

AGENDA

Planning Committee

Date: **Wednesday 11 February 2015**

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

Vice-Chairman

Councillor PGH Cutter

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

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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 meetings held on 21 January 2015.</p>	7 - 34
5.	<p>CHAIRMAN'S ANNOUNCEMENTS</p> <p>To receive any announcements from the Chairman.</p>	
6.	<p>APPEALS</p> <p>To be noted.</p>	
7.	<p>P141828/F MILL FIELD, FOWNHOPE, HEREFORDSHIRE</p> <p>Proposed residential development of 22 open market family homes and 11 affordable homes.</p>	35 - 78
8.	<p>P141963/O LAND EAST OF CALLOWSIDE, ELM TREE ROAD, EWYAS HAROLD, HEREFORDSHIRE, HR2 0HZ</p> <p>Site for erection of up to 38 houses and apartments with highway access onto Elm Green Road; associated infrastructure and landscaping.</p>	79 - 98
9.	<p>P142410/O LAND ADJACENT TO B4222, LEA, ROSS ON WYE, HEREFORDSHIRE.</p> <p>Proposed outline consent for the erection of up to 38 dwellings.</p>	99 - 126
10.	<p>P143600/F LAND NORTH OF TARS MILL FARM, HOLLOW FARM ROAD, DINEDOR, HEREFORDSHIRE, HR2 6PE</p> <p>Proposed three bedroom dwelling.</p>	127 - 136

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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 21 January 2015 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, J Hardwick, JW Hope MBE, MAF Hubbard, JLV Kenyon, JG Lester, RI Matthews, PJ McCaull, NP Nenadich, FM Norman and J Norris

In attendance: Councillors WLS Bowen, MJK Cooper, JW Millar, RJ Phillips and P Rone

127. APOLOGIES FOR ABSENCE

Apologies were received from Councillors KS Guthrie, RL Mayo, TL Widdows, and DB Wilcox.

128. NAMED SUBSTITUTES

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor NP Nenadich attended the meeting as a substitute member for Councillor DB Wilcox and Councillor JLV Kenyon substituted for Councillor TL Widdows.

129. DECLARATIONS OF INTEREST

Agenda item 9: P141901/N Wall End Farm, Monkland, Leominster

Councillor AJM Blackshaw declared a non-pecuniary interest because he knew the applicant.

Agenda item 10: P143252/F Land adjoining Kingsleane, Kingsland, Leominster

Mr K Bishop, Development Manager, declared a non-pecuniary interest because he knew the applicant.

130. MINUTES

It was noted in relation to Minute no 124 that a Member had requested that the policy relating to contributions to St Mary's Roman Catholic Schools under S106 agreements should be reviewed.

RESOLVED: That the Minutes of the meetings held on 10 December 2014 be approved as a correct record and signed by the Chairman.

131. CHAIRMAN'S ANNOUNCEMENTS

The Chairman noted that the meeting would be the last to be attended by Kate Stevenson, Planning Lawyer, who was returning to Australia. On behalf of the Committee he thanked Ms Stevenson and expressed his appreciation for her work and assistance in a difficult role.

Ms Stevenson thanked the Committee, expressing disappointment that she was leaving before the adoption of the Core Strategy, the absence of which she recognised had been a source of frustration for the Committee.

The Chairman also welcomed back Mrs R Jenman, Principal Planning Officer.

132. APPEALS

The Planning Committee noted the report.

133. P141849/O LAND OPPOSITE OLD HALL, STOKE PRIOR, HEREFORDSHIRE, HR6 0LN

(Site for 8 dwellings (all matters reserved.))

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 W Jackson, Chairman of Humber, Ford and Stoke Prior Group Parish Council, spoke in opposition to the Scheme. Mr C Saxon, a local resident, spoke in objection. Mrs H Howie, 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 JW Millar spoke on the application.

He commented on a number of issues including:

- The site was not one that the village would have chosen for development.
- The main concern for both him and the Parish Council was the management of drainage and the flood risk. Ten out of fifteen of the letters making representations about the development related to flooding.
- Surface water run-off ran downhill from the site's location meeting the stream known as the Prill flooding the centre of the village and making the road impassable. Ten properties in that location relied on a biodisc system and this was damaged by the flooding. This had occurred three times in the past year. The application stated there was the potential to retain water on the site but this did not address surface water run-off. There needed to be clarity as to whether the proposals would help alleviate flooding or would exacerbate it.
- He acknowledged, having regard to the National Planning Policy Framework, that there were a number of grounds for granting outline planning permission. If that decision were made conditions must require a full drainage survey to be undertaken to demonstrate that the system the applicant proposed to provide was indeed robust.

In the Committee's discussion of the application the following principal points were made:

- The potential for flooding was clear. It was important that assurance was provided that the proposed measures to manage flooding were appropriate. Conditions 13 and 14 should be given particular attention.
- It was observed that trees and hedgerows could contribute greatly to alleviating flooding.

- As there was no longer a bus service it was asked if monies which might have been allocated for a bus shelter could instead be allocated to measures to relieve flooding.
- The reduction in the number of properties proposed on the site from 14 to 8, 3 of which were to be affordable housing, was welcomed. The provision of these homes including some affordable housing could provide some betterment for the village.
- Weight should be given to the view of the Parish Council.
- The development was opportunistic. It also offered nothing, by way of good quality building, for example, to encourage support for the application. If the development proceeded the developer should be requested to take note of the comments of the Conservation Manager on design of the dwellings to ensure that they were sympathetic to the character of the local area.
- It was asked whether S106 monies could be allocated to improve the access.
- There were no objections from the statutory consultees.

The Development Manager confirmed that the reserved matters would be brought back to the Committee and would provide an opportunity to consider the quality of design. He added that there would be a full surface water drainage system. He also confirmed that the draft Core Strategy had a target of 15% growth for Stoke Prior by 2031. A development of 8 houses was within that growth target. He added that the density of development was low. If fewer houses were provided this would mean that affordable housing would not form part of the scheme. Access would also be provided to the required standard.

The local ward member was given the opportunity to close the debate. He reiterated that the provision of 8 houses in a single development needed to be considered in the context of the core strategy's target of 15% growth (11 houses) over the life of the Plan. With regard to water management he requested that conditions ensure that the proposals were robustly assessed and robustly managed. It was important that the engineer's report demonstrated the proposals were achievable. He also asked to be consulted on the proposals if the scheme were approved.

RESOLVED: That subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, officers named in the Scheme of Delegation to Officers are authorised, after consultation with the Chairman and local ward member, 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. **AO4 Approval of reserved matters**
4. **GO3 Retention of existing trees/hedgerows**
5. **G04 Protection of trees/hedgerows to be retained**
6. **G09 Details of boundary treatments**
7. **G10 Landscaping scheme**

- 8. H03 Visibility splays
- 9. H08 Access closure
- 10. H11 Parking- estate development (more than one house)
- 11. H21 Wheel washing
- 12. H29 Secure and covered cycle parking provision
- 13. I20 Scheme of surface water drainage
- 14. I21 Scheme of surface water regulation
- 15. I16 Restriction of hours during construction
- 16. I51 Details of slab levels

Informative:

- 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. 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.**

134. S123177/F LAND EAST OF 20 BELMONT AVENUE, HEREFORD, HR2 7JQ

(Erection of three storey sheltered accommodation block with associated parking and landscaping.)

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 Ms K la Tsar, the applicant's representative, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor P Rone, one of the three local ward members, spoke on the application. He indicated support for the scheme which would meet a local need and was in a sustainable location. Concerns over the loss of parking spaces as a result of the development had been addressed. The development was a good example of joint working between the Council and West Mercia Housing and should be supported.

In the Committee's discussion of the application the following principal points were made:

- The application met a local need, was in the correct location and would represent an improvement to the area.
- The loss of parking would cause some difficulties. It was requested that future consideration be given to the feasibility of a residents parking scheme. Provision of cycle storage should also be encouraged.

- It was requested that the applicant explore the scope for energy efficiency measures and that the design was of good quality.
- It was noted that the design of the scheme had taken account of the potential for flooding that had been identified.
- A view was expressed that the flood alleviation scheme would protect the development and it would not be at risk of flooding as suggested by the Environment Agency. A contrary view was expressed accepting the Agency's opinion that the site would at some point flood, noting also that the flood alleviation scheme relied in part on demountable barriers. It was suggested that it was important in supporting the scheme that the Committee acknowledged that it was making a compromise.

The local ward member was given the opportunity to close the debate. He had no additional comments.

RESOLVED: That planning permission be granted subject to the following conditions:

1. **A01 Time limit for commencement (full permission)**
2. **B01 Development in accordance with the approved plans**
3. **C01 Samples of external materials**
4. **G11 Landscaping scheme - implementation**
5. **G15 Landscape maintenance arrangements**
6. **H06 Vehicular access construction**
7. **H08 Access closure**
8. **H13 Access, turning area and parking**
9. **I51 Details of slab levels**
10. **L01 Foul/surface water drainage**
11. **L03 No drainage run-off to public system**
12. **Surface water discharges shall only be permitted to discharge to the public combined sewerage system at an attenuated rate of 3 litres per second using a suitable flow control device.**

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment in accordance with the requirements of policy DR4 of the Herefordshire Unitary Development Plan and guidance contained within the National Planning Policy Framework.
13. **Prior to the first occupation of the development, a Flood Evacuation Management Plan shall be submitted to and approved in writing by the LPA in consultation with the LA Emergency Planning Officer and Emergency Services. The Plan shall include full details of proposed awareness training and procedure for evacuation of persons and property (including vehicles), training of staff; and method and procedures for timed evacuation. It shall**

also include a commitment to retain and update the Plan and include a timescale for revision of the Plan.

Reason: To minimise the flood related danger to people in the flood risk area in accordance with the requirements of policy DR7 of the Herefordshire Unitary Development Plan.

14. I16 Restriction of hours during construction

15. F17 – Obscure windows to side elevations

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. The proposed development site is crossed by a 225mm public combined sewer with the approximate position detailed on the Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3m either side of the centre line of the public sewer.
3. The Environment Agency recommends that in areas at risk of flooding, consideration be given to the incorporation into the design and construction of the development of flood proofing measures. These include removable barriers on building apertures such as doors and air bricks and providing electrical services into the building at a high level so that plugs are located above possible flood levels. Additional guidance, including information on kite marked flood protection products, can be found on the Environment Agency web site www.environment-agency.gov.uk under the 'Managing Flood Risk' heading in the 'Flood' section.
4. HN07 Section 278 Agreement

135. P141901/N WALL END FARM, MONKLAND, LEOMINSTER, HR6 9DE

(Proposed agricultural anaerobic digester plant for farm diversification and production of renewable energy.)

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr M Weatherhead, of Monkland and Stretford Parish Council, spoke on the Scheme. Mr R Ebrey, a former resident, spoke in objection.

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

He commented on a number of issues including:

- At a public meeting there had been opposition to the proposal. Concerns about the digester itself had been assuaged. However, objections remained about the transport and access.
- The applicant appeared to have developed a one way system around the village which involved crossing Monkland Common, to its detriment. There were also concerns about the safety of riders, cyclists and walkers using the common. Two tractors would be unable to pass one another.
- There were other potential accesses off the A4110 and the A44 which would be preferable.
- The condition requiring a traffic management plan was welcome.
- There was concern that the road was already in constant use by the applicant at all hours and that the proposal would lead to a further increase in traffic.

In the Committee's discussion of the application the following principal points were made:

- Concern was expressed about the level of training provided for tractor drivers and it was suggested that there would inevitably be traffic problems.
- It was questioned whether a traffic management plan could be enforced. The applicant's delay in producing a traffic management plan was a cause for concern.
- In response to a suggestion that determination of the application should be deferred pending production of a traffic management plan the Planning Lawyer drew attention to proposed condition no 3 which meant that permission could not be granted until such a plan was in place.
- A Member questioned the calculations relating to land use used in support of the application. He also suggested that only a limited number of digesters in the County was sustainable. If there were too many digesters this would be detrimental to the agricultural economy. The Principal Planning Officer commented that thirteen anaerobic digesters had been approved to date. It was not for the planning system to judge what was grown by farmers. The land available to the applicant would vary over time depending on leases and other factors.
- It was suggested that the regulation of digesters was a policy issue to which consideration should be given.
- There would be an adverse impact on Monkland Common.
- The proposal was another example of industrial farming which would damage the landscape and habitat.
- It was regrettable that food crops were to be used to provide fuel.
- Attention was drawn to paragraph 6.7 of the report addressing the principle of the development and its sustainability noting that the plant would generate sufficient power to meet the demand of over 1,000 households. The proposal represented sensible farm diversification.
- There had been no objection from any of the statutory consultees.

- Condition 4 requiring the provision of a landscaping, biodiversity and habitat enhancement scheme was welcomed suggesting this should allay some concerns.
- The importance of adequate passing bays was emphasised. The Development Manager confirmed that a condition would govern this matter. He added that the land required to provide the necessary passing places was in the applicant's ownership. An informative note could be added to require that the traffic management plan would be approved after consultation with the Chairman and local ward member.

The Area Engineer commented that proposals of this type did generate traffic. However, a traffic management plan could be made to work. He noted, however, that no control could be exercised over the use of public roads. He would have concerns over the safety of using the A44 as an exit given concerns over visibility. However, it might be possible to use it as an entry point. The provision of sufficient and adequate passing bays was a sensible approach.

It was proposed that a traffic management plan should be approved after consultation with the Chairman, local ward member and Parish Council.

The local ward member was given the opportunity to close the debate. He reiterated that a transport management plan was critical. He expressed some doubt over the ownership of the land required for the provision of passing bays.

RESOLVED: That planning permission be granted subject to the following conditions, after consultation with the Chairman, local ward member and Parish Council on a traffic management plan.

1. **A01 (C01)**
2. **B01 (C06)**
 - **SA 16469/01 Proposed site layout**
 - **SA 16469/02 Proposed elevations**
 - **SA 16409/05 Site location plan**
 - **Details in the submitted 'Supplementary Information report (Berrys October 2014)**
- 3 **Before the development hereby permitted begins a Traffic Management Plan (TMP) with respect to the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The TMP shall include the following in particular:**
 - a) **A brief overview of the transport implications of the development;**
 - b) **proposals to minimise conflict with other road users and damage to the highway and verges;**
 - c) **Proposals for improving and surfacing specified passing bays on the U93001 where the land falls within the applicant's ownership or control, subject to Highways Authority specifications;**
 - d) **measures to ensure that contractors and others in the applicants employ are aware of and comply with the details in the approved scheme;**
 - e) **Provision for a complaints procedure, for a named supervisor to record and address any substantiated problems specifically arising from this development.**

The TMP shall be implemented as approved.

Reason: To ensure a satisfactory form of development in the interests of local amenity and to comply with policies S2, DR1, Dr3, T6 and T8 of the Herefordshire Unitary Development Plan and the requirements of the National Planning Policy Framework with reference to Section 4.

- 4. Before the development hereby permitted begins, a landscaping, biodiversity and habitat enhancement scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall confirm adherence to the recommendations in the submitted Ecological Assessment Report (Turnstone, June 2014) and shall also include the following in particular:**
- a) A survey plan showing the site and all existing trees and hedges around it, together with an indication of which are to be retained and which are to be removed;**
 - b) For any tree or hedge that is to be retained, a Tree Protection Plan to comply with the recommendations in BS5847:2012 'Trees in relation to Design, Demolition and Construction'**
 - c) Annotated plan to a scale of 1:500 showing the layout of proposed tree, hedge and shrub planting, grassed and/or wildflower seeding areas ;**
 - d) Detailed written specifications comprising a native wildflower seeding mix and provision for standard trees and hedgerow planting of native species to an approved mix;**
 - e) Written specifications clearly describing the sizes, densities and planting/seeding numbers and giving details of cultivation and other operations associated with plant and grass establishment;**
 - f) Identification of target species to be encouraged and suitable habitats to be created and incorporated into the landscape design;**
 - g) The appointment of a suitably qualified and experienced named person to oversee implementation of the scheme as Ecological Clerk of Works**

Reason: To safeguard the amenity of the area , to conserve and enhance biodiversity and to ensure compliance with Policies LA5, LA6, NC1, NC8 and NC9 of the Herefordshire Unitary Development Plan, the requirements of the NPPF with particular reference to section 11, and the NERC Act 2006.

- 5. G11 [C97] (implementation of landscape and habitat creation scheme)**
- 6. Before the development hereby permitted begins, a site drainage scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include the following in particular:**
- a) Overview of drainage methodology, including infiltration testing methods and results; confirmation that the impacts of climate change have been incorporated into the calculations and appropriate mitigation proposed; confirmation that any changes to surface water run-off arising from the development will not adversely affect people and property elsewhere; and flood event safety precautions for a 1 in 100 year event;**
 - b) Confirmation that the groundwater table base is in excess of 1 metre below the base of any proposed soakaways;**
 - c) A large-scale plan showing all roof and surface 'clean' water drainage arrangements including any rainwater harvesting**

proposals, permeable and impermeable surfaces, swales or water storage (Sustainable Drainage Scheme [SuDS]) to meet the draft National Standards for Sustainable Drainage;

- d) A large-scale plan showing drainage arrangements for lightly contaminated and dirty water; Supporting Method Statement detailing how site drainage will be managed and maintained.

The scheme shall be implemented as approved before the first use of the development hereby permitted and shall be maintained throughout the life of the development hereby permitted.

Reason: To ensure implementation of satisfactory site drainage and to protect the water environment, in accordance with policies S2, DR2, DR4 DR7 and CF2 of the Herefordshire Unitary

8. C09 [C21] external finish colour
9. I16 [CBK] op hours during construction
10. No materials shall be used or processed in the anaerobic digester hereby permitted, other than poultry litter, animal manures and slurry, and agricultural crops/grass silage.

Reason: To ensure a satisfactory form of sustainable development, to prevent pollution or nuisances and because any other feedstock would require further consideration by the local planning authority, in accordance with policies S1, S2, DR1, DR4, DR9 and CF4 of the Herefordshire Unitary Development Plan.

11. No Combined Heat and Power (CHP) unit shall be installed on the site unless or until it is fully sound-insulated or housed within a fully sound-insulated enclosure so as to ensure that noise levels emanating from the CHP unit do not exceed 40 dB (A) when measured in accordance with BS 4142:1997, at the nearest part of any residential curtilage to the application site.

Reason: To safeguard the amenity of the area and to comply with policies S2, DR13 and CF4 of the Herefordshire Unitary Development Plan.

12. In connection with the anaerobic digester hereby permitted, all reversing alarms installed on operational vehicles in the applicant's control shall be of a 'white noise' type and no other alarm type is to be used.

Reason: In the interests of good practice, to prevent noise nuisance, to safeguard residential amenity and to comply with policies S2, DR13 and CF4 of the Herefordshire Unitary Development Plan.

13. I33 [CC2] external Lighting
14. I43 [CCC] amend to: 'no burning or combustion shall take place on the site other than within the CHP unit and/or the contingency flare'

INFORMATIVES

1. The applicant did not request any pre-application advice, but wherever possible the local planning authority has engaged with the applicant and his agent in pro-active and positive negotiation during consideration of this

project. These have resulted in mutual understanding of nature of the project and the planning requirements, the key factors including local objections, and the means of securing mitigation whilst facilitating the renewable energy project. As a result, the local planning authority has been able to grant planning permission for acceptable development subject to conditions to secure sustainable development with appropriate and proportionate mitigation.

2 I30/N11A

3 I33/N11C

4 I08/HN07 [s278 agreement required]

5 The landscape/habitat conservation and enhancement scheme required by condition 4 is not constrained by the identified site boundary. Additional habitat is welcomed, and features may be proposed on adjoining land that is in the applicant's ownership or control.

6 With regards to the requirements of condition 6, any SuDS arrangements for site drainage should relate specifically to the anaerobic digester site and associated ancillary development including hardstandings. These should calculate and accommodate the likely clean, lightly contaminated, and dirty water volumes (plus 20% for climate change) quite separately from the similar work relating to the poultry units on adjoining land. SuDS drainage may also contribute to biodiversity enhancement required under condition 4

136. P143252/F LAND ADJOINING KINGSLEANE, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9SP

(Proposed development of 12 nos. dwellings, consisting of 4 nos. affordable and 8 nos. open market. Works to include new road 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.

He commented that the Committee had refused a previous application on 25 June 2014. The new application before the Committee sought to address the grounds for that previous refusal

In accordance with the criteria for public speaking, Mrs S Sharp-Smith a local resident, spoke in objection. Mrs W Schenke, the applicant, spoke in support.

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

He commented on a number of issues including:

The proposed development was outside the settlement boundary and within a conservation area.

The applicant had taken note of the grounds for the previous refusal and the revised scheme was an improvement. The retention of hedges in the management of the applicant was welcome.

The Conservation Officer (Landscape) had raised objections to the development.

The draft Neighbourhood Plan proposed there should be no development in the proposed location. He suggested that the Plan could be given some weight noting the legal opinion that had been received as referred to in the Committee update.

At an open day most people had objected to the proposal.

The number of houses recently built in Kingsland had already nearly met the target for growth in the draft core strategy.

The development did not conserve and enhance the conservation area.

In the Committee's discussion of the application the following principal points were made:

- The development was opportunistic.
- It was questioned whether the provision of 2 bedroom affordable housing met the need. The Development Manager commented that the provision met the requirements of the Council's housing team.
- The development was a good example of negotiations resulting in an improved scheme.
- The grounds on which the application had previously been refused remained valid. It was detrimental to the Conservation Area. The Parish Council and the draft Neighbourhood Plan wanted to protect the village boundary. The development would be detrimental to the character of the area.
- It was questioned whether the scheme had demonstrated a sufficient improvement on the previous proposal.
- The development would begin the process of merging two communities, something that the Committee had opposed in other locations.
- The objections by the Conservation Officer (Landscape) remained valid.
- Note should be taken of the Parish Council's opposition to the development.

The Development Manager noted the additional letters of support for the development referred to in the update. He commented that the legal opinion referred to in the Committee update was correct in that in the case it referred to the fact was that the Neighbourhood Plan was a material consideration and the Secretary of State had dismissed an appeal against refusal of planning permission in giving weight to a Neighbourhood Plan. However, that Plan had reached Regulation 16 stage. The Kingsland Neighbourhood Plan had only reached Regulation 14 stage. The Neighbourhood Plan would have to be submitted to the Council to consider whether it was consistent with the Core Strategy and Neighbourhood Planning Regulations. It would then be sent back to the Parish Council to consider the comments and submit a plan under Regulation 16 which would be required to be subject to a 6 week consultation. No weight could be given to the Neighbourhood Plan at the present time. This accorded with the advice issued to Members by the Assistant Director Economic Environmental and Cultural Services in December 2014.

He added that the application had changed significantly and showed substantial improvement. Weight had to be given to the absence of a five year supply of housing land.

The local ward member was given the opportunity to close the debate. He reiterated that it was the local wish to preserve the settlement boundary. The Parish Council opposed the scheme. He requested that the Chairman and local ward member should be consulted on the conditions if the scheme were approved.

RESOLVED: That subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, officers named in the Scheme of Delegation to Officers are authorised, after consultation with the Chairman and local ward member, to grant full 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**

Site plan as proposed - amended drawing number P301 - Rev. A

Site location plan submitted in support of the application.

Plot 1 Floor plans and elevations - drawing number P100- Rev A.

Plots 2 and 3 Floor plans and elevations - amended drawing number P101 - Rev B

Plot 4 Floor plans and elevations - drawing number P102- Rev A.

Plot 5 Floor plans and elevations- amended drawing number P103- Rev B.

Plot 6 Floor plans and elevations - amended drawing number P104- Rev B.

Plot 7 Floor plans and elevations - amended drawing number P105- Rev B.

Plot 8 Floor plans and elevations - drawing number P106- Rev A.

Plots 9 and 10 Floor plans and elevations - amended drawing number P107- RevB

Plot 11 Floor plans and elevations - amended drawing number P108 - Rev B.

Plot 12 Floor plans and elevations - drawing number P109 - Rev A.

3. **C01 Samples of external materials**

4. **D04 Details of window sections, eaves, verges and barge boards**

5. **D05 Details of external joinery finishes**

6. **F14 Removal of permitted development rights**

7. **G04 Protection of trees/hedgerows that are to be retained.**

8. **G09 Details of Boundary treatments**

9. **G10 Landscaping scheme**

10. **G11 Landscaping scheme - implementation**

11. **Prior to any development on site details will be submitted to and approved in writing by the Local Planning Authority with regards to a detailed surface water management design, which will include detail with regards to infiltration tests results, groundwater level data, drainage calculations**

and soakaways located more than 5 metres in distance from building foundations.

Reason: In order to ensure protection from flooding with adequate drainage and to comply with Policy DR4 of the Herefordshire Unitary Development Plan.

12. L01 Foul/surface water drainage
13. L02 No surface water to connect to public system
14. L03 No drainage run-off to public system
15. H13 Access, turning area and parking
16. The recommendations for species mitigation and habitat enhancement must be carried out in accordance with the details in Section 7 and 8 of the ecologist's report from Starr Ecology dated December 2013 together with the subsequent amended landscape proposals contained in the Amended Landscape Management Plan, revised Soft Landscape Proposals and specifications from John Challoner Associates dated October 2014. The work shall be implemented as approved with written confirmation of completion accompanied by photographic evidence to be submitted to the Local Planning Authority for formal discharge of this condition. 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, 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 Framework and the NERC Act 2006

17. H27 Parking for site operators.
18. F08 No conversion of garages to habitable accommodation

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. HN04 Private apparatus within highway
4. HN05 Works within the highway

5. **HN07 Section 278 Agreement**
6. **HN17 Design of street lighting for Section 278**
7. **HN10 No drainage to discharge to highway**
8. **Dwr Cymru Welsh Water Advisory Notes**

If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Development Services on 0800 917 2652.

Some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal we request the applicant contacts our Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

The Welsh Government have introduced new legislation that will make it mandatory for all developers who wish to communicate with the public sewerage system to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW). The Welsh Ministers Standards for the construction of sewerage apparatus and an agreement under Section 104 of the Water Industry Act (WIA) 1991 will need to be completed in advance of any authorisation to communicate with the public sewerage system under Section 106 WIA 1991 being granted by DCWW.

Welsh Government introduced the Welsh Ministers Standards on the 1 October 2012 and we would welcome your support in informing applicants who wish to communicate with the public sewerage system to engage with us at the earliest opportunity. Further information on the Welsh Ministers Standards is available for viewing on our Developer Services Section of our website – www.dwrcymru.com.

Further information on the Welsh Ministers Standards can be found on the Welsh Government website – www.wales.gov.uk.

Appendix 1 - Schedule of Committee Updates

The meeting ended at 12.55 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 21 January 2015

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.

Morning

SCHEDULE OF COMMITTEE UPDATES

P141849/O - SITE FOR 8 DWELLINGS (ALL MATTERS RESERVED) AT LAND OPPOSITE OLD HALL, STOKE PRIOR, HEREFORDSHIRE, HR6 0LN

For: Mr Williams per Berrys, Willow House East, Shrewsbury Business Park, Shrewsbury, Shropshire, SY2 6LG

ADDITIONAL REPRESENTATIONS

A further letter has been submitted formalising views made previously. It states:

Loss of hedgerow and trees will significantly alter this part of village, It will take up to 20 years to re-establish the roadside hedge.

Orchard to west must be protected against further development

Layout resembles a small estate of houses, not in keeping with intrinsic character of countryside (NPPF –Item 17)

No objection in principle, but must be in keeping and proportionate.

OFFICER COMMENTS

This is an outline application with all matters reserved only the principle of development requested. The loss of roadside hedge is mitigated by a new roadside hedge, the planting of an orchard and the provision of housing and in particular affordable housing helps provide proportionate growth to the village.

NO CHANGE TO RECOMMENDATION

S123177/F - ERECTION OF THREE STOREY SHELTERED ACCOMMODATION BLOCK WITH ASSOCIATED PARKING AND LANDSCAPING AT LAND EAST OF 20 BELMONT AVENUE, HEREFORD, HEREFORDSHIRE, HR2 7JQ

For: West Mercia Housing Group per Quattro Design Architects Ltd, Imperial Chambers, Longsmith Street, Gloucester, Gloucestershire, GL1 2HT

ADDITIONAL REPRESENTATIONS

Letter of support has been received from the Council's Community Safety Manager, noting that the proposal would meet an identified need in the community.

OFFICER COMMENTS

None

NO CHANGE TO RECOMMENDATION

P143252/F - PROPOSED DEVELOPMENT OF 12 NOS. DWELLINGS, CONSISTING OF 4 NOS. AFFORDABLE AND 8 NOS. OPEN MARKET. WORKS TO INCLUDE NEW ROAD AND LANDSCAPING AT LAND ADJOINING KINGSLEANE, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9SP

For: Mr & Mrs Glynne Schenke, Harbour House, Kingsland, Leominster, Herefordshire HR6 9SE

ADDITIONAL REPRESENTATIONS

Kingsland Parish Council have requested that an error in the Draft Heads of Terms attached to the report be corrected indicating that the Millennium Green is independent of the Parish Council.

Fourteen additional letters in support of the application have been received from members of the public. Key issues raised can be summarised as follows:

- Concerns about comments made by the Conservation Manager (Built Environment), in response to the application, in that the site is located in an area with vast countryside around it and that the proposal respects this whilst retaining existing hedgerows, it also proposes further landscape enhancement. Comment is also made that it is important that the area is an inclusive and integrated community.
- The proposed development does preserve and enhance the surrounding Conservation Area.
- Location for the development is one of the most sustainable sites surrounding the existing village for housing development.
- Site is ideal for future growth of the village and development as proposed does respect the surrounding built environment.
- Concerns are raised about proposals as contained within the Neighbourhood Plan for Kingsland. (Kingsland residents).
- Houses as proposed are considered small scale and ideal for a village location where houses prices are high. The development as proposed would give residents the opportunity to remain in the village when downsizing and equally allow those in affordable housing to get their foot on the housing ladder.
- Footpath construction in relationship to the development alongside the road would also enhance pedestrian safety in this area.

A legal opinion has been received from Christopher Young QC on behalf of Mr Smith pertaining to the weight to policies of the emerging Neighbourhood Plan. A verbal update will be made at the meeting when further consideration has been given to the content.

OFFICER COMMENTS

The issues as indicated in the additional representations received are covered in the report to Committee. Comments/concerns made about the Kingsland Neighbourhood Plan are noted, however with consideration to its status (Reg 14 stage) in the adoption process this has no weight in the determination of this application.

