

# AGENDA

## Planning Committee

Date: **Wednesday 7 October 2015**

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Time: **10.00 am**

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

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

For any further information please contact:

**Tim Brown, Democratic Services Officer**

Tel: 01432 260239

Email: [tbrown@herefordshire.gov.uk](mailto:tbrown@herefordshire.gov.uk)

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If you would like help to understand this document, or would like it in another format, please call Tim Brown, Democratic Services Officer on 01432 260239 or e-mail [tbrown@herefordshire.gov.uk](mailto:tbrown@herefordshire.gov.uk) in advance of the meeting.

# **Agenda for the Meeting of the Planning Committee**

## **Membership**

**Chairman**

**Councillor PGH Cutter**

**Vice-Chairman**

**Councillor J Hardwick**

**Councillor BA Baker**

**Councillor CR Butler**

**Councillor PJ Edwards**

**Councillor DW Greenow**

**Councillor KS Guthrie**

**Councillor EL Holton**

**Councillor JA Hyde**

**Councillor TM James**

**Councillor JLV Kenyon**

**Councillor FM Norman**

**Councillor AJW Powers**

**Councillor A Seldon**

**Councillor WC Skelton**

**Councillor EJ Swinglehurst**

**Councillor LC Tawn**

## AGENDA

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| 1.  | <p><b>APOLOGIES FOR ABSENCE</b></p> <p>To receive apologies for absence.</p>  |           |
| 2.  | <p><b>NAMED SUBSTITUTES (IF ANY)</b></p> <p>To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.</p>   |           |
| 3.  | <p><b>DECLARATIONS OF INTEREST</b></p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>   |           |
| 4.  | <p><b>MINUTES</b></p> <p>To approve and sign the Minutes of the meetings held on 16 September 2016.</p>   | 7 - 42    |
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| 6.  | <p><b>APPEALS</b></p> <p>To be noted.</p>   | 43 - 46   |
| 7.  | <p><b>150989 - LAND ADJACENT TO NEW HOUSE FARM AND MARDEN PRIMARY SCHOOL, MARDEN, HEREFORDSHIRE, HR1 3EW</b></p> <p>Proposed residential development of up to 90 dwellings, with provision of a site for a community building and associated open public space.</p> | 47 - 68   |
| 8.  | <p><b>151316 - LAND OPPOSITE, PLAYING FIELDS, PYEFINCH, BURGHILL, HEREFORDSHIRE HR4 7RW</b></p> <p>Proposed residential development for 24 dwellings.</p>   | 69 - 90   |
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| 10. | <p><b>143272 - STABLE AND YARD NORTH OF MEWS HOUSE, MORDIFORD, HEREFORDSHIRE, HR1 4LN</b></p> <p>Proposed earth sheltered dwelling to replace an existing stable and storage building on a previously developed site.</p>   | 111 - 128 |



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- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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HEREFORDSHIRE COUNCIL

**MINUTES of the meeting of Planning Committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 16 September 2015 at 10.00 am**

**Present:** Councillor PGH Cutter (Chairman)

**Councillors:** BA Baker, CR Butler, PJ Edwards, DW Greenow, KS Guthrie, EL Holton, JA Hyde, TM James, JLV Kenyon, PJ McCaull, FM Norman, AJW Powers, WC Skelton, D Summers, EJ Swinglehurst and LC Tawn

**In attendance:** Councillors JF Johnson, PM Morgan, J Stone and SD Williams

**50. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors J Hardwick and A Seldon.

**51. NAMED SUBSTITUTES**

Councillor PJ McCaull substituted for Councillor J Hardwick and Councillor D Summers for Councillor A Seldon.

**52. DECLARATIONS OF INTEREST**

**Agenda item 7: 142349 – Land between Gosmore Road and the Seven Stars Public House, Gosmore Road, Clehonger**

Councillor FM Norman declared a non-pecuniary interest because she knew the representative of the Parish Council who was speaking on behalf of the Parish Council at the meeting.

**Agenda item 9: 150789 – Land at Tenbury Road, Brimfield**

Councillor FM Norman declared a non-pecuniary interest because she knew the applicant's agent.

**53. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 2 September 2015 be approved as a correct record, subject to amending Minute number 40 – declarations of interest to record the declaration of a non-pecuniary interest made at the meeting by Councillor EJ Swinglehurst for agenda item 11 as a member of the Wye Valley AONB Joint Advisory Committee, and signed by the Chairman as amended.

**54. CHAIRMAN'S ANNOUNCEMENTS**

There were no announcements.

**55. APPEALS**

The Planning Committee noted the report.

**56. 142349 - LAND BETWEEN GOSMORE ROAD AND THE SEVEN STARS PUBLIC HOUSE, GOSMORE ROAD, CLEHONGER, HEREFORDSHIRE HR2 9SL**

*(Residential development of up to 80 houses.)*

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 C Protherough of Clehonger Parish Council spoke in opposition to the Scheme. Mr Catley, a local resident, spoke in objection. Mr J Spreckley, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor SD Williams, spoke on the application.

He made the following principal comments:

- His initial view had been that the proposal might be acceptable. However, he supported the Parish Council's grounds for opposing the proposal.
- He expressed concerns about traffic speeds and the limited parking by the school.
- The large scale of the development would have an adverse impact on the quality of life in the village.
- The development would also adversely affect travel to Hereford along the Belmont road.

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

- Clehonger had experienced problems with the sewerage drainage for a number of years and it was questioned whether a financial contribution from one developer would be sufficient to solve these problems. In addition a new drainage system would have to be installed before the development could be occupied. The application was therefore premature and seeking to take advantage of the fact that the Core Strategy was yet to be adopted.
- The highway infrastructure was unsatisfactory. Visibility on exiting the site was impeded by the Seven Stars Public House. People travelling to work on the Belmont Road into Hereford experienced significant delays. The road did not have the capacity to accommodate additional vehicles.
- Information was sought on the accident record in the vicinity of the development but this was not to hand.
- The Development Manager clarified that the Neighbourhood Plan had not reached Regulation 14 stage. The density of the development was 28 per hectare; the Unitary Development Plan policy was that a density of 30-50 was acceptable. The Committee had to accept the advice that a solution to the provision of foul water drainage had been found. Traffic speeds were the principal concern. It was proposed to move the 30mph speed limit to the east and this action together with traffic calming measures should address this concern. Acceptable visibility splays



could be provided within a 30mph limit. It was also proposed to extend the footpath to the public house and provide a crossing facility to the bus stop.

- There appeared to be an inconsistency in that the report referred to Clehonger as a main village with an 18% indicative growth target in the Core Strategy over the plan period. The report then went on to talk about a residual **minimum** housing requirement over the lifetime of the Core Strategy. It was understood that the Inspector had required the wording in the Core Strategy to be changed to refer to **minimum** housing targets. This had an extremely significant effect. It meant that any site with low or minimum constraints became developable. By removing any upper limit on development it also rendered meaningless the Government target of 16,500 houses for the County, a target that was in any case arguably 2,000 higher than the actual requirement. The Development Manager confirmed that housing targets in the Core Strategy pertaining to villages were now a minimum.
- The development was too large.
- If the development were to be approved regard should be had to the landscape proposals made by the Conservation Manager (Landscape) at page 41 of the agenda papers.
- The Principal Planning Officer confirmed that the density of the proposed development was commensurate with other developments in the village and not excessive in the local context. He also confirmed that there were no concerns about school capacity, noting the provisions in the draft S106 agreement.
- The development was sustainable in accordance with the principles of the National Planning Policy Framework.
- It was noted that Natural England had withdrawn its holding objections in relation to the treatment of foul waste and the River Wye Special Area of Conservation.
- There were no objections from the statutory or internal consultees and no grounds for refusing the application.
- It was requested that the Parish Council should be fully involved in a subsequent detailed application.
- The Committee had been given advice that if an application went to appeal an Inspector would take account of the position at the time he considered the appeal. If as expected the Core Strategy was to be adopted shortly the Inspector would have regard to that Strategy in determining an appeal. The imminent adoption of the Core Strategy therefore provided grounds for refusing the application.

The Development Manager commented that the Core Strategy would support developments such as that being proposed. There were very few objections to the proposal. The argument about the adverse effect of increased traffic on the Belmont Road had been dismissed by an Inspector in another appeal. The development would provide 80 homes for which there was a need with 35% of those being affordable. The improvements to be made by Welsh Water funded by the developer were another positive aspect of the proposal. A gateway feature could be provided as part of the traffic calming measures. This had worked well in other developments. The S106 benefits would also enhance the village. An informative could be added requesting the developer to consult fully with the Parish Council on the detail of the development.

He considered that that it would be difficult to defend a decision to refuse the application at an appeal. The Committee's legal adviser commented that given the content of the report and the Development Manager's comments if the application were to be refused there would be a risk of costs being awarded against the authority in the event of a successful appeal.

The local ward member was given the opportunity to close the debate. He reiterated his support for the Parish Council's objection to the proposal. He added that if the application were to be approved a 30 mph speed limit should also be imposed on Gosmore Road.

A motion that the application be refused was defeated.

**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, (incorporating a 'Welsh Water' contribution) 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 80 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. **H06 Vehicular access construction**
7. **H09 Driveway gradient**
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 in 2 years**
13. **H21 Wheel washing**
14. **H27 Parking for site operatives**
15. **H29 Secure covered cycle parking provision**
16. **H30 Travel plans**

17. **No dwellings hereby approved shall be beneficially occupied until necessary improvements to the Clehonger Waste Water Treatment Works to accommodate the foul flows from the development hereby approved (in accordance with the requirements as outlined in Dwr Cymru's Feasibility Study Scope issued 07/07/2015) has been completed and confirmed in writing by the Local Planning Authority.**

**Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.**

18. **L01 Foul/surface water drainage**
19. **L02 No surface water to connect to public system**
20. **L03 No drainage run-off 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. **The recommendations set out in the ecologist's report from Ecology Services dated August 2014 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 should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.**

**Reason: 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.**

26. **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 any local private water supplies should be highlighted such as pollution risk and increased use projections. 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.**

## 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. **HN13 Protection of visibility splays on private land**
10. **N02 Section 106 obligation**

*(The meeting adjourned between 11.05 – 11.15)*

## 57. **150473 - LAND SOUTH OF THE WHEATSHEAF INN, FROMES HILL, LEDBURY**

*(Proposed residential development of 20 dwellings including 7 affordable houses.)*

The Principal Planning Officer gave a presentation on the application.

In accordance with the Council's Constitution, the local ward member, Councillor PM Morgan, spoke on the application.

She made the following principal comments:

- The development, whilst not welcomed locally, was broadly accepted. It would help to support local facilities.
- Traffic along the A4103 often exceeded the speed limit. Any measures to reduce vehicle speeds and improve safety and amenity for residents would be welcome. She requested that the Committee confirmed that the access and road conditions were adequate to permit the development.
- The hedge to the west of the development protected the village and the landscape. She requested that this should be retained in perpetuity.

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

- The Parish Council supported the application.

- The visibility splays were good. It was, however, requested that the Council investigate the feasibility of a 30mph speed limit on the relevant stretch of road.
- It was noted that the proposed traffic measures would help to mitigate the way in which the A4103 severed development either side of the road and improve access to amenities. The Development Manager highlighted the sustainable transport measures provided for in the S106 agreement.
- The Principal Planning Officer confirmed that the density of the development was 18 dwellings per hectare. This was considered acceptable having regard to the character of the area. The hedgerow on the western boundary and mature trees bounding the site would be retained following a modification of the original submission.
- The proposed mix of design was welcomed.

The local ward member was given the opportunity to close the debate. She commented that any measures to control the traffic and make it easier to cross the A4103 would benefit new and existing residents.

**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 to grant planning permission, subject to the conditions below and any other further conditions considered necessary**

1. **A01 Time limit for commencement (full permission)**
2. **B01 Development in accordance with approved plans**
3. **C01 Samples of external materials**
4. **H02 Single access – footway**
5. **H03 Visibility splays**
6. **H06 Vehicular access construction**
7. **H11 Parking – estate development (more than one house)**
8. **H18 On site roads – submission of details**
9. **H20 Road completion**
10. **H21 Wheel washing**
11. **H27 Parking for site operatives**
12. **H29 Covered and secure cycle parking provision**
13. **G04 Protection of trees/hedgerows that are to be retained**
14. **G09 Details of boundary treatments**
15. **G10 Landscaping scheme**

16. **G11 Landscaping scheme - implementation**
17. **The recommendations set out in Section 5 of the ecologist's report from Swift Ecology dated January 2015 should be followed in relation to species mitigation and habitat enhancement. Prior to commencement of the development, a full working method statement for the protected species present together with a habitat enhancement plan integrated with the landscape proposals should be submitted to, and be approved in writing by, the local planning authority, and the work shall be implemented as approved.**

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

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

18. **The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The submitted details should include the following information:**
- **A detailed drainage design, with supporting calculations, showing the location and sizes of any soakaways, demonstrating how discharges from the site are restricted to no greater than pre-developed rates between the 1 in 1 year and 1 in 100 year events (with climate change allowance), and demonstrating that no flooding from the drainage system will occur up to the 1 in 30 year event.**
  - **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.**
  - **A revised drainage layout demonstrating that the required separation distance between the package treatment plant and adjacent properties has been achieved.**

**The scheme shall be implemented in accordance with the approved details before the development is first brought into use.**

**Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy DR4 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.**

## INFORMATIVES:

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
2. **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**
7. **HN24 Drainage other than via highway system**
8. **HN05 Works within the highway**
9. **HN28 Highway Design Guide and Specification**
10. **HN05 Works within the highway**

### **58. 150789 - LAND AT TENBURY ROAD, BRIMFIELD, HEREFORDSHIRE**

*(Proposed residential development comprising 15 open market houses and 5 affordable houses together with estate road, allotments with car parking and children's play area.)*

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr J Brick, a local resident, spoke in objection. Mr G Burton, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor J Stone, spoke on the application.

He made the following principal comments:

- The development fulfilled the objectives within the core strategy. It was the preferred site for development within the Neighbourhood Plan.
- There were no objections from the Statutory Consultees.
- The provision of affordable housing was welcome.
- The Parish Council supported the proposal but had expressed concern about traffic speeds along Tenbury Road, which was used as a cut through between the A49 and A456. He supported the extension of the 30mph speed limit and traffic calming measures.
- He noted that the Council's ecologist had objected to the proposal and the loss of traditional orchards was a matter of regret. He hoped that condition 15 would be

implemented and that new orchard trees would be planted in the open space in the development to the benefit of the landscape.

- He invited the Committee to have regard to the officer's summary and conclusions at paragraphs 6.33 – 6.37 of the report. He noted that the S106 agreement contained measures relating to traffic management and the site access.

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

- Section 4 of the S106 agreement providing for the maintenance of the public open space by a management company was not satisfactory.
- The density of the development was satisfactory.
- Traffic measures were needed to slow down the traffic, noting that Tenbury Road, was used as a cut through between the A49 and A456.
- The Principal Planning Officer highlighted the sustainable transport measures contained in the S106 agreement which included the provision of a 30mph speed limit. He noted that these could also include a speed indicator device if that was considered appropriate or, for example, a gateway feature. Measures would be discussed with the local ward member and the Parish Council. He confirmed that it had not proved feasible to pursue the suggestion of the Conservation Manager (Landscapes) regarding an alternative access to the site because the land required to achieve it was not in the applicant's ownership.
- The Parish Council should be congratulated on the work it had done on the Neighbourhood Plan. The prioritisation of preferred sites for development assisted the Committee.
- Dissatisfaction was expressed about the removal of several orchard trees on the site that had taken place. It was imperative there was mitigation and replacement planting.
- The Parish Council had requested that the proposed 4-bedroom dwellings be replaced with bungalows. The Neighbourhood Plan did not recommend dwellings with more than three bedrooms. The Development Manager confirmed that the application before the Committee was a full application and if the Committee wished to meet the Parish Council's request it would have to refuse the application.
- It was requested that there should be an additional informative note relating to the management of the public open space. The Development Manager commented that the maximum period that could be covered was 15 years.

The local ward member was given the opportunity to close the debate. He commented that support for the application would demonstrate confidence in the Neighbourhood Plan. A suitable access could be achieved and appropriate traffic calming measures were to be implemented. It was to be hoped that suitable measures would be taken to address the ecological concerns. Whilst there were several matters of detail to resolve, the proposal represented sustainable development and the benefits outweighed the disadvantages.



**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 to grant planning permission, subject to the conditions below and any other further conditions considered necessary

1. A01 Time limit for commencement (full permission)
2. B01 Development in accordance with approved plans
3. C01 Samples of external materials
4. H03 Visibility splays
5. H06 Vehicular access construction
6. H11 Parking – estate development (more than one house)
7. H18 On site roads – submission of details
8. H20 Road completion
9. H21 Wheel washing
10. H27 Parking for site operatives
11. H29 Covered and secure cycle parking provision
12. G04 Protection of trees/hedgerows that are to be retained
13. G10 Landscaping scheme
14. G11 Landscaping scheme - implementation
15. The recommendations set out in Section 8 of the ecologist’s report from Star Ecology dated 13th February 2015 should be followed in relation to species mitigation and habitat enhancement. Prior to commencement of the development, a full working method statement for the protected species present together with a habitat enhancement plan integrated with the landscape proposals should be submitted to, and be approved in writing by, the local planning authority, and the work shall be implemented as approved.

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

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

16. **The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.**

**Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy DR4 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.**

17. **Prior to the first occupation of the development hereby approved details of the proposed pedestrian link with public footpath BF2 to the south of the site shall be submitted to and approved in writing by the local planning authority. The link shall be constructed in accordance with the approved details, shall be available for use upon the first occupation of the site and shall be retained in perpetuity.**

**Reason: To ensure the creation of a pedestrian link upon first occupation of the site and to ensure its connectivity with the rest of the village in accordance with T6 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.**

#### **INFORMATIVES:**

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
2. **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**
7. **HN24 Drainage other than via highway system**
8. **HN05 Works within the highway**
9. **HN28 Highway Design Guide and Specification**

#### **59. 150812 - LAND OFF WESTCROFT, LEOMINSTER, HEREFORDSHIRE, HR6 8HG**

*(Site for proposed residential development for 30 houses.)*

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

He highlighted that determination of the application had been deferred by the Committee on 5 August 2015. In response to the Committee's concern that the application represented overdevelopment the applicant had now proposed a development of up to 30 houses rather than the 35 originally proposed. This represented a development of 24 dwellings per hectare reduced from 27 per hectare. This was considered an acceptable density for the site, having regard to the National Planning Policy Framework, because of the proposed provision of green open space. The application remained an outline application. The indicative layout contained with the original application had been withdrawn and the applicant had submitted a revised plan showing only the means of access.

In accordance with the criteria for public speaking, Mrs A Pendleton of Leominster Town Council spoke in opposition to the Scheme. Mr S Wheeler, a local resident, spoke in objection to the application.

In accordance with the Council's Constitution, the local ward member, Councillor PJ McCaull, spoke on the application.

He made the following principal comments:

- Local support remained for the retention of the area as public open space.
- The absence of an indicative layout meant that it was unclear where dwellings would now be situated. There was no clarity as to where the proposed green space would be provided.
- He questioned the accuracy of the traffic survey by Balfour Beatty Living Places of the use of the Bargates suggesting that it did not take account of traffic exiting Westfield Court.
- It appeared that there was to be a single lane access onto the site. This was dangerous. There were already parking problems in the area because of dwellings having a lack of parking spaces and parking on the roadside. There was a concern about access for emergency vehicles.
- He was not wholly opposed to development on the site but considered there were still too many issues that remained outstanding.

The Development Manager reminded the Committee that the application was an outline application and the Committee therefore had to consider the principle of development and the suitability of the access, which he confirmed was a two way access. If the application were approved detailed proposals would be subject to consultation. He noted that condition 6 in the recommendation in the report needed to be amended to limit the development to 30 dwellings.

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

- The density of development had been reduced.
- The withdrawal of the indicative layout made it hard to assess the impact on residents. Whilst local residents accepted the principle of development this was subject to the provision of green open space as part of any scheme.

- The report's comments on highway matters were not accepted. The area was served by a network of very small roads lined with traffic. The roads were dangerous for users including emergency vehicles. The pollution problems on the Bargates were significant and there was no sign of a resolution to them. The application site provided a green lung.
- The application site had not been included in the Town's Neighbourhood Plan. This was well advanced. There was ample land allocated for housing in Leominster including the strategic allocation and other allocations. It was suggested that the development was therefore premature.

The Principal Planning Officer commented that the only basis on which prematurity could be advanced as a ground for refusal would be if it could be demonstrated that the application would in some way delay the development of the strategic allocation in the Core Strategy of 1,500 new homes in Leominster. It was difficult to see how such an argument could be made.

The Development Manager confirmed that the Leominster Neighbourhood Plan was at Regulation 14 stage. A Member asserted that the Plan was therefore close to achieving Regulation 16 stage at which point weight could be given to the Plan. To have reached Regulation 14 the Plan must be in general conformity with the Core Strategy. The application site was not in the Plan and it was for that reason that he considered an argument could be advanced that the application was premature.

The local ward member was given the opportunity to close the debate. He commented that he remained concerned about the proposal. If planning permission were to be granted he requested that he be consulted on the detailed application.

The Development Manager confirmed that the local ward member would be consulted.

**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 to grant outline planning permission, subject to the conditions below and any other further conditions considered necessary**

1. **A01 Time limit for commencement (full permission)**
2. **A03 Time limit for commencement (outline permission)**
3. **A04 Approval of reserved matters**
4. **A05 Plans and particulars of reserved matters**
5. **C01 Samples of external materials**
6. **The development shall include no more than 30 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.**

7. **H02 Single access – footway**
8. **H03 Visibility splays**

9. H06 Vehicular access construction
10. H11 Parking – estate development (more than one house)
11. H18 On site roads – submission of details
12. H20 Road completion
13. H21 Wheel washing
14. H27 Parking for site operatives
15. H29 Covered and secure cycle parking provision
16. The recommendations for species and habitat enhancements set out in the Preliminary Herptofauna Mitigation Strategy from Nigel Hand dated June 2015 should be completed as approved before development commences on site. On completion of the mitigation measures, confirmation of the translocation should be made to the local planning authority in writing together with photographic evidence of the measures implemented.

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

17. G04 Protection of trees/hedgerows that are to be retained
18. G09 Details of boundary treatments
19. G10 Landscaping scheme
20. G11 Landscaping scheme - implementation
21. L01 Foul/surface water drainage
22. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:
  - a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice
  - b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors

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

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

23. The Remediation Scheme, as approved pursuant to condition 22 above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

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

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

25. L02 No surface water to connect to public system
26. L03 No drainage run-off to public system
27. 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**
7. **HN24 Drainage other than via highway system**
8. **HN05 Works within the highway**
9. **HN28 Highway Design Guide and Specification**
10. **The assessment required by condition 22 should be undertaken in accordance with good practice guidance and should be carried out by a suitably competent person as defined within the National Planning Policy Framework 2012. The assessment must also include asbestos sampling and analysis and this should be included with any submission.**

#### **Appendix 1 - Schedule of Committee Updates**

The meeting ended at 12.52 pm

**CHAIRMAN**





## **PLANNING COMMITTEE**

**Date: 16 September 2015 (10:00 am)**

### **Schedule of Committee Updates/Additional Representations**

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

## SCHEDULE OF COMMITTEE UPDATES

**P142349/O - RESIDENTIAL DEVELOPMENT FOR UP TO 80 HOUSES. AT LAND BETWEEN, GOSMORE ROAD AND THE SEVEN STARS PUBLIC HOUSE, GOSMORE ROAD, CLEHONGER,**

**For: Mr & Mrs Gladwyn & Mrs J Davies per Mr James Spreckley, Brinsop House, Brinsop, Hereford, Herefordshire HR4 7AS**

### ADDITIONAL REPRESENTATIONS

1. The Council's Legal Executive has been instructed to prepare a legal undertaking incorporating the requirement for the developer to make the Welsh Water contribution.
2. Welsh Water and the Council's Ecologist have confirmed that the upgrade work to the Waste Water Treatment Works will ensure biological oxygen demand, phosphates and other nutrients, which are output to the R. Wye SAC, will be within the regimes/thresholds which are licensed by the Environment Agency. Welsh Water confirms that *"because of the increased biological capacity there would be a natural improvement to treating incoming phosphates."*

### NO CHANGE TO RECOMMENDATION

**150812 - SITE FOR PROPOSED RESIDENTIAL DEVELOPMENT FOR 30 HOUSES AT LAND OFF WESTCROFT, LEOMINSTER, HEREFORDSHIRE, HR6 8HG**

**For: Mr Bates per Miss Lorraine Whistance, 85 St Owen Street, Hereford, Herefordshire, HR1 2JW**

### ADDITIONAL REPRESENTATIONS

Three further letters of objection have been received in response to the further consultation period undertaken following the amendment of the application.

The letters reiterate the objections previously made and these have been detailed in the original report. Two of the letters comment about the lack of detail contained within the application and that as a result it is impossible to judge what the effect of development will be upon residential amenity.

The letters also suggest that if planning permission is forthcoming, conditions should be imposed to ensure that existing trees and hedges are retained, that measures should be put in place to improve biodiversity and that the social housing component of the proposed development should be integrated and not located in one single area.

## **OFFICER COMMENTS**

The limited information provided in the application is due to the fact that it is made in outline and Members are reminded that they are simply being asked to consider the principle of development, with only the means of access to be determined at this stage. Officers are satisfied that a development of 30 dwellings can be accommodated given the size of the site and the resultant density of 24 dwellings per hectare.

The conditions that have been recommended should planning permission be granted would either be addressed through the submission of a Reserved Matters Application or; with particular regard to matters of ecological enhancement and landscape protection, are covered by conditions 16 and 17 respectively.

## **NO CHANGE TO RECOMMENDATION**



**MINUTES of the meeting of Planning Committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 16 September 2015 at 2.00 pm**

**Present:** Councillor PGH Cutter (Chairman)

**Councillors:** BA Baker, CR Butler, PJ Edwards, DW Greenow, KS Guthrie, EL Holton, JA Hyde, TM James, PJ McCaull, FM Norman, AJW Powers, WC Skelton, D Summers, EJ Swinglehurst and LC Tawn

**In attendance:** Councillors BA Durkin, DG Harlow, JF Johnson and J Stone

**60. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors J Hardwick, JLV Kenyon, and A Seldon.

**61. NAMED SUBSTITUTES**

Councillor PJ McCaull substituted for Councillor J Hardwick and Councillor D Summers for Councillor A Seldon.

**62. DECLARATIONS OF INTEREST**

**Agenda item 4; 143489 – Land Adjacent to Brooklands, Wyson Lane, Brimfield**

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

**Agenda item 6 – 151752 - Land Adjacent to Seven Acres, Kings Caple**

Councillor PGH Cutter declared a non-pecuniary interest as a member of the Wye Valley AONB Joint Advisory Committee.

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

Councillor EJ Swinglehurst declared a non-pecuniary interest as a member of the Wye Valley AONB Joint Advisory Committee.

**63. 143489 - LAND ADJACENT TO BROOKLANDS, WYSON LANE, BRIMFIELD, LUDLOW, SY8 4NQ**

*(Site for erection of up to 10 houses with highway access onto Wyson lane, associated infrastructure and landscaping.)*

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.

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

In accordance with the Council's Constitution, the local ward member, Councillor J Stone, spoke on the application.

He made the following principal comments:

- The revised layout of the scheme represented an improvement, addressing concerns about the effect on dwellings of noise from the A49.
- The access was identified as being in flood zone 3. However, in the 2007 floods flooding had occurred on the opposite side of the lane. There had been no flooding on or near the site. He considered that the flooding in the lane had been the result of surface water run-off. The Environment Agency had made no objection to the access.
- Sewerage overflow had been an ongoing issue in the area and there was concern locally that additional housing would add to the problems. However, Severn Trent had no objection subject to the inclusion of an appropriate condition.
- The Neighbourhood Plan was opposed to development on the site.
- The provision of 3 affordable dwellings was to be welcomed.
- There had been objections from 6 local residents.
- The Parish Council had objected to the proposal and its grounds of objection were set out a paragraph 5.1 of the report, including traffic issues, sewerage and the fact that the site was not included in the Neighbourhood Plan.
- The A49 was not affected too much by the proposal.
- The site had been unused for some time.
- In conclusion, weighing the application in the balance, he noted that the revised scheme contained positive elements including the provision of affordable housing and contributed to the housing target within the Core Strategy, The traffic issues were serious but may not be sufficient to outweigh the positive elements.

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

- The scheme offered community benefits.
- The density of the proposed scheme was below the 30-50 density level provided for in the relevant Unitary Development Plan policy.
- Most of the objections related to speeding traffic and congestion on Wyson Lane rather than to the site itself.
- The Development Manager acknowledged a concern about the importance of retaining the hedge between the development and the A49 and that the retention could be secured by condition.
- It was essential that measures to reduce noise were in place from the outset of the occupation of the development.

- The draft heads of terms referred to the quality and sustainability of the design of the affordable homes. It was requested that a higher level than that set out be sought.
- The Parish Council had objected to the proposal. The site was not included in the Neighbourhood Plan which had reached Regulation 16 stage and could therefore be assumed to be consistent with the Core Strategy, yet the report stated that no weight could be given to the Plan. It was asked if there had been any update to the calculation of the five year housing land supply made in May 2014.

The Development Manager commented that there was not an update to the calculation of the five year housing land supply. When the Core Strategy was adopted the supply would be above that required. However, if the application were approved Brimfield would still have to identify land for a further 47 dwellings to meet the provision in the Core Strategy. A development of 10 houses represented organic growth.

The Development Manager noted that the mix of tenures referred to in paragraph 8 of the heads of terms was yet to be finalised.

The local ward member was given the opportunity to close the debate. He commented that the visibility at the access point was good and would represent an improvement. He supported the retention of the hedge between the development and the A49. He repeated his support for the provision of affordable housing. He considered that there were a number of reasons why the site had not been considered in the Neighbourhood Plan. The proposed development was sustainable.

**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 to grant outline planning permission, subject to the conditions below and any other further conditions considered necessary.**

1. **A02 Time limit for submission of reserved matters (outline permission)**
2. **A03 Time limit for commencement (outline permission)**
3. **A04 Approval of reserved matters**
4. **A05 Plans and particulars of reserved matters**
5. **I20 Scheme of surface water drainage**
- 6 **Hedgerow retention along A49**

**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.**

**64. 141559 - LAND AT ETNA, ORCOP HILL, MUCH DEWCHURCH, HEREFORD**

*(Outline application for 8 affordable dwellings, use of and amendments to access and provision of treatment plant.)*

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

In accordance with the criteria for public speaking, Mr J Baly, a local resident, spoke in objection to the application. Mr B Griffin, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, the local ward members, Councillors DG Harlow and JF Johnson, spoke on the application.

Councillor Johnson made the following principal comments:

- The development was in a rural setting and the effect upon the setting needed to be balanced against the provision of housing and community benefits.
- There was a requirement for affordable housing in rural areas and provision of housing for a diverse range of age groups.
- Orcop was an extremely rural, very dispersed settlement with no local amenities. The public house had closed.
- Access roads were precarious in the winter months and were also under pressure from the heavier traffic associated with modern farming.
- Orcop Parish Council objected to the proposal. Much Dewchurch Parish Council did not object to or support the application but had raised a number of concerns critical of the proposal.

Councillor Harlow made the following principal comments:

- The proposal was far from ideal.
- The village had no shop or amenities.
- The access lanes were narrow and unsuitable.
- A number of previous applications for development on the site had been refused.
- Although three Parish Councils had been consulted Orcop was the parish most affected by the proposal and Orcop Parish Council had objected to the proposal.
- There was a need for affordable housing, even if this was not for existing Orcop residents.
- The provision of housing might increase support for local facilities such as the closed public house.
- The application demonstrated the importance of developing Neighbourhood Plans.
- He was undecided on the application. If it were to be approved conditions would be needed to control parking, traffic and access.



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

- The access lane was very narrow. The situation was made more problematic by the larger farming vehicles now being used, making the lane unsafe.
- One view questioned the need for 8 additional affordable houses. An opposing view was that there would be a demand.
- The site was very isolated but so were a number of settlements in the County.
- There were problems with water run-off and foul drainage. The development was high on a hill and would exacerbate these problems.
- The application was in the open countryside on the crest of a hill and should be refused for the same reasons as the application on a similar site described at paragraph 3.2 of the report.
- The only grounds on which the site's development could be permitted was as a rural exception site. The Senior Planning Officer confirmed that the section 106 agreement would ensure the dwellings would remain affordable housing in perpetuity. The detail of tenure would be discussed with the local ward members and Parish Councils.
- Paragraph 3.3 of the report noted that the application referred to at paragraph 3.2 had been refused for being contrary to Unitary Development Plan (UDP) policy H10 (rural exception sites). However, the UDP could no longer be solely relied upon to determine the acceptability of the application before the Committee.
- The Development Manager commented that Orcop was a settlement identified for proportionate growth in the emerging Core Strategy. In a number of areas the requirement to provide additional housing meant that sites previously not considered suitable for development were having to be revisited. The proposal provided affordable housing for which there was a need and had other environmental benefits as defined within the National Planning Policy Framework. The proposed drainage system involving the provision of a treatment plant would not affect other properties.
- The report's conclusion that the site was sustainable was questioned noting the absence of amenities. The application would have been refused at the outset if it had not been solely for affordable housing. It was, however, important that affordable housing was provided in sustainable locations. The accessibility of a site, the availability of services, transport and schools had a bearing on affordability.

The local ward members were given the opportunity to close the debate. Councillor Harlow commented that if the development had not been solely for affordable housing he would have been opposed to it. The site was not in a good location. There were local objections to it.

Councillor Johnson considered the application to be finely balanced. An application not for affordable housing would not have been countenanced. The development did provide an opportunity for young people to move to the Parish.

**RESOLVED: That authority be delegated to officers named in the Scheme of Delegation to Officers to grant outline planning permission for the development**

subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement providing the requisite legal mechanism to provide and secure the provision of affordable units and subject to the following conditions:

1. **A02 Time limit for submission of reserved matters (outline permission) – Landscaping & Scale**
2. **A03 Time limit for commencement (outline permission)**
3. **A04 Approval of reserved matters – Landscaping & Scale**
4. **A05 Plans and particulars of reserved matters – Landscaping & Scale**
5. **B01 Development in accordance with the approved plans**
6. **The recommendations for species survey and mitigation with habitat enhancements set out in the ecologist’s report from Wydean Ecology dated December 2014 should be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved. On completion of further surveys specified, confirmation of the results together with any mitigation required should be made in writing to the local planning authority together with enhancement measures proposed.**

**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.**

7. **G11 – Landscaping scheme - implementation**
8. **I51 Details of slab levels**
9. **C01 Samples of external materials**
10. **H06 - Vehicular access construction**
11. **H09 - Driveway gradient**
12. **H11 - Parking - estate development (more than one house)**
13. **H13 - Access, turning area and parking**
14. **H17 - Junction improvement/off site works**
15. **I18 Scheme of foul drainage disposal**

16. **I20 Scheme of surface water drainage**
17. **Prior to the first occupation of the dwellings hereby approved, adoption and maintenance schemes for the foul and surface water drainage systems shall be submitted to and approved in writing by the local planning authority. The foul and surface water drainage systems shall be adopted and maintained in accordance with the approved details.**

**Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy DR4 of Herefordshire Unitary Development Plan.**

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

**Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.**

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

**Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.**

20. **If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local**

planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

**Reason:** In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

**21. I16 Restriction of hours during construction**

**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 the highway (Compliance with the New Roads and Streetworks Act 1991, the Traffic Management Act 2004 and the Highways Act 1980**
- 4. HN05 – Works within the highway (Compliance with the Highways Act 1980 and the Traffic Management Act 2004)**
- 5. HN07 – Section 278 Agreement**
- 6. HN08 – Section 38 Agreement & Drainage details**
- 7. HN10 – No drainage to discharge to highway**
- 8. HN22 – Works adjoining highway**
- 9. HN24 – Drainage other than via highway system**
- 10. HN28 – Highways Design Guide and Specification**
- 11. The contaminated land assessment required to by condition 18 of this permission must be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework 2012.**
- 12. All investigations of potentially contaminated sites must undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.**

**65. 151752 - LAND ADJACENT TO SEVEN ACRES, KINGS CAPLE, HEREFORDSHIRE, HR1 4TZ**

*(Proposed erection of 2 no. new detached dwellings.)*

The Acting Principal Planning Officer gave a presentation on the application.

In accordance with the Council's Constitution, the local ward member, Councillor BA Durkin, spoke on the application.

He made the following principal comments:

- The development was in the Wye Valley Area of Outstanding Natural Beauty (AONB). It was in the right place for infill development. However, visual impact must be considered and screening must be maintained. Design of the properties should also be of superior quality.
- The proposed development was two four-bedroomed houses. In the rural villages of the Ross Housing Market Area identified in the Core Strategy (the district including Kings Caple) the requirement for 4-bedroom houses was 3.9% of the total. This would equate to one house of such size in Kings Caple required over the plan period. The provision of a development of smaller houses would be preferable.
- The Parish Council supported the proposal.
- There had been one letter of objection.
- There were no local facilities other than the school.

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

- The Parish Council supported the proposal and there had been only one letter of objection.
- Good design would be important.

The Development Manager commented that the detail of the scheme would be considered at the reserved matters stage. The design currently proposed mirrored existing development but there was an opportunity to provide something of exemplary design befitting the AONB.

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

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

1. **A02 – Time limit for submission of reserved matters (outline permission)**
2. **A03 – Time limit for commencement (outline permission)**
3. **A04 – Approval of reserved matters**
4. **A05 – Plans and particulars of reserved matters**
5. **Foul water and surface water discharges shall be drained separately from the site.**

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

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

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

7. **Prior to commencement of the development, a habitat protection and enhancement scheme integrated with the landscape scheme 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), NERC Act 2006, the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6, NC7, NC8 and NC9 of Herefordshire Unitary Development Plan.**

8. **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), NERC Act 2006, the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6, NC7, NC8 and NC9 of Herefordshire Unitary Development Plan.**

9. **C89 – Retention of existing trees/hedgerows: scope of information required**
10. **C90 – Protection of trees/hedgerows that are to be retained**
11. **G09 – Details of Boundary treatments**
12. **G10 – Landscaping scheme**
13. **G11 – Landscaping scheme - implementation**

#### **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. **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.**

#### **66. DATE OF NEXT MEETING**

The Planning Committee noted the date of the next meeting.

#### **Appendix 1 - Schedule of Updates**

The meeting ended at 3.33 pm

**CHAIRMAN**

## **PLANNING COMMITTEE**

**Date: 16 September 2015 (2:00 pm)**

### **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.**

**143489 - SITE FOR ERECTION OF UP TO 10 HOUSES WITH HIGHWAY ACCESS ONTO WYSON LANE, ASSOCIATED INFRASTRUCTURE AND LANDSCAPING AT LAND ADJACENT TO BROOKLANDS, WYSON LANE, BRIMFIELD, LUDLOW, SY8 4NQ**

**For: Mr Gorringe per Savills LLP, The Quadrangle, Imperial Square, Cheltenham, Gloucester, GL50 1PZ**

#### **ADDITIONAL REPRESENTATIONS**

**Parish Council** comment on amended plans-

We object to this application - the reduction of houses from 12 to 10 does not significantly change the dangers involved in accessing this development onto Wyson Lane. Reducing the number of houses by 2 will potentially increase speeding and parking problems in Wyson Lane as previously identified.

In addition, the narrow, busy junction located within a very short distance where visibility is already very poor would be subject to extra traffic which would pose further dangers.

Paragraph 32 of the National Planning Policy Framework. Safe and suitable access to the site has not been established, especially where the junction to the main village is concerned”.

**Housing Commissioning Officer-** I refer to the above application and the amended plans. I am in support for 3 of the units to be designated as affordable housing. The tenure of these units will need to be agreed with local connection to Brimfield.

#### **OFFICER COMMENTS**

No further comment

#### **NO CHANGE TO RECOMMENDATION**

**141559 - OUTLINE APPLICATION FOR 8 AFFORDABLE DWELLINGS, USE OF AND AMENDMENTS TO ACCESS AND PROVISION OF TREATMENT PLANT. AT LAND AT ETNA, ORCOP HILL, MUCH DEWCHURCH, HEREFORD,**

**For: Mr Jones per Mr B Griffin, The Cottage, Green Bottom, Littledean, Cinderford, Gloucestershire GL14 3LH**



## **ADDITIONAL REPRESENTATIONS**

A copy of an email from a local resident to all members of the planning committee has been forwarded to the case officer. The email reiterates previously expressed concerns for the safety of Lyston Lane and its ability to accommodate further traffic movements. It is also requested that a condition be added to any permission given requiring parking and access for site operatives be agreed before development begins.

## **OFFICER COMMENTS**

To be read after paragraph 6.11 of the officer report:

6.11a Policy RA1 and RA2 of the emerging Core Strategy requires the parish of Orcop to accommodate a minimum of 26 new dwellings over the plan period. Whilst the Core Strategy does not yet benefit from the weight necessary to determine a planning application it does provide a sense of local policy direction. The Core Strategy identifies Orcop Hill as the settlement which should be the 'main focus of the proportionate housing growth' in the Parish of Orcop. Orcop village (distinct from Orcop Hill) is listed as a smaller settlement where housing will also be appropriate.

## **NO CHANGE TO RECOMMENDATION**



|                         |                           |
|-------------------------|---------------------------|
| <b>MEETING:</b>         | <b>PLANNING COMMITTEE</b> |
| <b>DATE:</b>            | <b>7 OCTOBER</b>          |
| <b>TITLE OF REPORT:</b> | <b>APPEALS</b>            |

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**CLASSIFICATION:** Open

### **Wards Affected**

Countywide

### **Purpose**

To note the progress in respect of the following appeals.

### **Key Decision**

This is not an executive decision

### **Recommendation**

That the report be noted

## **APPEALS RECEIVED**

#### **Application 143703**

- The appeal was received on 11 September 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr Steve Lowe & Mrs Jane O'Connor
- The site is located at Land west of Crackadonia, Bullocks Mill, Lyonshall, Herefordshire, HR5 3LN
- The development proposed is Proposed construction of new eco-dwelling, associated car parking and landscaping.
- The appeal is to be heard by Written Representations

**Case Officer: Mr Nicholas Hall on 01432 261808**

#### **Application 143146**

- The appeal was received on 11 September 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr & Mrs David Morris
- The site is located at The Todding, Leintwardine, Craven Arms, Shropshire, SY7 0LX
- The development proposed is Proposed dwelling and garage
- The appeal is to be heard by Written Representations

**Case Officer: Mr Nicholas Hall on 01432 261808**

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Further information on the subject of this report is available from the relevant case officer

## **APPEALS DETERMINED**

### **Application 143452**

- The appeal was received on 7 May 2015
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by C/O Sally Topham
- The site is located at The Knoll, Orleton, Ludlow, Herefordshire, SY8 4JA
- The development proposed was Proposed conversion of existing timber frame agricultural building into a single dwelling
- The main issue is the sustainability of the proposal, with particular regard to the location of the appeal site and the re-use of an existing building.

#### **Decision:**

- The application was Refused under Delegated Powers on 11 March 2015
- The appeal was Dismissed on 7 September 2015

**Case Officer: Mr M Tansley on 01432 261815**

### **Application 143022**

- The appeal was received on 1 May 2015
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Mr & Mrs B & A Harris
- The site is located at Site adjacent to Parrowfield Cottages, Brimfield, Herefordshire
- The development proposed was Proposed erection of one house and garage
- The main issue is the sustainability of the proposal, with particular regard to the location of the appeal site.

#### **Decision:**

- The application was Refused on 9 December 2014
- The appeal was Dismissed on 7 September 2015

**Case Officer: Mr A Prior on 01432 261932**

### **Application 142753**

- The appeal was received on 4 June 2015
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Mr & Mrs Lee
- The site is located at Fountain Inn, Lyston Lane, Orcop, Hereford, Herefordshire, HR2 8EP
- The development proposed was Change of use of a redundant public house into one residential dwelling
- The main issue is whether the proposal would be acceptable having regard to planning policies concerning community facilities.

#### **Decision:**

- The application was Refused under Delegated Powers on 10 November 2014
- The appeal was Dismissed on 10 September 2015

**Case Officer: Mr Matt Tompkins on 01432 261795**

#### **Application 142629**

- The appeal was received on 12 May 2015
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Mr & Mrs Gibbs
- The site is located at Land adjacent to Underhill, Hoarwithy, Hereford, HR2 6QG
- The development proposed was Proposed outline application for new single storey residential dwelling
- The main issues are:
  - i) the sustainability of the proposal in regard to the location of the appeal site;
  - ii) the effect of the proposal on the landscape and scenic beauty of the Wye Valley Area of Outstanding Natural Beauty (AONB); and
  - iii) the effect of the proposal on biodiversity, with regard to the nearby River Wye Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI).

#### **Decision:**

- The application was Refused under Delegated Powers on 27 January 2015
- The appeal was Dismissed on 15 September 2015

**Case Officer: Mr Matt Tompkins on 01432 261795**

#### **Application 150067**

- The appeal was received on 15 May 2015
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Mr Paul Smith
- The site is located at Land adjacent Vine Tree Close, Withington, Herefordshire
- The development proposed was Proposed erection of up to 31 dwellings. Construction of new vehicular access and associated works. Demolition of no 5 Vine Tree Close.
- The main issues in this case are as follows:
  - The effect of the proposal on the living conditions of the occupiers of Nos 4 & 6 Vine Tree Close, with particular reference to noise and disturbance.
  - The effect of the proposal on the character and appearance of the surrounding area, including the settings of the Church of St Peter, a grade II\* listed building and Withington Conservation Area.

#### **Decision:**

- The application was Refused at Planning Committee on 16 March 2015
- The appeal was Allowed on 15 September 2015

**Case Officer: Mr Edward Thomas on 01432 260479**

#### **Application 142356**

- The appeal was received on 19 May 2015
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Mr & Mrs C & G Poultney
- The site is located at Fodder store adj The Old Rectory, Boat Lane, Whitbourne, Worcester, Herefordshire, WR6 5RS
- The development proposed was 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 main issue is:

The main issue in this case therefore is whether the condition is reasonable or necessary with regard to the effect on the living conditions of the occupiers of the Olde Rectory, with reference to privacy, and the living conditions of the future occupiers of the proposal, with regard to the provision of private amenity space.

**Decision:**

- The application was Refused at Planning Committee (against Officer Recommendation) on 4 March 2015
- The appeal was Dismissed on 15 September 2015
- An Application for the award of Costs, made by the Appellant against the Council, was Dismissed

**Case Officer: Fernando Barber-Martinez on 01432 383674**

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



|   |  |
|---|--|
| <b>MEETING:</b>   | <b>PLANNING COMMITTEE</b>  |
| <b>DATE:</b>  | <b>7 OCTOBER 2015</b>  |
| <b>TITLE OF REPORT:</b>   | <b>150989 - PROPOSED RESIDENTIAL DEVELOPMENT OF UP TO 90 DWELLINGS, WITH PROVISION OF A SITE FOR A COMMUNITY BUILDING AND ASSOCIATED OPEN PUBLIC SPACE AT LAND ADJACENT TO NEW HOUSE FARM AND MARDEN PRIMARY SCHOOL, MARDEN, HEREFORDSHIRE,</b><br><br><b>For: Mr Price per Mr Paul Neep, Twyford Barn, Upper Twyford, Hereford, Herefordshire HR2 8AD</b> |
| <b>WEBSITE LINK:</b>  | <a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=150989&amp;search=150989">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=150989&amp;search=150989</a>  |
| <b>Reason Application submitted to Committee – Contrary to Policy</b> |  |

**Date Received: 1 April 2015**

**Ward: Sutton Walls**

**Grid Ref: 352683,247624**

**Expiry Date: 15 July 2015**

Local Member: Cllr K S Guthrie

## **1. Site Description and Proposal**

- 1.1 Outline planning permission with all matters bar access reserved is sought for the erection of up to 90 dwellings on a field situated between Marden Primary School and New House Farm, Marden. The site lies to the immediate south of the C1124 highway on the eastern edge of the village and is identified within the Strategic Housing Land Availability Assessment as having low/minor constraints. The site extends to 5.12ha and is predominantly flat and rectangular in form. To the immediate west is the village primary school, playing fields and tennis courts.
- 1.2 New House Farm, with its visually prominent poplar lined driveway, lies to the immediate south-east. The house, its garden walls and attached stable block are designated individually as grade II listed heritage assets. To the south is further agricultural land rising to the Scheduled Ancient Monument 'Sutton Walls' 1km to the south.
- 1.3 Boundaries are defined by managed hedgerows and there are no landscape features within the site. The village shop is directly opposite, intermingled with residential cul-de-sacs, giving way to larger detached properties as one leaves the village moving east. The main body of the village, however, lies to the west around Walkers Green and is predominantly mid-late C20th stock, punctuated with some earlier properties, including traditional cottages and the occasional larger high-status villa.
- 1.4 The application was originally submitted with layout to be determined at the outline stage. However, owing to technical issues associated with adoption of the highways, footways and SUDs, layout is now reserved for future consideration such that it is now solely the principle of development and the two proposed points of access onto the C1124 that is to be determined

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

now. Albeit illustrative, the layout emphasises the potential for utilising sustainable urban drainage systems, with shared spaces and the orientation of dwellings having the potential to achieve Passivhaus accreditation. It should also be recorded that further to discussion with the Parish Council and Neighbourhood Plan Steering Group, the description of development has been amended to refer to the erection of 'up to 90 dwellings' as opposed to 90 in absolute terms. 90 dwellings would equate to a gross density of 18 dwellings/hectare.

- 1.5 Marden is a main village as defined by the Unitary Development Plan and is also a settlement within which proportionate growth will be sought during the lifetime of the emerging Core Strategy. The Core Strategy housing requirement for the parish requires a minimum of 18% growth, which taking account of existing commitments and completions stands at 69 dwellings. The draft Neighbourhood Development Plan has chosen to allocate two housing sites within Marden. This site is one of them. The other is at Rose Villa on the opposite side of the school. On its own this site would be capable of meeting and exceeding, depending on final numbers at the Reserved Matters stage, the Core Strategy minimum requirement over the lifetime of the plan.
- 1.6 The application is accompanied by a Design and Access Statement, Flood Risk Assessment, Transport Statement, Landscape and Visual Impact Appraisal, Ecology Surveys, Tree Report and Village Analysis. These support the application and conclude the site is capable of accommodating the development proposed. The Design and Access Statement encompasses the Statement of Community Involvement, which relates the pre-application consultation with the local community.
- 1.7 The application is also accompanied by a Draft Heads of Terms, which specifies financial contributions in line with the adopted Planning Obligations SPD. It is also proposed that the applicants will dedicate land to the Parish Council to facilitate the future laying out of a village green, with a further area set aside for the future erection of a new community hall; the delivery of which is an aspiration of the Neighbourhood Development Plan.
- 1.8 The development has been assessed against the Environmental Impact Regulations. The Council has adopted a Screening Opinion which concludes that the scheme is not EIA development.

## **2. Policies**

### **2.1 National Planning Policy Framework 2012**

|              |   |   |
|--------------|---|---|
| Introduction | - | Achieving Sustainable Development                 |
| Section 4    | - | Promoting Sustainable Communities                 |
| 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 2014**

### **2.3 Herefordshire Unitary Development Plan 2007**

|     |   |                               |
|-----|---|-------------------------------|
| 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   |
| H1   | - | Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas |
| H7   | - | Housing in the Open Countryside Outside Settlements                                    |
| H9   | - | Affordable Housing   |
| H10  | - | Rural Exception Housing  |
| H13  | - | Sustainable Residential Design   |
| H15  | - | Density  |
| H19  | - | Open Space Requirements  |
| E15  | - | Protection of Greenfield Land  |
| HBA4 | - | Setting of Listed Buildings  |
| HBA9 | - | Protection of Open Areas and Green Spaces  |
| T8   | - | Road Hierarchy   |
| LA2  | - | Landscape Character and Areas Least Resilient to Change                                |
| LA3  | - | Setting of Settlements   |
| LA5  | - | Protection of Trees, Woodlands and Hedgerow  |
| 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

|     |   |  |
|-----|---|--|
| 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 | - | Landscape and Townscape  |
| LD2 | - | Biodiversity and Geodiversity                                  |
| LD3 | - | Green Infrastructure   |
| SD1 | - | Sustainable Design and Energy Efficiency                       |
| SD3 | - | Sustainable Water Management and Water Resources               |
| SD4 | - | Wastewater Treatment and River Water Quality                   |
| ID1 | - | Infrastructure Delivery  |

#### 2.5 Neighbourhood Planning

Marden Parish Council has designated a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The Parish Council is in the process of preparing a Neighbourhood Development Plan for the area. Although having progressed to Regulation 14, the draft plan is not presently sufficiently far advanced to be attributed weight for the purposes 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>

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

### 3. Planning History

3.1 None on site.

### 4. Consultation Summary

4.1 Welsh Water: No objection subject to conditions

Further to our recent discussions in respect to the above site, I am writing to confirm our updated position. As you are aware the applicant undertook both a Feasibility Study on the Waste Water Treatment Works (WwTW) and a Hydraulic Modelling Assessment on the ability to supply potable water to the proposal. We have now received the results of the said studies, and confirm we can remove our objections, subject to the conditions below being attached to any consent.

#### **Conditions**

- No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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

- No development shall take place until a scheme to satisfactorily accommodate a potable water supply for the site has been submitted to and approved in writing by the local planning authority. No part of the development shall be brought into use and no dwelling shall be occupied until the approved scheme has been constructed, completed and brought into use in accordance with the approved scheme.

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

4.2 Natural England: Qualified Comment

The proposal will require screening against The Conservation of Habitats and Species Regulations 2010 (as amended) (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 listed as notified at a national level as the River Lugg Site of Special Scientific Interest (SSSI). In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. 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.

Standing advice is offered in relation to Green Infrastructure and protected species.

#### **Internal Council Advice**

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

#### 4.3 Traffic Manager: No objection subject to conditions

The visibility splays were identified on Drawing 1393-01 in the Transport Statement Appendix B. These plays are proposed in relation to the recorded speeds of 37mph (59kph), at 59m to left and 60m to right. Our assessment using MfS2 methodology, in accordance with Table 1 paragraph 10.1.13 of that document (1.5s, 0.45g), indicates a desirable minimum of 65m and this value should be conditioned in both directions from each access. The only location this will be critical for achievement is to the west from the western access but from the drawing would appear achievable.

Drawing 1393-01 shows 4.8m width for the main access road at both access points and between. It is my opinion these should be a minimum of 5.5m for the number of houses served. I am not persuaded that a reduction can be supported on the basis that each access will cater for fewer than 50 dwellings. Furthermore the plans show 6m entry radii which we would only accept with 5.5m road width.

So any Reserved Matters submission would need to show the 5.5m width, although with layout now reserved, this should not present a problem.

Subject to the above revisions, the access junction's geometry would be acceptable but such items as pedestrian dropped crossings and footway provision into the site will need to be finalised at Reserved Matters stage as part of a finalised and adoptable layout.

#### 4.4 Conservation Manager (Ecology): No objection subject to conditions

I welcome the ecological assessment conducted on the site and have read the report produced in support of the proposal. I am happy with the findings of these reports and would advise that a non-standard condition is added to any approval for the development worded as follows:

*The recommendations set out in the recommendations of the Phase 1 Habitat ecologist's report from Hills Ecology dated April 2014 and the mitigation and compensation proposals of the great crested newt report from Hills Ecology dated May 2014 should be followed in relation to species mitigation. Prior to commencement of the development, a full working method statement for the protected species present together with a habitat enhancement plan integrated with the landscape proposals should be submitted to, and be approved in writing by, the local planning authority, and the work shall be implemented as approved.*

A Habitats Regulation Assessment Screening Report has been concluded and submitted to Natural England for comment. Having regard to the advice from Natural England the Screening Report concludes the development would not, either alone or in combination, be likely to give rise to impacts on the River Wye SAC.

#### 4.5 Conservation Manager (Landscape): No objection subject to conditions

During our meeting with the architects on Monday 29<sup>th</sup> June, I agreed that their latest landscape proposals (of that date) with exception for the need for further tree planting on the northern site boundary, now meant I had no objections to this application, subject to conditions.

Further landscape screening mitigation revisions (based on my recommendations) were received on 21<sup>st</sup> July 2015. I confirm that I am satisfied with these landscape plan revisions (drawings listed below), which incorporate more tree planting on the site's northern boundary and have no objection on this basis.

- Landscape Materials plan, Drg No 402/100 Rev B, Status P;
- Planting plan, Drg No 402/500 Rev B, Status P; and the

- Tree Protection plan, Drg No 402/700 Rev B, Status P.

#### 4.6 Housing Manager: No objections

I would advise that in principle I support the application. The applicant has been in negotiations with Housing Partnerships and is meeting the need for affordable housing in terms of tenure and mix.

#### 4.7 Land Drainage Officer: No objection in principle

##### **Overall Comment**

The proposals submitted by the applicant are acceptable. However we recommend that the following details are provided by the Applicant and approved by Herefordshire Council as part of any subsequent reserved matters submission or planning conditions:

- Confirmation that the land adjacent to the six houses identified as being at greatest risk of fluvial flooding is at a level a minimum of 1m above the bank top level of the watercourse to the south.
- Evidence that the finished flood levels of these properties will be located a minimum of 300mm above adjacent ground levels.
- A detailed surface water management strategy and supporting calculations that show that the development will not increase flood risk to the site or to people and property elsewhere and that users of the development will be safe up to the 1 in 100 year event, allowing for the potential effects of climate change.
- Evidence that the surface water management strategy has been designed for exceedance of surface water management features so as to minimise the risk of flooding to people and property within the site or elsewhere.
- Details of any proposed outfall structure to the watercourse to the south of site, noting that land drainage consent for connection to this watercourse will also be required from Herefordshire Council.
- Confirmation of the proposed adoption and maintenance arrangements for the proposed surface water drainage features.

#### 4.8 Parks and Countryside Manager: No objection

In accordance with UDP Policies H19 and RST3 for a development of this size the developer provides as a minimum the following on and off site POS/Play/Outdoor Sports requirements comprising:

- 0.08 hectares of Public Open Space
- 0.16 hectares of Children's Play of which 0.05 hectares should be formal play for all ages including infants, juniors and teenagers.

Given the proximity of the existing neighbourhood play area which is owned and maintained by the Parish Council the formal play element could be split to provide both:

- on site formal equipped play integrated into the SuDs areas as described by the applicant which is suitable for infants and juniors; &
- an off site contribution in consultation with the Parish Council to identify more detailed requirements for the existing play area which in accordance with the Play Facilities Investment Plan is in need of additional investment to provide equipment for all ages.

Contributions will be calculated in accordance with the SPD on Planning Obligations and apportioned accordingly. Detail to be agreed at a reserved matters stage.

The applicant has provided in excess of the above minimum requirements on site in total 0.8ha but the proposal integrates much of the POS/Play within the retention pond and SuDs areas which although supported as it offers good imaginative design and natural play opportunities, should not take away from the need to provide more formal play and sports provision.

- An off site contribution of **£20,900 (see methodology below)** towards existing provision in Marden in accordance with policy requirements of 0.32 hectares of Outdoor Sport and the Playing Pitch Assessment and draft Investment Plan.

The investment plan which is being prepared in partnership with Sport England and the National Governing Bodies for Sport including football and will be completed later this Autumn will set out a list of priority projects countywide including the following:

Project: Marden Village Playing Fields (which are adjacent to this site): Football (owned and managed by the Parish Council). Used by Pegasus FC which has both senior and junior teams.

- Current Quality Deficiency: its quality rating has deteriorated to below a quality required by Sport England since 2011. Inspections have indicated issues with drainage which coupled with high usage has left the pitch in a poor state.
- Support: HFA has identified as a medium priority for future investment
- Costs: based on Sport England's Facilities Planning model circa: £20,900 (in the absence of details from the club or Parish Council)

Using our previous methodology tried for Bartestree:

At a rate of £27.28 per metre (figure used to inform both the SPD planning obligations and the Infrastructure Delivery Plan) for 3200 sq m (the policy requirement for this site) based on market housing only (at 65%) a contribution of **£56,742** would be asked for.

This sum is too much in view of the needs for Marden, so we would ask for the full amount of **£20,900** from this development.

#### 4.9 Conservation Manager (Historic Buildings):

At its closest point the site is less than 50 metres from New House Farm. New House Farm is grade II listed together with its front garden walls. The stables that are attached to the north end of the farmhouse are separately listed, also grade II. The farmstead is approached via a driveway that extends southwards from the highway passing through Marden. New House Farm is seen in the context of the open agricultural landscape that surrounds it on the southern side of the highway and it is this landscape that that forms its setting. This is particularly apparent in views from within the village and the footpaths to the east. The driveway is lined by poplar trees which define the approach to the farmhouse. The poplars' characteristics allow clear views from the north east through to the site, with the listed buildings also seen in the same context.

The majority of the village has developed to the north side of the highway that runs along the northern edge of the site. Apart from a small amount of development to the west side of the school, the land to the south side is predominantly an agricultural landscape. Development of the land to the west side of the New House Farm's driveway will inevitably erode the agricultural setting of the listed buildings; however it is the landscape to east of driveway that makes a more significant contribution to their landscape setting. It is considered that by incorporating a wide band of undeveloped land to the west of the New House Farm driveway, a sense of the existing openness can be maintained. This open space needs to include a swathe of grassland between the existing poplars and the new planting scheme of hedgerow and trees.

The proposed illustrative layout indicates that a number of the dwellings would potentially back on to the highway running along the northern edge of the site. This is not necessarily good design and it is important that the new dwellings front the street and integrate into the village.

During the second half of the 20<sup>th</sup> century there has been some unfortunate development in Marden, where the layout and design has failed to take account of locally distinctive patterns of the village's traditional historic development. This site should be an opportunity to reverse the previous trend and it is recommended that a context appraisal is undertaken that looks at the positive aspects of Marden's built environment, probably also taking in nearby villages and hamlets. The findings should then be used to inform the design of the housing scheme.

## 5. Representations

### 5.1 Marden Parish Council: Supports the application in principle

Following a further representation about this application made by the landowner and architect to Marden Parish Council on 21 July 2015 and a subsequent meeting of Parish Council representatives with the Herefordshire Council Planning Officer and Head of Planning Department, Marden Parish Council wish to submit a supplementary response to application P150989/O.

This site was identified in the Marden Parish Plan in 2004 and recent community consultations have supported development on this site. It is understood that the layout for the proposed site, originally submitted with the application, has now been withdrawn.

On the assumption that this planning application is approved in outline, Marden Parish Council wish to make the following points to be addressed in the reserved matters application:

- Further discussions between the landowner/developer, the community and the Parish Council will take place to consider an amended layout;
- The Heads of Terms will be redrafted and will not include S106 monies for a cricket ground or library services and minimal monies only for recycling;
- The Heads of Terms will be amended to change the tenure of the 35% affordable housing, to give some low cost open market housing as well as affordable housing;
- The Heads of Terms will be amended to increase the footprint of a community centre to a sufficient size and to be fit for purpose for the current and future needs of a large parish such as Marden, while still providing a suitable village green and appropriate parking;
- Initial estimates based on facilities around the country suggest a cost between £600,000 and £800,000 to build a suitable community facility.

Providing these points are suitably and adequately addressed, Marden Parish Council supports this application P150989/O for development on Land adjacent to New House Farm and Primary School, Marden.

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

- The application is for a disproportionately large development that would exceed Marden's minimum requirement for growth in one go. A better strategy would be to allocate more, smaller sites. There is no shortage of land.
- This scheme would result in the irretrievable loss of Marden's compact size and rural feel, which is greatly valued by many residents.
- The application proposes two points of access onto the road where on-street parking associated with the shop, school and dwellings, means that exiting from existing dwellings onto this road is very difficult. These parked vehicles often obscure visibility. Buses often pull-over at will and not at designated bus stops, which compounds the issue.
- The impact of the development and the existing level of traffic on the village roads are greatly underestimated. The village is accessible by narrow lanes, ancient and narrow

hump backed bridges and level crossings. Traffic passing through from adjoining villages has not been assessed. Although S&A traffic does not tend to use the road adjacent the application site, it is prone to use by significant traffic, including HGVs and farm vehicles;

- The village already has a community hall within the primary school. The need for a separate facility has only recently been defined and the budget for delivering the facility has yet to be earmarked. The use of the gifted land as the site for a new facility cannot be guaranteed.
- There is concern that the gift of land for community use is inadequate given the scale of the development and at odds with emerging NDP policy M6.

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 Unitary Development Plan remains the Statutory Development Plan for the County. However, in the context of the Council's lack of housing land supply with buffer, UDP policies relevant to the supply of housing are out-of-date. Other UDP policies may continue to be attributed weight according to their consistency with the policies of the NPPF.

6.2 For the purpose of decision-taking, the practical effect of a lack of housing land supply is such that no reliance can be placed on UDP housing supply policies. In this case Policy H4 and the fact that a site falls outside a UDP defined settlement boundary, is now irrelevant. Instead, individual sites must be considered on their individual merits in the light of the NPPF and the 'saved' policies of the UDP that continue to attract weight.

6.3 Paragraph 49 of the NPPF is explicit in stating that housing applications should be considered in the context of the presumption in favour of sustainable development. Thus, in the context of a housing land supply deficit, if a housing proposal is considered to represent sustainable development, it should be approved without delay unless the adverse impacts associated with approval would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF when read as a whole. This is the presumption in favour of sustainable development and exercising of the 'planning balance' set out at paragraph 14 of the NPPF.

6.4 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."*

6.5 In the context of the UDP and the Council's acknowledged shortfall of housing land supply it is the second bullet point and the weighing of positive and negative impacts that is relevant in this case. The decision-taker must decide whether the development before them is representative of sustainable development having regard to the NPPF and relevant saved policies of the UDP as a whole if the positive presumption is to be engaged.

6.6 The NPPF refers to 'Sustainable Development' as having three mutually dependent dimensions; the economic, environmental and social dimensions.

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

- 6.7 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, which is further reinforced 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 11-15.
- 6.8 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, *inter alia*, the protection and enhancement of our natural, built and historic environment; and, as part of this, helping to improve biodiversity.

### **The application site relative to village facilities**

- 6.9 The site lies adjacent the UDP defined settlement boundary. The NPPF has the reduction of travel and associated carbon emissions at its core as well as the provision of good access to services and facilities. It is an NPPF core planning principle that planning should ‘actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant developments in places which are or can be made sustainable.’ This objective is set out more fully in NPPF Chapter 4 – Promoting sustainable transport.
- 6.10 In this case the site is bound to the west by the village primary school, which doubles as the community hall outside school hours. The village play facilities, including tennis courts, are also located here. Directly opposite the site is the post office and shop. A further shop is located within reasonable walking distance further to the west. Bus stops are found on both sides of the carriageway along the C1124 and a footway already extends along part of the site’s northern boundary terminating just before the village Post Office. This footway would provide a direct link to the school and the illustrative layout also promotes a further direct access from the site into the school grounds; this is subject to the necessary agreements ensuing. A footway also exists on the northern side of the carriageway.
- 6.11 In this instance it is your officer’s opinion that in terms of access to goods and services within the village and the opportunity to access and utilise public transport for longer journeys, the application site is sustainably located and meets the NPPF objectives set out above and those within saved UDP policies S1 and DR3.

### **Impact on landscape character, visual amenity and heritage assets**

- 6.12 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 chapters 11 and 12 of the NPPF.
- 6.13 The site is not subject of any landscape designation and categorised as a site with low/minor constraints in the SHLAA. It is also allocated for housing in the draft NDP. Although within the Principal Settled Farmlands landscape character type, where according to the Landscape Character Assessment development should consist of small wayside development, the



Conservation Manager (Landscape) has no objection. This is subject to detailed design at the Reserved Matters stage reflecting the negotiations that have been undertaken hitherto. Principally the treatment of the roadside frontage, with a view to bolstering tree planting to the south of the retained hedgerow, will need further discussion as a precursor to Reserved Matters. This should involve the local community, as per the Parish Council comments at 5.1.

- 6.14 It is also noted that the application is accompanied by a Tree Survey and Report with management recommendations for the Poplar lined driveway to New House Farm. The landscaped buffer to this driveway and consequently the farm complex is also noted and will be secured via condition. Principally it is recommended that notwithstanding its illustrative status, a planning condition be imposed requiring the layout forthcoming at the Reserved Matters stage to be in broad accordance with the illustrative layout. This is discussed further below.
- 6.15 In conclusion on landscape matters, there is no objection from the Council's expert advisor and nor is there any explicit landscape-led objection from local residents. In the context of the evidence before officers, the sensitive approach to key features, including the setting of the listed complex, and the over-arching influence of the housing land supply deficit, officers consider the application acceptable relative to the NPPF and saved UDP policies LA2 and LA3.
- 6.16 The Conservation Officer (Historic Buildings) has commented on the site's landscape context and the specific relationship of New House Farm with its agricultural setting. It is the officer's opinion that the development will inevitably erode the open setting, but equally that it is the open land to the east and south is more integral to the farmstead's setting. With the maintenance of a landscaped buffer, as shown on the illustrative plan, the officer is content that the harm to the significance of the listed buildings will not be substantial. In this way the proposal is considered to comply with NPPF policies at Chapter 12 and the legislative tests enshrined at 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which states:

*"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".*

- 6.17 The officer expresses some concern at the potential for dwellings along the road frontage to back onto the road. Given layout is reserved this can be considered further at the Reserved Matters stage.

### **Sustainable layout and design**

- 6.18 The NPPF supports the transition to a low-carbon future and emphasises the role that planning should play in helping to achieve this objective. For the reasons set out in the following paragraphs, officers believe the scheme to take a proactive approach to helping deliver a layout with a high propensity for energy efficiency and the promotion of sustainable transport modes.
- 6.19 The application was originally made in outline with all matters bar access and layout reserved. It was the applicants' brief to the architects to design a layout that was sustainable in terms of energy consumption, pedestrian and cycle connectivity, drainage and impacts on the landscape and heritage assets. In response to pre-application consultation an area was also set aside for provision of a village green and community hall.
- 6.20 Subsequently it has been necessary, owing to highways-led concerns relating to detailed design, to reserve layout for future consideration. However, in doing this the applicants have confirmed they would expect the Council to recommend a planning condition requiring that the Reserved Matters submission is in broad conformity to what is now an 'illustrative' layout. This reflects the clear and evident effort that has been put towards devising the layout, which has evolved with input from the local community and key stakeholders over three separate

community consultation/feedback events over the 6 months leading towards submission of the application.

- 6.21 The layout details an approach that would, in theory, enable the dwellings to attain Passivhaus accreditation. The natural topography of the site is utilised to support a system of surface water attenuation features with outfall to two attenuation ponds on the lower-lying land on the southern boundary. These would discharge into the existing drainage channel at an attenuated rate. This system has the 'in principle' support of the Council's Land Drainage consultant and Landscape officer and is considered by officers to represent an innovative response to the site that should lead, when brought to fruition at the Reserved Matters stage, to a design that responds positively to the site and engenders a high-quality and permeable layout.

#### **Transport**

- 6.22 The Traffic Manager has no objection to the proposal. There is no suggestion that the proposal would result in an unacceptable impact on the highway network and visibility splays can be delivered in accordance with Manual for Streets guidance. The site is very well placed to take advantage of village facilities and access to public transport.
- 6.23 It is concluded that the site is sustainably located and well-placed to give genuine choice with regard to how people choose to move, and accords fully with saved UDP policies and the NPPF.

#### **Impact on adjoining residential amenity**

- 6.24 Loss of amenity arising from direct and prejudicial overlooking is a material consideration. Apart from New House Farm, the nearest dwellings are those on the opposite side of the C1124. Officers are satisfied that development of the site in the manner envisaged by the illustrative layout will adequately safeguard the amenity of residents opposite, particularly with the retention of the majority of the existing hedgerow and additional tree planting inside this hedge. Clearly this will be contingent on detailed consideration at the Reserved Matters stage. 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.

#### **Ecology**

- 6.25 The Council's Ecologist has no objection subject to conditions and has concluded no likelihood of significant effects on the water quality of the River Wye/Lugg SAC/SSSI.

#### **Foul drainage and water supply**

- 6.26 Welsh Water has no objection to the development in relation to foul drainage, confirming that the treatment of domestic discharges from this site can be accommodated by the existing Waste Water Treatment Works. Work has also been progressed in relation to the supply of drinking water, with some local reinforcement work necessary. Subject to a condition requiring fulfilment of this work before first occupation of any of the dwellings, there is no objection. The cost of the upgrade is likely to be borne by the statutory undertaker.

#### **Capacity at the local Primary School**

- 6.27 The NPPF identifies the importance of ensuring a sufficient choice of school places for existing and new communities and recognises that local planning authorities will need to work proactively in order to meet this requirement (paragraph 72).
- 6.28 Marden Primary School is presently at capacity in one year group. The Schools Capital and Investment Officer has confirmed that subject to a S106 contribution, the pupils generated by this development could be accommodated.

### **S106 contributions**

- 6.29 Heads of Terms are appended to the report. As per the Parish Council comments, contributions towards library facilities and the cricket club are no longer sought. A modest contribution per dwelling is sought towards waste and recycling. This will fund the purchase of recycling bins. The gift of land for a village green facility and future community hall is also secured. The legal undertaking in this respect will be similar to that executed at Bartestree (143720/O) where a specified area was gifted to the Parish Council for a nominal sum. Further negotiation as to the tenure of the affordable housing can also ensue. This is in line with Parish Council wishes.

### **The proposal relative to development of the Neighbourhood Plan**

- 6.30 It is an NPPF core planning principle at paragraph 17 that planning should be '*genuinely planned, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of an area*'.
- 6.31 Marden Parish Council has designated a Neighbourhood Plan Area. A Neighbourhood Plan Steering Group has overseen the formulation of the plan, which is at Regulation 14 stage. Drawing on case-law, officers conclude that in this instance the Neighbourhood Plan, although having progressed to Regulation 14, is not presently sufficiently far advanced to be attributed weight for the purposes of decision-taking.
- 6.32 However, in this instance the application site is one of two allocated for housing development and subject to the qualifications at 5.1 the Parish Council expresses its support for the development.

## **7. Summary and Conclusions**

- 7.1 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. In this context, officers recommend the application for approval for the following reasons:-

- 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 scheme would make a contribution, on land of comparatively low environmental sensitivity, towards the supply of housing land and affordable housing in the context of an on-going deficit;
- The site lies outside but directly adjacent the settlement boundary in what is, having regard to the NPPF, a sustainable location with excellent access to local services. In this respect the proposal is in broad accordance with the requirements of chapter 4 of the NPPF (Promoting sustainable travel).
- The site is designated as a SHLAA minor constraints site and is allocated within the Draft NDP as a preferred site for housing. It is not subject of any landscape designations;
- The layout, although reserved, would enable the delivery of energy efficient dwellings and a highly permeable and sustainably drained;
- There are benefits to the wider community through the gift of land for the laying out of a village green and land for the future erection of a community hall;
- Irrespective that the proposal would exceed the parish's minimum housing requirement, the Parish Council has resolved to support the proposal in principle and only two letters of objection have been received;
- Both recent and historic community consultations have supported development on this site;
- There are no highways, drainage, ecological or archaeological issues that significantly and demonstrably outweigh the benefits associated with approval;

- There is no overriding evidence of significant or demonstrable harm to nature conservation interests in the form, principally of the R. Wye/Lugg SAC/SSSI;
- Any harm to the setting of the designated heritage assets can be mitigated and is not substantial.

7.2 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 should also be regarded as material considerations. In providing a greater supply of housing and breadth of choice, including 35% affordable, officers consider that the scheme also responds positively to the requirement to demonstrate fulfilment of the social dimension of sustainable development.

7.3 It is therefore recommended that outline planning permission be granted subject to the completion of a legal undertaking and the following planning conditions.

## **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**

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

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. **The development shall include no more than 90 houses and no dwellings shall be more than 2 storeys high**

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

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 substantial accordance with the Architype Design and Access Statement (8010/PL DAS) dated March 2015.**

**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. **H03 Visibility splays (2.4m x 60m)**
7. **H06 Vehicular access construction**
8. **H18 On site roads - submission of details**
9. **H21 Wheel washing**

10. H27 Parking for site operatives
11. H29 Secure covered cycle parking provision
12. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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

13. No development shall take place until a scheme to satisfactorily accommodate a potable water supply for the site has been submitted to and approved in writing by the local planning authority. No part of the development shall be brought into use and no dwelling shall be occupied until the approved scheme has been constructed, completed and brought into use in accordance with the approved scheme.

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

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

15. G10 Landscaping scheme

16. G11 Landscaping scheme - implementation

17. G14 Landscape management plan

18. The recommendations set out in the recommendations of the Phase 1 Habitat ecologist's report from Hills Ecology dated April 2014 and the mitigation and compensation proposals of the great crested newt report from Hills Ecology dated May 2014 should be followed in relation to species mitigation. Prior to commencement of the development, a full working method statement for the protected species present together with a habitat enhancement plan integrated with the landscape proposals should be submitted to, and be approved in writing by, the local planning authority, and the work shall be implemented as approved.

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

**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. HN08 Section 38 Agreement & Drainage details
- 3. HN28 Highways Design Guide and Specification
- 4. HN05 Works within the highway
- 5. HN24 Drainage other than via highway system
- 6. S106

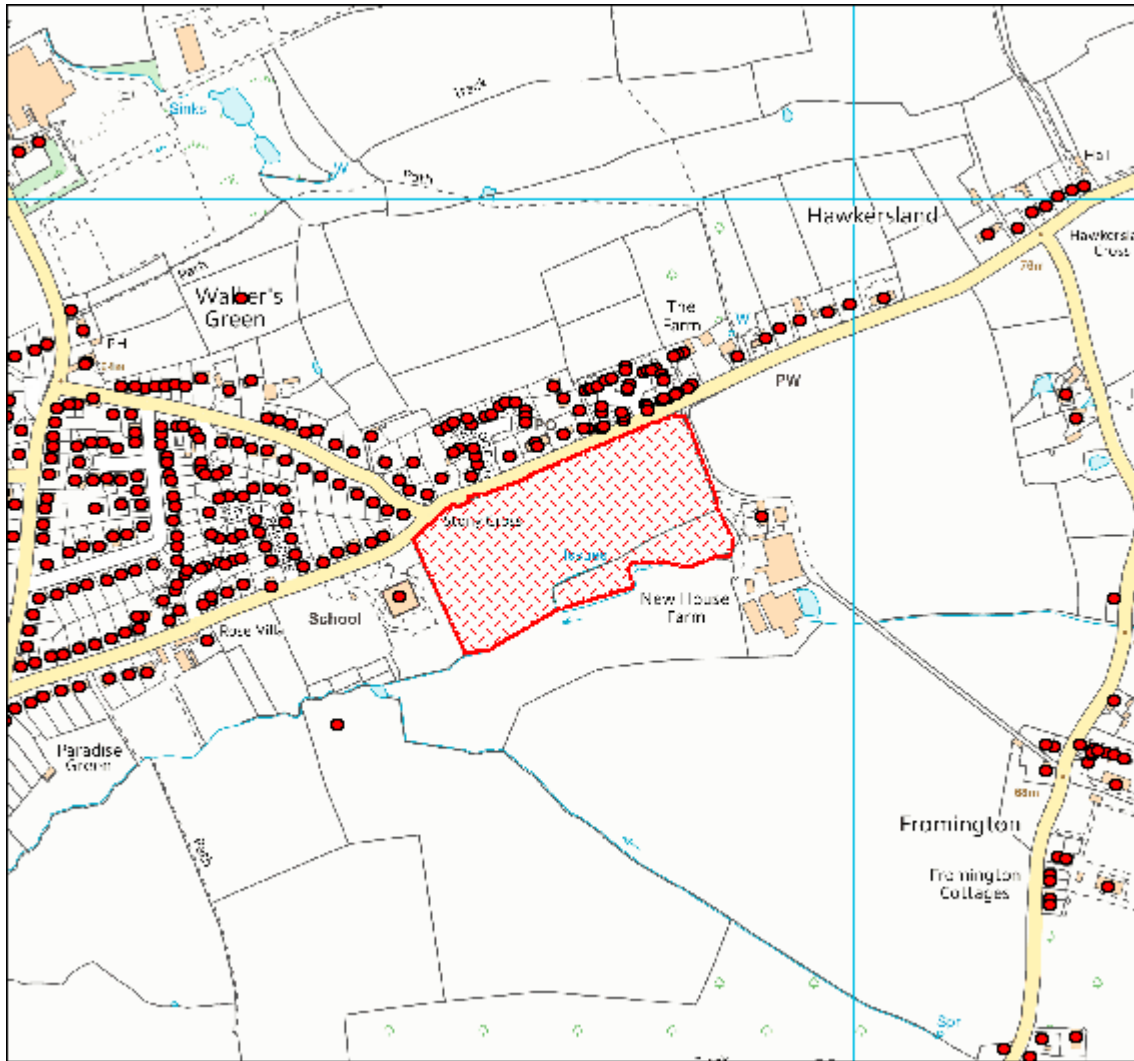
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 150989

**SITE ADDRESS :** LAND ADJACENT TO NEW HOUSE FARM AND MARDEN PRIMARY SCHOOL,  
MARDEN, HEREFORDSHIRE

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# 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 1<sup>st</sup> April 2008. All contributions in respect of the residential development are assessed against general market units only.

Site for residential development of up to 90 dwellings and land for community use on land adjacent to New House Farm, Marden, Herefordshire, HR1 3EW

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

**£1,084.00** (index linked) for a 2 bedroom open market dwelling

**£1,899.00** (index linked) for a 3 bedroom open market dwelling

**£3,111.00** (index linked) for a 4+ bedroom open market dwelling

The contributions will provide for enhanced educational infrastructure at Marden Primary School. The sum shall be paid on or before first occupation of the 1<sup>st</sup> open market dwellinghouse.

*Note: This is the contribution that would be requested at this point in time based on the current information and number of dwellings available.*

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

**£1720.00** (index linked) for a 2 bedroom open market dwelling

**£2,580.00** (index linked) for a 3 bedroom open market dwelling

**£3,440.00** (index linked) for a 4+ bedroom open market dwelling

The contributions will provide for sustainable transport infrastructure to serve the development, which sum shall be paid on or before occupation of the 1<sup>st</sup> open market dwellinghouse and may be pooled with other contributions if appropriate.

The sustainable transport infrastructure will include:



- Improvements to the pedestrian facilities in Marden
- Improvements to the cycling facilities in Marden
- Improvements to the bus passenger facilities in Marden
- Improvements to the public right of way network in Marden within the vicinity of the development

*Note: A footway will be required to be delivered as part of the development along the frontage of the development site. A footpath link from the school to emerge close to the school will be required. These are necessary to make the development acceptable and will be a condition of any planning permission to be delivered through a Section 278 highway agreement.*

3. The developer covenants with Herefordshire Council to provide 0.24 hectares of on-site green infrastructure comprising;

0.16 hectares of formal play for toddlers, children and teenage age groups

0.08 hectares of Public Open Space which may include the attenuation basin

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

*Note: There is an existing play area which is within acceptable distances from the proposed development lying next to the school. The existing facility only caters for infants and juniors. Given the size of the development proposed there is limited capacity for the existing facility to be expanded to meet all the identified requirements. It is therefore suggested that all play provision should be provided on site.*

4. The developer covenants with Herefordshire Council to either pay Herefordshire Council a 15 year commuted sum for maintenance of the on-site Public Open Space (POS), if to be adopted by the Council. Such sums to be calculated in accordance with the Council's tariffs. Alternatively, 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.

5. The developer covenants with Herefordshire Council to gift community open space to the parish council for use as a village green and site for a future village hall.. The area of land shall not be less than that set out on the illustrative layout drawing 8010 PL50. The open space will be cleared and ready for use as part of the development. This would include provision of all landscaping and planting surrounding the area (as may be agreed as part of the Reserved Matters application).
6. The developer covenants with Herefordshire Council that 35% (up to 32 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).

\*this assumes a 90 dwelling scheme.

7. All the affordable housing units shall be completed and made available for occupation prior to the occupation of no more than 80% of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.
8. 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:-
  - 8.1 registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
  - 8.2 satisfy the requirements of paragraph 9 of this schedule
9. 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:-
  - 9.1 a local connection with the parish of Marden;
  - 9.2 in the event there being no person with a local connection to the parish of Marden the adjoining parishes;

9.3 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 19.1 above

10. For the purposes of sub-paragraph 9.1 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:

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

10.2 is employed there; or

10.3 has a family association there; or

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

10.5 because of special circumstances

11. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £80 (index linked) per dwelling. The contribution will be used to provide 1 x waste and 1 x recycling bin per dwelling. The sum shall be paid on or before occupation of the 1<sup>st</sup> open market dwelling.

12. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £20,900 towards improvements to the parish football pitch or other sum for improvements towards the parish tennis courts as may be agreed as CIL compliant with the parish council.

13. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2, 11 and 12 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.

14. The sums referred to in paragraphs 1, 2 and 5 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.

15. 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.
16. 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.



|   |   |
|---|---|
| <b>MEETING:</b>   | <b>PLANNING COMMITTEE</b>   |
| <b>DATE:</b>  | <b>7 OCTOBER 2015</b>   |
| <b>TITLE OF REPORT:</b>   | <b>151316 - PROPOSED RESIDENTIAL DEVELOPMENT FOR 24 DWELLINGS AT LAND OPPOSITE, PLAYING FIELDS, PYEFINCH, BURGHILL, HEREFORD</b><br><br><b>For: Mr Edwards per Mr Mark Owen, Second Floor Offices, 46 Bridge Street, Hereford, Herefordshire, HR4 9DG</b>                                   |
| <b>WEBSITE LINK:</b>  | <a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151316&amp;search=">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151316&amp;search=</a> |
| <b>Reason Application submitted to Committee – Contrary to Policy</b> |   |

**Date Received: 5 May 2015**

**Ward: Queenswood**

**Grid Ref: 347487,244590**

**Expiry Date: 5 August 2015**

Local Member: Cllr PE Crockett

## **1. Site Description and Proposal**

- 1.1 The application site comprises a broadly triangular parcel of grazing land that is 1.7 hectares in size and located adjacent to the main Hereford to Weobley Road, on the southern edge of Burghill Village. Immediately to the north of the site lies the residential properties that front Burghill Village Road this boundary is formed by a mix of hedges, landscaping and fencing. The eastern boundary of the site is formed by mature trees and hedgerow and across the lane lies The Copse recreation ground. To the west, the boundary is formed by a hedgerow, with Burghill Valley Golf club lying opposite.
- 1.2 Access to the site currently exists via an agricultural field gate off the main road, opposite the Golf Club and via gateway that lies between the Grade II listed dwelling known as Pyefinch House and Pearmain to the north of the site.
- 1.3 The application seeks planning permission for the erection of 24 dwellings with all matters except for access reserved for future consideration. The application is accompanied by a detailed Design and Access Statement, Flood Risk Assessment and Drainage Strategy and Ecological Report along with indicative site plan, access details and Heads of Terms.

## **2. Policies**

- 2.1 National Planning Policy Framework 2012. In particular chapters:

Introduction - Achieving sustainable development

Section 4 - Promoting sustainable communities

Section 6 - Delivering a wide choice of high quality homes

Section 7 - Requiring good design

Section 8 - Promoting healthy communities

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

Section 11 - Conserving and enhancing the natural environment  
Section 12 - Conserving and enhancing the historic environment

## 2.2 National Planning Practice Guidance

## 2.3 Herefordshire Unitary Development Plan 2007

|     |   |   |
|-----|---|---|
| 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  |
| H4  | - | Main Village: Settlement Boundaries                     |
| H7  | - | Housing in the Open Countryside Outside Settlements     |
| H9  | - | Affordable Housing                                      |
| H13 | - | Sustainable Residential Design                          |
| H19 | - | Open Space Requirements                                 |
| T8  | - | Road Hierarchy  |
| LA2 | - | Landscape Character and Areas Least Resilient to Change |
| LA3 | - | Setting of Settlements                                  |
| LA5 | - | Protection of Trees, Woodlands and Hedgerow             |
| NC1 | - | Biodiversity and Development                            |
| NC6 | - | Biodiversity Action Plan Priority Habitats and Species  |
| NC7 | - | Compensation for Loss of Biodiversity                   |
| CF2 | - | Foul Drainage   |

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

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

## 2.4 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                                    |
| 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 | - | Landscape and Townscape  |
| LD2 | - | Biodiversity and Geodiversity                                  |
| LD3 | - | Green Infrastructure   |
| LD4 | - | Historic Environment and Heritage Assets                       |
| SD1 | - | Sustainable Design and Energy Efficiency                       |
| SD3 | - | Sustainable Water Management and Water Resources               |
| SD4 | - | Wastewater Treatment and River Water Quality                   |
| ID1 | - | Infrastructure Delivery  |

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

## 2.5 Neighbourhood Planning

Burghill Neighbourhood Area was approved under the Neighbourhood Planning (General) Regulations 2012 was on 11/09/2013. Work has commenced on drafting of the plan however it has not reached Reg. 14 therefore the plan has no material weight for the purpose of determining planning applications.

## 2.6 Other Relevant National Guidance:

Planning for Growth - 2011  
Laying the Foundations - 2011  
Housing and Growth - 2012

## 3. Planning History

3.1 None

## 4. Consultation Summary

### Statutory Consultees

4.1 Welsh Water raises no objection but recommends conditions be imposed on any permission.

### Internal Council Consultations

4.2 Conservation Manager (Landscape)

The National Planning Policy Framework, Item 11, 109 states:

*'The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and soils'*

The loss of valued land to agricultural development should be compensated for by habitat creation where possible.

The Herefordshire Unitary Development Plan, following policies state:

S1. Sustainable Development, *'Respecting patterns of local distinctiveness and landscape character in both town and country, safeguarding landscape quality and visual amenity'*

The site is potentially visible from a variety of locations at varying distances from a number of private and public areas. