes employment and associated activity in the construction sector, as well as support to local services such as shops and public house. Likewise S106 contributions and the New Homes Bonus and the uplift in Council Tax receipts should also be regarded as material considerations. By supporting local facilities and in providing a greater supply of housing and breadth of choice, including 35% affordable, it is considered that the scheme also responds positively to the requirement to demonstrate fulfilment of the social dimension of sustainable development. The development also offers improvements to the environment through the enhancement of biodiversity and landscape and therefore fulfils an important environmental role.
- 6.26 Careful consideration of the issues raised by consultees and members of the public has been undertaken and it is concluded that the proposal complies with all the relevant policies of the Unitary Development Plan and with the guidance contained within the National Planning Policy Framework. There are no adverse impacts in this instance, that have been raised that would significantly and demonstrably outweigh the benefits and as such there is a clear presumption in favour of sustainable development and the proposal is recommended for approval subject to conditions and subject to the completion of the Planning Obligation.

RECOMMENDATION

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

1. **A01 Time limit for commencement (full permission)**
2. **B01 Development in accordance with the approved plans**
3. **C01 Samples of external materials**
4. **The recommendations set out in Section 5 of the ecologist's report from Ecology Services dated April 2014 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a plan showing habitat enhancement proposals integrated with the landscape plans should be submitted to, and be approved in writing by, the local planning authority, and the scheme shall be implemented as approved.**

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reasons:

To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of Herefordshire Unitary Development Plan.

To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006

5. **Prior to commencement of the development, a Tree Protection Plan to include orchard trees and hedgerow following "BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations" should be compiled based upon this survey should be submitted to, and be approved in writing by, the local planning authority, and the scheme shall be implemented as approved.**

An appropriately qualified and experienced arboricultural clerk of works should be appointed (or consultant engaged in that capacity) to oversee the arboricultural mitigation work.

Reasons:

To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of Herefordshire Unitary Development Plan.

To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006

6. **E01 Site investigation - archaeology**
7. **H06 Vehicular access construction**
8. **H11 Parking - estate development (more than one house)**

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

9. H17 Junction improvement/off site works
10. H18 On site roads - submission of details
11. H19 On site roads - phasing
12. H20 Road completion in 2 years
13. H21 Wheel washing
14. H27 Parking for site operatives
15. I16 Restriction of hours during construction
16. L01 Foul/surface water drainage
17. L02 No surface water to connect to public system
18. L03 No drainage run-off to public system
19. L04 Comprehensive & Integrated draining of site
20. G10 Landscaping scheme
21. G11 Landscaping scheme - implementation
22. G18 Provision of play area / amenity area
23. G19 Details of play equipment
24. I26 Interception of surface water run off / proposed pollution control method

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. HN01 Mud on highway
3. HN08 Section 38 Agreement & Drainage details
4. HN15 Affected street lighting or illuminated signs
5. HN28 Highways Design Guide and Specification
6. HN05 Works within the highway

7. HN17 Design of street lighting for Section 278

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

HEADS OF TERMS

PROPOSED PLANNING OBLIGATION AGREEMENT

Section 106 Town and Country Planning Act 1990

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1st April 2008. All contributions in respect of the residential development are assessed against general market units only.

Planning Application P141917/F

Residential development of 27 dwellings comprising 18 open market units (2 x 2 bed, 8 x 3 bed and 8 x 4 bed) and 9 affordable units (3 x 2 social rented and 2 x 2 bed, 4 x 3 bed intermediate tenure) on land west of Patrick Orchard, Canon Pyon, Hereford, HR4 8NY.

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£120,640.00** (index linked) subject to evidence being provided by education to justify the primary and secondary contributions. The contributions will provide for enhanced educational infrastructure at Coningsby Early Years, Canon Pyon Primary School, Weobley High School, St Mary's Roman Catholic Secondary School (8% of secondary education contribution) and Weobley Youth Service and the Special Education Needs Schools (1% of education contribution). The sum shall be paid on or before first occupation of the 1st open market dwellinghouse, or will be phased in accordance with a phasing scheme to be agreed and may be pooled with other contributions if appropriate.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum **£58,980.00** (index linked) for sustainable transport infrastructure to serve the development, which sum shall be paid on or before occupation of the 1st open market dwellinghouse or will be phased in accordance with a phasing scheme to be agreed and may be pooled with other contributions if appropriate.

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

- Improvements to public transport facilities including waiting facilities in the centre of the village
- Safer routes to school including the widening of the layby outside Canon Pyon Primary School to improve safety

3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£2,160.00 (index linked)** for waste reduction and recycling in Hereford. The sum shall be paid on or before occupation of the 1st open market dwelling, or will be phased in accordance with a phasing scheme to be agreed and may be pooled with other contributions if appropriate.
4. Based on a scheme of up to 27 dwellings the developer covenants with Herefordshire Council to provide 0.19 hectares of on-site public open space.
5. The developer covenants with Herefordshire Council to either pay Herefordshire Council a 15 year commuted sum for maintenance of the on-site Public Open Space (POS), if to be adopted by the Council. Such sums to be calculated in accordance with the Council's tariffs or, the maintenance of the on-site Public Open Space (POS) will be by a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as the parish council or a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

Note: The attenuation basin will be transferred to the Council with a 60 year commuted sum. This will be done as part of a land transfer.

6. The developer covenants with Herefordshire Council that 35% (9 units) of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H9 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations (2008).
7. Of those 9 Affordable Housing units, at least 3 shall be made available for social rent with the remaining 6 being available for intermediate tenure occupation (shared ownership, intermediate rent, or low cost market).
8. All the affordable housing units shall be completed and made available for occupation prior to the occupation of no more than 80% of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.
9. The Affordable Housing Units must be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or successor agency) from time to time with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-
 - 9.1 registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

- 9.2 satisfy the requirements of paragraph 10 of this schedule
10. The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of who has:-
- 10.1 a local connection with the parish of Canon Pyon;
- 10.2. in the event there being no person with a local connection to the parish of Canon Pyon a person with a local connection to the parishes of Kings Pyon, Brinsop & Wormsley, Burghill, Dinmore, Hope under Dinmore, Wellington, Birley with Upper Hill;
- 10.3 in the event there being no person with a local connection to the above parishes any other person ordinarily resident within the administrative area of Herefordshire Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 10.3 above
11. For the purposes of sub-paragraph 10.1 & 10.2 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
- 11.1 is or in the past was normally resident there; or
- 11.2 is employed there; or
- 11.3 has a family association there; or
- 11.4 a proven need to give support to or receive support from family members; or
- 11.5 because of special circumstances
12. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to the Homes and Communities Agency 'Design and Quality Standards 2007' (or to a subsequent design and quality standards of the Homes and Communities Agency as are current at the date of construction) and to Joseph Rowntree Foundation 'Lifetime Homes' standards. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.

13. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to Code Level 3 of the 'Code for Sustainable Homes – Setting the Standard in Sustainability for New Homes' or equivalent standard of carbon emission reduction, energy and water efficiency as may be agreed in writing with the local planning authority. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
14. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2 and 3 above for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
15. The sums referred to in paragraphs 1, 2 and 3 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
16. The developer covenants with Herefordshire Council to pay a surcharge of 2% of the total sum detailed in this Heads of Terms, as a contribution towards the cost of monitoring and enforcing the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.
17. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement



MEETING:	PLANNING COMMITTEE
DATE:	10 DECEMBER 2014
TITLE OF REPORT:	<p>P133411/CD - HYBRID PLANNING APPLICATION FOR THE DEVELOPMENT OF EMPLOYMENT USES INCLUDING B1 (16,500SQ.M GFA), B2 (8,900SQ.M GFA) AND B8 (4,000SQ.M). INCLUDING FULL DETAILS OF THE ACCESS, INTERNAL ROAD INFRASTRUCTURE AND CIRCULATION ROUTES, AND LANDSCAPING WITHIN A LANDSCAPE BUFFER ZONE PROVIDING SURFACE WATER ATTENUATION AND PLANTING AT MODEL FARM, HILDERSLEY, ROSS-ON-WYE, HR9 7NN</p> <p>For: Mr Webster per Arup, 63 St Thomas Street, Bristol, BS1 6JZ</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=133411&search=133411
Reason Application Submitted to Committee – Council Application	

Date Received: 10 December 2013 Ward: Ross-on-Wye Grid Ref: 361399,224165
East

Expiry Date: 9 April 2014

Local Members: Councillors AM Atkinson and PGH Cutter

1. Site Description and Proposal

- 1.1 The site amounts to approximately 15.5 hectares of agricultural land and includes a small farmstead lying centrally within the application site. It is located approximately one mile to the east of Ross on Wye's town centre and is immediately adjacent to the A40 former Trunk Road. The road is located to the south, with an area of housing to the west. Boundaries to the north and east are shared with open countryside.
- 1.2 The character of the site and its surrounding area is typical of agricultural land, with fields defined by mature hedgerows and containing occasional hedgerow trees. The site is quite open in nature and is widely visible within a local context. It is outside of the Wye Valley Area of Outstanding Natural Beauty and has no specific landscape designation.
- 1.3 The application is made in outline with all matters apart from access and landscaping reserved for future consideration and seeks to demolish the existing farm buildings and develop the land for employment purposes; a mix of B1 (light industrial/office), B2 (general industrial) and B8 (storage and distribution) uses. Details of the proposed split of floor area are provided in the Design and Access Statement and these are as follows:
 - B1 – 16,500 square metres gross floor area

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

- B2 – 8,900 square metres gross floor area
- B8 – 4,000 square metres gross floor area

- 1.4 The application is submitted with an indicative master plan which shows six development areas and detailed landscaping proposals for an area along the western boundary. It is expected that the six development areas will come forward as a single future reserved matters application or multiple individual applications.
- 1.5 The detailed landscaping proposals show a buffer between the existing housing to the west and the substantive part of the site that it is proposed to use for employment purposes. The landscaped area covers approximately a quarter of the site and includes surface water attenuation ponds, and orchard planting and grazing area to reflect the historic landscape character. The landscaping scheme also proposes 1.2 kilometres of new hedgerow planting to mitigate the loss of existing hedges arising as a result of the built form.
- 1.6 Access to the site is to be provided directly from the A40 at the south eastern corner. The submission advises that the internal layout will be compliant with the Council's Highway Design Guide and Specification and provides a detailed layout for this. A pedestrian and cycle link is proposed to be created through part of the orchard plantation to the south western corner of the site and footway/cycleway improvements are to be made along the A40. These include a new footway across the entire site frontage, new bus stops and a signalised pedestrian crossing.
- 1.7 A Screening Opinion was completed under the Town & Country Planning (Environmental Impact Assessment) Regulations 1999 and it was concluded that the proposal did not represent development for which an Environmental Statement would be required. However, the application is submitted with the following documents:
- Design & Access Statement
 - Planning Statement
 - Statement of Community Involvement
 - Framework Travel Plan
 - Transport Assessment & Addendum
 - Stage 1 Road Safety Audit
 - Ecological Survey & Update
 - Landscape Character & Visual Assessment
 - Geotechnical Desk Study
 - Flood Risk Assessment
 - Topographical Survey
 - Landscape Master Plan Framework
 - Detailed Landscape Plan

2. Policies

2.1 National Planning Policy Framework

Section 1	-	Introduction
Section 2	-	Achieving sustainable development
Section 3	-	Supporting a prosperous rural economy
Section 4	-	Prompting sustainable transport
Section 10	-	Meeting the challenge of climate change, flooding and coastal change
Section 11	-	Conserving and enhancing the natural environment

2.2 Herefordshire Unitary Development Plan

S1	-	Sustainable Development
S2	-	Development Requirements

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

S4	-	Employment
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
E3	-	Other Employment Land Allocations
E8	-	Design Standards for Employment Sites
T6	-	Walking
T7	-	Cycling
T8	-	Road Hierarchy
LA2	-	Landscape Character and Areas Least Resilient to Change
LA3	-	Setting of Settlements
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
NC7	-	Compensation for Loss of Biodiversity
NC8	-	Habitat Creation, Restoration and Enhancement

2.3 Herefordshire Local Plan – Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS4	-	Movement and Transportation
SS5	-	Employment Provision
RW1	-	Development in Ross on Wye
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
E1	-	Employment Provision
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources

2.4 Model Farm Supplementary Planning Document

Under Policy E3 of the Herefordshire Unitary Development Plan (HUDP) the site at Model Farm is specifically allocated for employment use. This document takes the form of a development brief and outlines the approach to be taken in the development of the Model Farm site. It sets out the parameters for development and comments in some detail about matters including layout, access and movement, landscaping, drainage and the creation of a buffer between the site and adjacent residential areas.

2.5 Neighbourhood Plan

Ross Rural Parish Council and Ross Town Council have successfully applied to designate a joint Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The area was confirmed 5th September 2013. The two Councils will have the responsibility of preparing a Neighbourhood Development Plan for that area. There is no timescale for proposing/agreeing the content of the plan at this early stage, but the plan must be in general conformity with the strategic content of the emerging Core Strategy. In view of this no material weight can be given to this emerging Plan.

2.6 The Unitary Development Plan 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/planning-and-building-control/planning-policy/unitary-development-plan>

3. Planning History

- 3.1 DCSE2007/3140/O – Outline permission for the use of land for B1, B2 and B8 employment purposes – Approved
- 3.2 DMS101350/CD – Hybrid application for 29,400 square metres of B1, B2 and B8 employment uses – Withdrawn.

The application was subject to a direction not to approve from the Highways Agency pending resolution of concerns that they raised about the intensification of traffic movements and its effect on the A40 / A449 junction. On the basis that the gross floor area for employment uses would be limited to specific floor areas for B1, B2 and B8 uses; and thus the traffic impacts could be assessed, the Highways Agency eventually withdrew their holding direction on 31st May 2013, nearly three years after the original submission of the application.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water – No objection subject to the imposition of conditions to ensure that foul and surface water are drained separately from the site, and to require the submission of a scheme to show how foul water, surface water and land drainage will be dealt with.
- 4.2 Environment Agency - A Phase 1 Environmental Risk Assessment and a Site Investigation Report (Model Farm, Ross on Wye, Site Investigation Report have been submitted in support of this application. The site's environmental sensitivity is determined as medium which is based on the fact that the site is on a Secondary A Aquifer and within groundwater Source Protection Zones 2 and 3. The environmental sensitivity of the site is acknowledged in section 2.2 of the Model Farm Supplementary Planning Document (SPD) which was adopted in October 2008.

Low levels of PAH and TPH contamination were found in isolated locations connected with farm vehicle areas and areas of infilled land. It is proposed to remove these hotspot areas from site. We are in agreement with the conclusions and recommendations of the submitted reports and raise no objections subject to the imposition of conditions to ensure that work is carried out in accordance with the recommendations of the reports.

- 4.3 Highways Agency – No objection subject to the imposition requiring the submission of travel plans for each phase of the development.

Internal Council Consultations

- 4.4 Conservation Manager (Ecology) – No objection subject to the imposition of a condition to require the submission of a habitat protection and enhancement scheme prior to the commencement of development.
- 4.5 Conservation Manager (Archaeology) – No objection. It is considered that the choice of site is a good one archaeologically, and that no harm to any heritage assets will occur as a result of the development. No further archaeological measures are necessary.
- 4.6 Environmental Health and Trading Standards Manager – No objection subject to the imposition of conditions to deal with matters highlighted in the contaminated land reports accompanying the application.
- 4.7 Land Drainage Engineer – The flood risk at this site is generally considered to be low and the proposed surface water management scheme is in line with current best practice. In principle,

there are no objections to this development on the grounds of flooding or drainage-related matters. However, as the existing culvert beneath the former railway embankment will be retained in the development proposals, it is recommended that the culvert is further investigated to ensure that it is not blocked or damaged and can carry the proposed outflows from the ponds without putting the residential properties in the adjacent housing estate at any greater risk of flooding. It is recommended that a summary of these investigations is submitted to the Council for comment and approval prior to construction.

5. Representations

5.1 Ross Rural Parish Council - The Parish Council is not aware of any objections to this application from local residents. The original objection was that this type of development should take place on brown field sites NOT green farming land. This issue has not been addressed by Herefordshire Council.

5.2 Ross Civic Society – Raise no objection to the proposal but request that proper attention is given to the landscaping. They also note that they are pleased to see references to cycle and pedestrian paths.

5.3 Two letters of objection have been received from local residents. In summary the points raised are as follows:

- Potential damage to the aquifer during construction
- Increased risk of flooding to properties on Parsons Croft and The Glebe from surface water run off.
- Long term light and noise pollution will cause distress to local residents and wildlife.

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

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

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

Principle of Development

6.1 Ross-on-Wye is designated as one of the five market towns suitable for additional growth required to meet the County's strategic and local development objectives. Policy E3 of the HUDP allocates Model Farm for employment use. The allocation of the site for employment uses establishes that the site is considered, in principle, to be suitable for such a use in order to meet the future employment needs of Ross-on-Wye. The objection received from Ross Rural Parish Council to the principle of the land at Model Farm being designated for employment purposes is noted, however, given that it is allocated within the HUDP for such purposes it would be unreasonable to refuse this application on such grounds.

6.2 With the principle of development established, the application should demonstrate that any technical matters arising can either be dealt with through the detailed design of the scheme at this stage, or can be satisfactorily addressed through the imposition of conditions. The following paragraphs will consider these matters in further detail.

Highway Matters

- 6.3 The quantum of development currently proposed remains the same as that upon which the original 2010 application was based. By specifying the amounts of floor area to be attributed to particular land uses, the Highways Agency were given sufficient comfort to withdraw their direction not to approve for the earlier application, the notification for this being received by the Council in May 2013. Since that time the area to which the application relates has increased, hence the requirement for a new application. It now incorporates all of the farm buildings which were previously omitted from the earlier application site.
- 6.4 The Highways Agency initially issued a direction not to approve this proposal as they were concerned that some of the information upon which the Transport Statement is based is now out of date. Following further detailed discussions that have involved colleagues from the Highways Agency, together with the applicant's transport consultant, an addendum to the Transport Statement has been submitted. The information contained within this has allowed the Highways Agency to withdraw their direction not to approve. They have recommended the imposition of a condition requiring the submission of a travel plan for each phase of the development. Whilst the master plan is arranged in a phased manner, it is likely that plots will be developed individually and therefore it is considered that there should be a requirement for the submission of an outline travel plan for the site as a whole, with individual plans required for subsequent developments. This is reflected in the recommendation below.
- 6.5 A condition can be imposed to limit the amount of gross floor area permitted across the site as a whole so as to ensure that the development accords with the parameters on which the Transport Assessment is based, as it is on this that the assumption is made that there is sufficient capacity within the highway network. On this basis it is considered that the proposal complies with Policy T8 of the HUDP.
- 6.6 The detailed layout of the access is compliant with the Council's Highway Design Guide. The plans demonstrate that the appropriate visibility splays can be provided and the introduction of a ghost island serves to provide a refuge for vehicles turning right into the site. Similarly, the internal layout complies with the Design Guide and provides a rational arrangement to the site that will allow a phased development without compromising the ability of businesses to operate.
- 6.7 The scheme also makes provision for a suite of highway improvements along the A40 in order to improve the site's connectivity to the rest of the town. The layout shows a clear pedestrian and cycle route emerging from the south western corner of the site and this will link to footway improvements beyond. A new footway across the site frontage, a controlled pedestrian crossing and bus stops on the A40 further add to the range of measures to ensure that there is a genuine choice of sustainable transport modes available to people, compliant with the NPPF and Policies S1, DR2 and DR3 of the HUDP.

Drainage & Flood Risk

- 6.8 The FRA identifies all relevant hydrology issues relating to the site. The presence of the Secondary Aquifer and the fact that the site is located within a groundwater protection zone are acknowledged by it and are directly referenced in the consultation response made by the Environment Agency. They are satisfied that the proposal will not cause harm to these, subject to the imposition of conditions.
- 6.9 The site is located within a Flood Zone 1 and therefore is not prone to fluvial flooding. However, in accordance with the requirements of the NPPF and its technical guidance, schemes must consider the implications of all types of potential flood risk and accordingly the FRA addresses the implications of surface water flood risk. It proposes the implementation of a Sustainable Urban Drainage (SUDs) scheme on the site. The land is to be divided into two catchments; the northern area adjacent to the former railway line and the southern area adjacent to the A40.

Runoff from these catchments will be directed into attenuation ponds with eventual discharge to an existing watercourse. The FRA advises that the discharge from the outfall will be less than the greenfield runoff rate.

- 6.10 The Council's Land Drainage Engineer has commented in detail on the proposal and has raised no objections subject to the implementation of conditions. His comments take into account the points raised by local residents about localised flood events in the north western part of the site along an unnamed watercourse. The Land Drainage Engineer comments that this is possibly caused by the backing up of flows at the culvert underneath the former railway embankment and his recommendation to impose conditions includes a provision for investigative works to be undertaken prior to the commencement of any development.
- 6.11 The updated EA Flood Maps for Surface Water illustrate that there is no significant risk of surface water flooding to the development site and the FRA demonstrates that, through the provision of a SUDs scheme, the proposed development can be carried out in a sustainable way. The fact that there will be a reduction in greenfield runoff rates, combined with further investigation works of the culvert as recommended by the Council's Land Drainage Engineer should serve to reduce the frequency of flood events caused by surface water runoff. On the basis of the advice received it is concluded that the technical matters raised regarding surface water flood risk can be addressed. The proposal is therefore considered to accord with the requirements of Policy DR4(3) of the HUDP and the NPPF.

Landscaping Proposals

- 6.12 The primary function of the landscaping proposals is to provide a buffer between the employment uses on the site and the residential areas of Parsons Croft and The Glebe to the west. The site is currently dominated by improved grassland and the buffer retains this open character. Planting strips around the six development areas have the combined effect of defining the individual plots, whilst providing a transition from the open character of the surrounding area to the built form. The establishment of a buffer also accords with the approach outlined in the Model Farm Supplementary Planning Document.
- 6.13 The road frontage will be dominated by an area of orchard planting. The new pedestrian and cycle links pass through this area and it will also be available for public use more generally. It will provide an attractive setting for the development and, whilst the plans show trees planted in a linear fashion there may be a preference for this to be undertaken on a slightly more ad hoc basis. The recommendation includes conditions requiring the submission of details in respect of planting and the matter is most appropriately addressed in this way.
- 6.14 The Landscape Character and Visual Assessment submitted with the application takes the Council's Landscape Character Assessment as a point of reference and the landscape proposals are considered to be a reflection of the landscape type. Existing features are retained where possible, but the scheme mitigates the loss of existing hedgerows through their replacement. The pond that is to be retained, and the attenuation basins within the landscaped area also represent an opportunity for biodiversity enhancement and it is considered that the proposals accord with Policies NC1, NC8, LA2 and LA6 of the HUDP.

Other Environmental Concerns

- 6.15 Concerns raised by local residents about potential nuisance that might be caused from lighting within the site can be addressed through the imposition of conditions. A lighting schedule for the adopted areas can be requested prior to commencement and details for individual plots can be required as part of individual reserved matters submissions.

Conclusion

- 6.16 The principle of developing the site for employment generating uses is established by Policy E3 of the HUDP. The technical matters regarding drainage, means of access and connectivity to Ross on Wye can either be addressed through the imposition of conditions or are provided for in the details as submitted. The proposal does represent a sustainable form of development and is considered to accord with the Herefordshire Unitary Development Plan and the National Planning Policy Framework. The application is therefore recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **A02 – Time limit for submission of reserved matters**
2. **A03 – Time limit for commencement**
3. **A04 – Approval of reserved matters**
4. **A05 – Plans and particulars of reserved matters**
5. **F06 – Restriction on use**
6. **The development hereby approved shall be limited to the following combined gross external floor areas for Class B uses as defined by the Town & Country Planning (use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification:**
 - **B1 – 16,500 square metres gross floor area**
 - **B2 – 8,900 square metres gross floor area**
 - **B8 – 4,000 square metres gross floor area**

Reason: In order that the local planning authority can consider the implications on highway safety and the network capacity of any intensification in use and to comply with Policy T8 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.
7. **G10 – Landscaping scheme**
8. **G11 – Landscaping scheme - implementation**
9. **G14 – Landscape management plan**
10. **H03 – Visibility splays**
11. **H17 – Junction improvements/off site works**
12. **H31- Outline travel plan**
13. **I33 – External lighting**
14. **The recommendations set out in Section 5.2 of the ARUP ecologist’s report dated December 2013 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat**

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

protection and enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of Herefordshire Unitary Development Plan. To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006

15. No occupation of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure the protection of controlled waters and to comply with Policy DR7 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

16. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure the protection of controlled waters and to comply with Policy DR7 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

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

- c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: To ensure that potential contamination is removed or contained to the satisfaction of the local planning authority and to comply with Policy DR10 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

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

Reason: To ensure that potential contamination is removed or contained to the satisfaction of the local planning authority and to comply with Policy DR10 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

19. L01 Foul/surface water drainage

20. L02 No surface water to connect to public system

21. L03 No drainage run-off to public system

22. Prior to the commencement of the development hereby approved a detailed survey of the existing culvert under the former railway embankment shall be completed. The survey should establish whether the culvert is blocked or damaged and that it has sufficient capacity to accommodate the outflows from the proposed attenuation ponds.

Prior to the commencement of any development, the findings of the report shall be submitted to and approved in writing by the local planning authority. If the report concludes that that the culvert has insufficient capacity the report should also recommend a range of measures to be implemented to ensure that sufficient capacity is available. The development shall be carried out in accordance with the approved details.

Reason: To ensure that effective surface water drainage facilities are provided for the proposed development and to protect nearby dwellings from an increased risk of flooding in compliance with Policy DR4 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

INFORMATIVES:

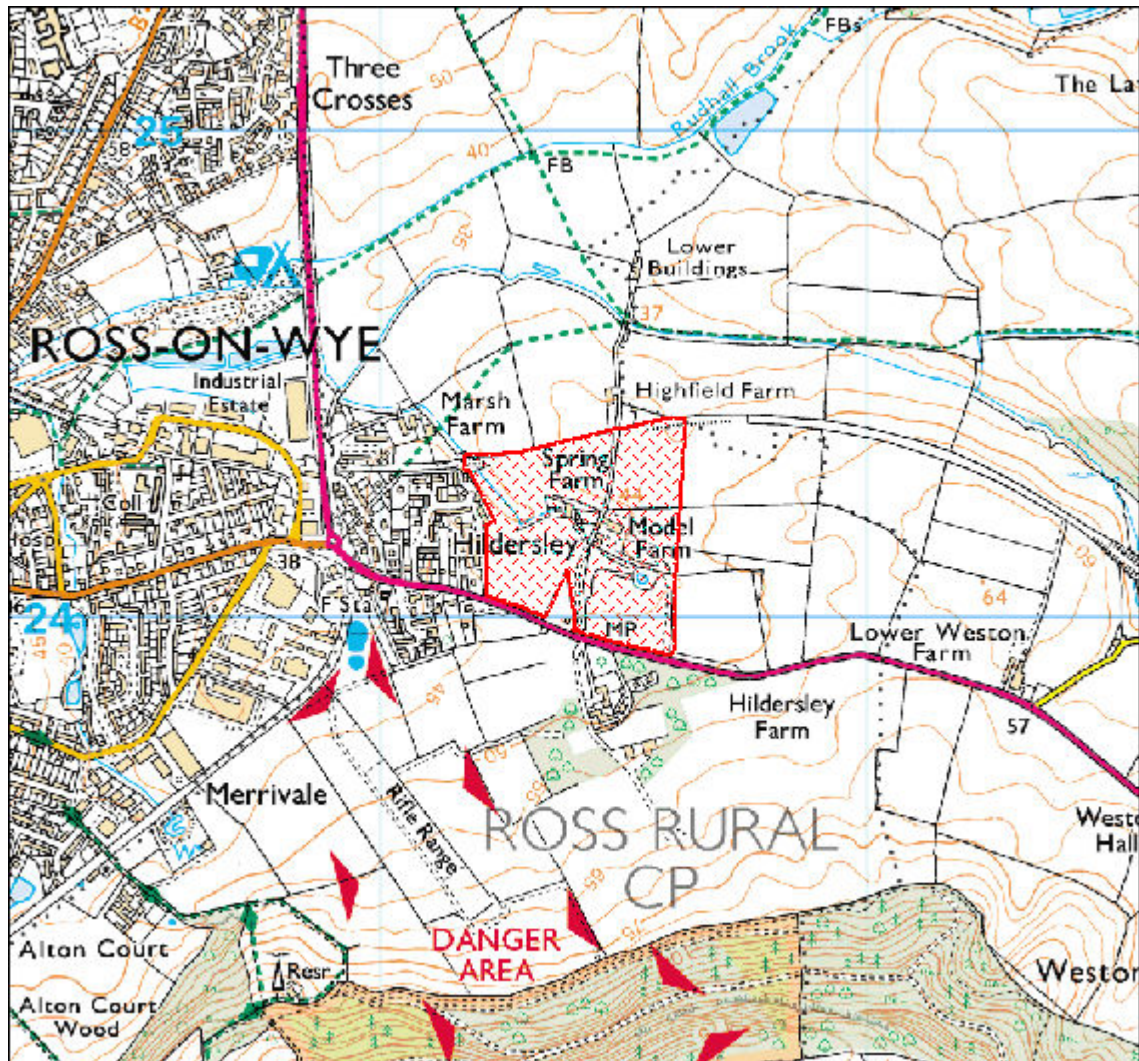
1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. N11A Wildlife and Countryside Act 1981 (as amended) - Birds
3. N11C General
4. HN04 Private apparatus within highway
5. HN28 Highway Design Guide and Specification
6. HN05 Works within the highway

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 133411/CD

SITE ADDRESS : MODEL FARM, HILDERSLEY, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7NN

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



MEETING:	PLANNING COMMITTEE
DATE:	10 DECEMBER 2014
TITLE OF REPORT:	<p>P141022/F - PROPOSED DEMOLITION OF EXISTING BUILDING AND ERECTION OF 29 DWELLINGS WITH ASSOCIATED PRIVATE DRIVE, LANDSCAPING AND EXTERNAL WORKS AT LAND AT PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NN</p> <p>For: Mr Tomkins per Mr T J Ford, 30 Grove Road, Hereford, Herefordshire, HR1 2QP</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=141022&search=141022
Reason Application submitted to Committee – Re-direction	

Date Received: 2 April 2014

Ward: Leominster South

Grid Ref: 350091,259085

Expiry Date: 4 July 2014

Local Members: Councillors JM Bartlett and PJ McCaull

1. Introduction

1.1 This application was deferred by the Planning Committee on 29th October 2014 with a request that the applicant should give further consideration to the following matters:

- Density and size of individual properties
- Economic viability and the potential for overage payments
- Drainage and surface water treatment

The original report of 29 October appears as an appendix to this updated report.

1.2 It was resolved that the applicants be requested to engage in further discussions and consultation with the local ward members in order to provide some further clarity. Subsequently a meeting took place with the applicants, their agent and both local ward members present. Each of the points outlined above were discussed at some length and are dealt with in turn by the following paragraphs.

2. Density and size of individual properties

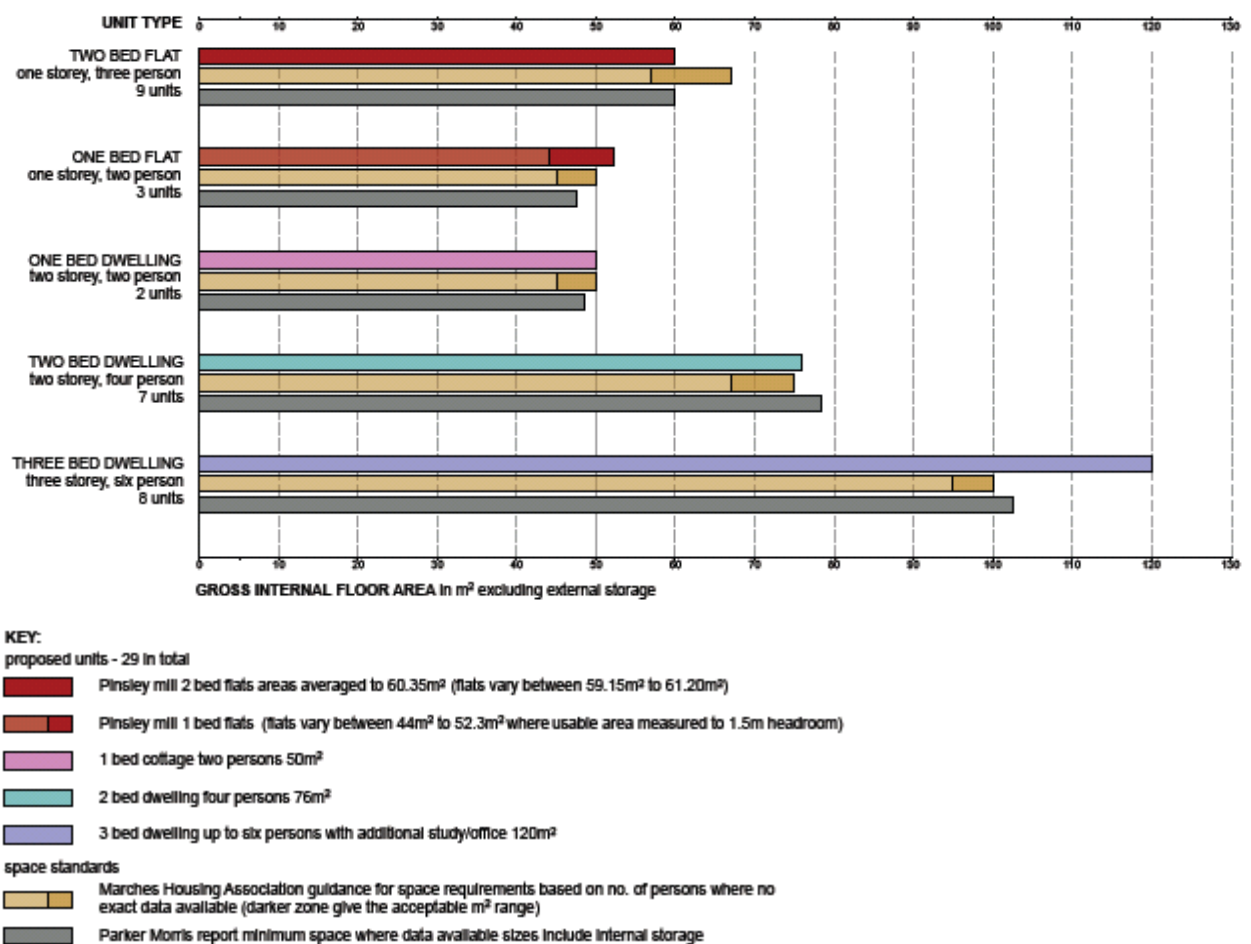
2.1 Some concerns were raised about the overall density of the development and it was suggested that a reduction should be considered. It was suggested that one bedroom apartments might be omitted to address this concern as this would consequently relieve some of the pressure for parking spaces and bin and cycle storage within the site. The applicants explained that the density of the development is critical to the viability of the scheme and that the omission of units would further reduce the profit margin. This would ultimately mean that

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

they would be unable to secure a bank loan as the banks will not fund development if there is too much of an element of risk. Their further investigation in this regard confirms that the omission of the three one bed apartments would cause the profit margin to be reduced to below 15% and that the bank would not loan finances to fund the development on this basis.

2.2 Notwithstanding the above, it should be noted that the combined density of the two previously approved schemes amounted to 30 units on a slightly smaller area than is currently being considered. There is no significant difference in terms of the policies under which the schemes are being assessed as the Herefordshire Unitary Development Plan had been adopted when the two applications were determined in 2008. Officers are of the opinion that the current proposal is a significant improvement on the earlier schemes and that a decision to refuse this application on the grounds of density would not be sustainable on appeal.

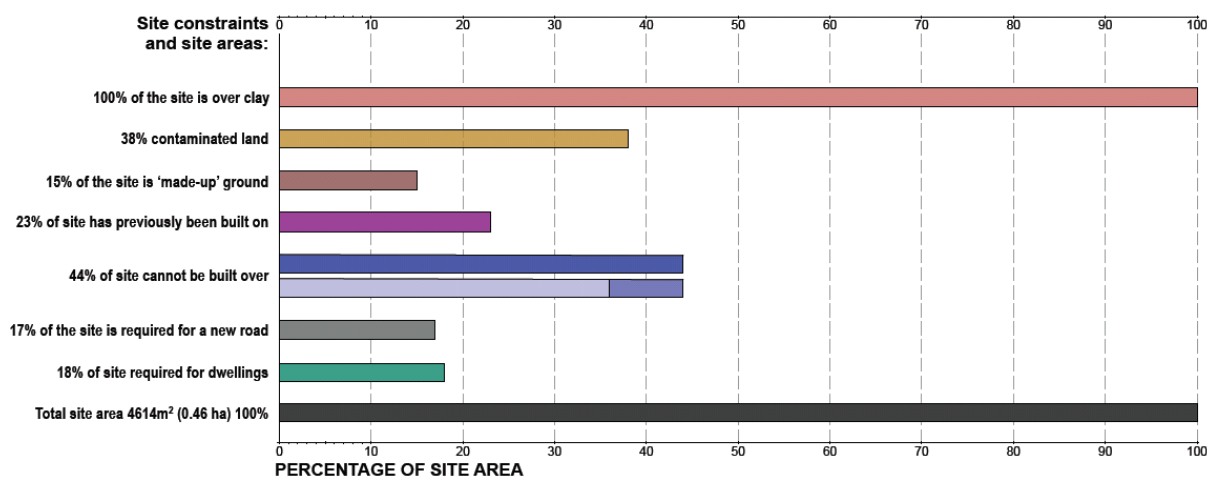
2.3 With regard to the size of the proposed dwellings, the applicant's agent has usefully provided a graphical representation of the floor space to be provided for each type of property, together with comparisons against the current minimum standards of Marches Housing Association and the Parker Morris minimum space standards. This is re-produced below:



2.4 There is no policy requirement for dwellings to meet a minimum space standard. However, it is considered that the proposal compares favourably with the space standards that Marches Housing Association adopt, and also with the national standards outlined in the Parker Morris report. If the dwellings were to be transferred to a housing association they would meet their design and space standards. The plans submitted also demonstrate that all services and parking requirements can be accommodated within the site and that the individual dwellings all have their own private gardens and it is not considered that there is sufficient justification to refuse the application on the grounds that the proposed dwellings are too small.

3. Economic viability and the potential for overage payments

- 3.1 As referred to above, the economic viability of the scheme is closely linked to the number of dwellings proposed. The viability statement submitted by the applicants and independently assessed by the District Valuation Office (DVO) assumes that the development would have a profit margin somewhere between 17 to 20%. The figures submitted were accepted by the DVO and showed that scheme would have a profit margin of 17.5% if the applicants were relieved of the requirements to pay Section 106 contributions and to provide affordable housing on the site. Based on the scheme as submitted and applying the provisions of the Council's Planning Obligations Supplementary Planning Document, the contributions alone would amount to £126,761 and would reduce the profit margin by around one quarter – between 13 and 13.5%. As outlined earlier, the applicants have advised that they would be unable to secure a bank loan with such a reduced profit margin.
- 3.2 The requirement for the provision of affordable housing on the site would have a similar effect as the price that a housing association would pay for individual units is fixed well below their market value. The funding for them is provided by Central Government and there is no flexibility here to ensure a greater profit margin. The effect of requiring affordable housing is similar to that of the provision of financial contributions in terms of its impact on profit margins, and logically their combined effect would be greater still. The relief of this scheme from financial contributions and affordable housing provision is therefore justified.
- 3.3 The applicants and their agent have also highlighted some of the exceptional costs and constraints that exist which have also limited the development of the site. These are usefully tabulated by the applicant's agent and are shown below and serve to highlight a number of other factors that limit the viability of this scheme.



- 3.4 However, the overriding concern of the local members and the Planning Committee is whether there is some ability to claw back some financial contribution if the scheme is more profitable than anticipated once it is completed. The applicants have confirmed that they would be happy to enter into a legal agreement to cover this eventuality and officers have undertaken research to establish how this would work in practical terms. The DVO and applicant's viability consultant have assisted with this and officers have been provided with a number of examples across the country where an overage clause has been applied to development.
- 3.5 The clause operates on a premise that, once an agreed percentage of the units have been sold or let, a calculation to determine overage shall be carried out. Overage shall apply to any

developer's profit above an agreed figure; in this case the figure upon which the economic viability appraisal and profit margin is based (the baseline figure). Any sum in excess of the baseline figure shall be divided 50/50 between the developer and the Council. The Council will then, in consultation with local members and the Town Council use any monies at its discretion on schemes that are otherwise CIL compliant. On the basis that such an approach has been applied elsewhere, officers are content that such an approach is robust and it is recommended that, should planning permission be forthcoming, the applicants are required to enter into a legal agreement under Section 106 of the Town & Country Planning Act 1990 to secure an overage payment should the need arise.

4. Drainage and surface water treatment

- 4.1 If a development is to discharge surface water to a main sewer, Welsh Water require that the developer has first demonstrated that there are no other practicable means of dealing with that surface water. In this case the site is located over an area of made up ground with some levels of contamination associated with fill. The natural ground is reported to be clay and is not conducive to drainage by infiltration. Guidance contained within Building Regulations suggest that if a soakaway is not a viable option due to ground conditions then surface water should be discharged to a watercourse. In this case there is no watercourse within the vicinity of the site, the nearest watercourse being the River Lugg which is separated by third party land and the railway line. Discharge to the River Lugg is not a viable option.
- 4.2 The applicant's agent has confirmed that they have had further discussion with their consultants about the surface water drainage in the light of concerns raised by the Planning Committee and they have forwarded an email exchange with Welsh Water which sets out the points outlined above. The conclusion drawn by the applicant's drainage consultant is that they have demonstrated that there are no other practicable means to deal with surface water and therefore their client's only option is to request a connection to the sewer. They also point out that there is already a connection to the combined sewer which takes all of the storm water from the site (demolished and standing buildings and road), and that the proposed drainage strategy offers betterment to this existing system.
- 4.3 The applicant's drainage consultant gave notice to Welsh Water of their wish to connect the proposal; should planning permission be granted, to the sewer, prior to the submission of the application. They have not received a formal response to this.
- 4.4 Your officers are content that the applicants and their agent have explored all possible alternatives to deal with surface water and that, if a connection to the sewer is not secured, the land will continue to remain undeveloped to the detriment of the setting of the town and its conservation area.
- 4.5 The proposal would discharge surface water to the mains sewer at an attenuated rate, with water being stored in an underground tank during periods of heavy rainfall. It is on this basis that the proposal is considered to represent betterment as there is currently no attenuation on the site at all. Further measures could be employed to limit the amount of surface water being discharged to the sewer and these might include the use of porous paving, rainwater harvesting or the provision of water butts for individual properties. It is considered that this could be addressed through the imposition of a condition and is reflected in the amended recommendation below.

5. Other Matters

- 5.1 The proximity of the site to the railway line was a cause for some debate prior to the deferral of the application by the Committee on 29 October and was a matter raised during the meeting between the local ward members, applicants and their agents. The application includes an acoustic report which concludes that the use of double glazed units, combined with specialist

mechanical ventilation units will ensure noise levels within the dwellings below the maximum as stated by BS2833: 1999 – British Standard code of practice for sound insulation and noise reduction for buildings. It is therefore recommended that an additional condition be imposed to require noise insulation measures to be completed in accordance with the recommendations of the acoustic report.

- 5.2 Following the recent implementation of a revised refuse collection system it is also considered necessary to impose a further condition to require details of bin storage areas to be submitted and approved and provided in accordance with the approved details before the development is first occupied.
- 5.3 The importance of the public footpath as a local route for walkers and as a connection between the town and its railway station is fully recognised. It was highlighted by local members that the footpath should retain an open character and the applicant's agent has confirmed that this is the intention of the scheme. The footpath is currently aligned along a slight depression and it was agreed that it should be specifically delineated if the scheme is to be approved. The applicants have accepted this point and have undertaken to improve the surface of the footpath. It is considered that the inclusion of a specific reference to this within condition 5 of the recommendation; which refers to the submission of a landscaping scheme, will provide for this.

6. Conclusion

- 6.1 The further discussions that have taken place with the applicants, their agents and local ward members have brought some further clarity to the fine balance of the viability of this scheme. The additional information provided demonstrates that the scheme will only work in economic terms if it is constructed as shown. Any reduction in density will reduce the developer's profit margin and will curtail their ability to secure a bank loan. They have agreed to enter into a Section 106 Agreement to secure an overage payment if the scheme proves to be more viable than anticipated and, on this basis, and subject to the additional conditions referred to, it is recommended that planning permission is granted

RECOMMENDATION

Subject to the completion of an agreement under Section 106 of the Town & Country Planning Act to secure an overage payment if the scheme exceeds a baseline profit margin that planning permission be granted subject to the following conditions:

- 1. A01 – Time limit for commencement (full permission)**
- 2. B01 – Development in accordance with approved plans**
- 3. C01 – Sample of external materials**
- 4. F14 – Removal of permitted development rights**
- 5. G10 – Landscaping scheme**
- 6. G11 – Landscaping scheme – implementation**
- 7. H13 – Access, turning area and parking**
- 8. H17 – Junction improvement**
- 9. H21 – Wheel washing**

10. H27 – Parking for site operatives
11. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:
- a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice.
 - b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors.
 - c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment and to comply with Policies DR6 and DR10 of the Herefordshire Unitary Development Plan and the guiding principles of the National Planning Policy Framework.

12. The Remediation Scheme, as approved pursuant to condition no. 11 above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment and to comply with Policies DR6 and DR10 of the Herefordshire Unitary Development Plan and the guiding principles of the National Planning Policy Framework.

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

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment and to comply with Policies DR6 and DR10 of the Herefordshire Unitary Development Plan and the guiding principles of the National Planning Policy Framework.

14. Prior to the first occupation of any of the dwellings hereby approved, details of the boundary treatment of the site shall be submitted to the local planning authority for their written approval, in consultation with Network Rail. The development shall be completed in accordance with the approved details and shall be completed before the first occupation of any of the dwellings. The treatment should take the form of a trespass proof fence and should be of a minimum height of 1.8 metres. It should be located wholly within the application site and provision should be made for its maintenance and renewal.

Reason: In order to protect public safety and the integrity of the rail network and to comply with Policy DR2 of the Herefordshire Unitary Development Plan and the guiding principles of the National Planning Policy Framework.

15. The recommendations set out in Section 4.13 of the ecologist's report dated July-October 2012 should be followed in relation to the identified protected species and Section 4.10 and 4.11 in relation to swifts on new buildings. Prior to commencement of the development, a full working method statement should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan and to comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006.

16. L04 – Comprehensive and integrated draining of site

17. Prior to the first occupation of any of the dwellings the developer shall submit a scheme for the attenuation of surface water runoff. This shall include, but not be restricted to, the use of porous paving materials and the installation of water butts for all of the dwellings. The scheme shall be submitted to and approved in writing by the local planning authority and shall be implemented in accordance with the approved details before the occupation of the respective dwelling to which the works relate.

Reason: To mitigate the effects of surface water runoff and to comply with Policies S1 and DR4 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

18. The development hereby approved shall be carried out in accordance with the recommended noise attenuation measures as outlined in the John Waring Noise Assessment dated 13 June 2012. The noise mitigation measures shall be implemented before the first occupation of the dwelling to which they relates and shall be retained for the duration of the use.

Reason: To safeguard the amenity of future residents and to comply with Policy DR13 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

19. I42 Scheme of refuse storage (residential)

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, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2. N11A – Wildlife and Countryside Act 1981 (as amended) - Birds**
- 3. N11C – General**
- 4. HN04 – Private apparatus within the highway**
- 5. HN05 – Works within the highway**
- 6. HN28 – Highways Design Guide and Specification**

MEETING:	PLANNING COMMITTEE
DATE:	29 OCTOBER 2014
TITLE OF REPORT:	P141022/F - PROPOSED DEMOLITION OF EXISTING BUILDING AND ERECTION OF 29 DWELLINGS WITH ASSOCIATED PRIVATE DRIVE, LANDSCAPING AND EXTERNAL WORKS AT LAND AT PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NN For: Mr Tomkins per Mr T J Ford, 30 Grove Road, Hereford, Herefordshire, HR1 2QP
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=141022&search=141022

Date Received: 2 April 2014

Ward: Leominster South

Grid Ref: 350091,259085

Expiry Date: 4 July 2014

Local Members: Councillors JM Bartlett and PJ MCCaull

1. Site Description and Proposal

- 1.1 The site is a long narrow plot amounting to 0.45 hectares of Brownfield land that is located between the rear gardens of dwellings fronting onto Pinsley Road and the railway line. It includes the site of the former Pinsley Mill; the building was demolished in February 2014 after being fire damaged, and a long, narrow single storey building that has been used by Leominster Rifle and Pistol Club. The substantive part of the site was previously used for commercial purposes and was occupied by a prefabricated industrial building. This has since been demolished and the site is now vacant.
- 1.2 The site is located within Leominster's residential area and also the Leominster River Meadows Conservation Area. Public footpath ZC137 runs along the site boundary, parallel with the railway line at a lower level to both the ground level of the remainder of the site and the railway line itself. Immediately to the north is an area of open space with The Priory Church beyond. Vehicular access to the site can either be gained via the car park serving the White Lion public house to the south; a Grade II listed building, or by a track which emerges onto Pinsley Road between existing dwellings. The site is further constrained by a combined sewer easement which cuts across the site at a midway point and then runs along the boundary with the railway line in a northerly direction. A storm overflow easement also runs the entire length of the eastern boundary and both of these are areas that are not to be built over. The majority of the site also falls within flood zone 2 and 3 as identified by the Environment Agency's maps.

- 1.3 The application seeks to erect 17 houses and 12 flats on the land with a single point of vehicular access via Pinsley Road located in the same position as the existing access. In further detail the accommodation is detailed as follows:
- 9 x 2 bed flats
 - 3 x 1 bed flats
 - 2 x 1 bed houses (semi detached)
 - 6 x 2 bed houses (terraced)
 - 1 x 2 bed house (detached)
 - 8 x 3 bed houses (terraced)
- 1.4 The layout plan shows the provision of vehicular access into the site that runs along the eastern boundary. The site dictates that the proposal takes a linear form. Three terraces are positioned towards the northern end and centrally within the site with a parking and turning area provided where the sewer easement crosses. The flats are incorporated within a new building that takes the approximate position of the former mill with a shared parking area to the south. The detached dwelling is positioned on the southern boundary while the semi detached properties are located in front of the flats, close to the point of access onto Pinsley Road.
- 1.5 The terraced houses are a mix of two and three storeys. Plots 1 to 8 at the northern end are three storey and have a height to the ridge of 9.7 metres. Plots 9 to 14 are two storey with a ridge height of 7.8 metres. The detached and semi detached houses are 7.4 and 7.2 metres in height respectively and the building comprising the flats is 11.3 metres high. The buildings are all shown to be faced in brick with tiled roofs with brick detailing to window cills and headers.
- 1.6 The application is supported by the following documents:
- Design & Access Statement
 - Planning Statement
 - Heritage Statement
 - Extended Phase 1 Habitats Survey
 - Flood Risk Assessment
 - Drainage Strategy
 - Ground Investigation Report
 - Noise Assessment
 - Affordable Housing Viability Report
- 1.7 The last of these documents has been treated as confidential as it contains commercially sensitive information. Its purpose is to provide detailed information about the economic viability of the scheme and it concludes that if the developer is required to provide affordable housing in accordance with policy requirements, and is also required to make financial contributions in accordance with the Council's Planning Obligations Supplementary Planning Guidance, the scheme would not be viable. On this basis the applicant has not submitted a Draft Heads of Terms Agreement.

2. Policies

2.1 National Planning Policy Framework (NPPF)

The following sections are of particular relevance:

Introduction	-	Achieving sustainable development
Section 6	-	Delivering a wide choice of high quality homes
Section 7	-	Requiring good design
Section 8	-	Promoting healthy communities

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

2.2 Herefordshire Unitary Development Plan 2007 (HUDP)

S1	-	Sustainable development
S2	-	Development requirements
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning obligations
DR10	-	Contaminated land
DR13	-	Noise
H1	-	Hereford and the market towns: settlement boundaries and established residential areas
H9	-	Affordable housing
H13	-	Sustainable residential design
H14	-	Re-using previously developed land and buildings
H15	-	Density
H16	-	Car parking
H19	-	Open space requirements
T6	-	Walking
T8	-	Road hierarchy
NC1	-	Biodiversity and development
HBA4	-	Setting of listed buildings
HBA6	-	New development within conservation areas

2.3 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	-	Addressing Climate Change
LO1	-	Development in Leominster
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
OS1	-	Requirement for Open Space, Sports and Recreation Facilities
OS2	-	Meeting Open Space, Sports and Recreation Needs
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Local Distinctiveness
LD2	-	Landscape and Townscape
LD3	-	Biodiversity and Geodiversity
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
ID1	-	Infrastructure Delivery

2.4 Neighbourhood Planning

Leominster Town Council has successfully applied to designate as a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The area was confirmed on 31 July 2012. The Town Council will have the responsibility of preparing a Neighbourhood Development Plan for that area. There is no timescale for proposing/agreeing the content of the plan at this early stage, but the plan must be in general conformity with the strategic content of the emerging Core Strategy.

- 2.5 The Unitary Development Plan 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/planning-and-building-control/planning-policy/unitary-development-plan>

3. Planning History

- 3.1 NC2008/0002/F Proposed demolition and conversion of mill, construction of glass link and new works to form three storey double block, to create nine apartments and all associated works at Pinsley Mill - Committee resolved to approve the application subject to a Section 106 Agreement, but it was ultimately refused as the Agreement was never signed.
- 3.2 NC2008/1824/O – Site for development to form 21 apartments – Approved 24 September 2008. This permission has not been implemented and has now lapsed.
- 3.3 P132668/C – Demolition of former mill building following arson – Approved 5 December 2013.

4. Consultation Summary

Statutory Consultations

- 4.1 Network Rail: Do not object to the application but make the following points:
- Require that a condition is imposed if planning permission is forthcoming to require that a trespass proof fence is erected adjacent to Network Rail's shared boundary.
 - All surface water drainage should be directed away from Network Rail's land.
 - The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.
 - If trees are to be planted they should not be closer than 1.5 times their mature height to the boundary with Network Rail's land.
 - Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.
- 4.2 Welsh Water: Raise no objection subject to the imposition of conditions. Their comments draw attention to the fact that the site is crossed by a public sewer and that no building will be permitted within 3 metres either side of its the centre line. They also advise that no problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

Internal Council Consultations

- 4.3 Transportation Manager: Has visited the site and raises no objection to the proposal as shown subject to the imposition of conditions.
- 4.4 Conservation Manager (Ecology): No objection subject to the imposition of a condition to ensure that ecological enhancements are completed in accordance with the recommendations of the ecology report that accompanies the application.
- 4.5 Public Rights of Way Manager: Notes that public footpath ZC137 has been clearly marked on plans and will be resurfaced. The Public Rights of Way Manager requests that they are

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

consulted on this work and, on the basis that the stated width of 2m is maintained, does not object to the proposal.

4.6 Land Drainage Engineer: Requires that the following information is provided:

- Outstanding requirements of the Sequential Test and Exception Test as described above.
- Evidence that the sequential approach has been applied to guide development within the site boundary into lower flood risk areas.
- Evidence that safe access and egress exists to all properties in the 1 in 100 year flood event, including an allowance for climate change.
- Evidence that flood compensation has been provided or is unnecessary

4.7 Environmental Health Officer: No objection subject to the imposition of conditions.

5. Representations

5.1 Leominster Town Council objects to the application and comments as follows:

The Town Council objected to the application as it considered it to be an overdevelopment of the site, against the terms of the emerging neighbourhood Plan especially in that the hoses had no plan to deal sustainably with the grey and run off water which would be generated by the extensive hard surfaces created; the town council considered that such a development should be built to the best standard of sustainability in respect of energy conservation, energy generation through solar options, should deal sustainably with all water issues and waste management: further the town council was deeply concerned at 29 dwellings adding to the traffic issues onto a busy road on a bend, from local knowledge the site was considered to create a genuine traffic hazard by adding to the numbers of vehicles which would have to turn across the bend of the main street. The effect of the 3 stories would be to over mass the site and the use of flats in the development was out of character with the surrounding area. Overall the town council was concerned that the development would in effect create the unsustainable slums of the next generation and no development should be allowed to produce such crowding and lack of sustainable features.

5.2 The proposal has attracted individual objections from 10 local residents and a petition containing 33 signatories. In summary the issues raised are as follows:

- Detrimental impact upon residential amenity due to the high density of the development and potential overlooking
- Concerns about parking along Pinsley Road and highway safety implications about intensification of use
- Concerns about surface water drainage and increased flood risk
- Lack of landscaping
- Vibration from rail traffic
- Lack of consideration of energy efficiency through design
- Detrimental to the conservation area.

5.3 West Mercia Constabulary: Do not object to the proposal and note that there are opportunities to design out crime and/or the fear of crime and to promote community safety. They note the reference in the application to Secured by Design and endorse its use.

5.4 River Lugg Internal Drainage Board: Raise no objection to the proposal but advise that no additional surface water run off to the adjacent watercourse or any outfall structure will be permitted without written Land Drainage Consent, which would have to be obtained from the Board.

- 5.5 The consultation responses can be viewed on the Council's website by using the following link:-
<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

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

Principle of Development

- 6.1 The site lies within an area that is primarily residential in its character and is within Leominster's built environs where residential development is accepted by Policy H1 of the HUDP. It is in a location that is considered to be sustainable and this is reflected by the fact that the principle of development has previously been accepted by the two planning permissions described above. The NPPF presumes in favour of sustainable development that is compliant with the development plan and advises that such proposals should be approved without delay, unless material planning considerations indicate otherwise. The following paragraphs will consider whether there are any other material considerations of such weight that they cause such harm to warrant the refusal of this proposal. If they do not, in accordance with the NPPF, there should be a presumption in favour of development.

Economic Viability

- 6.2 Policy DR5 of the UDP advises that planning obligations will be sought to achieve community, transport and environmental benefits where these benefits are reasonable, necessary and relevant to the development proposed. Further advice is provided by the Council's Planning Obligations Supplementary Planning Document (the SPD), which includes a paragraph about viability. It reads as follows:

The Council recognises that the impacts of a development that may need to be accompanied by a planning obligation must be weighed together with all other material considerations including any positive benefits of the development, in determining whether planning permission should be granted. Therefore, in exceptional circumstances, the Council may consider that the benefits from a development outweigh the need for mitigation and may waive or reduce contributions. However, it will be for the developer to provide robust evidence, possibly in the form of a financial appraisal, to support their case.

- 6.3 Paragraph 173 of the NPPF provides more up to date advice to local planning authorities on the subject in advising that:

Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

- 6.4 The applicant has submitted a viability report which concludes that the scheme will not be viable if they are required to make financial contributions and to provide affordable housing through a Section 106 Agreement. The report has been independently audited by the District Valuation Office and they have concurred with the applicant's viability report. They have also undertaken sensitivity testing on behalf of the local planning authority to consider whether reductions in financial contributions and affordable housing provision would improve the viability of the scheme, but even in this scenario the scheme would be unviable.

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

- 6.5 In this case it is concluded that the applicant has provided the robust evidence required by the Council's SPD to demonstrate that the economic viability of the scheme would be jeopardised if financial contributions are sought. Therefore it is concluded that it is reasonable to set aside the usual contribution requirements in order to ensure that a development that is sustainable, that enhances the character and appearance of the area and that the landowner is clearly willing and able to bring forward, if planning permission is granted.

Design and Density

- 6.6 The two planning permissions described in the planning history section of this report have accepted the principle of development on this site at an almost identical density to that proposed. Although this is quite high, it is significantly influenced by the fact that 12 of the units proposed are to be provided as flats. Notwithstanding this, if the density of the scheme were to be reduced the economic viability of the scheme would be further brought into question.
- 6.7 Each property is afforded appropriate parking provision in accordance with the Council's highway design guidance and Manual for Streets. It also ensures that appropriate provision is made for refuse vehicles. Each of the individual dwellings are afforded their own curtilages, while the flats have shared parking, refuse collection area and cycle parking and it is considered that the proposed layout demonstrates that all of the facilities required to service the development can be provided in accordance with Policy H13 of the UDP.
- 6.8 The applicants and their agent continued to discuss their scheme throughout the pre-application process with officers. Their original intention was to retain and convert the mill building and plans were prepared for submission on this basis. However, the arson attack in September 2013 caused significant structural damage which ultimately led to its demolition. This led to a re-assessment of the scheme by the applicants and the scheme as submitted is the result. The detailed design reflects the former mill building. The scale and proportions of this part of the development are similar to those of the original mill. The new building also occupies a similar footprint and its physical relationship to the surrounding area is not dissimilar to that of the former building, or of the scheme that was accepted by Planning Committee for its conversion and extension.
- 6.9 The layout of the houses has been dictated by the linear form of the site, the need to accommodate the particular constraints within it; most notably the drainage easements, and the relationship with existing properties on Pinsley Road. The plans show properties that are well designed with architectural features such as brick headers over window and door openings and the use of parapet gable ends adding visual interest to the scheme as a whole. These themes are consistent throughout the development as a whole and serve to give it a particular visual identity. Officers consider that the density, layout and design of the scheme respond positively to the constraints of the site and its surroundings and accord with Policy H13 of the UDP and the NPPF which seeks to secure good design.

Highway Safety and Accessibility

- 6.10 Paragraph 32 of the NPPF is key to the highway impact debate where it states:

Plans and decisions should take account of whether improvements can be undertaken within the transport network that cost effectively mitigate the significant impacts of the development. Development should only be presented or refused on transport grounds where the residual cumulative impacts of the development are severe.

- 6.11 The principal concern raised by objectors to the scheme is that the proposed development will intensify traffic movements along Pinsley Road where a significant amount of on-street parking

currently takes place. The site has been visited by the Council's Transportation Manager and he has raised no objection to the proposal subject to the imposition of conditions. It is considered that there is sufficient capacity within the road network and that traffic speeds within the locality are low. The introduction of the proposed development will not result in a severe cumulative impact to highway safety and therefore, based on the advice from the NPPF as outlined above, would not warrant refusal on highway safety grounds.

- 6.12 The site is well located to make full use of the pedestrian links that it has with the town centre. It is acknowledged that the public footpath is well used and provides an ideal opportunity to encourage future residents to walk rather than use private motor vehicles. As a result the proposal is considered to fully accord with policies DR3 and T6 of the HUDP.

Residential Amenity

- 6.13 As referred the above, the proposal takes a linear form which is dictated by the site constraints. Inevitably this means that the proposed dwellings are arranged with their rear elevations backing onto properties on Pinsley Road. The closest relationship occurs between the terraced block comprising plots 1 to 4, which is a distance of 10 metres from the gable end of the Scout Hut. As this is a non-habitable building this relationship is considered to be appropriate.
- 6.14 In terms of their relationship with other residential dwellings, the second terrace of four is a distance of 24 metres from the closest dwelling on Pinsley Road, increasing to 34 metres from a second property. The third terrace, comprising plots 9 to 14, is an average of 30 metres away from the three dwellings that oppose it. Existing vegetation within the curtilages the dwellings on Pinsley Road, combined with their distance from the shared site boundary has led officers to conclude that the proposal is acceptable in terms of residential amenity and therefore accords with policies DR1 and H13 of the UDP.

Impact on the Conservation Area and Listed Buildings

- 6.15 The site is clearly visible to rail passengers and can be seen from the A49. At present it is a vacant Brownfield site that forms part of the Leominster River Meadows Conservation Area. It is considered that the site currently detracts significantly from the town's setting as an historic asset.
- 6.16 When seen in context the development will be viewed against the backdrop of the residential areas of Leominster. Pinsley Road is characterised by a mix of development whose ages range from the early 20th century to the present day. The conservation area has no defining architectural character in terms of the development contained within it; its purpose is to protect the setting of the town and that of The Priory Church which lies further to the north-west. Policy HBA6 of the HUDP requires that new development should preserve and enhance the character and appearance of a conservation area and provides a detailed list of design criteria to be adhered to in order to achieve this. These refer to matters that include scale, massing, form, density and architectural design. These matters have all been assessed in earlier parts of this report and the proposal is considered to be policy compliant in these respects.
- 6.17 The NPPF provides further advice in terms of heritage assets and paragraph 13 reads as follows:

In determining planning applications, local planning authorities should take account of:

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;*

- *and the desirability of new development making a positive contribution to local character and distinctiveness.*

6.18 It is considered that the appropriate re-development of the site as proposed will significantly enhance the setting of the conservation area. It will make a positive contribution to the local character and distinctiveness of the area and the detailed design of the scheme reflects the former mill building and the sites position adjacent to the railway line. It is concluded that the proposal is in accordance with Policy HBA6 of the UDP and the NPPF in terms of its positive effect on the setting of the conservation area.

Land Drainage and Flooding

6.19 The Council's Land Drainage Engineer has raised a number of matters that they consider necessary to address before the determination of the application. The applicant's drainage consultant has provided a written response to the points highlighted in the consultation summary and these are summarised below:

Sequential testing

6.20 The applicant does not have any other land to offer in preference to this site. Notwithstanding this the site history demonstrates that the site has previously been considered to be appropriate for development. Although the mill building has been demolished, there are otherwise no material differences that would inhibit its development now and, although the NPPF has been introduced since, the policy criteria in terms of flood risk are substantially the same as they were when permission was originally granted. It is therefore considered that the site is suitable for development.

6.21 *Provision of safe access in a 1 in 100 year flood event*

Environment Agency data for flood levels for a 1 in 100 years storm event (including an allowance for the effects of climate change) suggests a flood levels range from 69.76 to 69.91m. A minimum finished level for private drives 300mm above the highest flood level and a minimum finish floor levels for all properties 600mm above the highest flood level is recommended and it is considered that this will provide a safe access and egress exits to all properties.

6.22 *Evidence that flood compensation has been provided or is unnecessary*

Existing ground levels on the eastern boundary are either equal or higher than the flood levels provided by the Environment Agency for a 1 in 100 years storm event. However, irrespective of on-site levels the railway line; which lies between the application site and the River Lugg, runs on a raised embankment. It is considered that this provides an informal flood defence since its level is higher than the flood level. Accordingly the site will not flood and therefore flood compensation is unnecessary.

6.23 The applicant's drainage consultant has suggested that the site is capable of accommodating a scheme for surface water attenuation comprising an underground storage tank. Officers consider that the details of this could be secured through the imposition of an appropriately worded condition

6.24 It is concluded that the matters raised by the Council's land drainage engineer have either been addressed by the additional information that has been submitted, or can be addressed through the imposition of appropriately worded conditions. It is therefore considered that the proposal accords with Policy DR7 of the UDP and the guiding principles of the NPPF.

Conclusion

- 6.25 The site history has previously established that the site is appropriate for re-development. It is a Brownfield site that currently detracts from the setting and character of the Leominster River Meadows Conservation Area. The scheme is considered acceptable in terms of its design and density and it has been concluded that it represents an enhancement of the heritage asset in accordance with the NPPF and Policy HBA6 of the HUDP.
- 6.26 The NPPF asks local authorities to be flexible about financial contributions where the viability of a scheme is in doubt. In this particular instance the applicant has demonstrated to the satisfaction of officers that the scheme will only be economically viable if the Section 106 contributions that would usually be required are set aside. The viability assessment submitted by the applicant has been independently scrutinised by the District Valuation Office and they have concluded that its findings are sound.
- 6.27 Of the other material planning considerations that have been identified through the consultation process and responses from consultees and members of the public, none carry such significance to outweigh the presumption in favour of sustainable development. The additional information submitted to supplement the Flood Risk Assessment and drainage strategy is considered to have resolved the original concerns raised by the Land Drainage Engineer and, whilst development will inevitably increase traffic movements along Pinsley Road and at its junction with Etnam Street, these impacts are not considered to be severe.
- 6.28 It is your officer's opinion that there are no matters of such weight to justify the refusal of this application and impacts associated with granting planning permission can be addressed through the imposition of appropriately worded conditions. The proposal accords with those saved policies of the Herefordshire Unitary Development Plan that are compliant with the National Planning Policy Framework, and consequently with the Framework itself. It is therefore recommended that planning permission be granted subject to the schedule of conditions outlined below:

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 – Time limit for commencement (full permission)**
- 2. B01 – Development in accordance with approved plans**
- 3. C01 – Sample of external materials**
- 4. F14 – Removal of permitted development rights**
- 5. G10 – Landscaping scheme**
- 6. G11 – Landscaping scheme – implementation**
- 7. H13 – Access, turning area and parking**
- 8. H17 – Junction improvement**
- 9. H21 – Wheel washing**
- 10. H27 – Parking for site operatives**

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

11. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:

- d) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice.**
- e) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors.**
- f) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.**

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment and to comply with Policies DR6 and DR10 of the Herefordshire Unitary Development Plan and the guiding principles of the National Planning Policy Framework.

12. The Remediation Scheme, as approved pursuant to condition no. 11 above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment and to comply with Policies DR6 and DR10 of the Herefordshire Unitary Development Plan and the guiding principles of the National Planning Policy Framework.

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

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment and to comply with Policies DR6 and DR10 of the Herefordshire Unitary Development Plan and the guiding principles of the National Planning Policy Framework.

14. **Prior to the first occupation of any of the dwellings hereby approved, details of the boundary treatment of the site shall be submitted to the local planning authority for their written approval, in consultation with Network Rail. The development shall be completed in accordance with the approved details and shall be completed before the first occupation of any of the dwellings. The treatment should take the form of a trespass proof fence and should be of a minimum height of 1.8 metres. It should be located wholly within the application site and provision should be made for its maintenance and renewal.**

Reason: In order to protect public safety and the integrity of the rail network and to comply with Policy DR2 of the Herefordshire Unitary Development Plan and the guiding principles of the National Planning Policy Framework.

15. **The recommendations set out in Section 4.13 of the ecologist's report dated July-October 2012 should be followed in relation to the identified protected species and Section 4.10 and 4.11 in relation to swifts on new buildings. Prior to commencement of the development, a full working method statement should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved.**

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan and to comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006.

16. **L04 – Comprehensive and integrated draining of site**

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, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
2. **N11A – Wildlife and Countryside Act 1981 (as amended) - Birds**
3. **N11C – General**
4. **HN04 – Private apparatus within the highway**
5. **HN05 – Works within the highway**
6. **HN28 – Highways Design Guide and Specification**

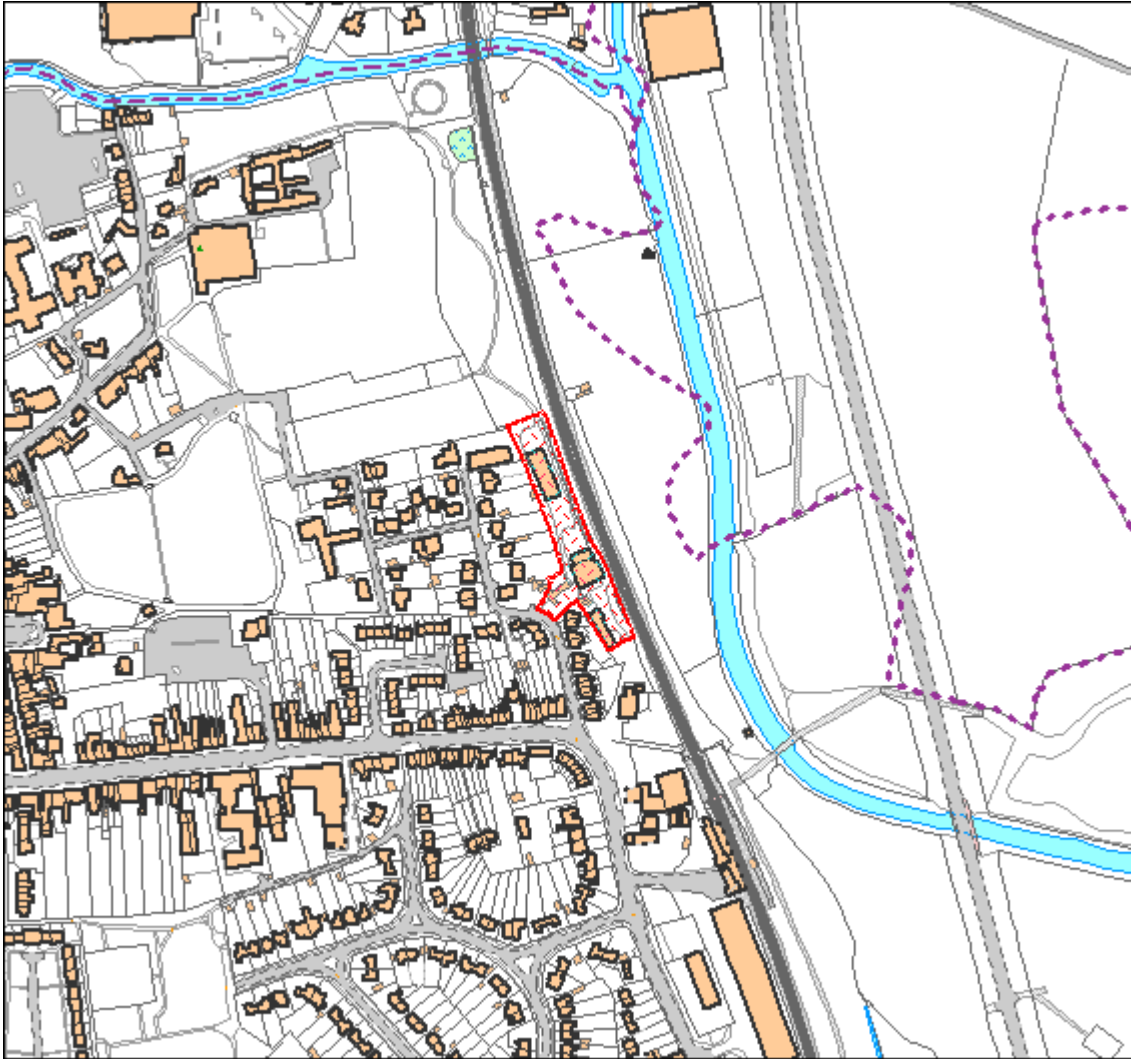
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 141022/F

SITE ADDRESS : LAND AT PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NN

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



MEETING:	PLANNING COMMITTEE
DATE:	10 DECEMBER 2014
TITLE OF REPORT:	P140903/F - PROPOSED ERECTION OF TWO DWELLINGS AT LAND ADJACENT TO HIGHTOWN COTTAGE, PETERSTOW, HEREFORDSHIRE, For: Mrs Roberts per Mr Colin Goldsworthy, 85 St Owen Street, Hereford, Herefordshire, HR1 2JW
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=140903&search=140903
Reason Application Submitted to Committee - Contrary to Policy	

Date Received: 24 March 2014

Ward: Llangarron

Grid Ref: 356235,224412

Expiry Date: 29 May 2014

Local Member: Councillor J A Hyde

1. Site Description and Proposal

- 1.1 The application site lies on the western side of the unclassified 71014 Road in the Parish of Peterstow. The site is a relatively small, flat and well enclosed field. Upon the eastern (front) boundary is a particularly strong native hedgerow which makes a positive contribution to the character and appearance of the lane and Peterstow in general. There is also vegetation on other boundaries including the southern boundary. At present there is a field gate access into the field provided in the south-east boundary.
- 1.2 Overhead electricity lines cross the site in a south-east to north-west direction.
- 1.3 To the north of the site is Hightown Cottage a two-storey Grade 2 listed building.
- 1.4 Opposite the site, on the eastern side of the lane, and progressing further south are a row of three detached bungalows, Riston, Copleston and Churston.
- 1.5 To the north of the site is the Peterstow Conservation Area.
- 1.6 The site lies within the Wye Valley Area of Outstanding Natural Beauty.
- 1.7 The application site area is approximately 0.24 hectare.
- 1.8 The application is made in full. The proposal is to erect two detached two-storey four-bedroomed houses. They would both effectively be served off the existing vehicular access point thus retaining the existing frontage hedgerow. The houses are individually designed both effectively having a 'T' shape. They have deliberately been designed with two-storey span depths of 6 metres and a limited eaves height of 4.7 metres. The proposed materials are a mix

Further information on the subject of this report is available from Mr R Close on 01432 261803

of natural stone at ground floor level and larch boarding at first floor level with natural slate roofs.

- 1.9 Both houses have been designed with their principal elevations facing south to maximise passive solar gain.
- 1.10 The access driveway would be extended to allow continued agricultural access to the land to the west.

2. Policies

2.1 National Planning Policy Framework (NPPF)

The key elements to consider in relation to this application are considered to be paragraph 49 and Section 12 regarding 'Conserving and enhancing the historic environment' although the NPPF should be considered as a whole.

2.2 Herefordshire Unitary Development Plan (HUDP)

S1	-	Sustainable Development
S2	-	Development Requirements
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR5	-	Planning Obligations
S3	-	Housing
H6	-	Housing in Smaller Settlements
H7	-	Housing in the Open Countryside
H13	-	Sustainable Residential Design
S6	-	Transport
T11	-	Parking Provision
S7	-	Natural & Historic Heritage
LA1	-	Area of Outstanding Natural Beauty
LA3	-	Setting of Settlement
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping Schemes
HBA4	-	Setting of Listed Buildings
HBA6	-	New Development within Conservation Areas
LD2	-	Biodiversity and Geodiversity
NC1	-	Biodiversity and Development
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
NC8	-	Habitat Creation, Restoration and Enhancement
NC9	-	Management of Features of the Landscape Important for Fauna and Flora

2.3 Herefordshire Local Plan Core Strategy

Policy SS1	-	Presumption in Favour of Sustainable Development
Policy SS2	-	Delivering New Homes
Policy SS4	-	Movement and Transportation
Policy SS6	-	Environmental Quality and Local Distinctiveness
Policy RA1	-	Rural Housing Strategy
Policy RA2	-	Herefordshire's Villages
Policy LD1	-	Landscape and Townscape
Policy LD2	-	Biodiversity and Geodiversity

2.4 Neighbourhood Plan

Peterstow Parish Council has successfully applied to designate a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The area was confirmed on 22nd November 2013. The Parish Council will have the responsibility of preparing a Neighbourhood Development Plan for that area. There is no timescale for proposing/agreeing the content of the plan at this early stage, but the plan must be in general conformity with the strategic content of the emerging Core Strategy. In view of this no material weight can be given to this emerging Plan.

2.5 The Unitary Development Plan 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/planning-and-building-control/planning-policy/unitary-development-plan>

3. Planning History

3.1 None

3.2 The lawful use of the land is agricultural

4. Consultation Summary

4.1 Statutory Consultees

Welsh Water – No objections

4.2 Internal Consultees

Conservation Manager (Historic Building Officer) does not object to the amended plans now under consideration.

The Conservation Manager (Planning Ecologist) recommends that appropriate planning conditions and informatives be attached to any planning permission.

5. Representations

5.1 Peterstow Parish Council has no objections to the proposal.

5.2 One local resident (the occupier of 'Hightown Cottage' objects to the proposed development on the following summarised grounds:-

- The proposal would harm the setting of the Grade 2 listed 'Hightown Cottage';
- The proposed development would harm the setting of the Peterstow Conservation Area;
- The proposed dwellings have an ad hoc positioning;
- The development would urbanise the area;
- The open nature of the current site provides the setting to the Peterstow Conservation Area and its loss would harm the setting of the Conservation Area;
- The proposal conflicts with policy H5 of the Herefordshire Unitary Development Plan 2007 (it is assumed that the objector means policy H6);
- The proposal would adversely affect the amenity of the occupiers of 'Hightown Cottage'; and
- The proposal is contrary to the provisions of the Herefordshire Unitary Development Plan 2007, the emerging Core strategy and the Central Government Guidance contained within the National Planning Policy Framework (NPPF).

- 5.3 The consultation responses can be viewed on the Council's website by using the following link:-
<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

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

Principle

- 6.1 Peterstow is not a defined main village as listed in policy H4 of the HUDP. It is only a smaller settlement as set out in policy H6. However, the proposal is clearly not an infill within an existing small gap. As a consequence the proposal is essentially for the erection of two new houses in the open countryside in planning policy terms. Policy H7 of the HUDP essentially establishes a presumption against new residential development in the open countryside. Whilst exceptions are provided for, none apply to this particular case. As a consequence the proposal clearly departs from the provisions of the Development Plan.
- 6.2 The law is clear that planning decisions should be made in accordance with the provisions of the Development Plan unless material planning considerations indicate otherwise. In this case there is another material planning consideration in that Herefordshire has a shortfall in its five year housing land supply and paragraph 49 of the NPPF states:-

"Relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites"

- 6.3 As a consequence each such proposal needs to be considered on its individual merits with regard the overall planning balance (i.e. economic, environmental and social) including the sustainability credentials of the development.

Economic & Social

- 6.4 The provision of additional housing clearly has economic and social benefits in terms of construction and providing additional housing.

Sustainability

- 6.5 The site adjoins the area that I would consider to be the existing built-up area of Peterstow and it should be noted that there is more modern residential development directly opposite. Interestingly, whilst Peterstow is not listed as a main settlement policy H4 of the HUDP, the emerging Core Strategy in Policy RA2 (figure 4.20) identifies Peterstow as a village that could accommodate proportionate housing growth of approximately 14% (approx. 18 dwellinghouses). This said, only very limited weight can be attributed to Core Strategy policies and given the level of objection to policy RA2, I attribute no weight to this.
- 6.6 The maximum walking distance one would reasonable expect in a rural area is approximately 1,200 metres. In this case Peterstow has the following amenities within that distance of the application site:-
- Post Office and Shop;
 - Public House – Yew Tree Inn Public House;
 - Bus stop with regular service to Hereford and Ross-On-Wye (Service 33); and
 - Church

- 6.7 Therefore it is considered that the site is in a sustainable location. In the context of the rural County that is Herefordshire, Peterstow is considered to be relatively sustainable.

Other Environmental Impacts

- 6.8 The proposed development is considered to be well designed. The defining and most important feature of the site is considered to be the frontage hedgerow, Rather than puncture openings within it, the scheme has been designed to retain the frontage hedgerow by essentially utilising the existing access, albeit with minor widening.
- 6.9 The houses have deliberately been designed to avoid the existing overhead electricity lines that run across the site and to have their principal elevations facing south to maximise passive solar gain.
- 6.10 The design of the houses is considered to be of a very high quality. The entire design approach has been to design houses with a maximum two storey span depth of 6 metres (significantly less than so many modern houses which tend to have a span depth of 8 metres) and to limit the eaves height to some 4.7 metres (less than so many modern houses that tend to have an eaves height of 5.1 metres). These two matters assist in reducing the physical mass of the proposed houses. It is considered that the scale and mass of the houses is appropriate to the wider village environment.
- 6.11 The proposed materials are considered to be of a high quality and appropriate to the area. The use of differing material at ground floor level and first floor level assists in reducing the apparent physical mass of the proposed houses.
- 6.12 It is considered that the proposal therefore accords with policies DR1 and H13 of the HUDP.
- 6.13 It is considered that the proposal does not interfere or disrupt an important view from a public vantage point towards the neighbouring Grade 2 listed building known as 'Hightown Cottage' or the Peterstow Conservation area. It is not considered that the proposal would cause any harm to the setting of either the Grade 2 listed building known as 'Hightown Cottage' or the Conservation Area as confirmed by the Conservation Manager (Historic Buildings) who raised no objection to the revised details.. It is considered that their setting would be preserved, albeit in a different form. As such the requirements of policies HBA4 and HBA6 are satisfied.
- 6.14 With regard to the site`s location in the Wye Valley Area of Outstanding Natural Beauty, the relatively small scale of the development, the enclosed nature of the site and its close physical association with the built up area of Peterstow are such that the proposal would have no discernible adverse impact upon the scenic qualities of this designasted landscape. As such policy LA1 and the equivalent section of the NPPF are satisfied.
- 6.15 The proposed vehicular means of access and parking provision is considered to be satisfactory.

Impact Upon the Amenities of the Occupiers of 'Hightown Cottage'

- 6.16 The precise siting and design of the proposed houses is such that it is considered that the occupiers of that dwellinghouse would not suffer any undue loss of sunlight and / or daylight.
- 6.17 A distance of 21 metres is maintained between the rear elevation of the house upon Plot 1 and the southern end / flank elevation of 'Hightown Cottage'. As a consequence it is considered that the occupiers of 'Hightown Cottage' would not suffer an undue loss of privacy in accordance with policy H13 of the HUDP.

Conclusion

- 6.18 In conclusion, whilst the proposal is contrary to the provisions of the Development Plan, the Council has a shortfall in its five year housing land supply. The site is considered to be in a relatively sustainable location and the scheme is considered to have both economic and social benefits without having any adverse environmental impacts. Therefore on balance the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. The development hereby permitted shall be begun one year from the date of this permission.**

Reason:- To comply with the provisions of Section 91(1) (b) of the Town and Country Planning Act 1990 (as amended) and to reflect the decision of the Local Planning Authority on 4 March 2009 to suspend (effective from 1 April 2009) the requirements of the Local Planning Authority's 'Planning Obligations' Supplementary Planning Document (February 2008) in relation to all employment developments falling within Classes B1, B2 and B8 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, the employment element of any mixed use development and residential developments of five dwellings or less.

- 2. The development shall be carried out in strict accordance with the following approved plans (including materials specified thereon):-**

- Application Site Plan – Drawing number 13/707.01A (Scale 1:1000) received 24 March 2014;**
- Proposed Site Plan – Drawing number 13/707.04D (Scale 1:200);**
- Proposed Ground Floor Plan for Plot 1 – Drawing number 13/707.05B (Scale 1:50 @ A2) received 31 October 2014;**
- Proposed First Floor Plan for Plot 1 – Drawing number 13/707.06B (Scale 1:50 @ A2) received 31 October 2014;**
- Proposed Elevations Plot 1 – Drawing number 13/707.10D (Scale 1:100 @ A2) received 31 October 2014;**
- Proposed Ground Floor Plan for Plot 2 – Drawing number 13/707.07B (Scale 1:50 @ A2) received 31 October 2014;**
- Proposed First Floor Plan for Plot 2 – Drawing number 13/707.08/B (Scale 1:50 @ A2) received 31 October 2014;**
- Proposed Elevations for Plot 2 Drawing number 13/707.11C (Scale 1:100 @ A2) received 31 October 2014;**

Reason: To ensure adherence to the approved plans and in the interests of a satisfactory form of development and to comply with Policies DR1, H13, HBA4 and HBA6 of the Herefordshire Unitary Development Plan 2007;

3. Notwithstanding the provisions of condition 2 above, prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:-

- A full written detail as to the precise natural slate to be used upon the roofs;
- A full written detail as to the precise natural stone to be used upon the elevations;
- A full written detail as to the precise rainwater goods to be used (including their colour);
- Written details of the permeable surfacing material to be used upon driveway and vehicle manoeuvring/parking area(s);
- Full details fo all external lighting (if any);
- Full details (siting, design and material) detail of any proposed means of enclosure (fences, gates, walls or other means of enclosure)

The development shall not commence until the Local Planing Authority has given such written approval. The Development shall be carried out in full accordance with the approved details and thereafter maintained as such.

Reason:- To ensure a satisfactory appearance to the development in accordance with Policies DR1, H13, HBA4, HBA6 and LA1 of the Herefordshire Unitary Development Plan 2007.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended, including the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no development normally permitted by Classes A, B, C, D, E, F and G of Part 1 and Classes A of Part 2 of Schedule 2 of Article 3 of the General Permitted Development Order 1995 shall be carried out without the express consent of the Local Planning Authority.

Reason:- To safeguard the architectural integrity of the scheme and to safeguard the character and appearance of the area in accordance with Policies DR1, H13, HBA4, HBA6 and LA1 of the Herefordshire Unitary Development Plan 2007.

5. The car parking areas shown upon Proposed Site Plan – Drawing number 13/707.04D (Scale 1:200) hereby permitted shall be permanently kept available for the parking of private motor vehicles;

Reason:- In the interests of highway safety and to ensure that the site is not dominated by the parking of private motor vehicles thus ensuring that the character and appearance of the landscape is not adversely affected, in accordance with Policies T11 and LA1 of the Herefordshire Unitary Development Plan 2007;

6. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping using indigenous species. The submitted scheme of landscaping using indigenous species must include details of the location of all planting, the species, size and density of planting;

Reason:- To ensure that the development is satisfactorily integrated into the locality, in accordance with Policies LA1 and LA6 of the Herefordshire Unitary Development Plan 2007;

7. All planting in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellinghouses hereby permitted or completion of the development (whichever is the sooner). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local planning Authority gives written consent to any variation;

Reason:- To ensure that the development is satisfactorily integrated into the landscape, in accordance with Policies LA1 and LA6 of the Herefordshire Unitary Development Plan 2007;

8. Other than works in relation to the vehicular access shown upon 'Proposed Site Plan – Drawing number 13/707.04D (Scale 1:200), the existing frontage hedgerow along the eastern boundary shall be retained. If within a period of five years any part of that hedgerow dies, is removed or becomes seriously damaged or diseased it shall be replaced in the next planting season with plants of similar size and species unless the Local Planning Authority gives written consent to any variation;

Reason:- To ensure that the existing roadside hedge which makes a positive contribution to the character and appearance of the area is maintained in accordance with Policy LA5 of the Herefordshire Unitary Development Plan 2007;

9. The recommendations set out in section 5 of the ecologist's report dated August 2013 shall be followed in relation to native trees, hedgerows and birds. Prior to commencement of the development, a habitat enhancement plan incorporating the recommendations should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved;

Reasons:-

- a) To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan.
 - b) To comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006.
10. An appropriately qualified and experienced ecological clerk of works shall be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reasons:-

- a) To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan.
- b) To comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006.

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. N11A – Wildlife and Countryside Act 1981 (as amended) - Birds

- 3. N11C – General

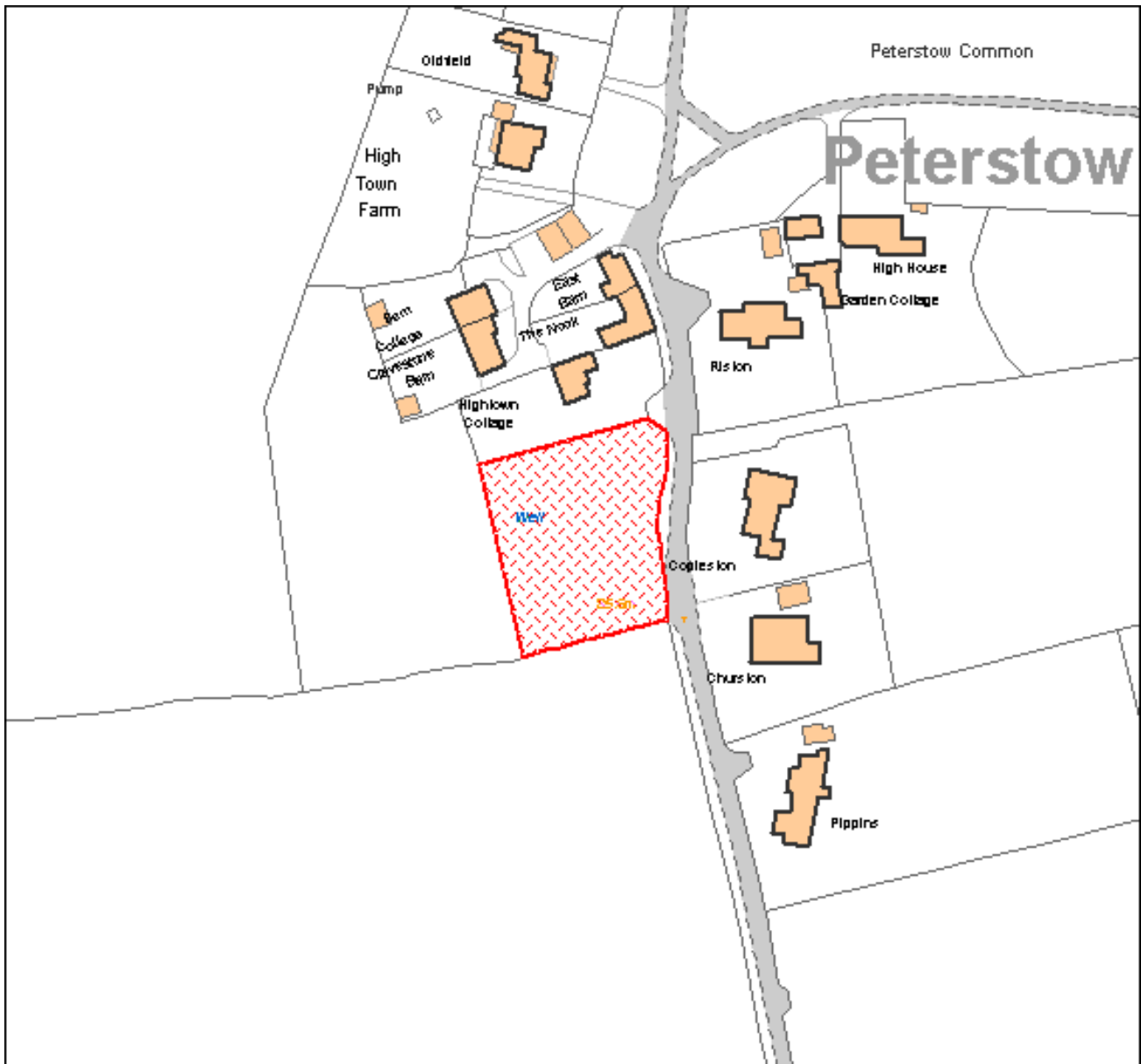
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 140903/F

SITE ADDRESS : LAND ADJACENT TO HIGHTOWN COTTAGE, PETERSTOW, HEREFORDSHIRE

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Further information on the subject of this report is available from Mr R Close on 01432 261803