NO CHANGE TO RECOMMENDATION

MINUTES of the meeting of Planning Committee held at The Shire Hall, St Peter's Square Hereford HR1 2HX on Wednesday 21 January 2015 at 2.00 pm

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

Councillors: AJM Blackshaw, WLS Bowen, AN Bridges, EMK Chave, PJ Edwards, DW Greenow, KS Guthrie, J Hardwick, JW Hope MBE, JLV Kenyon, JG Lester, PJ McCaull, NP Nenadich, FM Norman, J Norris and AJW Powers

In attendance: Councillors RJ Phillips and GR Swinford

137. APOLOGIES FOR ABSENCE

Apologies were received from Councillors BA Durkin, MAF Hubbard, RI Matthews, RL Mayo, TL Widdows and DB Wilcox.

138. NAMED SUBSTITUTES

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor WLS Bowen attended the meeting as a substitute member for Councillor RI Matthews, Councillor JLV Kenyon substituted for Councillor TL Widdows, Councillor NP Nenadich for Councillor DB Wilcox and Councillor AJW Powers for Councillor MAF Hubbard.

139. DECLARATIONS OF INTEREST

Agenda item 4: P142215 Land off Rosemary Lane, Leintwardine

Councillor FM Norman declared a non-pecuniary interest because she knew some of the objectors.

140. P142215 LAND OFF ROSEMARY LANE, LEINTWARDINE, HEREFORDSHIRE

(Residential development of up to 45 dwellings (use class C3) means of access and associated works (with all other matters relating to appearance, landscaping, layout and scale reserved.)

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.

He drew attention to the reference in the update to the intervention of the National Planning Casework Unit (NPCU) for the Department for Communities and Local Government and a proposed change to the recommendation recommending that the Committee be minded to approve the application..

He also commented that no agreement had yet been reached with the applicant over the provision of affordable housing within the development. The Council had agreed that it would be acceptable in this case if the applicant paid a commuted sum in lieu of on site provision of affordable housing. The Parish Council had indicated that this would be acceptable if the application were to be approved.

The Development Manager clarified that the NCPU had requested that, as stated in the update, should the Council be minded to grant permission that the decision not be issued until the Secretary of State had considered the case against his call-in policy and issued a decision. This did not prevent the Committee considering the application and making a recommendation, as it had done in the same circumstances on a number of previous occasions. If the Committee decided that it was minded to approve the application the Secretary of State would then decide if he wished to call-in the application.

In accordance with the criteria for public speaking, Mrs A Kay of Leintwardine Parish Council spoke in opposition to the Scheme together with Mrs C Parker a planning consultant employed by the Parish Council. Mr D Collins and Ms N Vera-Sanso, a resident, spoke in objection. Mrs L Steele, the Applicant's agent, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor RJ Phillips spoke on the application in the role of local ward member, the local ward member having recently died and the seat being vacant.

He commented on a number of issues including:

- The application was contentious and had generated considerable local opposition.
- He acknowledged that no weight could be given to the draft Neighbourhood Plan and that regard had to be given to the National Planning Policy Framework and the Council's lack of a five year housing land supply, noting a number of appeals against refusal of planning permission were outstanding.
- However, he questioned the sustainability of the proposed development and the need for it. He noted that given the location of Leintwardine need and sustainability had to be considered in the context of the economies of South Shropshire and Powys and their sustainability. They did not form an economic hub.
- The Core Strategy envisaged growth of approximately 35 dwellings during the plan period to 2031. The proposal was for a single development of 45 houses.
- Rosemary Lane was not 5 metres in width and was subject to flooding.
- The development would have an adverse effect on the historic setting of Leintwardine.
- The proposed drainage was situated in the lowest part of the site. The development would increase the threat of flooding.
- The adverse impact of the development outweighed the benefits.
- He suggested that the application should be refused advancing the following paragraphs of the NPPF as grounds for doing so: paragraphs 7, 8, 9, 10, 14, 32, 55, 109, 131, 156 and 178-81 inclusive.

In the Committee's discussion of the application the following principal points were made:

- The grounds for refusal advanced by Councillor Phillips were supported. It was suggested that policy S1 - sustainable development, SS4 – movement and transportation and DR 3 – movement were additional grounds for refusal, together with paragraph 12 of the NPPF given the impact on an historic environment.

- The development was too large and was unsustainable especially in a semi-remote location of the County, noting the need to travel significant distances to work and to access standard amenities.
- The local community was overwhelmingly opposed to the development.
- The site was prominent and visible in the landscape and would have an adverse effect on the character and setting of the village.
- There was concern at the absence of affordable housing provision.
- A fire station was located on Rosemary lane and its operations could be adversely affected.
- It was noted that the Strategic Housing Land Availability Assessment had categorised the site as being achievable for housing development and having low/minor constraints.
- The weight that continued to be given to the absence of a five year supply of housing land and the Council's calculations of its five year supply of housing land were questioned.
- The site was close to the sewage plant.

The Development Manager commented that Leintwardine was identified in the draft core strategy as a main village for proportionate growth. The strategy envisaged growth of 14%, equating to 35 dwellings during the plan period to 2031. Some development would therefore take place. The proposed site adjoined the existing settlement, was not in an AONB or a Conservation Area and there had been no objection from the statutory consultees including Welsh Water. He remained of the view that the development and location was sustainable. If the application was refused there was a risk that an appeal would succeed.

The Planning Lawyer commented that there was a cost risk in refusing the application given the content of the report before the Committee and the expert opinion it contained. She sought clarification of the grounds for refusal.

Councillor Phillips, in the role of local ward member, was given the opportunity to close the debate. In response to the above question he reiterated the paragraphs he had quoted in his opening remarks as grounds for refusal adding additional points raised in the debate: policies S1, SS4, DR 3 and paragraph 12 of the NPPF.

The Planning Lawyer requested that officers be authorised to finalise the drafting of the reasons for refusal based on the Committee's view that the development was unsustainable and had an adverse impact on a historic settlement, including suggested policy references as appropriate and having regard to those policies put forward at the meeting.

The Transportation Manager clarified that the drawings accompanying the application indicated that improvements would be made to Rosemary Lane to make it of 5 metres width. The Committee accepted that concern about the width of the road should not therefore be advanced as a ground 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 based on relevant polices and relevant paragraphs of the National Planning

Policy Framework: lack of sustainability and adverse impact on a listed settlement.

(The meeting adjourned between 3.10 and 3.20 pm)

141. P142356/F FODDER STORE ADJ THE OLDE RECTORY, BOAT LANE, WHITBOURNE, WORCESTER, WR6 5RS

(Proposed removal of condition 4 of planning permission DCNC2004/2013/F (conversion of cottage annexe to provide one bedroom holiday cottage) to allow 'Fodder Store' to be used as a dwelling.)

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.

He noted that, as referred to in the update, a legal opinion had been received from Mr R Humphries QC on behalf of the owner of the Olde Rectory. He commented that the report addressed the issues raised in the legal opinion and there was nothing to prevent the Committee making a decision on the application.

In accordance with the criteria for public speaking, Mrs M Williams, Chairman of Whitbourne Parish Council spoke in opposition to the Scheme. Mr P Woods, owner of the Olde Rectory, spoke in objection. Mr P Smith 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 GR Swinford spoke on the application. He gave a detailed analysis of the matter, supporting the argument advanced in the legal opinion advanced by Mr Humphries QC that the application was flawed and should be refused.

The Committee commenced discussion of the application. Advice was sought on how the Committee should proceed, given the conflict between the advice in the report and the separate legal opinion that had been circulated to all Members.

The Planning Lawyer commented that insufficient information was available to provide immediate advice on the matter. On the basis of information provided by the applicant the procedure adopted by the assessing officer appeared entirely reasonable. However, there was now a lack of clarity as to whether the 2010 planning permission had been implemented. She therefore considered that there were grounds for deferring determination of the application pending the receipt of further information from the applicant.

RESOLVED: That determination of the application be deferred pending the receipt of further information.

142. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix 1 - Schedule of Committee Updates

The meeting ended at 3.50 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 21 January 2015

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.

Afternoon

SCHEDULE OF COMMITTEE UPDATES

P142215/O - RESIDENTIAL DEVELOPMENT OF UP TO 45 DWELLINGS (USE CLASS C3) MEANS OF ACCESS AND ASSOCIATED WORKS (WITH ALL OTHER MATTERS RELATING TO APPEARANCE, LANDSCAPING, LAYOUT AND SCALE RESERVED AT LAND OFF ROSEMARY LANE, LEINTWARDINE, HEREFORDSHIRE,

For: L W D Developments LLP per Framptons, Oriel House, 42 North Bar, Banbury, Oxfordshire, OX16 0TH

ADDITIONAL REPRESENTATIONS

The National Planning Casework Unit for the Department for Communities and Local Government have requested that should the Council be minded to grant permission that the decision not be issued until the Secretary of State has considered the case against his call-in policy and issued a decision. This does not prevent the application being considered at today's meeting.

OFFICER COMMENTS

The recommendation is accordingly changed to one of Minded to Grant Planning Permission.

In addition Paragraph 6.46 of the Committee report should read Section 106 contributions totalling £459,224 and not £196,076 as stated, which is the total transportation contribution.

CHANGE TO RECOMMENDATION

Minded to Grant Planning permission

P142356/F - PROPOSED REMOVAL OF CONDITION 4 OF PLANNING PERMISSION DCNC2004/2013/F (CONVERSION OF COTTAGE ANNEXE TO PROVIDE ONE BEDROOM HOLIDAY COTTAGE) TO ALLOW 'FODDER STORE' TO BE USED AS A DWELLING AT FODDER STORE ADJ THE OLDE RECTORY, BOAT LANE, WHITBOURNE, WORCESTER, WR6 5RS

For: Mr & Mrs Poultney per Mr Paul Smith, 41 Bridge Street, Hereford, Herefordshire, HR4 9DG

ADDITIONAL REPRESENTATIONS

A legal opinion has been received from Richard Humphreys QC on behalf of Mr Wood.

Comment will be made at the meeting when further consideration has been given to the content.

OFFICER COMMENTS

In answer to a question raised by Members at the site visit , there are four dwellings in addition to the Old Rectory.

The cellar is part of the fodder store and not subject to different ownership.

In terms of the unauthorised work to the listed building the Conservation Officer advises that the blocking of the internal door needs to be regularised but is acceptable. The trellis should be removed and the oil tank screened. The outside steps and other work to that yard area needs to be resolved, however this would now have to be by the current owner. There is nothing internally which needs to be done which would inhibit the use as a dwelling.

NO CHANGE TO RECOMMENDATION



MEETING:	PLANNING COMMITTEE
DATE:	11 FEBRUARY 2015
TITLE OF REPORT:	P141828/F - PROPOSED RESIDENTIAL DEVELOPMENT OF 22 OPEN MARKET FAMILY HOMES AND 11 AFFORDABLE HOMES AT MILL FIELD, FOWNHOPE, HEREFORDSHIRE. For: SC Hardwick & Sons per Mr James Spreckley, Brinsop House, Brinsop, Herefordshire HR4 7AS
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=141828&search=141828
Reason Application submitted to Committee – Contrary to Policy and the applicant is a Member of Herefordshire Council	

Date Received: 20 June 2014

Ward: Backbury

Grid Ref: 357488,234973

Expiry Date: 28th February 2015

Local Member: Cllr WLS Bowen (by proxy)

1. Site Description and Proposal

- 1.1 Planning permission is sought for the erection of 22 open market and 11 affordable single and two-storey dwellings on part of the 4.6ha site, which is currently a field in agricultural use. The site adjoins the defined settlement boundary for Fownhope; a village situated in central south-eastern Herefordshire, lying on the eastern side of the River Wye and the south-western edge of the Woolhope Dome. It sits alongside the B4224, with Hereford 8km to the north-west, and Ross-on-Wye 11km to the south east.
- 1.2 The site lies at the north-western gateway to the village. It comprises a sloping, rectangular field which is currently arable. The site descends from 65mAOD on the north-eastern boundary to 52mAOD on the B4224. Vehicular access to the development would be off the B4224 which runs along the south-western boundary of the site, and is shown on the plans entering the site at a point opposite the Grade II listed Mill House Farm complex, which lies to the south-west approximately 80 metres from the site boundary. To the north and east of the site, the heavily-wooded slopes of this part of the Woolhope Dome create a strong physical boundary, limiting the influence of the site.
- 1.3 The north-eastern boundary is an over-mature, gappy hedge and fence between a public right of way and the mature woodland edge on the steep slopes of Cherry Hill Woods, a Site of Special Scientific Interest, Special Wildlife Site and Bio-diversity Action Plan priority habitat. Most of the south-eastern boundary comprises ornamental shrubs / hedges along the rear garden boundaries of properties in the late C20th housing development Scotch Firs. This is also the village settlement boundary. Further south the settlement boundary returns to exclude a garden (the remnant of the old orchards) of 'Westholme', which is also on the site's south-eastern boundary. The south-western boundary is the B4224, with a well-managed native

Further information on the subject of this report is available from Mr Edward Thomas on 01432 260479

hedge on a steep, 1.5 - 2m high grassed embankment along part of its length, changing to a poor, gappy/missing section of hedge and lower embankment further away from the village. The north-western boundary is a native hedge separating the site field from an adjacent one (also arable).

- 1.4 The site and wider settlement lies within the Wye Valley Area of Outstanding Natural Beauty (AONB), located at the northern end of the designated area. The site falls on the boundary of two Landscape Management Zones (LMZs): LMZ01 - Woolhope Dome and LMZ03 - Seller's Hope Ridges and Valleys as defined by the AONB's current Management Plan 2009 - 2014. The Fownhope Conservation Area adjoins the site on its southern tip and incorporates Westholme and its garden, but excludes the residential development at Scotch Firs. The Conservation Area extends for almost a kilometre along the B4224, covering most of the historic development lining the main road and terminating just past the Grade I listed Church of St Mary at the south-eastern end of the village.
- 1.5 The proposed layout plan shows an informal arrangement of dwellings either side of a winding central spine road ending at a turning loop which forms what is described as a "village green". Single-storey buildings are shown on the higher parts of the site and two-storey elsewhere. An extensive scheme of landscaping is included, comprising a new orchard, wildflower meadows and a balancing pond. A tree planting plan and a schedule of species have also been provided. Most of the trees are proposed to be large specimens (including oak at 20 - 25cm girth along the road frontage), with new hedging plants along the road on an embankment aligned behind the visibility splay; albeit the existing hedgerow adjacent the entrance and at the southern point of the site is retained. The submitted Landscape Report describes the intention to create a settlement within an orchard, with some 2.75ha of the site being laid out as traditional orchard (apples, pears, damsons and gages).
- 1.6 The dwellings comprise a mixture of detached, semi-detached and terraced buildings with six distinct house-types. On the north-side of the spine road there are two farmhouse and courtyard clusters, the courtyard buildings being single-storey dwellings cut into the slope. The facing materials include stone, brickwork and render. The Landscape Report also includes detailed hard landscaping proposals, specifying the surfacing materials throughout.
- 1.7 Public footpaths FWB8 and FWB9 enter the site at the southern tip, where there is a stile. The former runs up the site boundary parallel with Scotch Firs before turning south-eastwards to pass between Nos. 13 and 14 Scotch Firs where it terminates at the turning head. It is proposed that a pedestrian route between the application site and village is via a footway linking to this route; there being limited opportunity to provide an appropriate footway adjacent the B4224. FWB9 runs inside the hedgerow parallel with the main road.
- 1.8 The application is accompanied by the following supporting documents:
 - Landscape Report
 - Landscape Character and Visual Analysis Report
 - Design and Access Statement
 - Planning Statement
 - Transport Statement
 - Ecological Assessment
 - Draft Landscape Management Plan
 - Flood Risk Assessment
 - Draft S106 Heads of Terms
- 1.9 The south-eastern half of the site was identified as Land with Significant Constraints in the Strategic Housing Land Availability Assessment (SHLAA). Although considered potentially suitable for a development of up to 20 dwellings, the assessment concluded *"access onto the B4224 would be difficult to construct owing to ground level difference and PRow that runs the*

Further information on the subject of this report is available from Mr Edward Thomas on 01432 260479

full length of the site parallel to the highway. There are no footways and the 30mph speed limit would require extension."

- 1.10 Fownhope is identified within the Herefordshire Local Plan as a main village in the Herefordshire Housing Market Area, with an indicative growth target of 18% over the plan period. Based on the Rural Housing Background Paper (part of the evidence base for the Core Strategy) this equates to a need for 73 dwellings at Fownhope over the lifetime of the plan to 2031.

2. Policies

2.1 National Planning Policy Framework (NPPF)

The following sections are of particular relevance:

Introduction	-	Achieving Sustainable Development
Section 4	-	Promoting Sustainable Transport
Section 6	-	Delivering a Wide Choice of High Quality Homes
Section 7	-	Requiring Good Design
Section 8	-	Promoting Healthy Communities
Section 11	-	Conserving and Enhancing the Natural Environment
Section 12	-	Conserving and Enhancing the Historic Environment

2.2 National Planning Practice Guidance (companion guidance to the NPPF)

2.3 Herefordshire Unitary Development Plan 2007 (HUDP)

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S7	-	Natural and Historic Heritage
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
DR7	-	Flood Risk
E15	-	Protection of greenfield land
H4	-	Main Villages: Settlement Boundaries
H7	-	Housing in the Countryside Outside Settlements
H10	-	Rural Exception Housing
H13	-	Sustainable Residential Design
H15	-	Density
H19	-	Open Space Requirements
HBA4	-	Setting of Listed Buildings
T6	-	Walking
T8	-	Road Hierarchy
LA1	-	Areas of Outstanding Natural Beauty
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
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
CF2	-	Foul Drainage

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
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 Geodiversity
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
ID1	-	Infrastructure Delivery

2.4 Wye Valley AONB Management Plan 2009-2014.

2.5 Fownhope Parish Council has designated a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The Parish Council will prepare a Neighbourhood Development Plan for that area. The plan must be in general conformity with the strategic content of the emerging Core Strategy, but is not sufficiently advanced to attract weight for the purpose of decision-taking.

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 None

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water: No Objection subject to the imposition of conditions.

4.2 Natural England:

The Conservation of Habitats and Species Regulations 2010 (as amended) (Habitats Regulations)

WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

Further to our response dated the 13th October 2014 and having read Dŵr Cymru/ Welsh Water's letter dated the 29/10/2014 and the amended Landscape Character and Visual Analysis and the amended Landscape Report we have the following additional comments to make.

Internationally and nationally designated sites

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features.

Further information on the subject of this report is available from Mr Edward Thomas on 01432 260479

European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended, (the 'Habitats Regulations'). The application site is in close proximity to the River Wye Special Area of Conservation (SAC) which is a European site. The site is also notified at a national level as the River Wye Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

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

River Wye SAC- No objection

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, ie the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided, Natural England offers the following advice:

- the proposal is not necessary for the management of the European site;
- that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment

When recording your HRA we recommend you refer to the following information to justify your conclusions regarding the likelihood of significant effects:

- Application for planning permission dated 18/06/2014.
- Dŵr Cymru/ Welsh Water's letter dated the 29/10/2014.

River Wye SSSI – Withdrawal of objection – no conditions requested

This application is in close proximity to Cherry Hill Wood Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

The withdrawal of Natural England's objection to this application does not necessarily mean that all natural environment issues have been adequately addressed, but that we are satisfied that the specific issues that we have raised in previous correspondence relating to this development has been met. Natural England, as stated in previous correspondence, is not in a position to give a view on issues such as local sites, local landscape character or the impacts of the development on species or habitats of biodiversity importance in a local context.

As we advised in our previous correspondence, your authority should seek advice from the appropriate local record centre, local site scheme and other appropriate recording bodies to ensure that any decision made relating to this application is compliant with relevant national planning policies. You should also assess whether the proposal respects and, where possible, enhances local distinctiveness and be guided by your Authority's landscape character assessment where available, and the policies protecting landscape character in your local plan or development framework when determining the application.

Should the application change, or if the applicant submits further information relating to the impact of this proposal on the SSSI aimed at reducing the damage likely to be caused, Natural England will be happy to consider it, and amend our position as appropriate.

Cherry Hill Wood SSSI - No objection – with conditions

This application is adjacent to the Cherry Hill Wood SSSI. However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted and the conditions specified below. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

Conditions

- To avoid damage to the notified features of the SSSI mentioned above, a condition requiring a construction environmental management plan (CEMP) should be submitted and agreed with the council prior to the commencement of any works. The construction management plan should describe how construction works will avoid damage to the SSSI. One of the objectives of the CEMP should be the protection of the root zone of the trees within the SSSI.
- To avoid damage to the notified features of the SSSI, the proposals for creation of the area of open space set out in the Landscape Management Plan from Robert Myers Associates should be conditioned, along with the short and long term management and monitoring of the area. This will ensure that the buffer the open space provides between the proposed dwellings and SSSI is maintained.
- To avoid damage to the notified features of the SSSI from increased recreational pressure, information boards should be erected within the open space. The boards should contain information on the relevant ecological issues; e.g. (i) the location and sensitivities of nearby national and local designated sites; (ii) steps that occupiers can take to enjoy and conserve these local resources; and (iii) minimising impacts to the habitat- key 'do's and don'ts' - such as keeping to the paths and removing dog faeces and disposing of it in a responsible way. The specific content of the board shall be submitted to and approved in writing by the Local Planning Authority prior to development in each phase commencing.

These conditions are required to ensure that the development, as submitted, will not impact upon the features of special interest for which Cherry Hill Wood SSSI is notified.

If your Authority is minded to grant consent for this application without the conditions recommended above, we refer you to Section 28I (6) of the *Wildlife and Countryside Act 1981* (as amended), specifically the duty placed upon your authority, requiring that your Authority;

- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice; and
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

Area of Outstanding Natural Beauty (AONB) - No Natural England Comment – Advise consultation with AONB partnership

Having reviewed the application Natural England does not wish to comment on this development proposal. The development however, relates to the Wye Valley AONB. We therefore advise you to seek the advice of the AONB Partnership. Their knowledge of the location and wider landscape setting of the development should help to confirm whether or not it would impact significantly on the purposes of the AONB designation. They will also be able to

advise whether the development accords with the aims and policies set out in the AONB management plan.

Internal Consultation Responses

4.3 Transportation Manager:

The proposal is for 33 dwellings beyond the current village limits in a rural environment. The proposed site access junction is located some 200m to the north-west of the current 30mph limit terminal and is therefore subject to the national 60mph limit.

A Transport Statement has been provided in support of the application which indicates that 85 percentile speeds at the location of the access are around 46mph (74kph), and with less than 1% of vehicles exceeding the 60mph limit.

The drawings in Appendix D and text of Paragraphs 6.5 and 6.6 of the Transport Statement indicate that visibility can be provided within the highway/land within the applicant's control to meet all scenarios of actual measured vehicle 85 percentile speeds or proposed reduced speed limit. In the absence of an implementable speed limit at this time, the worst case of 131m "Y" distance should be considered as applicable. The use of a 2.4m setback is normally considered acceptable, although as hedges are proposed immediately to the rear of the splay I would suggest a greater figure of 3.5m be utilised to include an allowance for hedgerow growth. Some alterations to existing bank and hedge will be necessary to achieve splays and this has been demonstrated in submitted drawings.

Evidence suggests poor observance of the 30mph limit on entry to the village. 85th percentile speeds of 37mph were recorded from a Speed Indicator Device (SID). This shows poor observance in a context where speeds are likely to be depressed from the normal situation by virtue of the presence of the SID itself. Whilst this is the existing situation there is some potential that alterations to hedges and verges necessary to form the visibility splays will increase forward visibility and may encourage increased speeds into the village. Whilst my view is that the proposed reduction in the speed limit with attendant traffic calming features should be pursued if possible, I do not consider the absence of such a reduction to be sufficient to warrant refusal of the scheme and conclude that formulation of an access with the requisite 3.5m x 131m splays is sufficient to serve the proposed development under existing circumstances.

The draft Heads of Terms includes a transport contribution of £64,500 that could be put towards the cost of conducting the necessary Traffic Regulation Orders and traffic calming should it be concluded, following discussions with key stakeholders, that a scheme is both desirable and feasible.

Access to sustainable transport modes – Walking and Bus

In terms of sustainability, Fownhope is reasonably well provided with local facilities and the site is within reasonable walking distance (800m) of such facilities, which include post office and village shop, village hall, primary school, public houses, leisure centre and bus stops. The village medical centre is around 1km distant. The bus service to Hereford has nine buses across two services (the 453 and 454) on Monday–Friday and 8 on Saturday. 10 buses return to Fownhope from Hereford on Monday-Friday, with 9 on Saturday.

No direct pedestrian route is provided to the bus stop along the B4224. There appears to be insufficient width to achieve a footway within the confines of the highway taking into account the levels differences that exist and the potential conflict with the root systems of protected trees. As an alternative a pedestrian link is provided from the southern extreme of the site to link to Scotch Firs, where measurements taken on site indicate that a DDA compliant 1.2m width is achievable, which could be increased to 1.8m width if the overhanging vegetation is cut back to

the boundary posts. This is considered acceptable for the length involved. The footway link then joins the footways on Scotch Firs linking onwards to the B4224 near the village shop. This route also provides an acceptable onwards access to other village facilities.

Trip generation

The Transport Statement assesses likely traffic impact in terms of overall traffic flow on the B4224 and indicates that the development would result in around 3% increase in traffic on B4224. This is considered realistic and is not likely to have a severe residual impact on the network.

In terms of proposed layout, the access junction and road width is considered acceptable and would accommodate in excess of the number of dwellings proposed, being of a higher standard than necessary for 33 dwellings.

Any street lighting provision will require the express permission of the Parish Council. Secure covered cycle storage should be included for each dwelling.

Recommendation

My recommendation would be for approval subject to conditions and this is not dependent on extending the 30mph limit or introducing a 40mph limit past the site entrance. However, it remains my opinion that a reduction in the speed limit may be beneficial for the reasons given above; principally the poor observance of the 30mph limit on approach to the village from Hereford. Should permission be granted I would suggest discussions regarding the potential to reduce the speed limit and design/implement a possible traffic calming entry feature at the entrance to the village. The S106 contribution of £64,500 towards sustainable transport measures could be put towards the costs associated with the TRO process and implementation of traffic calming features.

4.4 Conservation Manager (Landscapes):

The site lies within the Wye Valley AONB in open countryside, outside but adjacent to the village settlement boundary; the land was identified as Land with Significant Constraints in the Herefordshire SHLAA. Although considered potentially suitable for a development of up to 20 dwellings (the current application is for 33), the report states that *"access onto the B4224 would be difficult to construct owing to ground level difference and PRow that runs the full length of the site parallel to the highway. There are no footways and the 30mph speed limit would require extension."*

Various plans and documents have been submitted by the applicant, including a "Landscape Character and Visual Analysis", a Landscape Report, an Ecological Assessment, various drawings of house types and a draft Landscape Management Plan.

A Landscape and Visual Impact Assessment (LVIA) was requested at the pre-application advice stage. The submitted landscape reports / analyses have not been carried out in accordance with national guidance (GLVIA): without an objective and technical assessment it is not possible to determine with certainty what the overall significance of effects is likely to be.

A tree and hedgerow survey of the vegetation on the site boundaries was also requested at the pre-app stage, but as far as I am aware none has been submitted either. The Application Form states that there are no trees or hedges on or adjacent to the proposed development site. This is incorrect. Cherry Hills Wood SSSI and SWS are contiguous with the site's north-eastern boundary, and the roadside hedge will be directly affected by the development.

PROPOSED DEVELOPMENT

The proposal is to build up to 33 dwellings on part of the 4.6ha site which is currently a field (see below). Access to the development would be off the B4224 which runs along the southern boundary of the site, and is shown on the plans entering the site at a point opposite the Mill House Farm complex.

The layout shows an informal, organic arrangement of dwellings either side of a winding central spine road ending at a turning loop which forms what is described as a "village green". Single storey buildings are shown on the higher parts of the site and two storey elsewhere. An extensive scheme of landscaping is included, comprising a new orchard, wildflower meadows and a balancing pond.

The public right of way which runs along the southern boundary of the site along the field side of the B4224 would apparently run through the orchard and along the south of the site, although it is not clear whether a diversion of the existing line is proposed.

A tree planting plan and a schedule of species have also been provided. Most of the trees are proposed to be large specimens (including oak and Wych elm at 20 - 25cm girth along the road frontage), with hedging plants along the road c. 1m tall when planted. More detailed comments on the indicative layout are given in section 4 below.

SITE AND SURROUNDING AREA

Fownhope is a village situated in central south-eastern Herefordshire, lying on the eastern side of the River Wye and the south-western edge of the Woolhope Dome. It straddles the B4224 Hereford to Mitcheldean road, with Hereford 8km to the north-west, and Ross-on-Wye 11km to the south east.

The area is known to have attracted, and been influenced by, human activity since the Iron Age, and there is a large cluster of prehistoric sites in the area between Mordiford, Woolhope and Fownhope. The settlement lies on an old trading route / turnpike road between Hereford and Gloucester, at a point where the Wye could be crossed. It is mentioned in the Domesday Book; the parish church of St. Mary is originally 12th century. In the 18th and early 19th centuries Fownhope was a busy river port. Today the village is a mixture of both old and modern buildings built of local stone and brick, some half-timbered and others rendered; most of these integrate well into the villagescape although there are more recent housing estates which are less in keeping with the local vernacular. There are several local amenities and this is a popular stop-off point for walkers especially those using the Wye Valley Walk, which runs just north of the village.

Fownhope lies within the Wye Valley AONB, at its northern end, in the transition zone between the meandering river and floodplain, and the lower slopes of the Woolhope Dome. In this part of the county the Dome, an ancient Silurian rock formation, is a highly distinctive and recognisable feature in the wider landscape. Its eroded hills and valleys have not been intensively farmed and as a consequence, the Dome is a rich mosaic of ancient oak and mixed woodlands, species-rich hedgerows, wildflower meadows, traditional orchards and streams, with many of these habitats designated as Sites of Special Scientific Interest (SSSIs) and Special Wildlife Sites (SWSs); some of these are adjacent to the site. Old maps show that by the mid-19th century, this transition zone (in which the site is situated) had been cleared of woodland and planted with orchards, which would no doubt have flourished on the south west-facing slopes.

To the north and east of the site, the heavily-wooded slopes of this part of the Dome create a strong physical boundary, limiting the influence of the site which is also both physically and visually separated from the rest of the village which lies to the south east. To the south, Capler Camp is visible on the skyline. The landscape opens up to the south west and west across the flat river valley, although there is some mature tree cover along the river and in hedgerows; the wooded hills south of Holme Lacy form the visual envelope, although Hay Bluff is visible in the

distance. There are clear views of the site from Holme Lacy House and grounds due west of the site, and also from the 13th century Church of St. Cuthbert which lies on the plain below the site. The edge of Holme Lacy village which lies on elevated ground c. 2km to the north-west is visible from the site, as is Dinedor Hill and Camp.

The settlement pattern in the area comprises predominantly clusters of villages and hamlets, mainly along long-established routes to and from Hereford on land above the river on both sides. There are isolated farmsteads and dwellings on the less densely wooded hill slopes, but the flood plain is largely devoid of built form. Fownhope itself is concentrated mainly around the area north of the B4224 and south of the road to Woolhope, but the settlement extends eastwards to Common Hill where there are several dwellings along the road on high ground. The western edge of the village is clearly defined by the edges of properties on both sides of the road (much of this being relatively recent development), and beyond the edge is a rural landscape of arable land, pasture and woodland.

The site lies at this north-western gateway. It comprises a regularly-sloping, rectangular field which is currently arable. There are no free-standing trees in the field but telegraph poles and wires cross part of the site - presumably a constraint to be considered.

Access to the field is via gates off the B4224. The north-eastern boundary is an over-mature, gappy hedge and fence between a public right of way and the mature woodland edge on the steep slopes of Cherry Hill. Most of the south-eastern boundary is ornamental shrubs / hedges along the rear garden boundaries of properties in the relatively recently-built housing estate at Scotch Firs. This is also the village settlement boundary. Further south the settlement boundary returns to exclude a garden (possibly the remnant of the old orchards) in the gardens of 'Westholme', which is also on the site's south-eastern boundary. The south-western boundary is the B4224, with a well-managed native hedge on a steep, 1.5 - 2m high grassed embankment along part of its length, changing to a poor, gappy / missing section of hedge and lower embankment further away from the village. The north-western boundary is a native hedge separating the site field from an adjacent one (also arable).

LANDSCAPE CHARACTER, DESIGNATIONS, CONSTRAINTS AND POTENTIAL EFFECTS

a. Landscape Designations: The site lies within the Wye Valley AONB, located at the northern end of the designated area. The primary purpose of the AONB designation is to conserve and enhance the natural beauty of the landscape. This includes flora, fauna and other elements and features; public appreciation is a key component of natural beauty. According to the Wye Valley AONB Partnership, "the Wye Valley is regarded as one of the finest lowland landscapes in Britain, with the River Wye one the nation's favourite rivers.... The natural beauty of the area is recognised as contributing to economic activities and well-being such as tourism and inward investment."

The site falls on the boundary of two Landscape Management Zones (LMZs): LMZ01 - Woolhope Dome and LMZ03 - Seller's Hope Ridges and Valleys (probably the site is just within the latter), as defined by the AONB's current Management Plan 2009 - 2014. All development within and impacting on the AONB must be compatible with the aims of AONB designation. The relevant planning policy is the Council's saved UDP Policy LA1 Areas of Outstanding Natural Beauty which states:

"Within the Malvern Hills and Wye Valley Areas of Outstanding Natural Beauty, priority will be given to the protection and enhancement of the natural beauty and amenity of the area in the national interest and in accordance with the relevant management plans. Development will only be permitted where it is small scale, does not adversely affect the intrinsic natural beauty of the landscape and is necessary to facilitate the economic and social well-being of the designated areas and their communities or can enhance the

quality of the landscape or biodiversity. Exceptions to this policy will only be permitted when all of the following have been demonstrated:

1. the development is of greater national interest than the purpose of the AONB;
2. there is unlikely to be any adverse impact upon the local economy;
3. no alternative site is available, including outside of the AONB; and
4. any detrimental effect upon the landscape, biodiversity and historic assets can be mitigated adequately and, where appropriate, compensatory measures provided."

The proposed development is not small scale and *could be* classified as 'major development' as it is over 10 dwellings / 0.5ha. The site has a relatively wide area of influence and is clearly visible from several locations within the AONB, both at close quarters and from further afield (see below). It lies alongside a road which is well-used by tourists, and there are public rights of way running along the site's north-eastern and south-western boundaries which link to the nearby long-distance footpath network including the Wye Valley Walk and the Three Choirs Way. Cyclists, equestrians and boat users are also receptors - the site is visible from some sections of the river. The site forms an integral part of the AONB's valued landscape, on the south west-facing slopes of the Wye River valley. It makes an important contribution to the natural beauty of the area and the loss of this field and its replacement with a relatively large, modern housing estate would be detrimental to the qualities of the AONB and contrary to its objectives, unless adverse effects could be adequately mitigated or compensated for.

The layout does propose mitigation, compensation and enhancement, which could potentially reduce localised adverse effects. This is covered in more detail below.

b. Landscape Character: Fownhope lies in the South Herefordshire and Over Severn National Character Area, where the landscape is greatly influenced by geology and hydrology. The landscapes of the Wye Valley and Woolhope Dome are highly sensitive and vulnerable to change. Even small-scale changes can potentially give rise to adverse effects, especially when the changes happen cumulatively over a wider area. Many of the local woodlands are SSSIs and SWSs, where disturbance and erosion from increased human activity in particular can adversely affect habitats and the species they support. This in turn leads to changes which also affect landscape character, visual and public amenity. The Wye Valley Walk, a long-distance footpath (public right of way / bridleway FWA6), runs about 500m north east of the site at its closest point, and the area is popular with walkers. All landscape and many visual receptors in the AONB are of High sensitivity.

Within Woolhope and Over Severn, the characteristic settlements of the area are farmsteads and hamlets commonly of brick, black and white timber framing and grey Silurian limestone. Natural England states that "twentieth century development is limited in the Woolhope and Over Severn area".

The site's landscape character type is Principal Settled Farmlands, although its south-eastern boundary is contiguous with the Riverside Meadows landscape character type associated with the River Wye. Principal Settled Farmlands are settled agricultural landscapes of dispersed scattered farms, relic commons, and small villages and hamlets, and the key primary characteristic is hedgerows used for field boundaries. The landscape of the site and surrounding area is typical of this description. In terms of the settlement pattern of this type, HC's Landscape Character Assessment states: *'Low densities of individual dwellings would be acceptable as long as they are not sited close enough to coalesce into a prominent wayside settlement pattern. Additional housing in hamlets and villages should be modest in size in order to preserve the character of the original settlement'*.

The overall strategy for Principal Settled Farmlands is to 'conserve and enhance the unity of small to medium scale hedged fields'. The proposed development is sited in a single field and

would not directly affect any key existing landscape features and elements, although indirect effects may occur (see below).

The Riverside Meadows landscape character type lies along the south west boundary of the site at the edge of the floodplain of the River Wye. These are secluded pastoral landscapes, characterised by meandering tree lined rivers, flanked by riverside meadows which are defined by hedge and ditch boundaries. Settlement is typically absent. Throughout these landscapes, the presence of extensive areas of seasonally grazed waterside meadows has in the past provided a strong sense of visual and ecological unity. Built development would be contrary to the landscape character of this type.

The riverine landscape exerts limited influence over the site, which, although it forms part of the river valley slopes, is separated from the plain by further steep slopes and vegetation as well as the built complex at Mill House Farm. It is pertinent to note that the Management Guidelines and Environmental Mitigation for this type identify that arable cropping not only leads to loss of landscape character but also to erosion and river pollution through silt and nitrate-rich runoff; it is possible that (in the event of permission being granted), well-designed sustainable drainage systems integrated into new built development on the site could potentially help to reduce some of these effects, which may arise from the field in its present use, and also enhance biodiversity.

The area of influence of the site in the wider Herefordshire landscape is relatively limited. A modern housing estate of 33 dwellings on the proposed site could potentially be accommodated without giving rise to significant adverse effects on regional landscape character.

In terms of local landscape character, the effects of development would be greatest on the north western side of the village, and on the AONB landscape setting to the south, west and north west. The field and the one adjacent to it make an important contribution to local landscape character, as they are read as part of the linear transition zone between the woodland and the river. Fownhope has already extended north-westwards in recent years, and there is only some 750m between the village and a cluster of houses along the road which are visible in the wider landscape. Development on the site would reduce this gap and increase the extent of built form (and lighting) into the sensitive landscape of the transition zone. The erection of 33 houses on the site would result in a locally significant adverse change in character of this part of the village by replacing an open field with modern houses which would extend into open countryside. However, with reference to the landscape type comments above, the proposed development is shown to be set back from the road with a landscaped buffer between the houses and the road; although it would extend the village north-westwards, the wayside pattern is not likely to be 'prominent'. In the context of the existing settlement, the proposals do not increase the size of the village to an unacceptable degree thus from this perspective, the scale of development is not considered especially large. There is also potential for mitigation and compensation (see below).

A more detailed plan showing the exact extent of the area of the hedge to be removed should be provided. If it is to be retained and gapped up as proposed, this will help to mitigate the adverse effects on landscape character and visual amenity which would otherwise arise.

The proposal is to cut into the slope of the field in order to set built form down at a lower level to minimise visual effects. If the sections in the landscape report are accurate, it would appear that this can be achieved without substantial remodelling of the land so whilst there may be localised adverse effects on landscape character, they would not be significant.

The landscape layout has been landscape-led, and has taken into account pre-application comments. The previously-proposed organic and ornamental landscape scheme, which was at odds with local landscape characteristics, has been replaced with an extensive orchard, to be planted with traditional varieties of fruit. This was the earlier land-use of the field, and this, as well as the additional planting proposed, would certainly help to assimilate new houses into the

landscape. The orchard is offered for use by the local community and thus also provides a locally important new Green Infrastructure asset. The planting plans and schedules show a diverse range of habitats and species which are generally in keeping with the area's landcover and vegetation. The scheme also has the potential to increase local biodiversity and provide benefits to wildlife. The submitted draft management plan sets out proposals for maintenance of the landscape, although it may need to cover longer-term objectives (10-25 years +).

In terms of the indicative housing layout and house types, these appear to have the potential to fit relatively well into the existing and proposed landscape, although further detail is likely to be required to ensure that the details (especially choice of materials and colours) have been appropriately considered.

I am not convinced that the photomontages are an accurate representation of the heights of proposed trees. At VP18, the trees shown at year 1 of development look very tall. If the car (a Landrover) is c. 1.8m high, then the trees must be 8 or 9m at planting. By year 10, they appear to be about 20m. As the trees proposed include oak and holly, which are very slow-growing (oak = c. 300mm per annum), and large specimens are to be planted, which are slow to grow at first, unless shown otherwise I consider that mitigation is likely to take longer than suggested. Also, effects on views may be greater without the benefit of summer leaf cover.

Whilst the above, together with other landscape enhancements, do not entirely mitigate the overall adverse effects on local landscape character, they do help to compensate for them. Adverse effects from lighting - possibly along the road as well if the 30mph zone was extended - would be localised and not highly significant. There would also be localised adverse effects on the landscape during construction, which could be significant adverse at times.

c. Historic and Cultural Landscape: Fownhope lies in a landscape which has been influenced by human activity since the Stone Age. Cherry Hills Camp, an Iron Age hill fort and Scheduled Ancient Monument (SAM), lies on the hill above the site, less than 200m from its north-eastern boundary. Capler Camp, c. 2.3km south east of the site, and Dinedor Camp, c. 4.5km north west of the site, are also an Iron Age Hillforts and SAMs. Although the site is intervisible with all of these, development in this location is unlikely to give rise to more than minor adverse effects on the landscape context of the Monuments.

Holme Lacy House (c. 2km west of the site), and Church of St. Cuthbert (c. 600m south west of the site) are Grade I listed buildings, and there are clear views of the site from both. Although the increase in built form would be noticeable from Holme Lacy House and its grounds, the effect would not be significant. It would be more noticeable from, and have a greater effect on, the setting of the Church, although in the intervening landscape there are 'detractors' such as telegraph poles and wires, broken fences and farm buildings. The effects on the landscape context of the church would be minor to moderate adverse. The Church of St. Mary (Fownhope) is also Grade I listed and its spire is visible in the surrounding landscape, but effects on its context within the village are unlikely. There are several Grade II listed buildings in the area including Mill Farmhouse which is close to the site's south-western boundary, but significant adverse effects on their landscape context are unlikely.

The south-western boundary of Fownhope Park, an Unregistered Park and Garden, lies above the site's north-eastern boundary, some 60 - 80m beyond a lower strip of woodland. It is a Medieval Deer Park encompassing the Iron Age fort on Cherry Hill and associated with Fownhope Court (Grade II listed 13th century origins but rebuilt in 17th century). The SMR states "No vestige of this park is now to be found beyond the name..." However the woodland, including the strip along the site's north-eastern boundary, is designated ancient woodland. It is unlikely that proposed development would result in significant adverse effects on Fownhope Park.

Fownhope's Conservation Area is extensive, covering the majority of the settlement south of the B4224 and parts of it to the north. The site lies adjacent to the north-western end of the Conservation Area. Although there is very limited inter-visibility with, and physical relationship to, the main part of the Conservation Area, new housing in this location would affect its north-western edge. Currently, the edge is open, rural landscape. Built development would change its character completely and effectively enclose this part of the Conservation Area north of the B4224 within built form.

d. Visual and Public Amenity: The main effects on visual receptors are the changes in landscape character, as described above. The site's visual envelope is very limited to the north and north east (apart from a public right of way - see below). To the south east, some properties on the edge of the site have clear views into it, mainly from gardens and ground floor windows. These receptors' visual amenity would be adversely affected (especially by lighting), but tree planting should help to mitigate effects in the longer term, although possibly less in winter. Beyond this, there would probably be few views of the site from within the village apart from glimpses from some upper floor windows. If the south-eastern section of the roadside hedge was retained and new trees planted, there would, eventually, only be fleeting views of the site when travelling north-west out of the village. The view into the site from the access point, although changed from rural to urban, would also be fleeting to receptors in cars and on bicycles. Views from the B4224 arriving from the north-west would similarly be very limited and fleeting and could, in the long term, be mitigated by planting.

Public right of way FWB10 runs along the site's north-eastern boundary and would have views of the new development. The indicative layout shows the nearest house set down in the slope and well separated from the footpath with a buffer zone of planting; the hedge along the boundary is to be improved and reinforced. With mitigation, effects on these receptors would probably be no more than Moderate to Minor adverse. PROW FBW8 runs inside the site's south eastern boundary and connects the roadside footpath FWB9 with the Scotch Firs housing estate through a narrow gap between the houses. Views along these paths would be permanently changed from open fields and woodland to orchard, with modern housing on both sides of the latter. I think that whether or not this is seen as an improvement is subjective and depends on the attitude of the receptor. There is, however, potential for mitigation and compensation.

Visual effects from Capler Camp have not been assessed but adverse effects are unlikely to be significant from there. The main effects would be experienced from the south west, west and north-west, by road, footpath and river users, and people living in houses with views of the site.

In my opinion, development in this location would give rise to Moderate adverse effects on visual receptors from certain locations within the AONB, at least until the tree planting began to mature, which would take several years. There would be adverse visual effects during the construction period, and mitigation for these should be proposed.

CONCLUSIONS AND RECOMMENDATIONS

As set out above, in the AONB, development will only be permitted where it is small scale, does not adversely affect the intrinsic natural beauty of the landscape [unless adverse effects can be mitigated or compensated for] and is necessary to facilitate the economic and social well-being of the designated areas and their communities or can enhance the quality of the landscape or biodiversity.

Although the proposed development has the potential to give rise to adverse effects on local landscape character and visual amenity, I consider that these effects can, at least in the longer term, be mitigated / compensated for through the establishment of the orchard, structural tree planting and the creation of wildlife habitats etc. (so long as these are properly maintained and managed in the long term).

I do not object to the proposals from a landscape-related perspective, although I do require clarification of the issues raised above, namely:

- i) The extent of the roadside hedge to be removed
- ii) The height of roadside tree species at planting
- iii) Growth rates applied to these species
- iv) Heights of species at 10 and 20 years (the photomontages should be revised to take this into account if found to be necessary)
- v) Further information on the long term management of the site (10 - 25 years +), and how the site's management is to be ensured in terms of responsibilities etc

If permission is granted for this development, I recommend that the following conditions should be attached:

G02 - Retention of trees and hedgerows

G03 - Retention of existing trees/hedgerows: scope of information required

G04 - Protection of trees/hedgerows that are to be retained

G10 - Landscaping scheme

G11 - Landscaping scheme - implementation

G14 - Landscape management plan.

ADDENDUM LANDSCAPE COMMENTS

The paragraphs below summarise my conclusions about the scheme. They have been drawn up in the light of the various addendums and revisions which have been submitted by the applicant over the last few months in response to my ongoing comments and requests for further information.

1) My original comment (13th July 2014) about the landscape reports not having been carried out in accordance with published guidance still applies. However we seem to have arrived at a point where the effects of hedge removal have been satisfactorily assessed, with the latest photomontage suggesting that the retention of the section of hedge at the gateway to the village should be acceptable in land and villagescape character terms, so long as it survives.

2) The revised landscape report now concludes that there will be significant visual impacts as a result of hedge removal and the new access. Mitigation in the form of new hedge planting using large planting stock is likely to reduce the level of significance of the effects over time up to a point, but the long-term success of this will depend greatly on good management.

3) Although requested, no arboricultural assessment was ever carried out as far as I am aware. The proposal to retain sections of the existing hedge will require specialist input and ongoing management if it is to be successful. This should be dealt with by way of an appropriately-worded condition, perhaps with the input of the Tree Officer.

4) The information requested in the original comments has only been supplied in part, but we probably have enough information now to make an objective judgement about the likely effects. I still question the accuracy of the photomontages' depiction of tree growth over time, and think it is over-optimistic. I also doubt that the effects of the new houses will ever be fully mitigated, and the effects will certainly be greater when there is no leaf cover.

4.5 Conservation Manager (Historic Buildings): No objection subject to conditions

The proposed development site is located in close proximity to the Fownhope Conservation Area and the group of listed buildings at Mill Farm, to the south-west of the site. The site is situated on a key approach to the conservation area and Fownhope village.

The Landscape Character and Visual Analysis provide a good deal of information on the site's context and particularly of the existing built character of the village. It demonstrates an understanding of the historic development of the site's context and historic development. The report considers a palette of materials (stone, brick and slate), their texture of building materials and elevational treatment to be essential in enhancing character and in integrating new development within the established built environment. The pattern of development should also be an important influence in any design coming forward.

The proposed development will inevitably fundamentally transform the existing built environment of the village, the setting of the Fownhope Conservation Area and the setting of the listed buildings at Mill Farm. Mill Farm in particular has enjoyed an opening setting in all directions historically and the development will have an impact on this setting, introducing a suburban character to this setting. More detailed assessment of the setting of the listed buildings and their significance would have been beneficial – particularly given the listed buildings' character and appearance.

The existing road and hedgerows will provide some screening between the listed buildings and the new development within its setting. Retaining the hedgerow – and implementing the proposed landscape strategy in terms of planting and mitigating the impact of the development on local views – will be key in securing the success of this project.

Stone will be used in some ways within the development to clad/detail proposed new buildings. It is considered that the use of stone could be more prominently applied in buildings adjacent to the main road – at present, these are shown as render and brick. In order to better integrate this scheme into the village and have the most beneficial impact on the character and appearance of the conservation area, the buildings closest to the road, and those which will be the most prominent, should be predominantly in stone. A condition on the proposed materials is therefore suggested.

4.6 Conservation Manager (Ecology): No objection subject to conditions

I have read the ecological assessment and the landscape management scheme for the proposal both of which are comprehensive and very impressive documents. I am supportive of this application as I believe it lends significant biodiversity benefits via habitat creation and management. In addition, the proximity to the Cherry Wood SSSI has been taken into account and there has been a substantial effort to minimise any impacts upon this area. A considerable buffer strip is incorporated into the design. The nearby River Wye SAC is also safeguarded by the management plan for surface water through a SuD system and the use of mains sewer for foul drainage. If approval is given I would like to see non-standard conditions imposed.

4.7 Parks & Countryside Officer: No objection subject to completion of S106

In order to meet policy requirements (UDP Policy RST3 and H19) and provision for children, an off-site contribution is provided in accordance with the SPD on planning obligations, pre-application comments and the Play Facilities Study and Investment Plan, towards improvements at the existing neighbourhood play area in Fownhope of:

- £1,640 - 3 bed
- £2,219 - 4+bed

This is supported as there is scope to provide additional play equipment for older children in consultation with the Parish Council who own and maintain this site. Although it is at the other end of the village it is within easy access and is a large neighbourhood facility.

Design/Future Maintenance

Future Maintenance: Suitable management and maintenance arrangements will be required to support any provision of open space and associated Infrastructure within the open space In line with the Council's policies. This could be by adoption by Herefordshire Council with a 15-year commuted sum plus appropriate replacement costs; by the Parish Council or 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 a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

4.8 Land Drainage Officer: No objection subject to conditions

We have no objections in principal to the proposed development on flood risk and drainage grounds. However, it is recommended that the Applicant submits the following information prior to construction and that these are secured through appropriate planning conditions:

- Provision of a detailed drainage strategy (including drawing) that demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features;
- If individual soakaways are proposed, further information regarding the Applicant's preferred choice of this method and how risks to future maintenance will be managed.
- Details of the proposed adoption and maintenance of access roads, driveways and parking areas;
- Demonstration that the proposed surface water management solution will limit site-generated surface water runoff to the current greenfield runoff rates for all storm events up to and including the 1 in 100 year rainfall event, with a 30% increase in rainfall intensity to allow for the effects of future climate change;
- Results of the additional infiltration tests undertaken in accordance with the BRE 365 guidance as recommended in the submitted FRA;
- If infiltration techniques are found to be feasible, groundwater levels should be submitted to check whether there is sufficient distance between the proposed soakaway and groundwater level (a minimum distance of 1m is required);
- Detailed calculations of the proposed surface water drainage strategy, including proposed soakaways sizing and/or attenuation sizing;
- If infiltration is not considered feasible, details of the proposed outfall from the attenuation pond and demonstration of approval from the relevant authorities, as appropriate.
- Confirmation of the proposed management of surface water runoff from land to the north-east of the development and that this will not reduce the capacity of the on-site drainage system;
- Demonstration that the Applicant has considered designing for exceedance;
- Demonstration that appropriate pollution control measures are in place prior to discharge.

4.9 Schools Capital and Investment Officer: In accordance with the SPD the Children's Wellbeing Directorate would be looking for a contribution to be made that would go towards the inclusion of all additional children generated by this development. The Children's Wellbeing contribution per dwelling (excluding affordable housing) for this development would be as follows:

2+ bedroom apartment - £2,845 2/3 bedroom house - £4,900 4+ bedroom house - £8,955

4.10 Housing Development Officer: No objection.

Further information on the subject of this report is available from Mr Edward Thomas on 01432 260479

The scheme has been amended to make provision for 2 no. 1-bedroom affordable dwellings. This mix better reflects the local need and the scheme is supported in principle. It is noted that the units are to be developed to lifetime homes, DQS and Code 3 for Sustainable Homes; all of which are required by the Housing Team. The plans highlight the affordable housing and subject to these remaining tenure neutral, the positioning of them is acceptable. It is requested that all of the units are to be allocated to those with a local connection to Fownhope in the first instance.

5. Representations

- 5.1 Fownhope Parish Council: Fownhope Parish Council objects to the application for 33 dwellings on this 12 acre site which is clearly contrary to the adopted local plan.

“Planning applications are currently decided upon primarily by using the saved policies of the Unitary Development Plan (UDP), a statutory document which sits within the Local Plan. The UDP will gradually be replaced when the core strategy is adopted and until this time saved UDP policies will still be used to determine planning applications.” - HCC Planning Website

The site lies outside the settlement boundary, is within the Wye Valley AONB and abuts a part of the Fownhope Conservation Area which is not itself within the settlement boundary. There are no material considerations to justify this development. The guidance in the government's National Planning Policy Framework explicitly excludes development in Areas of Outstanding Natural Beauty. Fownhope parish is in the Wye Valley AONB. The site abuts a Special Wildlife Site and Site of Special Scientific Interest on one side. Part of the southern boundary of the application site abuts the orchard of Westholme which is within the Fownhope Conservation Area (a designated heritage asset) but is not even within the settlement boundary.

The NPPF is therefore emphasising the importance of the presumption in favour of sustainable development. In reaching a decision upon new housing the housing land supply position will need to be balanced against other factors in the development plan and/or NPPF which could result in the refusal of planning permission. The footnote to paragraph 14 of the NPPF is helpful in identifying those areas that the NPPF has in mind where development should be restricted. By way of example it lists:

- sites protected under the Birds and Habitats Directives and/or designated as Sites of Special Scientific Interest
- land designated as Local Green Space
- land designated as an Area of Outstanding Natural Beauty
- land affected by designated heritage assets
- land at risk of flooding

The Unitary Development Plan

Part of the application site was put forward and rejected in the later stages of the UDP in 2005. The agent suggested 30 new dwellings. Herefordshire planners were clear that the site is 2.47 hectares and could support 74 houses at a density of 30 per hectare. The land adjoining Scotch Firs is not a suitable location for new housing. The site is beyond the existing built up limits of the village, its development would represent further encroachment into open countryside which would be unnecessary and visually intrusive. Development in this location would detract from the natural beauty of this part of the AONB. The existing development at Scotch Firs does not meld well with the adjoining countryside but to add further large scale development here would merely compound matters in the council's view. The inspector agreed with those views, concluded that no new sites were appropriate or needed in

Fownhope and resolved in his report in March 2006 that the site is not in a location where development would be encouraged.

SHLAA review March 2012

The southern end of this field (2.47 ha/six acres) was put forward as part of the Strategic Housing Land Availability Assessment which examined which potential housing land supply which might be available to the emerging Core Strategy. No site in Fownhope was considered ideal by the working party. The applicant's agent was a member of that working party. The site was deemed one of five with 'land with significant constraints' which might be examined further if Fownhope, as a main settlement, was to contribute to the supply of new homes within the Hereford Market Area. That report suggested these sites with significant constraints should not form part of the land supply before the year 2021. Their assessment suggested a capacity of 20 houses on that part of the field closest to the village. The application however shows the whole of the field; twice that of the area considered in the SHLAA assessment.

The owners are entitled to continue to ask for this site to be considered in the forthcoming Core Strategy and in the Fownhope Neighbourhood Plan. The scheme put forward is considerably more sophisticated than the two sketches that formed the basis of the submission in 2005. Local residents may welcome the landscaping and tree-planting scheme. We can welcome provision of 'affordable housing' though there is no reference to any partnership with a social housing landlord. The Housing needs survey, prepared by Herefordshire Council in 2012, pointed to a need for 8 more homes for rent and shared ownership. An application for development of a rural exceptions site could be appropriate as a means of fulfilling the expressed need for up to eight homes for local needs.

Core Strategy & Fownhope Neighbourhood Plan

We are concerned that the application has been submitted before the new local plan is in place. Herefordshire Council has encouraged parish councils to prepare Neighbourhood Plans to provide formal statutory planning guidance to sit alongside the Core Strategy. Fownhope Parish Council agreed in December 2013 to proceed with a Neighbourhood Plan. This was supported by a parish meeting in Fownhope in February 2014 from which a steering group was formed, government funding secured, a Service Level Agreement made with the Herefordshire planning team and consultants commissioned. Landowners have been invited to put forward sites for consideration for development. The public will be asked their views by way of a questionnaire and a major consultation event in September 2014. This will, amongst other matters, invite the public to consider the criteria by which housing sites are assessed. Landowners and their agents will be able to display ideas for development.

The 'Mill Field' application is for 33 new homes but the Herefordshire planning officers considered in the UDP process that southern end of site had a potential for 74 new homes. That would represent an increase of 22% in the number of houses in the village. The applicant has failed to make a case for a scheme that does not conform with the adopted local plan, lies wholly within the AONB, abuts the conservation area boundary, and fails to provide safe pedestrian links to the village, and lies more than one kilometre from some facilities

Fownhope is the only main village in the Hereford rural area within the Area of Outstanding Natural Beauty, and as such where higher standards will apply before any houses can be agreed. We are also required to consider the impact on the water quality of the river Wye, and of course the lack of capacity at the sewerage works.

There is no provision for any footway from the development into the village. There are two existing public footpaths. One leads onto the busy B4224. The grass verge is too narrow and uneven to provide safe passage to the shops and bus stop. The other path is a narrow path between hedges leading onto the Scotch Firs estate. We can welcome the tree-planting regime but it is far from clear how the 'community orchard' will be maintained or managed.

Consultation process

The submission for 'Mill Field' claims that there have been consultations with the community. The agent claims to have consulted the Parish Council in June 2012 and Jan 2013. The item does not appear in any agendas or minutes for this period. The submission also records two 'very well attended Planning Exhibitions' in December 2013. These events were held at very short notice on the afternoon before the Council's meeting. The Clerk did not receive notice until after the deadline for publication of the Council's agenda. However the chairman exercised discretion to give the agent opportunity to explain the scheme to councillors before the meeting opened. The process cannot in any way be described as 'consultation'. The agent brought a set of drawings to display at the meetings, but took them away. We asked for a set so the Council could consider them properly but despite requests no set was forthcoming. The formal planning application has been the first time we have had access to the plans.

The Parish Council discussed this application at its July meeting at some length and took on board public comments expressed at the meeting. It resolved by nine votes to nil to object to the application. The agent has been invited to submit the site for consideration in the Neighbourhood Plan where the community will be able to consider the overall future of their village. The application should be refused.

5.2 Fifty-five letters of objection have been received. The content is summarised as follows:-

- The site lies outside the UDP defined settlement, abuts the Fownhope Conservation Area and is wholly within the Wye Valley Area of Outstanding Natural Beauty. The site is thus in a highly attractive and sensitive, nationally important landscape;
- The NPPF is clear that within the AONB 'great weight should be given to conserving landscape and scenic beauty';
- The NPPF is clear that 'major development' should only be permitted where exceptional circumstances exist. This scheme is a major development and none of the exceptions specified by the NPPF at paragraph 116 apply to this proposal, which ought to be refused as a consequence;
- Although the site layout depicts a low-density scheme, what guarantee can there be that a planning permission would not be a precursor to a larger scheme? It is highly likely that if offered to a house-builder, a scheme increasing the numbers and reducing the landscaping would follow;
- The site has poor connectivity to the village for pedestrians. The verges along the B4224 do not provide the opportunity for a footway and the existing footway on the opposite side of the road is narrow and does not extend to the site. The proposed route via the gap between properties in Scotch Firs is narrow and not convenient;
- There is no evidence of demand for housing locally and work on the neighbourhood plan suggests a strong preference for smaller developments as opposed to housing estates;
- The application is highly prejudicial to the emerging Neighbourhood Plan and decisions on any large-scale housing applications should be held in abeyance until the plan is adopted. Failure to do so would undermine the provisions and purpose of the Localism Act 2011 and NPPF;
- The site may well come out as a preferred site for housing, but that should follow due process and should not be decided in a manner that is prejudicial to local democracy.
- The Rural Settlement Hierarchy Paper identifies the presence of the AONB as a major constraint to development in Fownhope and cautions, in accordance with UDP policy LA1 that any development would need to be small-scale. This proposal is clearly not small-scale;
- The Rural Settlement Hierarchy Paper also incorrectly exaggerates the number of dwellings within the UDP settlement boundary. As a consequence the indicative 'proportionate growth' target in the emerging Core Strategy is too high;
- There is no evidence of assessment of the social impacts of such a large development on the existing community;

- The proposal would add to the volume of traffic on the already busy B4224. There is no guarantee that a speed limit reduction would be forthcoming and any on-road traffic calming feature is unlikely to enhance the gateway to the village and its Conservation Area;
- It is well-known locally that the local sewerage works is at capacity. Additional waste is likely to cause problems and potentially result in pollution of the River Wye SAC;
- The proposed landscaping scheme is welcome, but there is very little detail as to by whom and how it would be managed?
- The proposal would extend the ribbon pattern development by a further 300m. The consequent landscape impact is uncharacteristic of the area;
- The proposal would result in the loss of top grade agriculturally productive land;
- The proposed access is in a well-known overtaking position as people leave the village;
- The provision of visibility splays will require the removal of a significant length of the existing roadside hedgerow;
- The surface water that already runs of the field in times of heavy rain is unlikely to be reduced by the addition of 33 houses and associated hard-standing. This is particularly significant in the context of recent land-slips locally;
- The scheme appears altruistic, but is it viable? If not, it is likely that the applicant will be back to ask for concessions or potentially more housing;
- The reference to the existing unsightly entrance to the village at Scotch Firs is an insult and could easily be remedied by the planting of an orchard without the 33 houses;
- The proposal will devalue neighbouring property, deprive residents of an outlook and add to security concerns by routing pedestrians through Scotch Firs via a narrow path passing between two properties;
- The local school is at capacity and the site is well removed from some of the other village facilities;
- There should be a presumption in favour of brownfield sites first; especially within Fownhope;
- Street-lighting would, if proposed, present issues within light-pollution. At present there is very little lighting within the village at night; another thing that makes the character of Fownhope unique;
- There was very little meaningful consultation on these proposals. The public exhibitions were held at very short notice;
- Vehicles accelerating when leaving the site will create noise and the proximity of the houses to the south-western boundary will create over-looking of properties at Mill Farm.

5.3 There have been 12 letters of support. The content is summarised as follows:-

- The application appears to be sympathetic to the environment and has the potential to create an attractive edge to the village;
- With an ageing population, the provision of affordable housing for local, young people is critical to the maintenance of local services. Lots of young people born in the village cannot afford to buy property in Fownhope on the open market;
- The proposed landscaping is well-conceived and offers the potential for significant bio-diversity enhancements;
- The scheme is deliberately low-density;
- In the absence of a housing land supply the principle of development is acceptable in this sustainable location;
- Objectors to the scheme presume that infill is always correct, but that isn't always the case. The scheme continues to the historic linear pattern of development and offers a good opportunity for the village to evolve in a progressive manner;
- Thriving communities such as Fownhope need growth. Many objectors to the scheme reside in comparatively modern housing estates such as Scotch Firs and Church Croft. These were built on orchards and enabled local people to stay within the village. The same opportunity should be afforded the next generation;

- The loss of agricultural land is inevitable if housing is to be built in the numbers required;
- The support for smaller sites would not generate the affordable housing that people born in the village are in need of;
- Objections based on the progress of the Neighbourhood Plan are a delaying tactic.

5.4 Hereford Ramblers: Qualified comment

Unfortunately the information seems to be lacking with regard to the existing Public Rights of Way within the boundaries of this site. The only feature which I believe that I can identify is the possibility of footpath FWB9 following a depicted path from the proposed new road junction towards the village of Fownhope. If this is correct I would prefer to see this path constructed of natural materials in an effort to keep the rural setting of this footpath.

The potential for extending the footpath network in the area is noted for the possible extension of footpath FWB8 to join with FWB10. Two further possibilities for enhancing the footpath network would be to make provision for footpaths FWD8 and FWD8A, which join the B4224 on its western side, to be for them to cross the B4224 and join footpath FWD9 opposite their entry points.

If this application is successful then I would request that it is a condition of the application that these proposals for extending the footpaths in this locality are made binding upon the developers. I ask you to ensure that the developer is aware that there is a legal requirement to maintain and keep clear a Public Right of Way at all times.

5.5 Wye Valley AONB Office

The AONB Unit has some concerns about the design and scale of the development but welcomes the detailed approach to the landscape planning.

Section 115 of the National Planning Policy Framework (NPPF) requires "great weight" to be given to AONB status. Where there is clearly an impact on the AONB it is up to the applicant to demonstrate that the benefits of the scheme carry sufficient weight to outweigh the great weight given to the AONB location. From the information put forward by the applicant the landscape impacts do not appear to be significant, although their images of tree growth seem a little ambitious over ten years. However it is not clear whether there are sufficient arguments in favour that are of national importance to outweigh building in the open countryside of the AONB.

Section 116 of the NPPF relates to major development in AONBs. Where a development is considered to be major then the applicant is required to demonstrate that exceptional circumstances exist and that the development is in the public interest. The recent National Planning Practice Guidance confirmed that the decision as to whether a development in an AONB is major is a matter for the decision taker.

A recent planning appeal in the Wye Valley AONB and Forest of Dean District at Reddings Lane, Staunton, Coleford (APP/P1615/A/13/2204158) concluded that a development of 14 houses on the edge of a small village was major development. The Inspector commented as follows –

20. There were differences of views at the inquiry on whether the proposal represented a 'major' scheme in the context of paragraph 116 of the Framework and the appellant referred to a number of decisions in support of their argument that it was not major. However, relative to the limited size of Staunton and to the location and extent of development in recent years, I regard the proposal to represent a major scheme for which planning permission should be refused. I do not consider that a shortage of a five year housing land supply represents

sufficiently exceptional circumstances to overcome the presumption of refusal as there could be less sensitive potential sites elsewhere in the district where this shortfall could be met.

21. I conclude on this issue that the landscape impact of the proposed development on the Wye Valley AONB, and on local landscape character and the setting of the village would be harmed and I attach substantial weight to this. It would also conflict with the strategic objectives (in particular WV-D4) and damage some of the special qualities set out in the Wye Valley AONB Management Plan.

Similarly, a High Court decision at Mevagissey in Cornwall {Queen/Mevagissey Parish Council V Cornwall Council - Case No CO/6597/2013} considered that a development of 31 houses was major development in an AONB. The judge's decision included the following: -

"51. Where an application is made for a development in an AONB, the relevant committee or other planning decision-makers are required to take into account and weigh all material considerations. However, as I have explained above (paragraph 6), the NPPF places the conservation of the landscape and scenic beauty of an AONB into a special category of material consideration: as a matter of policy paragraph 115 requires it to be given "great weight", and paragraph 116 of the NPPF requires permission for a major development such as this in an AONB to be refused save in exceptional circumstances and where it can be demonstrated the proposed development is in the public interest. In coming to a determination of such a planning application under this policy, the committee are therefore required, not simply to weigh all material considerations in a balance, but to refuse an application unless they are satisfied that (i) there are exceptional circumstances, and (ii) it is demonstrated that, despite giving great weight to conserving the landscape and scenic beauty in the AONB, the development is in the public interest."

Using the applicant's figures for existing housing numbers in Fownhope, this development would lead to an 8% increase in the number of dwellings in the village. It is therefore for the Council to decide whether this would be major development next to the village of Fownhope and in the Wye Valley AONB. If so Section 116 of the NPPF should be applied. In our view, the applicant has not adequately demonstrated that exceptional circumstances exist or that the development would be in the public or national interest.

In this respect and given the sensitivity of the landscape around Fownhope, we consider that a range of options should be considered prior to allowing such a significant development in, or beside, this village. This would be best done through a Neighbourhood Planning process. We understand from other representations that such a process is currently underway but that the proposed development is not connected to this process.

We also note from the SHLAA process that this site was identified as a developable site for only 20 houses and on an 11-20 year timescale. It is questionable, therefore, whether this should be permitted ahead of the development of the Local Plan and Neighbourhood Plan. The site is located outside the development boundary for Fownhope as set out in the Unitary Development Plan. It must therefore be assessed as development in open countryside, which must be strictly controlled in the AONB.

The AONB Unit is not in a position to judge whether the Council can demonstrate a five-year land supply and therefore whether the policies from the Core Strategy or Local Plan will be given much weight. However, we consider that a number of UDP policies are relevant:-

H4 Main villages: settlement boundaries - The development is clearly outside the settlement boundary of Fownhope and extends the settlement further in a linear direction.

H7 Housing in the countryside outside settlements - Given that the site is outside the settlement boundary then this is the relevant policy. The proposed development does not appear to meet any of the criteria set out in this policy.

S7 Natural and historic heritage – If the landscaping proposals are fully implemented the orchard and hedgerow development would contribute to local distinctiveness and benefit the setting of Cherry Hill Wood SSSI, including the removal of an arable field adjacent to the SSSI.

LA1 Areas of Outstanding Natural Beauty - The creation of an orchard will be an enhancement to the local landscape and views towards the wooded escarpment. However it has not been demonstrated that alternative sites have been considered to make the same housing provision.

LA2 Landscape character and areas least resilient to change - The development will have a small impact on local landscape character by offsetting the housing against the orchard and the setting of the woodlands.

LA3 Setting of settlements - The development could enhance the visual approach to the settlement boundary although it will extend the settlement further in a linear direction.

LA6 Landscaping schemes - A comprehensive landscaping scheme is proposed, which could contribute to local distinctiveness, although the images of tree growth seem rather ambitious over ten years. However it is not clear how the long term management of the community orchard will be administered.

We are concerned that if this development is permitted it may be more difficult for the Council to resist further applications for development on greenfield sites in and around Fownhope and other settlements in the wider AONB.

In conclusion, the AONB Unit considers that there are some positive aspects to the landscaping proposed in this development; however there are concerns about the precedent this development may set due to its location extending the settlement of Fownhope and encroaching into open countryside.

5.6 Fownhope Neighbourhood Plan Steering Group comments are summarised below: Objection

The Neighbourhood Plan Steering Group make similar points to the Parish Council, but reinforce the point that based on 342 dwellings being within the Fownhope UDP settlement boundary in 2011, rather than 406, the indicative 18% growth target in the Core Strategy would suggest 61 new homes in Fownhope in the plan period. Consent has already been granted for 11 new homes in Fownhope of which three have been built. Eight of these homes are infills within the existing settlement boundary, and other infills can be anticipated during the remaining years of the new Local Plan.

It is also considered that development in Fownhope will also need to be tempered by its status as the only main village in the Hereford Market Area within the Wye Valley AONB. Planning officers have also advised that there are constraints related to the River Wye SAC (Special Area of Conservation) which will need to be addressed if any significant development is to take place in Fownhope.

The Group considers this scheme should be considered a 'major development' and therefore not compliant with paragraph 116 of the National Planning Policy Framework and should be refused.

5.7 CPRE: The objections of the Herefordshire CPRE are summarised below:-

Fownhope is entirely within the Wye Valley AONB. The proposed site is also within the AONB and is therefore afforded protection by national policy. Paragraph 115 of the NPPF states "Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection....The conservation of wildlife and cultural heritage are important considerations In all these areas".

The proposal is contrary to NPPF paragraph 116 in that it represents major development in the AONB. 116 states: "Planning permission should be refused for major developments in these designated areas except in exceptional circumstances". The proposal for 33 homes in the context of a settlement of 342 existing homes represents a major development and should be refused.

There is also conflict with local planning policy including LA1 – Areas of Outstanding Natural Beauty. This site is also in open countryside. None of the exception criteria to UDP policy H7 apply.

Relatively few of the dwellings at Scotch Firs are visible from the road and it is not a satisfactory argument for further housing development, in open countryside, to be allowed as a means of screening the existing dwellings.

There is conflict with saved policies LA2 and LA3 of the UDP which state: "Proposals should demonstrate that landscape character has influenced their design, scale, nature and site selection" and "Important visual approaches into settlements... and surrounding open countryside will be particularly protected".

Policy RA2 of the draft Core Strategy gives priority to the development of suitable brownfield sites reflecting the character of the village and surrounding environment...demonstrating community support in accordance with a neighbourhood development plan OR where there is no plan by undertaking community consultation". There is therefore no evidence whatever to demonstrate any local support for this scheme and strong evidence of objection.

The access road to the proposed site joins the main highway B4224 at a particularly narrow section and the road is already very busy. No thought has been given to improve safety for pedestrians and cyclists at the junction. Furthermore, access to the village by pedestrians will be dangerous, there being no footpath.

There are no sustainable features in this development in terms of transport and this is therefore in conflict with paragraph 35 of the NPPF: *"plans should exploit opportunities for the use of sustainable transport modes..therefore, developments should be located and designed where practical to give priority to pedestrian and cycle movements...create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians...incorporate facilities for charging plug-in and other low emission vehicles"*.

The Wye Valley AONB, including the river itself is an important tourist attraction for walkers, canoeists, motorists and wildlife enthusiasts. Any incursion into the rural nature of this area will detract from this. Policy E4 of the draft Core Strategy states "In particular the tourist industry will be supported by...the development of sustainable tourism...capitalising on assets such as the county's landscape, rivers...and attractive rural settlements; whilst ensuring that any development does not have a detrimental impact on environmental assets and environmental designations.." The proposed scheme, sited as it is in an AONB and next to a SAC, clearly violates this principle.

In conclusion, the conditions for the "presumption in favour of sustainable development" as set out in paragraph 14 of the NPPF are not satisfied because the "adverse impacts of so doing would significantly and demonstrably outweigh the benefits", notwithstanding the Council's position with regard to the 5 year Housing Land Supply.

- 5.8 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 proposal is for the erection of 22 open market and 11 affordable dwellings on land outside but adjacent the HUDP defined settlement boundary for Fownhope at the north-western gateway into the village. The site is an arable field extending to 4.6ha adjoining the Fownhope Conservation Area and within the Wye Valley AONB. The Cherry Hill Wood SSSI lies to the north-east, with residential development in Scotch Firs to the south-east. The Grade II listed Mill Farm complex lies on the opposite side of the B4224. The application acknowledges the sensitivity of the site as lying within the AONB and consequently takes a sensitive approach to development in recognition of the landscape quality. This is reflected in the detailed landscaping proposals that form part of the application, which include the planting of approximately 2.75ha of traditional orchards, standard trees, hedgerows and wildflower meadow. The application is, however, predicated on the Council's lack of housing land supply.
- 6.2 Taking the AONB designation and impact on adjoining heritage assets into account the main issue is whether, having regard to the supply of housing land, the proposals would give rise to adverse impacts, having particular regard to the likely effects upon the AONB landscape and nature conservation interests in the form of the SSSI nearby, that would significantly and demonstrably outweigh the benefits of the development so as not to contribute to the achievement of sustainable development.

Planning Policy

- 6.3 S38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

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

- 6.4 In this instance the Development Plan for the area is the Herefordshire Unitary Development Plan 2007 (HUDP). The plan is time-expired, but relevant policies have been 'saved' pending the adoption of the Herefordshire Local Plan - Core Strategy. HUDP policies can only be attributed weight according to their consistency with the NPPF; the greater the degree of consistency, the greater the weight that can be attached. The pre-submission consultation on the Draft Local Plan – Core Strategy closed on 3rd July and the plan was submitted to the Inspectorate on 23rd September 2014. For the present, however, the Core Strategy Policies, which have not been examined in public, attract only very limited weight for the purposes of decision taking. It is the case, however, that within the Core Strategy Fownhope, as a proposed 'main village,' will be a focus for proportionate growth for housing over the plan period (2011-2031). In this case 18% growth equates to a total of 73 dwellings, although the Neighbourhood Plan Steering Group suggests a baseline figure of 342 dwellings, giving rise to a proportionate growth target of 61 dwellings.
- 6.5 The two-stage process set out at S38 (6) requires, for the purpose of any determination, assessment of material considerations. In this instance, and in the context of the UDP and

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housing land supply deficit, the NPPF is the most significant material consideration for the purpose of decision-taking. NPPF Paragraph 215 has the practical effect of superseding UDP policies with the NPPF where there is inconsistency in approach and objectives. As such, and in the light of the housing land supply deficit, the housing policies of the NPPF must take precedence over the UDP housing supply policies and the presumption in favour of approval as set out at NPPF paragraph 14 is engaged if development can be shown to be sustainable.

6.6 Recent appeal decisions within the county have also confirmed the Planning Inspectorate's position that saved Policy LA1 – Areas of Outstanding Natural Beauty is not entirely consistent with the NPPF. In this case the full weight of the NPPF in relation to conservation of the natural environment and in particular the AONB relevant policies at paragraphs 115 and 116 are applicable.

6.7 NPPF Paragraph 14 states that for decision making, the presumption in favour of sustainable development means:

- *“Approving development proposals that accord with the development plan without delay; &*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:-*
 - *any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.”*

6.8 In the context of the HUDP housing supply policies and the AONB designation it is the second bullet point that is relevant in this case. Footnote 9 explains that specific policies include those relating to nationally important landscape designations such as AONBs. As a matter of policy, paragraph 115 requires conservation of landscape and scenic beauty within AONBs to be given "great weight". Paragraph 116 of the NPPF requires permission for a major development in an AONB to be refused save in exceptional circumstances and where it can be demonstrated the proposed development is in the public interest. It is thus an assessment of the scale of the development and whether it represents 'major' development within the local context that is critical in this regard.

6.9 There are numerous appeal decisions and recent case law that consider this point. The comments of the Wye Valley AONB Office refer to appeal decisions and case law in their comments at 5.5 where proposals for fewer dwellings than the 33 dwellings proposed here have, in a specific context, been considered to represent major development. Conversely there are cases where developments for more than 33 dwellings have been held to not represent 'major' development.

6.10 The National Planning Policy Guidance provides some clarification on the issue and states as follows:-

“Whether a proposed development in these designated areas should be treated as a major development, to which the policy in paragraph 116 of the NPPF applies, will be a matter for the relevant decision-taker, taking into account the proposal in question and the local context. The NPPF is clear that great weight should be given to conserving landscape and scenic beauty in these designated areas irrespective of whether the policy in paragraph 116 is applicable.”

6.11 It follows from this passage that an assessment of scale is a matter for the decision taker in each instance, taking into account the nature of the proposal and the context in which the application sits. It is clear that a thirty house scheme relative to a small village may be taken to represent 'major development', whereas the same proposal on the edge of a town may not. It is absolutely clear, however, that each case must be judged on its own merits and while appeal

decisions and High Court judgements are instructive, they cannot substitute for an assessment of the case in hand.

- 6.12 The issue is addressed not only by the Wye Valley AONB, who ultimately reserve judgement on the matter, but is assessed by the Conservation Manager (Landscape) in the comments above at 4.4. The comments need to be read 'in the round' but on this specific issue the officer considers the *“erection of 33 houses on the site would result in a locally significant adverse change in character of this part of the village by replacing an open field with modern houses which would extend into open countryside. However... the proposed development is shown to be set back from the road with a landscaped buffer between the houses and the road; although it would extend the village north-westwards, the wayside pattern is not likely to be 'prominent'. In the context of the existing settlement, the proposals do not increase the size of the village to an unacceptable degree thus from this perspective, the scale of development is not considered especially large. There is also potential for mitigation and compensation.”* (Case Officer's emphasis).
- 6.13 As such, and with regard to this advice, the landscape character and context of the site, the nature of the proposal and the scale of the existing settlement, officers consider it reasonable to conclude that this proposal is not 'major development' to which the policy in NPPF paragraph 116 is applicable. By extension, it is not necessary to apply the exceptions tests set out at LA1 of the UDP.
- 6.14 The policy at NPPF paragraph 115 is thus not held to be a restrictive policy within the meaning of paragraph 14. Rather it is a policy that goes to the weight to be given to 'AONB matters' in the planning balance. If it is concluded that the development is not 'major development' the assessment is then whether when considered in the round, the scheme is representative of sustainable development as per the policy at paragraph 14 of the NPPF. The weight attached to the need to ensure conservation of the landscape and scenic beauty will be 'great' as per paragraph 115, but other matters must be considered in the 'planning balance'.
- 6.15 It follows that assessment of any proposal in an AONB will rest, to a great extent, on the ability of the scheme to conserve landscape and scenic beauty.

Is the scheme representative of sustainable development having regard to the AONB designation and other material considerations?

- 6.16 The NPPF at paragraph 6 states that “policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.” However, paragraph 7 goes on to identify the three roles of sustainable development (the economic, social and environmental). Paragraph 9 of the NPPF goes on to note that sustainable development will result in “positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life.”
- 6.17 The NPPF thus establishes the need for the planning system to perform a number of roles including, *inter alia*, providing the supply of housing required to meet the needs of present and future generations and by creating a high quality built environment.
- 6.18 The economic dimension encompasses the need to ensure that sufficient land is available in the right places at the right time in order to deliver sustainable economic growth. This includes the supply of housing land. The social dimension also refers to the need to ensure an appropriate supply of housing to meet present and future needs and this scheme contributes towards this requirement with a mix of open market and affordable units of various sizes. Fulfilment of the environmental role requires the protection and enhancement of our natural, built and historic environment; and, as part of this, helping to improve biodiversity. This is a requirement that attracts significant weight in the context of NPPF paragraph 115.

Impact on landscape character and scenic beauty

- 6.19 The Conservation Manager (Landscape) recognises the inherent value of the AONB designation and that all landscape receptors are *de facto* highly sensitive in AONB landscapes. The officer's detailed assessment confirms that the site forms an integral part of the AONB's valued landscape, on the south west-facing slopes of the Wye River valley. It makes an important contribution to the natural beauty of the area and the loss of this field and its replacement with a relatively large, modern housing estate would be detrimental to the qualities of the AONB and contrary to its objectives, unless adverse effects could be adequately mitigated or compensated for.
- 6.20 It is also recognised, however, that the area of influence of the site in the wider Herefordshire landscape is relatively limited and that a housing estate of 33 dwellings on the proposed site could potentially be accommodated without giving rise to significant adverse effects on regional landscape character. In this case it is accepted that the scheme layout does propose mitigation, compensation and enhancement, which could potentially reduce localised adverse effects in the longer-term.
- 6.21 The proposal is recognised as being 'landscape-led' and has taken into account pre-application comments. The previously-proposed organic and ornamental landscape scheme, which was at odds with local landscape characteristics, has been replaced with an extensive orchard, to be planted with traditional varieties of fruit. This was the historic use of this and adjoining fields, and this, as well as the additional planting proposed to the site perimeter, would help assimilate new houses into the landscape. The orchard and associated pathways are offered for use by the local community and thus also provide a locally important new Green Infrastructure asset. The planting plans and schedules show a diverse range of habitats and species which are generally in keeping with the area's landcover and vegetation. The scheme also has the potential to increase local biodiversity and provide benefits to wildlife. The submitted draft management plan sets out proposals for maintenance of the landscape, although it may need to cover longer-term objectives (10-25 years +).
- 6.22 The Conservation Manager (Landscape) also considers that in terms of the housing layout and house types, these appear to have the potential to fit relatively well into the existing and proposed landscape; although further detail is likely to be required to ensure that the details (especially choice of materials and colours) have been appropriately considered. This opinion is shared by the Conservation Manager (Historic Buildings).
- 6.23 Although the proposed development has the potential to give rise to adverse effects on local landscape character and visual amenity, the Conservation Manager (Landscape) considers that these effects can, at least in the longer term, be mitigated / compensated for to an acceptable extent through the establishment of the orchard, structural tree planting and the creation of wildlife habitats. This is on the proviso that these are properly maintained and managed in the long term. The officer's overall conclusion, following a detailed assessment of the nature of and magnitude of effects, is one of no objection to the proposals from a landscape-related perspective, although clarification is sought in relation to long-term management proposals. In this respect the agent has confirmed that the portion of orchard adjoining Scotch Firs would be transferred to the Parish Council (0.41ha) with the remainder put into a management company. The detail of these arrangements will be incorporated in the S106 agreement as per the heads of terms attached to the report. Planning conditions in respect of landscape management proposals will be imposed.
- 6.24 The Conservation Manager (Ecology) also has no objection to the proposal, but expresses support in the belief that the landscaping proposals would lend significant biodiversity benefits

via habitat creation and management. In addition, the proximity to the Cherry Wood SSSI has been taken into account and there has been a substantial effort to minimise any impacts upon this area. A considerable buffer strip is incorporated into the design. The nearby River Wye SAC is also safeguarded by the management plan for surface water through a SuD system or infiltration and the use of mains sewer for foul drainage. The officer recommends a range of conditions that are set out in the recommendation. It is generally accepted, therefore, that by comparison with the existing arable use, the scheme offers potential benefits to bio-diversity through habitat creation and also takes the opportunity to restore landscape character through the planting of a significant area of orchard; reminiscent of the historic landscape character and use that the fields were used for historically; historic mapping supports this assertion.

Impact on Designated and Non-Designated Heritage Assets

- 6.25 The proposed development site is located in close proximity to the Fownhope Conservation Area and the group of listed buildings at Mill Farm, to the south-west of the site. The site is situated on a key approach to the conservation area and Fownhope village.
- 6.26 The Conservation Manager (Historic Buildings) is satisfied that the submitted Landscape Character and Visual Analysis provides a good range of information on the site's context and the existing built character of the village. It demonstrates an understanding of the historic development of the site's context and historic development. The report considers a palette of materials (stone, brick and slate), their texture of building materials and elevational treatment to be essential in enhancing character and in integrating new development within the established built environment. It also recognises that the pattern of development should also be an important influence on design.
- 6.27 The officer concludes that the proposed development would fundamentally transform the existing built environment of the village, the setting of the Fownhope Conservation Area and the setting of the listed buildings at Mill Farm, with the latter having enjoyed an opening setting in all directions historically. The development would have an impact on this setting, introducing a suburban character to this setting and more detailed assessment of this impact would have been welcomed.
- 6.28 It is acknowledged, however, that the existing road and proposed hedgerow planting will provide some screening between the listed buildings and the new development within its setting. Retaining the hedgerow, insofar as is possible, together with implementation of the proposed landscape strategy is held as the key to securing the success of this project.

Transport

- 6.29 The Transportation Manager has assessed the access proposals in the context that the proposed site access junction is located some 200m to the north-west of the current 30mph limit terminal and is therefore subject to the national 60mph limit. A Transport Statement has been provided in support of the application which indicates that 85 percentile speeds at the location of the access are around 46mph (74kph), and with less than 1% of vehicles exceeding the 60mph limit.
- 6.30 In the absence of an implementable speed limit at this time, the worst case of 131m "Y" distance should be considered as applicable. This can be achieved within the confines of the highway/land in the applicant's control, although alterations to the existing bank and hedge will be necessary to achieve splays.
- 6.31 It is also recognised that the work necessary to form the visibility splays will necessitate re-grading of the roadside verge and replanting of the hedgerow to the rear of the splay. This will improve forward visibility on approach to the village, which may result in increased speeds on approach to the 30mph limit.

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- 6.32 It is on this basis that although making it clear that his recommendation for approval subject to conditions is not contingent on a reduction to the speed limit the Transportation Manager suggests that an extension of the 30mph speed limit may be beneficial. Discussions regarding the potential to reduce the speed limit and design/implement a possible traffic calming entry feature at the entrance to the village should thus be taken forward. The S106 contribution of £64,500 towards sustainable transport measures could be put towards the costs associated with the TRO process and implementation of traffic calming features.
- 6.33 The development is also considered to offer genuine alternatives to the car in terms of access to goods and services as required by saved UPD policy DR3 and the NPPF chapter 4. Fownhope has a number of village facilities and the site is within reasonable walking distance (800m) of such facilities such as post office, village shop, village hall, primary school, public houses, leisure centre and bus stops, with the medical centre at around 1km distance.
- 6.34 A pedestrian link is provided from the southern extreme of the site to link to Scotch Firs, where measurements taken on site indicate 1.2m width could be achieved, increasing to 1.8m if the overhanging vegetation is cut back to the boundary posts. This is considered acceptable for the length involved. The footway link then joins the footways on Scotch Firs before joining the B4224 near the village shop. This route also provides an acceptable onwards access to other village facilities, including all of those referred to above.
- 6.35 It is not considered feasible to provide a direct pedestrian route to the bus stop along the B4224. There appears insufficient width to achieve a footway within the confines of the highway taking into account the levels differences that exist and the potential conflict with the root systems of protected trees.
- 6.36 In overall conclusion on transport issues, officers consider that the development offers reasonable access to local goods and services and public transport. The visibility splay achieved is acceptable for the measured speeds without the requirement for reduction of the speed limit or introduction of other traffic calming. Officers conclude that the residual cumulative impacts of the development would not be severe and the network capable of accommodating the anticipated traffic generation. The proposal is considered to accord with NPPF policies.
- 6.37 It is the case, however, that money payable via the S106 agreement could be put to conducting Traffic Regulation Orders and potential implementation of traffic calming measures such that can be agreed with Parish Council input and wider consultation.

Design

- 6.38 Saved UDP policy DR1 requires, where relevant, that development proposals reinforce local character and distinctiveness. The NPPF requires development to secure high quality design and confirms that good design is a key aspect of sustainable development and indivisible from good planning. It is recognised, however, that design policies should not be prescriptive, but should concentrate instead on guiding the overall scale, density, massing, height and landscaping in relation to neighbouring buildings and the local area more generally.
- 6.39 Fownhope is a village with a mixture of both old and modern buildings built of local stone and brick, some half-timbered and others rendered; most of these integrate well into the village-scape although there are more recent housing estates which are less in keeping with the local vernacular. Most C20th development has occurred to the north of the B4224, away from the riverside meadows.

- 6.40 The application site sits below Cherry Hill Woods (SSSI) and was cleared of orchards in the early part of the 20th century. In recognition of this historic landscape character the Landscape Report describes the intention to create a development within an orchard setting and the detailed landscaping proposals have been informed via negotiation with the Council's Conservation Manager (Landscape). The layout of the dwellings is informal; with properties arranged either side of a winding estate road, which loops around a 'village green' at its southern end. This approach is considered appropriate within the AONB landscape, with a good buffer against the B4224, whilst in the long-term the landscaping proposals will filter views of the development from the road and from middle-distance views across the river meadows.
- 6.41 The dwellings themselves comprise a mixture of single and two-storey dwellings of traditional design, with farmhouse-style properties complemented by single-storey courtyard arrangements at the rear cut into the slope; short terraces and detached dwellings. The open market housing comprises 13 x 3-bed and 9 x 4-bed units. The affordable housing mix has been amended to include 2 x 1-bed units designed as end of terrace properties attached to and thus indivisible from the open market units. The choice and mix of housing offered is considered appropriate. The scheme also proposes boundary treatments and detailed surface treatments that are sensitive to the wider landscape setting and characteristic of the local vernacular.
- 6.42 The Conservation Manager (Landscape) considers that the overall approach has the potential to assimilate quite well within the overall landscape and detailed landscaping proposals. A condition is recommended in recognition of the Conservation Manager's comments regarding the predominant use of stone for the facing materials.
- 6.43 The applicant has confirmed that all dwellings shall follow a fabric first approach to energy efficiency. It is envisaged that energy consumption and carbon emissions will be reduced by building to a minimum of code 4 of the code for sustainable homes. Where possible, and with reference to the site's topography, houses have been orientated to ensure optimum exposure to passive solar gain.
- 6.44 Whilst recognising that the landscaping proposals will take time to reach maturity and take full effect, officers consider the approach taken to be sensitive to the site's location at the edge of the village and capable of enhancing the existing approach to Fownhope, which is at present defined by the relatively open vista towards Scotch Firs. The reinstatement of orchard planting on these south-west facing slopes is considered to benefit landscape character and off-set the impact of the dwellings themselves. It is thus concluded that the scheme is representative of good design in accordance with Chapter 7 of the NPPF and saved UDP policy DR1.

Impact on Adjoining Residential Property

- 6.45 Loss of amenity arising from direct and prejudicial overlooking is a material consideration. In this case, officers are satisfied that development of the site would not result in undue impact on adjoining property, particularly those dwellings within the historic Mill House Farm complex on lower-lying land opposite and beyond the B4224. Given the significant margin on the site's southern boundary, which would be planted with orchard, the impact on the dwellings in Scotch Firs is also considered acceptable. Whilst it is acknowledged that properties at the north-western edge of Scotch Firs would lose hitherto unrestricted views northwards, this is not a material consideration. Officers are satisfied that the layout accords with the requirements of saved UDP policy H13 and NPPF paragraph 12, which demands good standards of amenity.

Flooding and Surface Water Drainage

- 6.46 The application is accompanied by a Flood Risk Assessment (FRA) that confirms that the site is in Flood Zone 1, the category of lowest flood risk. The FRA thus concludes that the site is not liable to flooding and is unlikely to result in increased risk to other properties. Although permeability tests have not been undertaken the report concludes that infiltration of surface

water and land drainage run-off should be possible. If not, a SUDs system that relies on attenuation within a basin may be necessary. In any event, the Land Drainage Officer has no objection to the proposal in principle, but given the absence of testing recommends the imposition of a condition requiring the formulation of a comprehensive and integrated land drainage scheme.

- 6.47 Officers conclude that the technical evidence would not support a reason for refusal on this issue, which can be addressed by the imposition of planning conditions in a manner that accords with NPPF guidance.

Foul Drainage

- 6.48 Welsh Water originally imposed a holding objection in relation to capacity issues at the local foul treatment station. They have subsequently revisited the issue and confirm that sufficient capacity exists to accept foul waste from the site. Conditions are recommended requiring the separation of foul and surface water/land drainage run-off and the formulation of a detailed and integrated scheme of foul and surface water drainage. These conditions are attached to the recommendation and the scheme is considered to accord with saved UDP policy CF2 and NPPF guidance.

Prematurity relative to the Neighbourhood Plan

- 6.49 Fownhope Parish Council has designated a neighbourhood plan area. Work has been progressing towards the formulation of the plan for a considerable period. Paragraph 17 of the NPPF, states that planning should be *'genuinely plan led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of an area'*.
- 6.50 The Parish Council via the Neighbourhood Plan Steering Group are actively assessing potential housing sites and are holding public forums at which developers can present their proposals. It is via this approach that the Neighbourhood Plan would seek to identify and allocate sites for housing.
- 6.51 There is, therefore, evident dissatisfaction that housing applications are being submitted in advance of fulfilment of Neighbourhood Plans. The Parish Council and Neighbourhood Plan Steering Group comments both give vent to this frustration. The Neighbourhood Plan is not, however, sufficiently far advanced to be attributed weight for the purposes of decision-taking and planning applications cannot, in these circumstances, be refused because they are potentially prejudicial to an emerging neighbourhood plan.

S106 Contributions

- 6.52 The S106 draft Heads of Terms are appended to the report. CIL regulation compliant contributions have been negotiated and are summarised as follows:

'Education Contribution'	-	£144,295
'Sustainable Transport Contribution'	-	£64,500
'Off site play'	-	£41,291
'Waste & Recycling'	-	£2,640
'Library'	-	£4,730

The S106 will also include provisions to ensure 35% of the development meets the definition of affordable housing, together with requisite standards, tenure mix and eligibility criteria.

A restriction is also imposed requiring the provision of the on-site public open space. A maintenance contribution towards the management of on-site public open space and any necessary SUDs system, which will be adopted by the Council, will also be required.

The Planning Balance

- 6.53 It has been concluded that the application does not represent major development and that the restrictive policy at 116 of the NPPF is not applicable. It is clear, however, that the conservation of landscape and scenic beauty in the NPPF must attract “great weight” for the purpose of decision-taking. The presence of the AONB designation does not, however, debar application of the presumption in favour of sustainable development. Rather the paragraph 115 requirement to attach ‘great weight’ to the conservation of landscape and scenic beauty must be weighed ‘in the round’. Therefore, if the proposal is ‘sustainable’, with regard to the NPPF as a whole, then this application does fall to be considered against the presumption in favour of sustainable development because:
- a. It is a development proposal (see paragraph 197 of the NPPF).
 - b. It is a housing application (see paragraph 49) in the context of a shortfall of housing land supply.
- 6.54 As such the remaining question is whether “any adverse impacts of granting permission significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole?”
- 6.55 In this instance the economic benefits may be taken to include jobs in the construction of the proposed development, increased spending power of new residents to support local shops and services, income from the New Homes Bonus, additional Council Tax receipts and S106 contributions.
- 6.56 The social benefits may be taken to include the delivery of market and affordable housing to address an existing local need, support for existing services, the provision of community open space, with the gift of 0.41ha of community orchard to the Parish Council and public access to footpaths, and potential improvements to surface water run-off management. The off-site contribution to village play facilities is also a material consideration. The provision of both market and affordable housing should, in the context of a housing land supply shortfall and district wide shortage of affordable housing, attract substantial weight.
- 6.57 In terms of the environmental role, the scheme delivers benefits in terms of bio-diversity enhancement and the Council’s Ecologist expresses support for the proposal. Subject to conditions, Natural England does not object either. In relation to other matters, officers conclude there are no highways, drainage, ecological or archaeological issues that should lead towards refusal of the application.
- 6.58 There are acknowledged dis-benefits. The Conservation Manager recognises that the loss of the open field on approach to the village will, particularly until mitigation is established, fundamentally alter the landscape character of this part of the village. Localised impacts on landscape character and visual amenity in the short-term especially will be significant as the landscaping matures, and will be more noticeable during winter months.
- 6.59 When considered against the policies of the NPPF as a whole, however, officers conclude that having regard to the nature and characteristics of the development, the harm to the scenic beauty of the AONB will be capable of mitigation such that the magnitude of adverse impacts associated with approval will not significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF when taken as a whole.

6.60 In reaching this conclusion “great weight” has been attached to the conservation of landscape and scenic beauty and in this regard officers consider that the detailed and appropriate landscaping proposals offer the potential for significant bio-diversity enhancements and re-instatement of a significant area of publicly accessible Biodiversity Action Plan habitat, together with mitigation of visual effects in the long-term. On this basis, officers conclude that in accordance with the planning balance described at paragraph 14 of the NPPF, planning permission should be granted.

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. **B03 Amended plans**
3. **C01 Samples of external materials**
4. **H03 Visibility splays**
5. **H06 Vehicular access construction**
6. **H09 Driveway gradient**
7. **H11 Parking - estate development (more than one house)**
8. **H17 Junction improvement/off site works**
9. **H18 On site roads - submission of details**
10. **H19 On site roads - phasing**
11. **H20 Road completion in 2 years**
12. **H21 Wheel washing**
13. **H27 Parking for site operatives**
14. **H29 Secure covered cycle parking provision**
15. **The recommendations set out in Section 5 of the ecologist’s report from Ecology Services dated June 2014 should be followed in relation to species mitigation. Prior to commencement of the development, a full working method statement for protected species mitigation should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved.**

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 the Herefordshire Unitary Development Plan and the NPPF.

16. **The recommendations set out in Section 5 of the ecologist’s report from Ecology**

Further information on the subject of this report is available from Mr Edward Thomas on 01432 260479

Services dated June 2014 and the Landscape Management Plan from Robert Myers Associates 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 Land Management Plan should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

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.

17. Prior to commencement of the development, a Tree Protection Plan to include hedgerow protection 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.

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.

18. G02 Retention of trees and hedgerows

19. G03 Retention of existing trees/hedgerows

20. G10 Landscaping scheme

21. G11 Landscaping scheme - implementation

22. G14 Landscape management plan

23. I16 Restriction of hours during construction

24. Prior to commencement of development, a Construction Environmental Management Plan shall be submitted for approval in writing by the local planning authority and shall include timing of the works, details of storage of materials and measures to minimise the extent of dust, odour, noise and vibration arising from the construction process. Specific measures to safeguard the integrity of the adjacent Cherry Hill Woods SSSI should be highlighted such as pollution risk and increased use projections and measures to mitigate such increased usage. The Plan shall be implemented as approved.

Reasons: To ensure that all species and sites 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’s Unitary Development Plan.

To comply with policies NC8 and NC9 within 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.

25. L01 Foul/surface water drainage

26. L02 No surface water to connect to public system

- 27. L03 No drainage run-off to public system
- 28. L04 Comprehensive & Integrated draining of site
- 29. I51 Details of slab levels

INFORMATIVES:

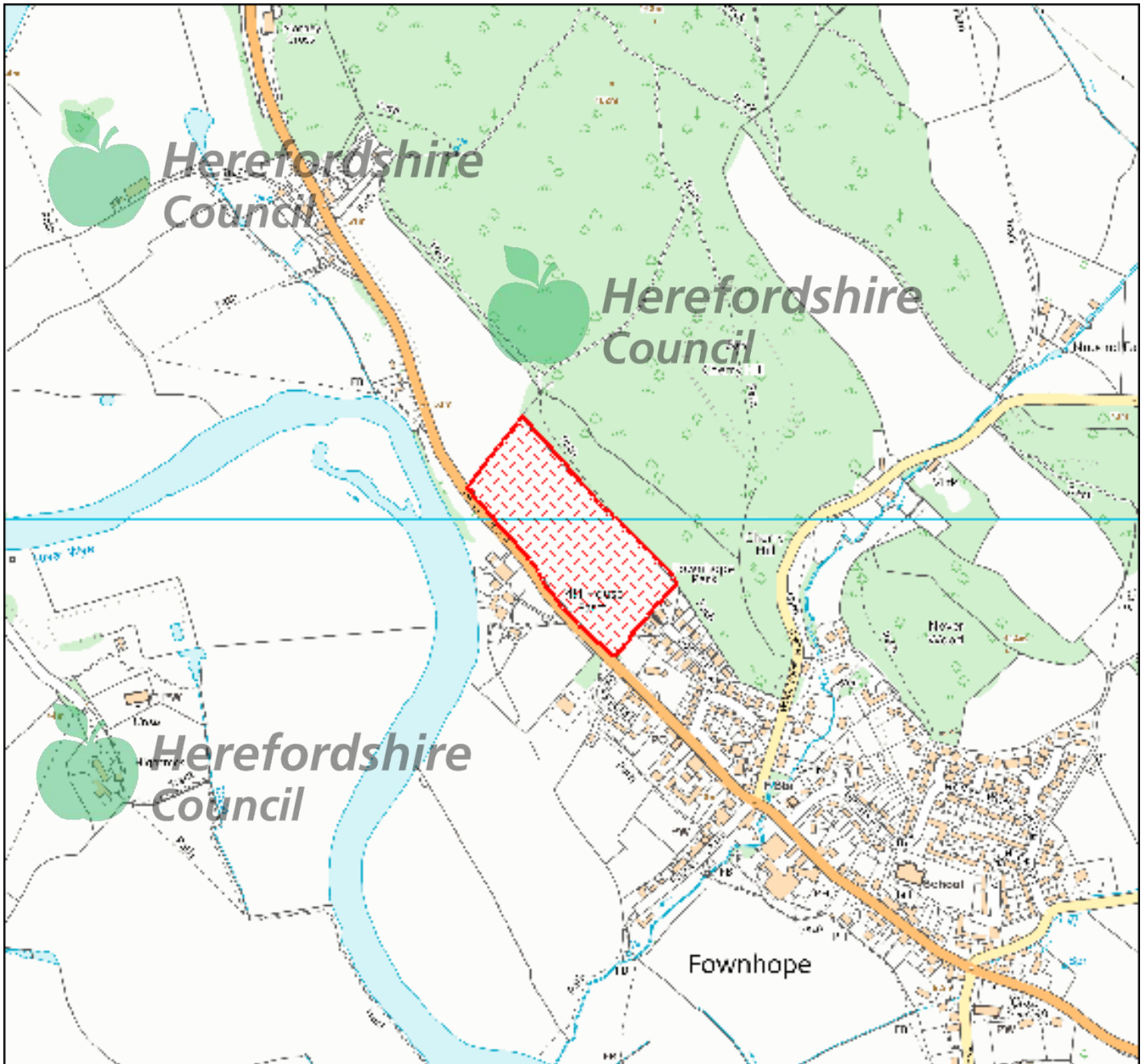
- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in 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. An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.
- 3. HN10 No drainage to discharge to highway
- 4. HN08 Section 38 Agreement & Drainage details
- 5. HN07 Section 278 Agreement
- 6. HN28 Highways Design Guide and Specification
- 7. HN05 Works within the highway
- 8. N02 Section 106 Obligation

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: 141828/F

SITE ADDRESS : MILL FIELD, FOWNHOPE, HEREFORDSHIRE

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Further information on the subject of this report is available from Mr Edward Thomas on 01432 260479

DRAFT 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: P141828/F

Proposed residential development of 22 open market family homes (13 x 3 bedroom and 9 x 4 bedroom) and 11 affordable (2 x 1 bedroom, 6 x 2 bed and 3 x 3 bed) on Mill Field, Fownhope, Herefordshire

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£144,295.00** (index linked). The contributions will provide for enhanced educational infrastructure at North Hereford City Early Years, St Mary's Primary School, Bishop of Hereford Bluecoat School, St Mary's Roman Catholic High School (8% of contribution), Post 16 and the Special Education Needs Schools (1% of contribution). The sum shall be paid on or before first occupation of the 1st open market dwellinghouse, and may be pooled with other contributions if appropriate.

2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£64,500.00**. The contributions will provide for sustainable transport infrastructure to serve the development. The sum shall be paid on or before first occupation of the 1st open market dwellinghouse, and may be pooled with other contributions if appropriate.

The sustainable transport infrastructure will include:

- Traffic Regulation Order to investigate the reduction in speeds and making drivers more aware of the village environment they are driving through.
 - Improvements to passenger waiting facilities in Fownhope, shelter and kerbs.
3. The developer covenants with Herefordshire Council to provide 2.75 hectares of on-site green infrastructure comprising;
 - Recreational open space
 - 0.41 hectare community orchard
 - Wildflower Meadows
 - Wetland and Pond

The on-site green infrastructure shall be made available on or before occupation of the 1st open market dwellinghouse.

4. The maintenance of the on-site Public Open Space will be by a management company which is demonstrably adequately self-funded or will be funded through an acceptable ongoing 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 that 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 the land transfer.

5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£41, 291.00** (index linked). The contributions will provide for enhanced play facilities at the existing neighbourhood play area in Fownhope. The sum shall be paid on or before first occupation of the 1st open market dwellinghouse, and may be pooled with other contributions if appropriate.
6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£4,743.00** (index linked). The contributions will provide for enhanced library facilities in Hereford. The sum shall be paid on or before first occupation of the 1st open market dwellinghouse, and may be pooled with other contributions if appropriate.
7. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£2,640.00** (index linked) per dwelling. The contributions will provide waste reduction and recycling in Hereford. The sum shall be paid on or before first occupation of the 1st open market dwellinghouse, and may be pooled with other contributions if appropriate.
8. The developer covenants with Herefordshire Council that 35% (11 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.

Further information on the subject of this report is available from Mr Edward Thomas on 01432 260479

9. The developer covenants with Herefordshire Council that 6 of the affordable units will be social rented and the remaining 5 units will be for intermediate tenure.

10. The developer covenants with Herefordshire Council not to occupy or cause or permit the occupation of more than eighty percent (80%) of the Open Market Units (unless Occupation is otherwise agreed in writing by the Council in accordance with a phasing programme).

11. The Affordable Housing Units must at all times be let or managed by a Registered Provider in accordance with the guidance issued from time to time by the Homes and Communities Agency (or any successor agency) with the intention that the Affordable Housing Units shall not be used for any purpose other than the provision of Affordable Housing by way of Social Rented Housing and Intermediate Housing (unless otherwise agreed in writing by the Council) to persons who are:
 - 11.1 registered with Home Point at the time the Social Rented Housing Unit or the Intermediate Rent Housing Unit become available for residential occupation; or
 - 11.2 is eligible for a Shared Ownership Housing Unit under the Herefordshire Allocations Policy and the allocation policy of the landlord Registered Proprietor; and
 - 11.3 satisfy the requirements of paragraph 12 below.

12. 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:-
 - 12.1 a local connection with the parish of Fownhope;
 - 12.2 in the event there being no person with a local connection to the parish of Fownhope to the adjoining parishes;
 - 12.3 in the event there being no person with a local connection to the above parish 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 11.1 above

13. For the purposes of sub-paragraph 12.1 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:

13.1 is or in the past was normally resident there; or

13.2 is employed there; or

13.3 has a family association there; or

13.4 a proven need to give support to or receive support from family members; or

13.5 because of special circumstances

14. 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.

15. 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.

16. In the event that the Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2, 5, 6 and 7 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.
17. The sums referred to in paragraphs 1, 2, 5, 6 and 7 above shall be linked to an appropriate index of indices selected by the Council with the intention that such sums will be adjusted according to any percentage in prices occurring between the date of the Section 106 Agreements and the date the sums are paid to the Council.
18. 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 commencement of the development.
19. 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:	11 FEBRUARY 2015
TITLE OF REPORT:	<p>P141963/O - SITE FOR ERECTION OF UP TO 38 HOUSES AND APARTMENTS WITH HIGHWAY ACCESS ONTO ELM GREEN ROAD; ASSOCIATED INFRASTRUCTURE AND LANDSCAPING AT LAND EAST OF CALLOWSIDE, ELM TREE ROAD, EWYAS HAROLD, HEREFORDSHIRE, HR2 0HZ</p> <p>For: The Kentchurch Court Estate per Savills LLP, The Quadrangle, Imperial Square, Cheltenham, Gloucester, GL50 1PZ</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=141963&search=141963
Reason Application submitted to Committee – Contrary to policy	

Date Received: 1 July 2014

**Ward: Golden Valley
South**

Grid Ref: 339490,228402

Expiry Date: 27th February 2015

Local Member: Councillor GJ Powell

1. Site Description and Proposal

- 1.1 Outline planning permission with all matters bar access reserved is sought for the erection of up to 38 dwellings, including 13 affordable units, on a 2.4 hectare site bounded to the immediate west by the residential development Callowside and to the north by the residential estate Elmdale and adjoining fire station and sewerage pumping station. The site lies outside but adjacent the Unitary Development Plan (UDP) settlement boundary for Ewyas Harold, which is a main village within both the UDP and the draft Herefordshire Local Plan – Core Strategy.
- 1.2 The site is part of a large agricultural field situated on the eastern edge of the village. Access to the site is taken from the C1221 Elm Green Road, which runs west/east from the junction with the B4347 some 200m to the west. The proposed point of access is at approximately the mid-point of the northern boundary between two over-mature oak trees. The residential estate Elmdale lies on the opposite side of the road to the north and the application site boundary is drawn deliberately to extend as far eastwards as Elmdale. Also on the north side of the road are the fire station and sewerage pumping station.
- 1.3 The landscape character type is Principal Settled Farmlands, but bounded to the immediate east by Riverside Meadows; the River Dore lying approximately 250m beyond the site's eastern boundary. The site itself is typical of the Principal Settled Farmlands typology, being in arable use with hedgerows to field boundaries. Although generally flat, the land to the south rises quite

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

significantly to Callow Hill Wood; a special wildlife site and Ancient (replanted) woodland, which is also in the applicant's ownership.

- 1.4 The illustrative layout plan depicts a low density scheme, reflecting the sensitivity of this edge of village location and the transition from village to open countryside. The layout, albeit the detail is reserved for future consideration, shows a large area of informal public open space central to the development with houses arranged around the site's periphery. The ground conditions are not conducive to infiltration of surface and land drainage run-off, so attenuation features are proposed along the site's eastern boundary. These comprise a series of swales, draining to an attenuation pond.
- 1.5 Although village facilities are within an acceptable walking distance of the site, Elm Green Road itself has no continuous footway to the junction with the B4347 at Trappe House and at present there is no pedestrian crossing facility. During the course of the application the need to provide continuous off-road access onwards towards village facilities has been accepted and a design subject to a Phase 1 Road Safety Audit. This comprises the provision of a 1.2m footway on the southern side of Elm Green Road, with the section adjoining the junction constructed so as to permit overrunning by larger vehicles. The footway is then continued along the southern side of the B4347 to a pedestrian crossing point onto the north side of the B4347 and onwards towards the primary school and other village facilities.
- 1.6 The site was identified as land with low/minor constraints by the Strategic Housing Land Availability Assessment. The proportionate growth target for Ewyas Harold, as the largest settlement in the Golden Valley Housing Market Area, is 55 (12% growth over the lifetime of the Core Strategy).
- 1.7 The application is accompanied by the following supporting documents:
- Flood Risk Assessment and Drainage Feasibility Study;
 - Planning Statement
 - Design and Access Statement;
 - Arboricultural & Ecological Assessment;
 - Framework Layout and Landscaping Plan;
 - Residential Travel Plan; &
 - Topographic Survey
- 1.8 The application is also accompanied by a draft Heads of Terms outlining an agreement in principle to make contributions towards sustainable transport, education and other projects subject to CIL compliance. The agreed Heads of Terms is appended to the report.

2. Policies

- 2.1 National Planning Policy Framework. The following sections are of particular relevance:

Introduction	-	Achieving Sustainable Development
Section 4	-	Promoting Sustainable Transport
Section 6	-	Delivering a Wide Choice of High Quality Homes
Section 7	-	Requiring Good Design
Section 8	-	Promoting Healthy Communities
Section 11	-	Conserving and Enhancing the Natural Environment

- 2.2 National Planning Policy Guidance

- 2.3 Herefordshire Unitary Development Plan 2007

S1	-	Sustainable Development
S2	-	Development Requirements

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

S3	-	Housing
S7	-	Natural and Historic Heritage
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
DR7	-	Flood Risk
E15	-	Protection of Greenfield Land
H4	-	Main Villages: Settlement Boundaries
H7	-	Housing in the Countryside Outside Settlements
H10	-	Rural Exception Housing
H13	-	Sustainable Residential Design
H15	-	Density
H16	-	Car parking
H19	-	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
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
CF2	-	Foul Drainage

2.4 Herefordshire Local Plan – Draft Core Strategy

The pre-submission consultation on the Draft Local Plan – Core Strategy closed on 3 July. At the time of writing an Independent Inspector is in the process of examining the Core Strategy in order to determine its soundness. The majority of the Core Strategy policies were subject to objection and, as the examination in public is not yet complete, can be afforded only limited weight for the purposes of decision making.

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
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 Geodiversity
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
ID1	-	Infrastructure Delivery

2.5 The parishes of Abbey Dore, Bacton, Ewyas Harold, Dulas, Llancillo, Rowlestone and Kentchurch have designated a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The Parish Council will prepare a Neighbourhood Development

Plan for that area. The plan must be in general conformity with the strategic content of the emerging Core Strategy, but is not sufficiently advanced to attract weight for the purpose of decision-taking.

- 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 There is no relevant planning history

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: No objection subject to the imposition of conditions

Internal Council Responses

- 4.2 Transportation Manager: No objection subject to conditions

Further to the submission of the Safety Audit and detailed drawings I have no objection to the proposed development.

Off Site Highway Improvements

The main issue with the site has been the lack of continuous off-road pedestrian connectivity to village facilities. As a result of negotiations the scheme now proposes a footpath to the B4347 which will allow access to facilities in the village and transport links on the A465. A stage 1 Safety Audit has been carried out and the detailed drawings confirm that such a scheme is deliverable. The scheme will provide the footway links required which will assist the existing use and crossing of the B4347.

The footpath will be over runnable to cater for the larger vehicles to turn. Whilst this is undesirable the lane operates as a single lane already and the issue already exists for residents of Callowside and Elmdale. The proposed crossing point on the B road is the optimum point for visibility. As identified, works on the B4347 road are required to improve visibility and access to the crossing point. The developer is aware of the need to enter into a S278 agreement to design and fund these works.

Access into the site from Elm Green Road

The access visibility is acceptable with 2.4m x 90m, this complies with current design guidance including Manual for Streets 2 and the more prescriptive Design Manual for Roads and Bridges. The existing hedgerow will need to be pulled back to enable this, with the extent indicated on the master plan. There will need to be breaks in this to accommodate the footpath link across the site frontage.

Internal Layout

The internal layout is only indicative, although the Public Open Space is separate from the Sustainable Drainage features. It would appear prudent to combine these features so as to minimise maintenance issues, though this can be given further thought as the detailed design evolves at the Reserved Matters stage. This will need to be in line with a S38 Agreement. The master plan sets out a loop road enclosing a play area which includes ramps. There are roads which serve less than 5 houses which should become private drives with the larger ones requiring the access to be adopted. Parking needs to be to HC Design Guide.

The only concern is the access to the woodland and whether parking needs to be provided? The intended nature of access and use of the woodland walks should be clarified.

The access road will be adopted under a S38 Agreement.

S106 Contributions

The contributions required will be as per the Planning Obligations SPD and based on the housing size, this will be calculated when the housing mix is finalised. The Transport Statement identifies a problem on the A465 which will impact on the site. The regular bus and school service use this location for drop off and pick up and improvements are required to ensure safety. There are other schemes relating to the school and crossings within the village which can be identified to support any contributions generated via the S106.

4.3 Conservation Manager (Landscape): No objection

The site is currently arable land with gently rising topography from the east to west, bounded to the north by hedgerow, adjacent to which lies Elm Green Road and to the west by hedgerow defining the boundary with the 20th century Callowside development. To the south is Callow Hill Wood and the east is open as the site forms part of a larger field.

The site lies within the Principal Settled Farmlands Landscape Character Type defined as; *'settled agricultural landscapes of dispersed scattered farms, relic commons and small villages and hamlets...with networks of small winding lanes nestling within a matrix of hedged fields.'*

There are no statutory designations within the site boundary and no Public Rights of Way cross the site. The Special Wildlife Site Callow Hill Wood lies adjacent to the southern boundary.

The hedgerow to the north of the site contains three mature oak trees, two of which lie within the site boundary. One of which is to be removed.

The site is adjacent to the Village Settlement Boundary and forms part of the approach to the village along Elm Green Road. Approaching from the east, on crossing Elm Bridge, the landscape opens out and views of the site are considered sensitive in this context.

Visual and Public Amenity:

The site is relatively well contained; to the south by Callow Hill Wood and by intervening land form and existing development to the west and north. The eastern boundary is open and whilst immediate views are contained by vegetation following the tributary to the River Dore, there is potential for middle distance views on rising landform from Kentchurch Court Estate. It is however envisaged that development will be seen in the context of the existing settlement thus reducing its impact.

Conclusions:

- Whilst there will be a change in character to the site it is considered that the proposal will form a continuum with the eastern edge of the settlement boundary and that visual receptors will view it as such, therefore reducing the degree of impact.
- The eastern boundary is considered sensitive and the proposed mitigation will assist in assimilating the development into the landscape.

Detailed landscape proposals should be submitted indicating vegetation for retention, with plant specifications for mitigating planting. Consideration should be given to how the centrally proposed community space connects with informal planting to the east of the site in terms of wildlife corridors and green infrastructure.

4.4 Land Drainage Manager: No objection in principle

Overall, for outline planning permission, we do not object to the proposed development on flood risk and drainage grounds. The site is located in an area deemed to be at low risk of flooding from all sources, except overland flow which is judged to be moderate and where the Applicant has proposed mitigation to reduce this risk. Residual risk of flooding to the site from exceedance of the drainage system needs further clarification when consideration is given to final ground levels at the site. In addition anecdotal evidence indicates a number of local flood incidents have historically occurred which are not currently considered in the FRA report and we recommend these are taken into consideration by the Applicant, Therefore, should the Council grant outline planning permission, we recommend that the submission and approval of detailed proposals for the disposal of surface water runoff from the development is included within any reserved matters associated with the permission, in addition to the FRA accompanying the final scheme proposals demonstrating that the residual risk to the site is in line with NPPF guidance.

The detailed drainage proposals and FRA should include:

- Consideration of the reported surface water and sewerage flooding local to the site. The applicant should collate and review information regarding local reported flood incidents to qualify any potential impact to the site and ascertain that safe access and egress to the site can be achieved during times of flooding,
- Evidence that the Applicant has sought and agreed permissions to discharge surface water runoff from the site into the highway drainage. The Applicant should clarify that the highway drainage is adequate to accept the outfall from the site without increasing flood risk to the highway or properties at Elm Bridge,
- Design of the below ground drainage system to be completed considering a 30% allowance for climate change applied the 30 year event
- Further information to 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 and elsewhere,
- Details of the proposals for adoption and maintenance of the surface water drainage system;
- 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.

4.5 Parks & Countryside Manager: No objection

In accordance with UPD Policy H19 and Policy RST3, schemes of 38 houses using the standard population rate of 2.3 would require the following:

- 0.03ha POS (0.4 ha per 1000 population)
- 0.07 ha provision for children including formal and informal (0.8ha per 1000 population) Total 0.1ha

In total the development will provide approximately 0.8ha of Public Open Space (POS)/play. This more than adequately meets the policy requirements shown above.

Design: The approach taken by landscape strategy is supported. Although the existing play area in the village is of good quality, it is some distance from the proposed development and opportunities for more natural play and wider access to the countryside are welcomed. There are two main areas of POS on site and opportunities to connect to the woodland at Callow Hill beyond, assuming the landowners grant permission for permissive routes.

Central POS: The large central area will create a focal point to the development with provision for informal recreation, a naturalistic play area and orchard planting. Future design and provision of play equipment should make the most of the topography. Level changes and slopes can make for imaginative play opportunities.

SUDS POS: The corridor of open space which includes meadow vegetation, retention ponds and swales along the eastern boundary will allow opportunities for informal recreation. To this end the "SUDs" area should be designed with health and safety in mind of standing water.

Future Maintenance: Suitable management and maintenance arrangements will be required to support any provision of open space and associated infrastructure within the open space in line with the Council's policies. This could be by adoption by Herefordshire Council with a 15 year commuted sum plus appropriate replacement costs; by the Parish Council or 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 a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

4.6 Housing Development Officer: No objection

Negotiations have taken place with the agent with regards to dwelling numbers, bed size, tenure and standards. All that was agreed has been incorporated into the planning application and the application is supported.

4.7 Schools Capital and Investment Manager: No objection subject to S106 contribution

As of the summer 2014 census data one year group (year 1) at Ewyas Harold Primary School was over capacity. All years groups at Kingstone Secondary School have spare capacity. Accordingly a contribution is sought towards the primary school (£1,899 per 2/3 bed open market house), with a proportionate 8% contribution towards St Mary's R.C. High School.

4.8 Conservation Manager (Ecology): No objection subject to conditions

There are few ecological constraints on development of this site but a number of enhancements which may be put in place for increasing biodiversity. I note that the main constraint applies to the retention of tree T2 and removal of tree T3 – the latter will require an assessment of its bat potential before felling. If given approval I would recommend that the following non-standard condition added:

The species mitigation and habitat enhancement measures shall be carried out in accordance with the recommendations set out in Section 4.5 of the ecologist's report from EDP dated June 2014. Prior to commencement of the development, the habitat features to be retained or lost shall be clearly identified as part of the landscape plan and the works proposed shall be carried out in accordance with the plan.

5. Representations

5.1 Ewyas Harold Group Parish Council submits the following comments: Car parking is insufficient and there needs to be provision for all dwellings.

Local evidence shows current sewage system is not fit for purpose and could not cope with the additional capacity the development would entail.

Highway safety is a major issue - the development is unsustainable without provision of a continuous footpath for the entire length from the proposed development to Trappe House Comer, together with a safe crossing for pedestrians at Trappe House Comer or suitable alternative location.

These measures will enable safe access to the village centre and school for pedestrians - additional signage [as originally proposed] will not be sufficient.

5.2 Six letters of representation have been received, including communication from the Parish Council's advisor on drainage and flood risk; this correspondence having been taken into account by the Council's Land Drainage Consultants. The key issues are summarised as follows:-

- Although Welsh Water confirms the adequacy of the waste-water treatment plant, this system has failed on numerous occasions; probably as a consequence of overland flow entering the system. On occasion Elm Green Road itself has been impassable and foul effluent has emerged from the system onto the public highway and very probably fouled the River Dore;
- There is concern that SUDs and swales may not be an entirely appropriate means of dealing with surface water run-off;
- The site is outside the settlement boundary and contrary to the Unitary Development Plan;
- An application for one dwelling was refused at Callowside. How can 38 be considered appropriate?
- There is no continuous pedestrian access to village facilities. The road is very narrow at the junction with the B4347;
- Affordable housing should be better related to goods, services and employment opportunities;
- Bus services are poor and the latest bus returning from Hereford is now the 17:20, meaning it's unlikely that those working in Hereford will be able to use the bus for the work commute. Any contributions from the development should be put towards improving bus services and investigate the potential for adapting the bus route to take in this stretch of Elm Green Road, with a bus-stop located outside the site.

5.3 In response to concerns in respect of pedestrian access to village facilities the proposals have been amended as per the Traffic Manager's comments above. The off-site highway improvements have been through a Phase 1 Road Safety Audit and there is sufficient confidence that the scheme is workable and can proceed to detailed design stage.

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

6.1 Ewyas Harold is identified within the adopted Unitary Development Plan as a main village and is also allocated as a main village within the Golden Valley Housing Market Area within the emerging Local Plan – Core Strategy with a 12% indicative growth target over the plan period. This equates to 55 dwellings.

6.2 Taking the characteristics of the site into account the main issue is whether, having regard to the supply of housing land, the proposals would give rise to adverse impacts, having particular regard to the likely effects upon the character and appearance of the area, nature conservation

interests and highway safety, that would significantly and demonstrably outweigh the benefits of the development so as not to contribute to the achievement of sustainable development.

The Principle of Development in the Context of 'saved' UDP Policies, the National Planning Policy Framework (NPPF) and Other Material Guidance

6.3 S38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

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

6.4 In this instance the Development Plan for the area is the Herefordshire Unitary Development Plan 2007(UDP). The plan is time-expired, but relevant policies have been 'saved' pending the adoption of the Herefordshire Local Plan - Core Strategy. UDP policies can only be attributed weight according to their consistency with the NPPF; the greater the degree of consistency, the greater the weight that can be attached.

6.5 The two-stage process set out at S38 (6) requires, for the purpose of any determination under the Act, assessment of material considerations. In this instance, and in the context of the housing land supply deficit, the NPPF is the most significant material consideration. Paragraph 215 recognises the primacy of the Development Plan but, as above, only where saved policies are consistent with the NPPF:-

"In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that maybe given)."

6.6 The practical effect of this paragraph is to supersede the UDP with the NPPF where there is inconsistency in approach and objectives. As such, and in the light of the housing land supply deficit, the housing policies of the NPPF must take precedence and the presumption in favour of approval as set out at paragraph 14 is engaged if development can be shown to be *sustainable*.

6.7 The NPPF approach to Housing Delivery is set out in Chapter 6 – Delivering a wide choice of high quality homes. Paragraph 47 requires that local authorities allocate sufficient housing land to meet 5 years' worth of their requirement with an additional 5% buffer. Deliverable sites should also be identified for years 6-10 and preferably years 11-15 too. Paragraph 47 underlines that UDP housing supply policies should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

6.8 The Council's published position is that it cannot demonstrate a five year supply of housing land. This has been reaffirmed by the published Housing Land Supply Interim Position Statement – May 2014. This, in conjunction with recent appeal decisions, confirms that the Council does not have a five year supply of deliverable housing land, is significantly short of being able to do so, and persistent under-delivery over the last 5 years renders the authority liable to inclusion in the 20% bracket.

6.9 In this context, therefore, the proposed erection of up to 38 dwellings, including 35% affordable, on a deliverable and available site, identified as having low/minor constraints in the SHLAA, is a significant material consideration telling in favour of the development to which substantial weight should be attached.

6.10 Taking all of the above into account, officers conclude that in the absence of a five-year housing land supply and advice set down in paragraphs 47 & 49 of the NPPF, the presumption in favour of sustainable development expressed at Paragraph 14 of the NPPF is applicable if it should be

concluded that the development proposal is sustainable. As such, the principle of development cannot be rejected on the basis of its location outside the UDP settlement boundary.

Assessment of the Scheme's Sustainability Having Regard to the NPPF and Housing Land Supply

- 6.11 The NPPF refers to the pursuit of sustainable development as the golden thread running through decision-taking. It also identifies the three mutually dependent dimensions to sustainable development; the economic, social and environmental dimensions or *roles*.
- 6.12 The economic dimension encompasses the need to ensure that sufficient land is available in the right places at the right time in order to deliver sustainable economic growth. This includes the supply of housing land. The social dimension also refers to the need to ensure an appropriate supply of housing to meet present and future needs and this scheme contributes towards this requirement with a mix of open market and affordable units of various sizes. Fulfilment of the environmental role requires the protection and enhancement of our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use resources prudently and movement towards a low-carbon economy.
- 6.13 Ewyas Harold is a main village within the UDP and also identified as a main village in the Hereford Local Plan – Core Strategy. It is also the largest village in the Golden Valley Housing Market Area with approximately 460 dwellings. Officers consider that in terms of access to goods, services and employment opportunities the site is sustainably located whereas the delivery of up to 38 dwellings, including 35% affordable, together with contributions towards public open space, sustainable transport and education infrastructure would contribute towards fulfilment of the economic and social roles. These are significant material considerations telling in favour of the development. The site is not subject to any environmental designations and the Council's Conservation Manager observes that the scheme has the potential to deliver ecological enhancement in accordance with saved UDP policy and NPPF objectives.

Impact on Landscape Character

- 6.14 NPPF Paragraph 109 states that valued landscapes should be protected and enhanced. Paragraph 113 advises local authorities to set criteria based policies against which proposal for any development on or affecting protected wildlife or geo-diversity sites or landscape areas will be judged. It also confirms that *'distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.'* Appeal decisions have also confirmed that although not containing the 'cost-benefit' analysis of the NPPF, policies LA2 (landscape character), and LA3 are broadly consistent with chapter 11 of the NPPF.
- 6.15 The application site has no formal landscape designation. It lies in open countryside outside but adjacent the settlement boundary. It was also classified as a site with minor constraints in the SHLAA. The Conservation Manager (Landscape) concludes the proposed development is not likely to adversely affect the character of the landscape or its visual amenity. The officer considers that the site can accommodate development, which would be seen in middle distance views from higher ground against the backdrop of the existing residential development locally. With detailed consideration at the Reserved Matters stage officers consider that the development has the potential to enhance the approach to the village.
- 6.16 The arboricultural report recommends removal of one over-mature oak tree within the roadside hedgerow, with a replacement intended.
- 6.17 On the basis that conditions will be imposed requiring the protection of hedgerows where possible and the formulation of a detailed planting regime and in the context of the housing

supply situation, the principle of development is considered acceptable in the context of 'saved' UDP policies LA2 and LA3.

Pedestrian access to local facilities

- 6.18 Saved UDP policy DR3 and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 30 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 32 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where 'the residual cumulative impacts of development are severe.'
- 6.19 In this case objections have been received in relation to the lack of pedestrian facilities on Elm Green Road and these concerns were also expressed by the Council's Transportation Manager. As a result the applicants have commissioned additional work to determine the feasibility of installing a footway along Elm Green Road to the junction of the B4347 at Trappe House, with a crossing facility for onward travel to the school and other village facilities. This scheme has been subject of a Phase 1 Road Safety Audit which considers the proposal is feasible and the Transportation Manager is content that the scheme, when realised, would represent a significant improvement to pedestrian facilities for the benefit not only of prospective occupiers of the scheme, but also existing residents of Callowside and Elmdale; who at present have to walk on the highway.
- 6.20 The applicants have accepted the necessity of this work, which will be subject to further detailed design and adoption via a S278 agreement. The off-site improvements are, however, sufficiently far advanced for the purpose of taking a decision in relation to this application and go well beyond the original proposal to install advance warning signs – referred to in the Parish Council comments at 5.1. In the context of the wider benefits that these proposals will bring in terms of highway safety and encouragement of non-car borne local trips, officers consider the scheme to represent a significant benefit and contribution towards the social and environmental dimensions of sustainable development.

Land Drainage and Flood Risk

- 6.21 Neither Welsh Water nor the Council's Land Drainage Manager have any objection to the development subject to the imposition of planning conditions. The site lies wholly within Flood Zone 1 and is at low risk of flooding from fluvial sources. Whilst objection letters have expressed concern at surface water drainage and the absence of detailed design from the current submission, there is no objection in principle to the development of the site as proposed on the provision that detailed drainage proposals are formulated and agreed prior to commencement of development. The Land Drainage consultant's comments set out the detailed information that should be incorporated at the detailed design stage and this will be reflected in the imposition of a planning condition to require the submission of a fully integrated foul and surface water drainage system for agreement prior to the commencement of development, with completion of the scheme prior to first occupation of any of the dwelling houses approved. This scheme would be subject to a further round of consultation at the Reserved Matters stage.

Impact on Ecological Interests

- 6.22 The Council's Conservation Manager (Ecology) concurs with the findings of the submitted ecological appraisals. It is concluded that the proposal will not have a significant impact on ecological interests, but actually has the potential to enhance biodiversity. The oak tree scheduled for removal ought to be subject to further survey work prior to felling. Subject to the imposition of conditions as set out below, which include tree and hedgerow protection measures,

the development is considered to accord with the provisions of the Development Plan and NPPF guidance.

S106 Heads of Terms

6.23 The S106 draft Heads of Terms are appended to the report. CIL regulation compliant contributions have been negotiated and are summarised as follows:

‘Education Contribution’	-	£1,891 per open market 2-bed unit £3,106 per open market 3-bed unit £5,273 per open market 4+ bed unit
‘Sustainable Transport Contribution’	-	£1,721 per open market 2-bed unit £2,583 per open market 3-bed unit £3,442 per open market 4+ bed unit
‘Waste & Recycling’	-	£120 per open market dwelling
‘Library’	-	£146 per open market 2-bed unit £198 per open market 3-bed unit £241 per open market 4+ bed unit

The S106 will also include provisions to ensure 35% of the development meets the definition of affordable housing, together with requisite standards and eligibility criteria.

A maintenance contribution towards the management of on-site public open space and any necessary SUDs system, which will be adopted by the Council, will also be required.

Impact on Adjoining Residential Amenity

6.24 Loss of amenity arising from direct and prejudicial overlooking is a material consideration. In this case, officers are satisfied that development of the site is possible without undue impact on adjoining property, particularly those dwellings adjoining the site to the west and north at Callowside and Elmdale respectively. Clearly this will be contingent on detailed consideration at the Reserved Matters stage, but the Design and Access Statement indicates that dwellings would not exceed two storeys and separation distances on the illustrative layout respect the standards that would ordinarily be sought. At this stage, therefore, officers are satisfied that an appropriate layout at the Reserved Matters stage would be capable of according with the requirements of saved UDP policy H13 and NPPF paragraph 12, which demands good standards of amenity.

Sustainable Design

6.25 The applicant has confirmed that all dwellings shall follow a fabric first approach to energy efficiency. It is envisaged that energy consumption and carbon emissions will be reduced by building to a minimum of code 4 of the code for sustainable homes. The site offers good opportunity to construct on an orientation that ensures optimum exposure to passive solar gain.

The Neighbourhood Plan

6.26 The Group Parish Council has designated a neighbourhood plan area. Work has been progressing towards the formulation of the plan for a considerable period. Paragraph 17 of the NPPF, states that planning should be *‘genuinely plan led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of an area’*.

- 6.27 The Neighbourhood Plan is not presently sufficiently far advanced to be attributed weight for the purposes of decision-taking and planning applications cannot, in these circumstances, be refused because they are potentially prejudicial to the neighbourhood plan.

Summary and Conclusions

- 6.28 The Council cannot demonstrate a five-year supply of housing land with requisite buffer. The housing policies of the UDP are thus out-of-date and the full weight of the NPPF is applicable. UDP 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.
- 6.29 When considering the three indivisible dimensions of sustainable development as set out in the NPPF, officers consider that the scheme when considered as a whole is representative of sustainable development and that in the absence of significant and demonstrable adverse impacts, the application should be approved.
- 6.30 The site lies outside but directly adjacent the settlement boundary on a SHLAA site that was designated as having low/minor constraints and is thus in full accord with the Council's interim protocol. Ewyas Harold is, having regard to the NPPF and saved and emerging local policies, a sustainable location and the scheme has been amended to include improvements to pedestrian facilities and thus improve connectivity to village facilities for both existing and prospective residents. In this respect the proposal is in broad accordance with the requirements of chapter 4 of the NPPF (Promoting sustainable travel).
- 6.31 The contribution the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged as fulfilment of the economic role. Likewise S106 contributions and the new homes bonus should also be regarded as material considerations. In providing a greater supply of housing and breadth of choice, including 35% affordable and in offering enhancements to footway and pedestrian crossing facilities locally, officers consider that the scheme also responds positively to the requirement to demonstrate fulfilment of the social dimension of sustainable development.
- 6.32 The Conservation Manager (Landscape) confirms the application site has the ability to accommodate residential development subject to the retention of landscape features and the illustrative material indicates a sensitive, low-density approach which responds positively to local landscape. The site is over 500m from the nearest designated heritage asset (Bridge House Farm) and has no direct impact on this or any other designated heritage asset and the site is not subject to any of the other restrictive policies that footnote 9 of the NPPF refers to.
- 6.33 Officers conclude that there are no highways, drainage, ecological or archaeological issues that should lead towards refusal of the application and that any adverse impacts associated with granting planning permission are not considered to significantly and demonstrably outweigh the benefits. It is therefore concluded that planning permission should be granted subject to the completion of a Section 106 Planning Obligation and appropriate planning conditions. The conditions will include a requirement to limit the number of dwellings to no more than 38 and to formulate an integrated foul and surface water run-off scheme. Officers would also recommend the developer conducts further consultation with the Parish Council and local community as regards the detail of any forthcoming Reserved Matters submission.

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 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. **C01 Samples of external materials**
5. **The development shall include no more than 38 dwellings and no dwelling shall be more than two storeys high.**

Reason: To define the terms of the permission and to conform to Herefordshire Unitary Development Plan Policies S1, DR1, H13 and the National Planning Policy Framework.

6. **H03 Visibility splays**
7. **H08 Access closure**
8. **H11 Parking – estate development (more than one house)**
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**
13. **H21 Wheel washing**
14. **H27 Parking for site operatives**
15. **H29 Covered and secure cycle parking provision**
16. **H30 Travel plans**
17. **The species mitigation and habitat enhancement measures shall be carried out in accordance with the recommendations set out in Section 4.5 of the ecologist's report from EDP dated June 2014. Prior to commencement of the development, the habitat features to be retained or lost shall be clearly identified as part of the landscape plan and the works proposed shall be carried out in accordance with the plan.**

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

- 18. G04 Protection of trees/hedgerows that are to be retained
- 19. G09 Details of boundary treatments
- 20. G10 Landscaping scheme
- 21. G11 Landscaping scheme - implementation
- 22. L01 Foul/surface water drainage
- 23. L02 No surface water to connect to public system
- 24. L03 No drainage run-off to public system
- 25. 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. HN10 No drainage to discharge to highway
- 3. HN08 Section 38 Agreement & Drainage details
- 4. HN07 Section 278 Agreement
- 5. HN04 Private apparatus within highway
- 6. HN01 Mud on highway
- 8. HN25 Travel Plans
- 9. HN05 Works within the highway

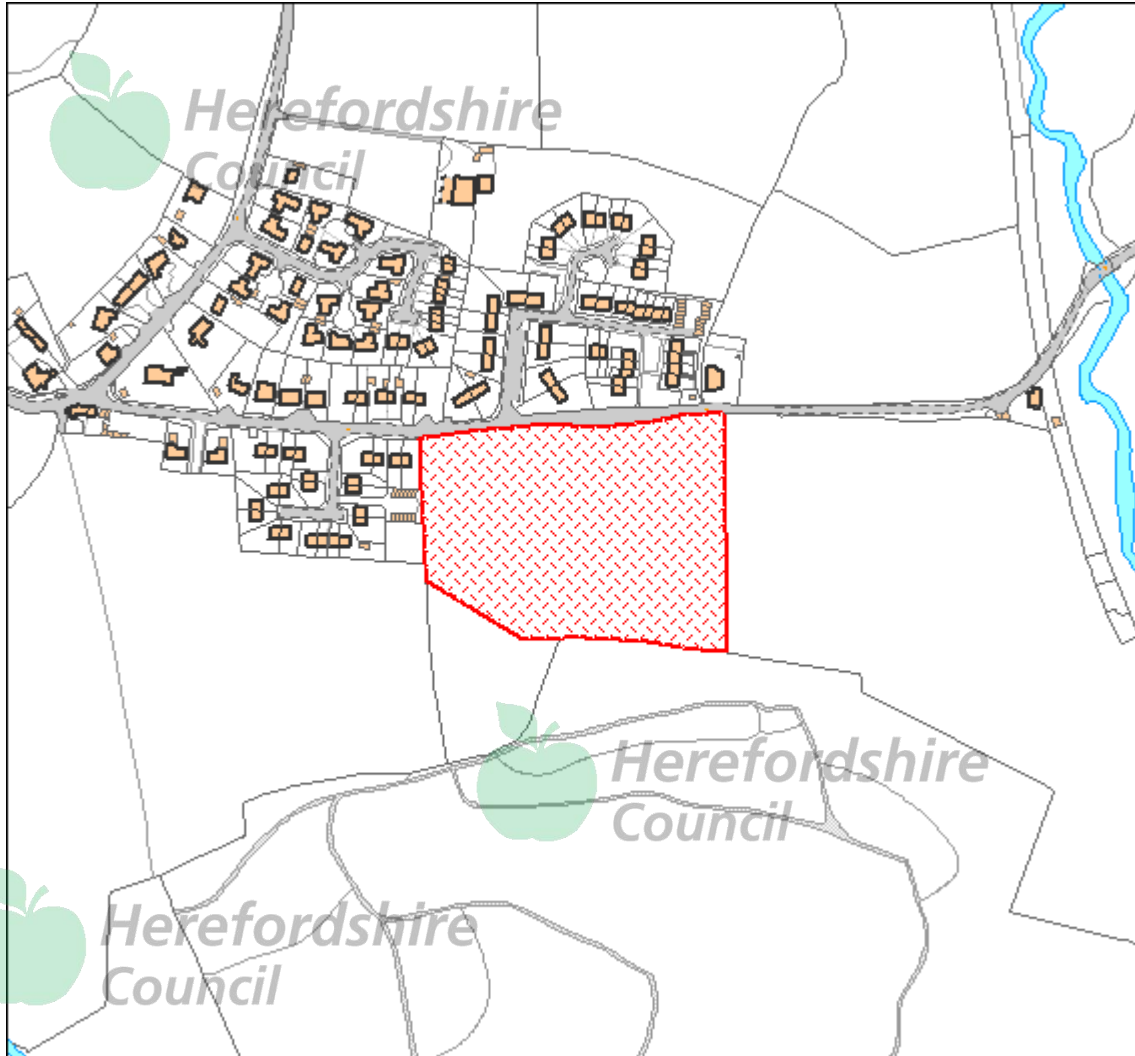
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 141963/O

SITE ADDRESS : LAND EAST OF CALLOWSIDE, ELM TREE ROAD, EWYAS HAROLD,
HEREFORDSHIRE, HR2 0HZ

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

DRAFT HEADS OF TERMS

Proposed Planning Obligation Agreement Section 106 Town and Country Planning Act 1990

Planning Application – 141963/O

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 on general market units only.

Residential Development for the erection of up to 38 dwellings and associated infrastructure on land to the east of Callowside, Ewyas Harold

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of (per open market unit):

£1,891	(index linked) for a 2 bedroom apartment open market unit
£3,106	(index linked) for a 2/3 bedroom open market unit
£5,273	(index linked) for a 4+ bedroom open market unit

to provide enhanced educational infrastructure for Early Years, Ewyas Harold Primary School, a proportionate secondary contribution (8%) to St Marys RC High School, Post 16, Youth Services and Special Education Needs. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sums of (per open market unit):

£1,721	(index linked) for a 2 bedroom open market unit
£2,583	(index linked) for a 3 bedroom open market unit
£3,442	(index linked) for a 4+ bedroom open market unit

to provide a sustainable transport infrastructure to serve the development, which sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

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

- Traffic calming and traffic management measures in the locality
- New pedestrian and cyclist crossing facilities
- Creation of new and enhancement in the usability of existing footpaths and cycleways connecting to the site
- Provision of and enhancement of existing localised bus infrastructure
- Public initiatives to promote sustainable modes of transport
- Safer routes to school

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

£408	(index linked) for a 1 bedroom open market unit
£496	(index linked) for a 2 bedroom open market unit
£672	(index linked) for a 3 bedroom open market unit
£818	(index linked) for a 4+ bedroom open market unit

for sports (contribution based around the requirements of policy H19 and RST4 of the UDP and Sport England Sports Facilities Calculator). The monies shall be used by Herefordshire Council to improve indoor and outdoor sports facilities in the locality in accordance with the draft Playing Pitch Assessment. The sum shall be paid on or before the commencement of development, and may be pooled with other contributions if appropriate.

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

£120.00	(index linked) for a 1 bedroom open market unit
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Further information on the subject of this report is available from Mr A Banks on 01432 383085

£146.00	(index linked) for a 2 bedroom open market unit
£198.00	(index linked) for a 3 bedroom open market unit
£241.00	(index linked) for a 4+ bedroom open market unit

The contributions will provide for enhanced Library facilities. The sum shall be paid on or before the occupation of the 1st open market dwelling, and may be pooled with other contributions if appropriate.

5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £120 (index linked) per open market dwelling. The contribution will provide for waste reduction and recycling in Leominster. The sum shall be paid on or before occupation of the 1st open market dwelling, and may be pooled with other contributions if appropriate.
6. The developer covenants with Herefordshire Council to 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 most recently published tariffs.
7. The developer covenants with Herefordshire Council that 35% (13 units – on basis of development of 38) of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H9 of the Herefordshire Unitary Development Plan or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.
8. Of those Affordable Housing units, at least nine shall be made available for social rent with the remainder being available for intermediate tenure occupation.
9. All the affordable housing units shall be completed and made available for occupation prior to the occupation of no more than 50% of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.
10. The Affordable Housing Units must at all times be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or any 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:-:
 - 10.1. registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
 - 10.2. satisfy the requirements of paragraphs 11 & 12 of this schedule
11. 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 whom has:-
 - 11.1. a local connection with the parish of Ewyas Harold
 - 11.2. in the event of there being no person with a local connection to Ewyas Harold any other person ordinarily resident within the administrative area of the 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 12.1 above.
12. For the purposes of sub-paragraph 13.1 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
 - 12.1. is or in the past was normally resident there; or
 - 12.2. is employed there; or
 - 12.3. has a family association there; or
 - 12.4. a proven need to give support to or receive support from family members; or
 - 12.5. because of special circumstances;

13. 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 such 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.
14. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to Code Level 4 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.
15. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 3, 4, 5, 6 and 7 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.
16. The sums referred to in paragraphs 1, 2, 3, 4, 5, 6 and 7 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.
17. 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.
18. 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.

Andrew Banks
Principal Planning Officer

February 2015



MEETING:	PLANNING COMMITTEE
DATE:	11 FEBRUARY 2015
TITLE OF REPORT:	P142410/O - PROPOSED OUTLINE CONSENT FOR THE ERECTION OF UP TO 38 DWELLINGS AT LAND ADJACENT TO B4222, LEA, ROSS ON WYE, HEREFORDSHIRE, For: MLN (Land and Properties) Ltd per Mr Weatherley, Knights, The Brampton, Newcastle under Lyme, Staffordshire, ST5 0QW
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=142410&search=142410
Reason Application submitted to Committee – Contrary to Policy	

Date Received: 25 July 2014

Ward: Penyard

Grid Ref: 366681,221869

Expiry Date: 14 November 2014

Local Members: Councillor H Bramer

1. Site Description and Proposal

- 1.1 The site is located on the south eastern side of the B4222 Aston Crews to Lea road immediately adjacent to the eastern side of Knightshill housing estate. The land rises up from the road and the site is bisected by a small stream. It is presently an uncultivated meadow.
- 1.2 The proposal is to construct 38 dwellings centred around a new access road. The application is in outline with all matters bar access reserved. Off site improvements are proposed along the B4222 towards and at the junction with the main A40 Ross to Gloucester Road to aid pedestrian movement.
- 1.3 The application is accompanied with an indicative layout confirming that 38 dwellings can be developed together with a balancing pond for sustainable urban drainage and landscape Strategy Plan.

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

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

- Section 8 - Promoting Healthy Communities
- Section 11 - Conserving and Enhancing the Natural Environment

2.2 Saved Policies of the Herefordshire Unitary Development Plan 2007 (UDP):

- S1 - Sustainable Development
- S2 - Development Requirements
- S3 - Housing
- S7 - Natural and Historic Heritage
- DR1 - Design
- DR3 - Movement
- DR4 - Environment
- DR5 - Planning Obligations
- DR7 - Flood Risk
- E15 - Protection of Greenfield Land
- H4 - Main Villages Settlement Boundaries
- H7 - Housing in the Countryside Outside Settlements
- H10 - Rural Exception Housing
- H13 - Sustainable Residential Design
- H15 - Density
- H16 - Parking
- H19 - Open Space Requirements
- HBA4 - Setting of Listed Buildings
- HBA9 - Protection of Open Areas and Green Spaces
- 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
- NC6 - Biodiversity Action Plan Priority Habitats and Species
- NC7 - Compensation for Loss of Biodiversity
- CF2 - Foul Drainage

2.3 Herefordshire Local Plan – Draft Core Strategy:

- SS1 - Presumption in Favour of Sustainable Development
- SS2 - Delivering New Homes
- SS3 - Releasing Land for Residential Development
- SS4 - Movement and Transportation
- SS7 - Addressing Climate Change
- 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 Geodiversity
- LD4 - Historic Environment and Heritage Assets
- SD1 - Sustainable Design and Energy Efficiency
- SD3 - Sustainable Water Management and Water Resources
- ID1 - Infrastructure Delivery

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

2.4 Neighbourhood Planning:

Lea neighbourhood area has been designated, but there have been no consultations on issues or options to date and the draft plan is some way off being finalised. Therefore no weight can be attached to the Neighbourhood Development Plan at this stage.

2.5 Other Relevant National and Local Guidance/Material Considerations:

National Planning Practice Guidance (2014)
Annual Monitoring Report
Five Year Housing Land Supply (2013-2018) Interim Position Statement
Planning for Growth – 2011
Laying the Foundations – 2011
Housing and Growth – 2012
Green Infrastructure Strategy – 2010

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 None

4. Consultation Summary

Statutory Consultees

Welsh Water

Dwr Cymru Welsh Water have outlined strong concerns regarding overland flooding downstream of this proposal, which in turn is having significant detrimental effect of the public sewerage network. The responsibility of land drainage rests with the local authority and/or the Environment Agency. Therefore Dwr Cymru Welsh Water recommends that the Local Authority and other agencies investigate this matter further so that appropriate solutions can be identified to address the issues surrounding flooding from local watercourses.

Notwithstanding the above, we request that if planning permission is granted the following conditions are attached to any planning consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

SEWERAGE

Conditions

Foul water and surface water discharges shall be drained separately from the site.

Reason: To protect the integrity of the public sewerage system.

No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

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

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment. Advisory Notes:

If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652.

Some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal we request the applicant contacts our Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Internal Consultees

4.1 **Transportation Manager**

Clarification on the access splay is required, the speeds are 40 and 36 mph, the visibility put forward is only 101m and 53m. The 53m is light, please see the table below as to HC requirements for the splays are 67m for the 36 mph, this is a shortfall that is unacceptable, this needs to be addressed before any permission.

The Draft Heads of Term doesn't include for transportation, this must be addressed prior to any approval.

The link to the A40 is deficient as identified in the TS, this must be addressed and a footpath included, this will require a S278 agreement which may include alterations to the lights.

Due to the flooding issues, SUDs and drainage are critical to this location.

If the above can be addressed this would make the development acceptable. The issues will need to be conditioned.

4.2 **Conservation Manager (Ecology)**

I have read the report from Rachel Hacking carried out on December 2013. This is a poor time of year to carry such surveys out but given the character of the site I do not think it would have revealed much more than it has. The grassland is species poor so much so that the Millennium Phase 1 Habitat Map has recorded it as improved. However, there is much opportunity for site ecological enhancement. I would also note that the watercourse should be protected from the activities involved in construction which should be detailed in a Construction Environmental Plan.

The stream has undergone substantial clearance works. At some stage the landscaping will need to be done to the stream which should have a riparian zone of vegetation to ensure otters are able to access it undisturbed with some water vole habitat creation preferably. We need a plan for this and for the site's other ecological enhancements which should be accomplished under a habitat enhancement scheme for which I shall ask a method statement as follows:

The recommendations set out in the ecologist's report from Rachel Hacking Ecology should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme to include riparian improvements for nature conservation should be submitted to and be approved in writing by the local planning authority. The scheme shall be integrated into the landscape with the arboricultural schemes and 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

In addition if approval is given I would like to see a Construction environmental management Plan to ensure the water course is kept free of pollutants and contamination from site run-off. The following condition should secure this:

Prior to commencement of development, a Construction Environmental Management Plan shall be submitted for approval in writing by the local planning authority and shall include timing of the works, details of storage of materials and measures to minimise the extent of soil erosion, dust, odour, noise and vibration arising from the demolition and construction process. The Plan shall be implemented as approved.

Reasons:

To ensure that all species and sites 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's Unitary Development Plan.

To comply with policies NC8 and NC9 within 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

4.3 Conservation Manager (Landscape)

Proposed Development:

The proposal is an outline application for up to 38 dwellings with associated access and landscaping.

Site and Surrounding Area:

The site is situated off the B4222, at the eastern approach to the settlement of Lea. It lies adjacent to the settlement boundary which encompasses the 20th century residential development of Rudhall View to its immediate west.

Landscape:

The site currently scrub and grassland, it is bounded by hedgerow on all sides although intermittent in places. The northern section of the site is essentially flat in character lying at 85m AOD. At approximately 150m south the rise in the landform

because more pronounced forming part of the foothills of High Hope. A partially culverted stream runs north to south across the site.

- The Landscape Character type is Principal settled Farmlands: Settled agricultural landscapes of dispersed scattered farms relic commons and small villages and hamlets. Networks of small winding lanes nestling within a matrix of hedged fields are characteristic. Tree cover is largely restricted to thinly scattered hedgerow trees, groups of trees around dwellings and trees along stream sides and other watercourses. Given the current condition of the site it is acknowledged that in terms of landscape impact the site is less sensitive. Its surroundings however are considered to typify the aforementioned character type.
- There are no statutory designations within the site. The Environment Agency Flood Map for surface water indicates 1 in 30 year rainfall event.
- The site fulfils an important role in forming part of the eastern approach to the settlement along the B4222.

Visual and Public Amenity:

- At the approach to the village from the east the settlement of Lea is well contained. Rudhall View, existing residential development, only comes into the line of vision at the change of direction of the road. Hedgerow along the site boundaries filters these views, only the south eastern tip of the proposal has clear views.
- Views along both the northern and southern approach to Lea along the A40 are considered unlikely due to intervening built form.
- Views along the C1281 to Aston Crews will be intermittent through hedgerow gaps.
- Public Right of Way LE3 located on higher ground has clear views looking down onto the proposal. The site will form part of a 180 degree panorama taking in Penyard Hill to the west and to the east the spire of Linton Church. The settlement of Lea is laid out to the foreground; Lea Villa Residential Park forms a prominent feature in this vista. The proposals adjacent to this development will be 2/3 and will therefore have a degree of impact.
- Views of south eastern tip of the development site from sections of the PROW AG22.

Conclusions:

- It is recognised that there are opportunities for enhancement as part of this development. Primarily within the site itself the opening up and planting of the watercourse forming part of the open space that runs north to south through the site. It is further envisaged that with appropriate planting and management of northern and eastern boundaries the approach to settlement can be enhanced. Further detail with respect to planting proposals and management would be required as part of the Reserved Matters.
- It is considered that the south eastern section of the development is more visually prominent where the landform rises and forms part of the foothills of High Hope. Careful consideration of the layout should be undertaken with an

appropriate buffer following the contour line along the southern boundary, in conjunction with siting of properties greater in height in less sensitive positions within the development. This will reduce the visual impact of the development from a number of aforementioned locations.

4.4 Conservation Manager (Trees)

I have read the arboricultural assessment of the site's trees and hedgerows. Although there are few trees on the site, there needs to be a Tree Protection plan put in place which encompasses protection for the hedgerows in the form of Hera fencing. The loss of trees proposed at the access location should be compensated for in the landscaping plan. I note that there is mention of clearance of scrub which, wherever possible, should be retained for its wildlife value but temporary clearance may be needed for access to complete hedgerow works.

I would propose a non-standard condition which secures site tree and hedgerow protection as follows:

Prior to commencement of the development, a Tree Protection Plan to include trees and hedgerow following "BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations" should be compiled based upon the arboricultural 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

4.5 Conservation Manager (Archaeology)

Thank you for consulting me regarding this proposed development.

There would appear to be little effect on the setting of any heritage assets in the locality, and little potential here for any below ground remains of substance.

On that basis I have no objections, no requirements to advise, and no further comments to make.

4.6 Housing Manager

In principle the Housing Team support the application for 38 dwellings of which 13 would be affordable. As this is an outline application the detail is missing so further discussions on tenure mix, bed sizes and standards all need to be agreed before the submission of reserved matters.

4.7 Land Drainage Manager

Overview of the Proposal

The proposed development comprises the construction of up to 38 residential dwellings, with associated landscaping, ecology and drainage works on land adjacent to the B4222 to the east of the village of Lea. The site area is approximately 1.8 ha as stated on the application form.

Fluvial Flood Risk

The Environment Agency's Flood Map for Planning (Figure 1) shows the site is located in Flood Zone 1. A FRA is required for the development as the site is larger than 1 ha. An FRA has been provided by the Applicant.

A tributary of the Rudhall Brook passes through the west of the site. Fluvial flood risk associated with this minor watercourse has been assessed by the Applicant within the FRA. The Applicant notes that flooding within the south of the site has occurred due to surcharging of the culvert beneath the B4222 and that further investigation of the cause of this flooding (i.e. culvert capacity, culvert failure, partial blockage) will be undertaken during detailed design. We are also aware of previous flood incidents affecting properties in the adjacent Rudhall View. The Applicant also confirms that the assessment of culvert capacity will include a 20% increase in river flow to accommodate for the potential effects of climate change. As the tributary catchment is less than 5 km², we consider a climate change allowance of 30% is more appropriate. We also recommend that the Applicant considers how flooding from this watercourse can be managed within the development up to the 1 in 100 year plus climate change event - in particular through the profiling of land to direct flood waters away from development and towards less vulnerable areas such as the proposed soft landscaped areas.

Due to the recorded flooding in the vicinity we also require an assessment of the capacity of the tributary through the site to demonstrate that the flows for the 100 year event (including climate change allowance) can be managed without affecting properties and recommend this is undertaken to support the planning application.

Other Considerations and Sources of Flood Risk

The Applicant's FRA concludes that the risk of flooding to the site from groundwater, public sewers, highway drainage and overland flow is low. However, the FRA acknowledges overland flow risks from high ground to the south of the site and states that these can be adequately managed by intercepting these flows, setting finished floor levels of buildings at least 150mm above surrounding external ground levels and shedding surface water away from buildings. We agree with this approach and recommend that evidence of its implementation is submitted to the Council prior to construction. We also recommend that the Applicant demonstrates how intercepted flows will be managed to avoid flooding elsewhere - i.e. by discharging these flows to areas of low vulnerability and ensuring that any flows that enter the development's surface water drainage system are considered in the design of the system.

Surface Water Drainage

The Applicant has not provided an outline drainage strategy with their application but provides a detailed description of the proposals within the FRA. Our interpretation of the Applicant's strategy comprises the following:

- The site drainage system will be designed to ensure no flooding up to the 1 in 30 year event.
- Flows that exceed the site drainage system will be contained safely within the site to ensure no risk of flooding to vulnerable/critical areas of the site and no increased risk of flooding to people and property elsewhere up to and including the 1 in 100 year event and allowing for the potential effects of climate change.
- The use of SUDS for the management of surface water, with preference given to source-control techniques such as soakaways and permeable paving prior to discharge to the tributary of Rudhall Brook.

- The use of on-ground SUDS techniques such as swales and ponds in preference of below ground methods of conveyance and storage.
- Attenuation of discharge from the site to limit flows to existing greenfield rates (discussed further below) up to and including the 1 in 100 year event and allowing for the potential effects of climate change.

We note that the Applicant suggests that soakaways may be located within gardens of private properties. We do not normally recommend this approach for a number of reasons, namely:

- i. There is a high risk that homeowners could alter/impact/reduce/damage the SUDS features and reduce their effectiveness.
- ii. Many of the SUDS features could be inaccessible for future maintenance works, particularly if high pressure jetting will be required to remove sediment/silt build up and/or other blockages. There is a known siltation problem to drains and watercourses within Lea.
- iii. Depending on the design of the SUDS features, they may require replacement during the design life of the housing development and this would cause major disruption to residents.

We recommend that further consideration is given to alternative solutions or justification that no other options exist. If SUDS are proposed in private gardens, we recommend that the Applicant sets out how the above risks will be managed. Given the size of the proposed development site and the provision of open space, the use of multi-property SUDS features as illustrated on the Indicative Layout drawing is preferred.

The Applicant's proposals are in accordance with the draft National Standards for Sustainable Drainage and Policy DR4 of the Unitary Development Plan that state the drainage strategy should incorporate the use of Sustainable Drainage (SUDS) where possible.

Our review of the Cranfield University Soils mapping indicates that soils within this area are freely draining and may therefore be suitable to support infiltration. The site is not located in a groundwater Source Protection Zone and therefore all forms of infiltration should be possible subject to testing of infiltration rates and contamination assessment. We recommend that infiltration testing is undertaken in accordance with BRE365 and that the results are submitted to the Council prior to construction. If infiltration systems are to be used, we also recommend that the Applicant confirms the depth to the groundwater table as the base of any infiltration feature must be a minimum of 1.0m about the highest recorded groundwater level.

The Applicant states that discharge from the site will not exceed existing greenfield runoff rates. However, the Applicant also states that limiting discharge to existing greenfield rates during smaller events (specifically the 1 in 1 year and QBAR) is not practical due to risk of blockage. The Applicant therefore intends to limit discharge rates to a minimum of 5 l/s. Whilst we agree with the risk of blockage in some flow control devices during smaller rainfall events, the proposed development site is located within an area that is prone to surface water flooding - particularly flooding of the sewerage network and foul water pumping station. We therefore strongly recommend that the Applicant considers the impact of this development on local surface water flood risks during smaller flood events by either limiting discharge from this site to current greenfield rates through the use of appropriate flow control devices and/or demonstrating that discharge from this site at a minimum discharge of 5l/s will not increase local flood risks.

The Applicant should also demonstrate how they have considered designing for 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 0635: Designing for exceedance in urban drainage: Good practice.

Following confirmation of the proposed drainage strategy and prior to construction the Applicant should inform the Council of the details of any necessary maintenance of the proposed surface water drainage system along with who will be responsible for undertaking maintenance.

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

It is understood that a gravity drainage system is proposed and that discharge will be made into the Welsh Water foul sewerage network. We understand that Welsh Water has been consulted regarding these proposals and we have no further comments.

Overall Comment

We have no objections in principle to the proposed development. However, the management of flood risk and surface water runoff is an important consideration for this development and if the council is minded to approve the application we recommend that the following information is submitted as part of any reserved matters submission and/or planning condition:

- Findings of further flood studies associated with channel capacity through the site and surcharging of the culvert beneath the B4222. This should demonstrate that the Applicant has considered and adequately mitigated flooding from this watercourse within the development up to the 1 in 100 year plus climate change event.
- Details of proposed measures to manage flood risk from overland flow from high ground to the south of the site and demonstration that intercepted flows will be managed to avoid flooding within the site and increased flood risk elsewhere.
- A detailed drainage strategy, with supporting calculations, showing the location and sizes of any soakaways and attenuation storage and demonstrating how discharges from the site are restricted to greenfield rates for a range of events up to the 100 year (with climate change allowance) and/or demonstrating that a minimum discharge of 5l/s will not increase flood risk elsewhere.
- 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.
- Evidence of infiltration testing in accordance with BRE365 at locations of proposed soakaways to support the design. Groundwater levels should also be provided as Standing Advice recommends the invert levels of soakaways are a minimum of 1m above the groundwater level.
- Details of the proposals for adoption and maintenance of the surface water drainage system.
- 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.

5. Representations

- 5.1 The Lea Parish Council met on the 10th September 2014 to discuss Planning Application P142410/O. The meeting was attended by 6 Parish Councillors, 10 members of the public and 2 consultants representing the applicant. Following a presentation of the proposal by the consultants and a general discussion the views of the council regarding various aspects are set out below.

Surface Water Drainage

In respect this proposal was not of such concern as with other recent applications being downstream of the main flooding problems in the centre of the village. The site was known to have experienced flooding mainly due to the backlog of the culvert under the B4222. It was questioned whether this culvert was of sufficient capacity to cope with these proposals.

Impact on Foul Drainage System

This was not considered to be a problem because the site is adjacent to the Pumping Station.

Impact on Highways

Although the proposed access is within the 30 mph zone it was considered that a large proportion of the traffic far exceed the limit. If the proposals were to be given the go ahead then some form of traffic calming should be introduced.

Type of Housing Provision

As with other recent applications, concern was expressed about the proportion of affordable housing. It was felt that the village already had a significant proportion of this type of housing and there was no evidence of need.

Environmental and Visual Impact

It was considered that the site was truly open countryside and the proposals would create a visually negative impact on the area. The existing building line/settlement boundary was very clearly defined.

Other Matters

Concerns were raised about the ability of the local primary school to accommodate more pupils. It was felt that any Section 105 monies raised should be used to deal with the flooding problems in the centre of the village.

Having heard the discussions, parishioners were asked to vote on the application. There were nil for it, against with 3 abstentions. The Parish Councillors voted nil for it and 6 against.

Aston Ingham Parish Council state:-

Aston Ingham objects to this application principally because it fails the sustainability test, and therefore permission should not be granted on the basis of a presumption in favour of sustainable development, which the developers claim should override the policies in the DUP.

Specifically, the core principle of sustainability is that dwellings should be build close to sites of employment and other mainstream services, such as retail areas, medical centres and other public services. The fact that the minor facilities quoted in the proposal (village shop, pub and

church) are within walking distance of the development is inconsequential, as residents will need to commute to work and otherwise travel to local towns for all other services.

The Parish Council considers that the existence of a bus route through the village to other towns contributes little to the sustainability equation. The service is under-utilised and subsidised, despite being close to existing housing development in Lea, and its future is not guaranteed. It is very unlikely that the proposed development will change the dynamics in any meaningful way, and Councillors feel that the proposal substantially under-estimates the number of private car journeys by a considerable margin, and therefore highway capacity and congestion problems.

These major issues are of a scale which places them outside the scope of S106 or reserved matters. The Parish Council submits that the proposal must be considered in the context of other proposed development in the village, as the total number of dwellings is far in excess of what is reasonable for a village of this size, amenities and infrastructure and inherently contrary to the principles of sustainability. These are significant concerns regarding potential flooding and the capacity of the sewage system.

In addition, Councillors raised a number of concerns over development in the AGLV, visual impact and local infrastructure capacity, and were sceptical of projections of local employment opportunities which would be created by the development.

The quality of the scheme in terms of layout and design is acknowledged.

Ross-on-Wye Civic Society state:-

We object on similar grounds to our objection to 142108/O, namely that the proposed 38 dwellings combined with others under consideration create a total that is so grossly disproportionate to the current size of the community as to pose a huge threat to its character. It is hardly the fault of Lea residents that the county as yet has neither a Core Strategy in place nor a 5 year supply of building land, and that the parish itself has not had time in which to produce a Neighbourhood Plan. The intention of the planning authority, according to its draft strategic plan, is for Lea's housing stock to increase by some 14% by 2031 – perhaps some 30+ new dwellings. This current application together with others does not increase this figure only marginally – it takes matters into the realm of a developers' free-for-all, totally at odds with what the authority & local community are seeking to achieve.

Lea Action Group state:-

As chair of the Lea Action Group my attention has been drawn to an application for outline planning permission to construct up to 38 dwellings on land adjacent to the B4222 in Lea. Having consulting the group's governing committee I must inform you that in our view the application gives rise to a number of concerns which should without doubt be addressed before it can be approved.

The applicant is proposing that vehicular access to the planned estate should be from the B4222. We feel that this is wholly inappropriate given that the road concerned is narrow, twisting, pot-holed, prone to flooding in places and cannot realistically be expected to support a higher volume of traffic without a significant – and expensive up-grade.

The highway's inadequacies combined with restricted visibility must surely mean that traffic entering and leaving the proposed development will create a road safety hazard. Bearing in mind that the B4222 is already heavily used by agricultural vehicles and by large tractors towing heavily-laden trailers in particular, with a limited ability to stop quickly in an emergency.

We suspect that the applicant may have under-estimated the volume of traffic the estate is likely to generate given the number of people who now use home delivery services. We would

suggest that the access arrangements contravene the requirements of S6 Transport as laid out in the saved policies of Herefordshire Council's UDP.

It is incidentally worth noting that a proposal to build four houses (your ref P131104/O) on the opposite side of the B4222 and adjacent to Millbrook Gardens was rejected by the Planning Inspectorate on appeal on 14 March 2014 partly on access ground.

The P142410/O site is prone to flash flooding and people who live nearby report that it drains poorly. Were it to be developed then the culvert that runs beneath the B4222 would surely require enlarging.

Lea is of course at serious risk of surface water flooding, so much so that no further development should be sanctioned until the necessary remedial works have been carried out.

While the applicant has outlined measures that should in theory mitigate the danger that the proposed housing scheme will make the situation worse, caution must prevail given the village's vulnerability. It should be borne in mind that properties in Rudhall View, adjacent to the site, were among those inundated during the major floods that affected Lea in November 2012.

Parts of Lea's sewers are porous and admit water during periods of heavy rainfall. As a result they overflow, deluging properties in the village with an unappetising mixture of sewage and dirty water.

No further dwellings should be connected to the sewer network until the necessary repairs have been executed. It is our understanding that Welsh Water will not be in a position to undertake this task until 2016 at the very earliest.

While the pumping station has plenty of capacity if all it is asked to pump is sewage, it can not cope with a mixture of sewage and large volumes of surface water.

On the subject of flooding we feel bound to draw attention to the EIA Schedule 2 screening check-list and report dated 12 February 2014.

Paragraph 5.4 states: "The site is susceptible to surface water flooding and shows on the OS maps as wert ground with a watercourse crossing it. The site lies within the area identified as requiring consideration of possible adverse effects on the River Wye SAC/SSSI under the Habitats Regulations.

Stage 4, Section B, box (c) states when referring to the site: "Flood risk." It alludes to the closeness of the site to the Gloucestershire border and potential trans-boundary considerations and point out that there is a former landfill site to the north that raises potential contaminated land issues.

Such concern over flooding – not to mention contaminated land – must surely place a major question mark over the development's sustainability. It would certainly seem to contravene the following saved policies of Herefordshire Council's UDP: DR4 Environment, DR7 Flood Risk, and S2 Development Requirements.

The applicant intends to provide 13 affordable houses. This is surely excessive given that so much of the existing housing in the village – and in that part of Lea in particular – already falls into this category and betrays a lack of understanding by the applicant of the real needs of the existing community.

A proper appreciation of the local demographic would surely mean that bungalows designed to be easily accessible by people with limited mobility would make far more sense given Lea's high age profile.

While we note that a contribution for flood relief works is mooted as an alternative to the 13 affordable dwellings, we would repeat the aforementioned extreme vulnerability of Lea to flooding must mean that remedial flood works are carried out before development is approved.

It is to the applicant's credit that some provision has been made to ease access by pedestrians to the centre of the village. However, they will still have to cross the B4222 which will have been made considerably busier by the development and will face a long walk to the shop, post office and public house.

They will face an even longer one to the village hall, church and school; and Lea Primary School is full.

While provision for educational funding will be made by the applicant should planning permission be granted, there is no indication as to how that funding will be spent or whether it will be sufficiently adequate.

We are unimpressed by the ecologist's survey of the site. It was apparently conducted last December which by the ecologist's own admission was a sub-optimal time for the work to be carried out.

We feel nevertheless that two paragraphs from the survey are worth quoting:

- i) "The scrub habitat on site is valuable nesting habitat for birds and foraging habitat for birds and small mammals."
- ii) The grassland does offer limited ecological value as it provides cover for small mammals and a pollen and nectar source for invertebrates."

The above concerns must be fully addressed before this application can be approved. If they are not, then it must be refused.

Four letters of Objection have been received the main points are:-

1. The site is on the edge of the village over 1500m away from the school and Church.
2. Nearest bus stop is 800m.
3. Development of this nature is more suitable to a suburban area.
4. With other applications being considered this would make a total of over 157 new dwellings if all approved and the cumulative impact should be considered.
5. The school is presently full.
6. The site suffers from flash flooding and drains poorly.
7. Lea has significant flooding problems.
8. The B4222 Road is narrow and use by large agricultural vehicles and new housing with associated traffic will cause problems.

- 5.2 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 Lea is identified within the adopted Unitary Development Plan as a main village and is also allocated as a main village within the Ross-on-Wye Housing Market Area within the emerging Local Plan – Core Strategy with a 14% indicative growth target over the plan period. This equates to approximately 31 dwellings. The application is made in the context of the housing land supply deficit.
- 6.2 Taking the characteristics of the site into account the main issue is whether, having regard to the supply of housing land, the proposals would give rise to adverse impacts, having particular regard to the likely effects upon the character and appearance of the area, nature conservation interests and highway safety, that would significantly and demonstrably outweigh the benefits of the development so as not to contribute to the achievement of sustainable development.

The Principle of Development in the Context of 'Saved' UDP Policies the NPPF and Other Material Guidance

- 6.3 S38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

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

- 6.4 In this instance the Development Plan for the area is the Herefordshire Unitary Development Plan 2007(UDP). The plan is time-expired, but relevant policies have been 'saved' pending the adoption of the Herefordshire Local Plan - Core Strategy. UDP policies can only be attributed weight according to their consistency with the NPPF; the greater the degree of consistency, the greater the weight that can be attached.

- 6.5 The two-stage process set out at S38 (6) requires, for the purpose of any determination under the Act, assessment of material considerations. In this instance, and in the context of the housing land supply deficit, the NPPF is the most significant material consideration. Paragraph 215 recognises the primacy of the Development Plan but, as above, only where saved policies are consistent with the NPPF:-

"In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that maybe given)."

- 6.6 The effect of this paragraph is to supersede the UDP with the NPPF where there is inconsistency in approach and objectives. As such, and in the light of the housing land supply deficit, the housing policies of the NPPF must take precedence and the presumption in favour of approval as set out at paragraph 14 is engaged if development can be shown to be *sustainable*.
- 6.7 The NPPF approach to Housing Delivery is set out in Chapter 6 – Delivering a wide choice of high quality homes. Paragraph 47 requires that local authorities allocate sufficient housing land to meet 5 years' worth of their requirement with an additional 5% buffer. Deliverable sites should also be identified for years 6-10 and preferably years 11-15 too. Paragraph 47 underlines that

UDP housing supply policies should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

- 6.8 The Council's published position is that it cannot demonstrate a five year supply of housing land. This has been reaffirmed by the recently published Housing Land Supply Interim Position Statement – May 2014. This, in conjunction with recent appeal decisions, confirms that the Council does not have a five year supply of deliverable housing land, is significantly short of being able to do so, and persistent under-delivery over the last 5 years renders the authority liable to inclusion in the 20% bracket.
- 6.9 In this context, therefore, the proposed erection of approximately 38 dwellings, including 6 affordable, on a deliverable and available site is a significant material consideration telling in favour of the development to which substantial weight should be attached.
- 6.10 Taking all of the above into account, officers conclude that in the absence of a five-year housing land supply and advice set down in paragraphs 47 & 49 of the NPPF, the presumption in favour of sustainable development expressed at Paragraph 14 of the NPPF is applicable if it should be concluded that the development proposal is sustainable. As such, the principle of development cannot be rejected on the basis of its location outside the UDP settlement boundary.

Assessment of the Scheme's Sustainability Having Regard to the NPPF and Housing Land Supply

- 6.11 The NPPF refers to the pursuit of sustainable development as the golden thread running through decision-taking. It also identifies the three mutually dependent dimensions to sustainable development; the economic, social and environmental dimensions or *roles*.
- 6.12 The economic dimension encompasses the need to ensure that sufficient land is available in the right places at the right time in order to deliver sustainable economic growth. This includes the supply of housing land. The social dimension also refers to the need to ensure an appropriate supply of housing to meet present and future needs and this scheme contributes towards this requirement with a mix of open market and affordable units of various sizes. Fulfilment of the environmental role requires the protection and enhancement of our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use resources prudently and moving towards a low-carbon economy.
- 6.13 In this instance officers consider that in terms of access to goods and services the site is sustainably located whereas the delivery of up to 38 dwellings, including 6 affordable, together with contributions towards public open space, sustainable transport, flood defences and education infrastructure would contribute towards fulfilment of the economic and social roles. These are significant material considerations telling in favour of the development.

Impact on Landscape Character

- 6.14 NPPF Paragraph 109 states that valued landscapes should be protected and enhanced. Paragraph 113 advises local authorities to set criteria based policies against which proposal for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. It goes further, however, and confirms that *'distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.'* Appeal decisions have also confirmed that although not containing the 'cost-benefit' analysis of the NPPF, policies LA2 (landscape character), LA3 (setting of settlements), NC1 (biodiversity and development), NC6 (biodiversity action plans), NC7 (compensation for loss of biodiversity) and HBA4 (setting of listed buildings) are broadly consistent with chapter 11 of the NPPF.

- 6.15 The application site has no formal landscape designation. It lies in open countryside outside but adjacent the settlement boundary. The SHLAA has identified that the site has low/minor constraints. It is accepted that the proposed development is not likely to adversely affect the character of the wider Herefordshire landscape indeed the Conservation Manager (Landscape) considers that the site can offer enhancement although this is contingent on the Reserved Matters submission reflecting the need to enhance landscaping as identified. The landscape plan partly reflects this requirement with enhanced green infrastructure by drawing development away from the eastern and southern boundaries onto the open fields and the most prominent part of the site.
- 6.16 On the basis that conditions will be imposed requiring the protection of hedgerows and SUDS scheme, and in the context of the housing supply situation, the principle of development is considered acceptable in the context of 'saved' UDP policies LA2 and LA3.

Impact on Ecological Interests

- 6.17 The Council's Ecologist concurs with the findings of the submitted ecological appraisals. It is concluded that the proposal will not have a significant impact on ecological interests. Subject to the imposition of conditions and informatives as set out below, the development is considered to accord with the provisions of the Development Plan and NPPF guidance.

Transport

- 6.18 The Transportation Manager raised concerns initially regarding the visibility relating to the new access. However this has now been resolved with the appropriate distances of 67m and 101m being confirmed. In addition the off-site improvements to enhance pedestrian connectivity in the village is a further key aspect to the development which will also be an enhancement for existing residents.
- 6.19 Therefore the Transportation Manager concludes that the scheme is acceptable relative to the requirements of paragraph 32 of the NPPF.

Land Drainage and Flood Risk

- 6.20 The centre of Lea suffers from flooding and is an identified flood risk area. The Council has commissioned a report to identify the issues and means to alleviate the situation. The findings of this report are due shortly. Due to the topography of the area and with the centre of Lea located within the 'dip' all waters gravitate towards the centre of the village. This has resulted in flooded properties and the closure of the main A40 road.
- 6.21 This planning application through the S106 seeks to provide a substantial sum (£420,000) towards a flood attenuation scheme. The monies have been calculated on reduced affordable housing provision as identified by the housing needs survey for the village. A similar proposal was recently agreed for the site adjacent to the Petrol Filling Station in Lea and this will bring forward £480,000. Therefore approval of this application will provide a fund of £900,000.
- 6.22 The exact figure for the flood attenuation works is not yet known, however, by establishing funding towards a scheme its implementation will inevitably be brought forward and enable additional inward investment from other agencies to fund the scheme. Any monies remaining will be used to provide additional off site-affordable housing. This is considered to be a key economic and social aspect to the scheme which should be given significant weight in the decision making process.

Public Open Space

- 6.23 The masterplan provides for public open space to be provided on site with a play area. The management of these facilities will be by means of a management company.

S106 Contributions

- 6.24 The S106 draft Heads of Terms are appended to the report. CIL regulation compliant contributions have been negotiated. The agent has confirmed agreement to the Draft Heads of Term which provide for a raft of contributions.

Impact on Adjoining Residential Amenity

- 6.25 Loss of amenity arising from direct and prejudicial overlooking is a material consideration. In this case, officers are satisfied that development of the site is possible without undue impact on adjoining property, particularly those dwellings adjoining the site to the west and south. Clearly this will be contingent on detailed consideration at the Reserved Matters stage. However your officers consider this can be achieved.
- 6.26 Care would need to be taken to ensure that dwellings on the site's periphery are constructed at a level that does not result in an undue overbearing impact. At this stage, however, officers are satisfied that an appropriate layout at the Reserved Matters stage would be capable of according with the requirements of saved UDP policy H13 and NPPF paragraph 12, which demands good standards of amenity.

Foul Drainage and Water Supply

- 6.27 The Water Authority has outlined strong concerns regarding overland flooding downstream of this proposal which in turn has had significant detrimental effect on the public sewerage network. However it should be noted that this proposal seeks to fund substantial works of improvement to resolve this matter. They raise no objection to the development in terms of the capacity of the treatment works to cater for the additional foul waste flow or provision of a water supply subject to appropriate conditions as recommended.

The Neighbourhood Plan

- 6.29 Lea Parish Council has designated a neighbourhood plan area. Paragraph 17 of the NPPF, states that planning should be *'genuinely plan led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of an area'*.
- 6.30 However, there have been no consultations on the issues or options to date and therefore the draft plan is somewhat off being finalised (Not yet at Reg 14 Stage). Therefore no weight can be attached to the Neighbourhood Plan at the present time.

Summary and Conclusions

- 6.31 The Council cannot demonstrate a five-year supply of housing land with requisite buffer. The housing policies of the UDP are thus out-of-date and the full weight of the NPPF is applicable. UDP 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.

- 6.32 When considering the three indivisible dimensions of sustainable development as set out in the NPPF, officers consider that the scheme when considered as a whole is representative of sustainable development and that the presumption in favour of approval is engaged. The site lies outside but directly adjacent the settlement boundary on a SHLAA site that was designated as having low/minor constraints. Lea is, having regard to the NPPF, a sustainable location and this site is well placed to benefit from good pedestrian connectivity to village facilities. In this respect the proposal is in broad accordance with the requirements of chapter 4 of the NPPF (Promoting sustainable travel).
- 6.33 The contribution the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged as fulfilment of the economic role. Likewise S106 contributions and the new homes bonus should also be regarded as material considerations. In providing a greater supply of housing and breadth of choice, including 6 affordable homes and in offering enhancements to footway and pedestrian crossing facilities locally, officers consider that the scheme also responds positively to the requirement to demonstrate fulfilment of the social dimension of sustainable development. In addition the contribution towards the flood attenuation scheme is considered to carry significant weight in the planning balance.
- 6.34 The Conservation Manager (Landscapes) confirms the application site has the ability to accommodate residential development subject to the enhanced landscaping of the eastern boundary and retention of other boundary features and the Development Strategy Plan responds positively to these requirements. The site does not exert any influence on the setting of any heritage asset.
- 6.35 Officers conclude that there are no highways or ecological issues that should lead towards refusal of the application and that any adverse impacts associated with granting planning permission are not considered to significantly and demonstrably outweigh the benefits. It is therefore concluded that the presumption in favour of sustainable development should be engaged and that planning permission should be granted subject to the completion of a legal undertaking and planning conditions. The conditions will include a requirement to limit the number of dwellings to no more than 38 and to formulate an integrated foul and surface water run-off scheme. The commencement of the development will also be controlled to run in parallel with the flood alleviation scheme. Finally officers would also recommend the developer conducts further consultation with the Parish Council and local community as regards the detail of any forthcoming Reserved Matters submission.

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 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. **C01 Samples of external materials**
5. **The submission of reserved matters in respect of layout, scale, appearance and landscaping and the implementation of the development shall be carried out in accordance with the approved plans.**

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

Reason: To define the terms of the permission and to conform to Herefordshire Unitary Development Plan Policies S1, DR1, HBA4 and LA4 and the National Planning Policy Framework.

6. **The development shall include a mix of dwellings of no more than 39 dwellings and no dwellings shall be a mixture of one and two storeys high.
Reason: To define the terms of the permission and to conform to Herefordshire Unitary Development Plan Policies S1, DR1, H13, HBA4 and the National Planning Policy Framework.**
7. **H03 Visibility splays**
8. **H06 Vehicular access construction**
9. **H09 Driveway gradient**
10. **H11 Parking - estate development (more than one house)**
11. **H17 Junction improvement/off site works**
12. **H18 On site roads - submission of details**
13. **H19 On site roads - phasing**
14. **H20 Road completion in 2 years**
15. **H21 Wheel washing**
16. **H27 Parking for site operatives**
17. **H29 Secure covered cycle parking provision**
18. **H30 Travel plans**
19. **L01 Foul/surface water drainage**
20. **L02 No surface water to connect to public system**
21. **L04 Comprehensive & Integrated draining of site**
22. **G04 Protection of trees/hedgerows that are to be retained**
23. **G10 Landscaping scheme**
24. **G11 Landscaping scheme - implementation**
25. **K4 Nature Conservation - Implementation**
26. **Prior to commencement of the development, a Tree Protection Plan to include trees and hedgerow following “BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations” should be compiled based upon the arboricultural survey should be submitted to, and be approved in writing by, the local planning authority, and the scheme shall be implemented as approved.**

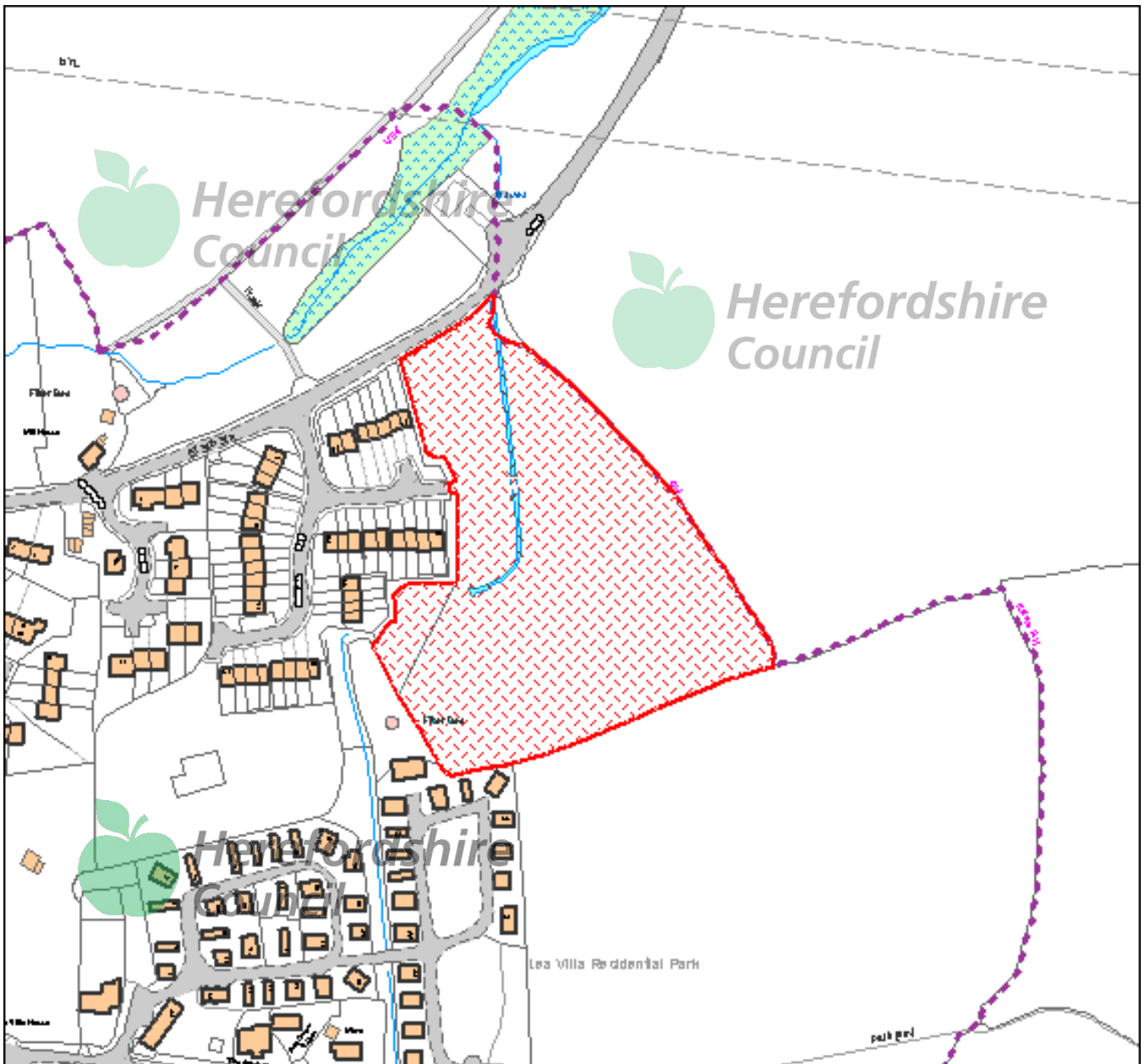
An appropriately qualified and experienced arboricultural clerk of works should be appointed (or consultant engaged in that capacity) to oversee the arboricultural

mitigation work.

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.

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. **HN10 No drainage to discharge to highway**
3. **HN08 Section 38 Agreement & Drainage details**
4. **HN07 Section 278 Agreement**
5. **HN04 Private apparatus within highway**
6. **HN28 Highways Design Guide and Specification**
7. **HN27 Annual travel Plan Reviews**
8. **HN25 Travel Plans**
9. **N11A Wildlife and Countryside Act 1981 (as amended) - Birds**



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

APPLICATION NO: 142410/O

SITE ADDRESS : LAND ADJACENT TO B4222, LEA, ROSS ON WYE, HEREFORDSHIRE

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DRAFT 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 reference: P142410/O

Proposed outline consent for the erection of up to 38 dwellings on land adjacent to B4222, Lea, Ross-on-Wye, Herefordshire

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

£2,845.00 (index linked) for a 2 bedroom open market dwelling

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

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

The contributions will provide for enhanced educational infrastructure at Ryefield Early Years, Lea Primary School, John Kyrle High School, St Mary's Roman Catholic School, Ross Youth and the Special Education Needs Schools. The sum shall be paid on or before first occupation of the 1st open market dwellinghouse, and may be pooled with other contributions if appropriate.

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

£2,457.00 (index linked) for a 2 bedroom open market dwelling

£3,686.00 (index linked) for a 3 bedroom open market dwelling

£4,915.00 (index linked) for a 4+ bedroom open market dwelling

The contributions will provide for sustainable transport infrastructure to serve the development including pedestrian and bus infrastructure improvements at the crossroads in the village centre. The sum shall be paid on or before occupation of the 1st open market dwellinghouse and may be pooled with other contributions if appropriate.

Note: the following improvements are necessary to make the development acceptable and will be delivered through a Section 278 highway agreement

- 2m wide footpath that extends from the entrance of the development site, adjacent to the B4222, identified on drawing number SCP/13267/SK01 REV A*
- Improvements to the junction of the B4222 and A40 to include a build out of the pavement and provision of dropped crossings identified on drawing number SCP/13267/FOI*

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

£120.00 (index linked) for a 1 bedroom open market dwelling

£146.00 (index linked) for a 2 bedroom open market dwelling

£198.00 (index linked) for a 3 bedroom open market dwelling

£241.00 (index linked) for a 4+ bedroom open market dwelling

The contributions will provide for enhanced Library facilities in Ross-on-Wye. The sum shall be paid on or before the occupation of the 1st open market dwelling, and may be pooled with other contributions if appropriate.

4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£120.00** (index linked) per dwelling. The contribution will provide for waste reduction and recycling in Ross-on-Wye. The sum shall be paid on or before occupation of the 1st open market dwelling, and may be pooled with other contributions if appropriate.

5. The developer covenants with Herefordshire Council to pay Herefordshire Council **£420,000.00** (index linked) for the delivery of a flood attenuation system in Lea. In the event that the monies are not required for the flood attenuation system the monies will revert to the delivery of off-site affordable housing. The sum shall be paid on or before occupation of the 1st open market dwelling, and may be pooled with other contributions if appropriate.

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

£426.00	(index linked) for a 2 bedroom open market dwelling
£724.00	(index linked) for a 3 bedroom open market dwelling
£980.00	(index linked) for a 4+ bedroom open market dwelling

The contributions will provide for enhanced off-site play contribution towards the Rudhall View Play Area adjacent to the site. The sum shall be paid on or before first occupation of the 1st open market dwellinghouse, and may be pooled with other contributions if appropriate.

7. Based on the proposed scheme, the developer covenants with Herefordshire Council to provide a minimum of 850 square metres of informal usable on-site Public Open Space (POS).

8. Given the location of the development Herefordshire Council would not wish to adopt any on site Public Open Space. 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 maintenance sum.

9. The developer covenants with Herefordshire Council that 6 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).
10. All the affordable housing units shall be completed and made available for occupation prior to the occupation of no more than 50% of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.
11. 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:-
 - 11.1 registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
 - 11.2 satisfy the requirements of paragraph 12 of this schedule

12. 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:-

12.1 a local connection with the parish of Lea;

11.2 in the event there being no person with a local connection to the above parish 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 above

12. For the purposes of sub-paragraph 11.1 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:

12.1 is or in the past was normally resident there; or

12.2 is employed there; or

12.3 has a family association there; or

12.4 a proven need to give support to or receive support from family members; or

12.5 because of special circumstances

13. 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.

14. 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.
15. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2, 3, 4, 5 and 6 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.
16. The sums referred to in paragraphs 1, 2, 3, 4, 5 and 6 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
17. 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.
18. 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:	11 FEBRUARY 2015
TITLE OF REPORT:	P143600/F - PROPOSED THREE BEDROOM DWELLING AT LAND NORTH OF TARS MILL FARM, HOLLOW FARM ROAD, DINEDOR, HEREFORDSHIRE, HR2 6PE For: Mr D Greenow & Ms V Huntley per Collins Design & Build, 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=143600&search=143600
Reason Application submitted to Committee – Contrary to Policy and the applicant is a Member of Herefordshire Council.	

Date Received: 1 December 2014 **Ward: Hollington** **Grid Ref: 352692,235360**
Expiry Date: 26 January 2015
 Local Members: Councillor P Sinclair-Knipe

1. Site Description and Proposal

- 1.1 The application site lies in the parish of Dinedor, approximately 1.5km South west of the hamlet of Dinedor. The site, that is approximately 0.52 hectares in size, lies to the eastern side of the unmade farm track that leads to Tars Mill Farm from the unclassified road (71009) that runs between the Hoarwithy Road to the west and Holme Lacy Road to the east. The track is also a Public Right of Way.
- 1.2 The site itself is a relatively level site that lies in the north-west corner of a larger agricultural field. The northern boundary of the site is formed by mature trees and hedge, along the stream.
- 1.3 The proposal is for the erection of one three bedroom dwelling, sited to the southern half of the site, fronting the unmade track that leads to Tars Mill Farm. The site's frontage along the track would be 82m with a maximum width of 56m.
- 1.4 The proposed dwelling would be two storey, with a brick plinth, with render above and traditional solid Oak frame to first floor. The dwelling would have an eaves height of 3.7m and ridge height of 6.8m. At ground floor the dwelling would comprise a lounge, open plan kitchen/diner, central hallway, utility and downstairs shower room. At first floor are three bedrooms, bathroom and one en-suite. The utility, downstairs shower room and first floor en-suite are contained within a subservient element that has a reduced eaves and ridge height to the main dwelling. The dwelling also has a rearward projecting gable, and incorporates two chimneys to either end of the main ridge and an oak framed porch in a central location. The proposal would provide 133 sqm of floor space (measured internally).

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

- 1.5 The application submission also states that the dwelling would be constructed to the new building regulations and that consideration has been given to air or ground source heat pump to power the property. Materials will be A rated in the BRE green materials guide and water efficiency measures will be employed (dual flush toilets flow restrictors, water butts).
- 1.6 The application is accompanied by a supporting statement that includes details of the applicants housing need, design and access statement and an assessment of the National Planning Policy and sustainability. Some additional information in respect of functional need for the dwelling has also been submitted at officers' request.

2. Policies

2.1 National Planning Policy Framework

Having particular regard to paragraphs 7, 8 14, 17, 55
Chapter 7
Chapter 11

2.2 Herefordshire Unitary Development Plan

S1	-	Sustainable Development
S7	-	Natural and Historic heritage
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
H7	-	Housing in the Countryside Outside Settlements
H8	-	Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses
H13	-	Sustainable Residential Design

- 2.3 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>

2.4 Herefordshire Local Plan (pre-submission publication – 2014)

SS1	-	Presumption in Favour of Sustainable Development
SS4	-	Movement and Transportation
RA1	-	Rural Housing Strategy
RA2	-	Herefordshire's Villages
RA3	-	Herefordshire's Countryside
RA4	-	Agricultural, Forestry and Rural Enterprise Dwellings
LD1	-	Landscape and Townscape

The Herefordshire Local Plan (Draft Core Strategy) can be viewed on the Council's website by using the following link:

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy>

3. Planning History

- 3.1 None

4. Consultation Summary

Statutory Consultations

4.1 None

Internal Consultation Responses

4.2 The Transportation Manager: Observation awaited.

4.3 The Public Rights or Way Manager has made the following comments:

Access to the property will be via public footpath DD20. PROW do not object to the proposal, but the applicant must be aware that the track is only maintainable by the council to footpath standard.

4.4 The County Land Agent has made the following comments in response to the additional information submitted that relates to functional need:

1. The land total 369 ac consisting of 4 areas, there is no indication of who owns which parcel of land or which area(s) are tenanted. The email states that part of the land is held on "long term tenancies", but there is no indication of whether they are FBT or AHA tenancies nor their duration. Approx. 50 ac of land is rented for producing fodder on a mowing agreement, presumed to be agreed one year at a time.
2. The house, no details are given concerning the house or houses that are on the holding at present or were before the applicant's divorce and whether or not any of them have an agricultural tie or were part of the agricultural business. If any of them have been or are part of the holding then it will be a second dwelling for the farm, or may be a third.
3. The enterprises, stock farming and some arable related to the stock farming.

Cattle:

There is a small suckler herd, it is presumed that this is single suckling rather than multiple, approx. 70 store cattle that are fattened over a period of 24 months, therefore not intensive.

Sheep:

385 breeding ewes, 135 followers (ewe lambs for replacements), 100 ewes and lambs, purchased in the spring and it is presumed sold on as the lambs are sold fat or weaned.

It is presumed that all the lambs are sold fat.

Arable:

50 ac of W Wheat

28 ac of turnips for winter/spring grazing for the ewes and or any remaining lambs.

4. Farm Buildings:

No details are given as to the size of any of the buildings, however they are not up to the present needs, a further livestock building is being erected during 2015, again no details are given.

5. No details of housing on the farm are given nor whether any or all of them have an agricultural tie.
6. Standard Man Days (SMD)

It should be noted that all field work and feeding is included in the figures for the livestock:

385 Ewes at 0.5 SMD per head	192.5
135 Ewe lambs (followers) at 0.3 per head	40.5
10 Rams at 0.5 per head	5.0
70 Store cattle at 1.75 per head	122.5
20 Suckler Cows at 2.13 per head	42.6

It is presumed that all arable work is done by contractor.

The total before maintenance and management is 403.1 SMD

Maintenance and management at 20% of the SMD above is 80.62, therefore the total SMD is 483.73

A standard agricultural labour unit is 275 SMD therefore the labour requirement is 1.756 labour units

7. Financial Test

No figures have been given.

The standard cost of an agricultural full time worker is £20,010 (ABC handbook), added to this needs to be the cost of the money at 3% involved in the breeding stock and the new house, these would be valued as follows:

House, 120 sq m at £1250 /sq m is	£150,000
20 Breeding cows £800 each is	£ 16,000
385 breeding ewes at £80each is	£ 30,800
135 followers at £70 each is	£ 9,100
10 Rams at £200each is	£ 2,000

TOTAL £198,800 at 3% is £5,964

Therefore to pass the financial test there needs to be a profit of £25,974 to justify a house for one person working on the farm, however in this case there may already be a house or possibly 2 and therefore if there is already one house a further £20,010 would be needed to justify another.

Summary

The amount of SMD is more than one but less than two, therefore from the information that we have all that is justified on the farm is one full time and one part time worker.

The need to live on site, I agree that it would be convenient, but in my opinion it is not necessary. Herefordshire Council have a policy that managing a flock of sheep does not qualify a need for a person to live on site, the only time that 24 hour presence is required on the site is for lambing and that can be done from temporary accommodation, for example a caravan. There are only 20 suckler cows and normally 40 or there about are required to have an agreed need for a permanent dwelling on a farm. The arable work can be done by someone living many miles away.

In my opinion from the information given there is not a justification for an agriculturally tied dwelling from the information provided in the email of 13/01/2015

5. Representations

5.1 Dinedor Parish Council support the application.

5.2 53 Letters of support have been received. These can be summarised as follows:

- Local man/farmer (born in parish);
- There is a need for the applicant to care for his elderly father and assist his brother who farms next door;
- There is a need for the applicant to be near to his work and live on site due to the nature of the work;
- Being able to live and work in the same place would be sustainable;
- Need to be on site to care for livestock;
- There is a lack of affordable housing in the area;
- The Council has a five year housing land supply shortage;
- The building will have no harm or detrimental impact on the area;
- This is a modest dwelling that would not impact on anyone else;
- The dwelling would be inconspicuous in the landscape;
- The dwelling would have a positive economic impact;

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

6.1 The proposal is for the erection of a new dwelling in open countryside and as such falls to be considered having regard to the requirements of policy H7 of the Herefordshire Unitary Development Plan. This policy states that proposals for housing developments outside Hereford, the market towns, the main villages and smaller settlements will not be permitted unless it meets one of the exceptional criteria. This includes development where it is clearly necessary in connection with agriculture or forestry where it complies with policy H8.

6.2 As members are aware, the Council does not have a five year housing land supply, and as a result the NPPF requires that housing applications should be considered in the context of the presumption in favour of sustainable development as detailed in paragraph 14. For decision taking, this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework as a whole; or
- Specific policies in this framework indicate development should be restricted.

6.3 The two key Herefordshire Unitary Development Plan policies considered relevant in the assessment of this application are policies H7 (Housing in the countryside outside settlements) and H8 (Agricultural and forestry dwellings and dwellings associated with rural businesses). Policy H7 seeks to control development in open countryside as it is considered important to

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

protect the landscape and wider environment. This policy therefore identifies specific exceptions where new residential development may be acceptable. One of the exceptional circumstances in which residential development in the open countryside may be acceptable is where the demands of agriculture make it essential for farm workers to live at or in close proximity to their place of work. This policy states that new dwellings advanced through this policy will be thoroughly scrutinised and that all applications should be accompanied by full supporting information appraising the need, prepared by an appropriately qualified person and should include a functional assessment, showing why it is essential for the proper functioning of the enterprise for workers to be readily available at all times. This may also be supported by financial information to give evidence of need and business viability.

6.4 In light of the Council's housing land supply deficit, it is necessary to consider the consistency of policies H7 and H8 with the National Planning Policy Framework. Paragraph 55 of the NPPF seeks to promote sustainable development in rural areas, directing housing to be located where it will enhance or maintain the viability of rural communities. It states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances including 'the essential need for a rural worker to live permanently at or near their place of work in the countryside'. It is therefore considered that this element of policy H7, and the thrust of policy H8 are consistent with the requirements of the NPPF and that weight can be attributed to these policies in the decision making process.

6.5 The application submission is accompanied by a supporting statement that sets out the need for the dwelling. This statement focusses on the proposal in the context of policy RA2 of the Herefordshire Local Plan (Pre-submission publication). Members are aware that we cannot attribute weight to these emerging policies at this time and that decisions must be taken having regard to the Herefordshire Unitary Development Plan and National Planning Policy Framework as detailed above.

6.6 Nonetheless what this supporting document does provide is information as to the need for the dwelling. This statement of need can be summarised as follows:

- identifies that the applicant (and wife) are currently residing with his father;
- That the applicant has lived in the parish all of his life and the family have links to the of parish going back 82 years.
- The applicant's brother also farms land near to the application site, is registered disabled and requires assistance close by for the more arduous and labour intensive tasks.
- The applicant's elderly father lives on the farm (in the parish) and now needs assistance with day to day activities.
- The applicant has not only lived, but worked in agriculture all of his life. He farms 375 acres in Dinedor and neighbouring parishes comprising suckler herd, store and fattening cattle, sheep and 55 acres of arable which supplies feed for the livestock.

6.7 The statement refers briefly to a functional need to be on this site to support the 'farm'. Additional information was requested from the applicant so that a proper assessment of this need could be made having regard to the requirements of policy H8. Unfortunately, the applicant declined to submit a fully detailed agricultural appraisal (including accounts) to support the claims for the essential need for the dwelling in this location. A brief overview was however provided and the County Land Agent was subsequently consulted on this. This included confirmation that the land holding referred to in the statement comprises:

- Dinedor - 317 acres
- Ridge Hill - 33 acres
- Lugwardine - 11 acres
- Mordiford - 8 acres

Maps and details of ownership / tenancy were not provided in support of this. The information also confirmed that the main buildings referred to are at Tarsmill Farm, to the south of the application site and that these comprise:

- One large cattle shed
- One large storage shed
- Fodder storage shed
- Large concrete yard area
- Extant planning permission for a further large livestock building to be constructed this year

As Members will see in paragraph 4.4 above, it is concluded that, on the basis of the limited information provided, there is not a justification for an agriculturally tied dwelling in this instance. The proposal would fail to demonstrate an essential need for a rural worker to live permanently in this location and would therefore fail to comply with the requirements of policy H8 of the Unitary Development Plan and paragraph 55 of the National Planning Policy Framework.

- 6.8 The application submission would not comply with any other exception criteria identified by either policy H7 of the Herefordshire Unitary Development Plan or paragraph 55 of the National Planning Policy Framework that seeks to recognise and protect the intrinsic character and beauty of the countryside by restricting new development in such locations.
- 6.9 Having regard to the three roles of sustainability identified by the NPPF, the supporting document makes reference to the social role as being providing housing for someone with longstanding links to, and makes a positive contribution to the community within the parish. There are also economic benefits attributed to construction of dwellings and the support of a farming enterprise (although evidence has not been forthcoming in respect of this aspect). Turning to the environmental role of sustainability; the application submission claims that the development, due to its location and the opportunity for planting would have no adverse impact on the landscape character of the site and surroundings. Whilst this could be said about many sites across the county, the reasoning behind restrictive policies such as Policy H7 of the Herefordshire Unitary Development Plan and paragraph 55 of the National Planning Policy Framework is to recognise the intrinsic beauty of the wider countryside and protect it from unjustified sporadic development. The environmental benefits that could be attributed to this development are negligible.
- 6.10 The application site is isolated from the main village and city so in order to reach services and facilities necessary for most day to day living, there would therefore be a strong likelihood of a significant reliance on the use of the car. It is acknowledged that this would currently be the case for existing occupiers in the immediate vicinity but this is not sufficient justification alone for adding to this situation, through the addition of the proposed dwelling, in terms of sustainability criteria. A high level of reliance on the car would result in the likelihood of a greater level of greenhouse gas emissions compared to a similar development in a more sustainable location. This would be contrary to the Framework which, in supporting the move to a low carbon future, promotes new development being located so as to reduce greenhouse gas emissions and therefore a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport. This is consistent with the UDP policy requirements of policy S1.
- 6.11 The proposal would not provide a suitable site for residential development having regard to the principles of sustainable development. As such it would be contrary to Policies S1 and H7 of the UDP. These policies together, in respect of this issue, state that sustainable development will be promoted by directing necessary new development to locations, settlements and sites that best meet the appropriate sustainable development criteria; and that proposals for housing development outside Hereford and other settlements defined in the Unitary Development Plan will not be permitted unless various criteria are met. It would also be contrary to paragraphs 7, 8, 14 and 55 of the Framework which relate to the need for development to be sustainable. The

very limited benefits that could be attributed to this development would not outweigh the conflict with policy in this instance.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. The proposed site lies in an area of open countryside, isolated from services and facilities. The proposal fails to demonstrate compliance with any of the exception criteria of policy H7 of the Herefordshire Unitary Development Plan or special circumstances contained within paragraph 55 of the National Planning Policy Framework. These policies, along with policy S1 of the Herefordshire Unitary Development Plan state that sustainable development will be promoted by directing necessary new development to locations, settlements and sites that best meet the appropriate sustainable development criteria. In this instance the very modest benefits that could be attributed to the proposal would not outweigh the requirement for sites to be sustainably located and would therefore be contrary to paragraphs 7, 8 and 14 of the Framework which relate to the need for development to be sustainable.**

Informative

- 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 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 has not been possible to negotiate a satisfactory way forward and due to the harm which have been clearly identified within the reason(s) for the refusal, approval has not been possible.**

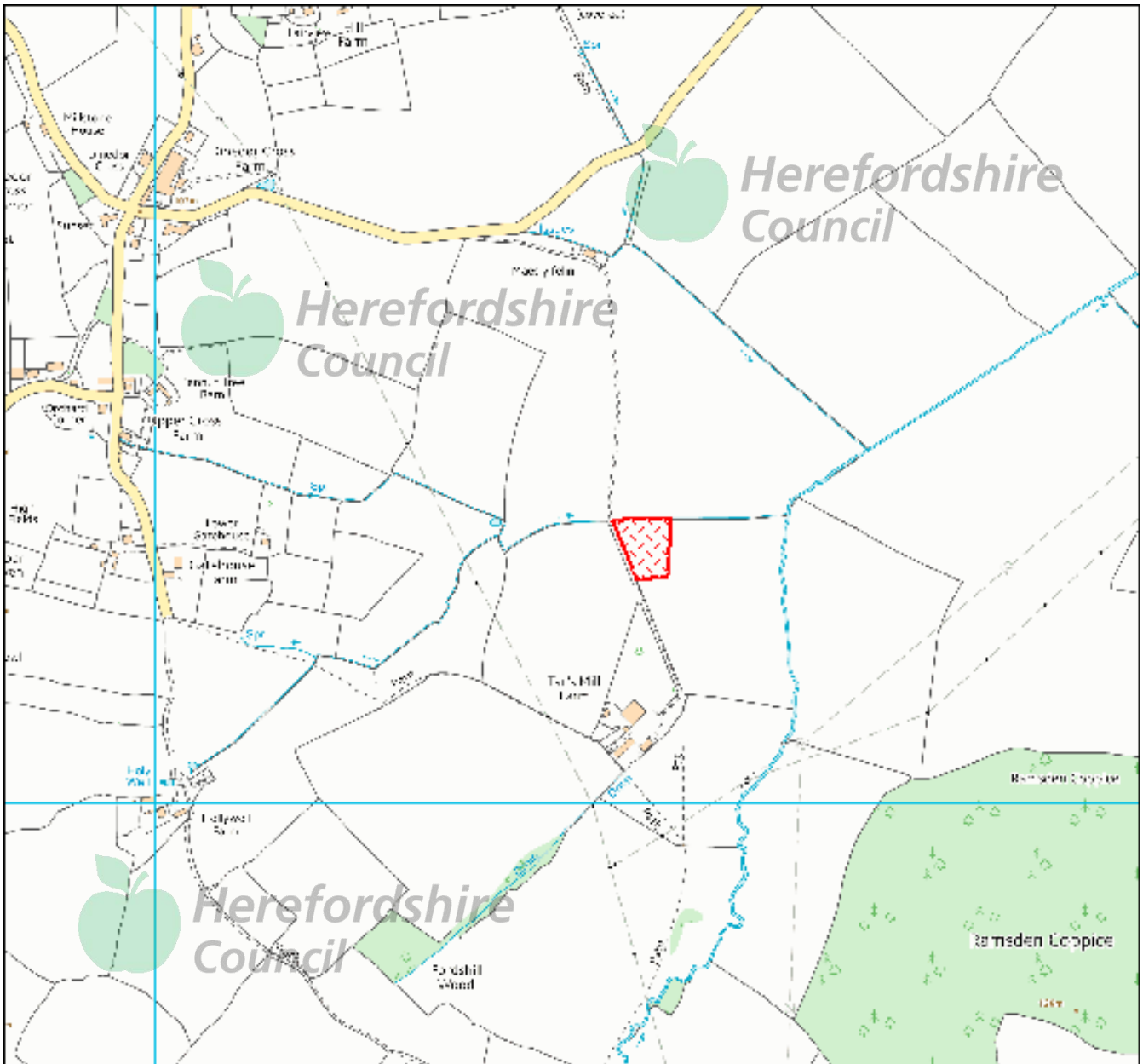
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 143600/F

SITE ADDRESS : LAND NORTH OF TARS MILL FARM, HOLLOW FARM ROAD, DINEDOR, HEREFORDSHIRE, HR2 6PE

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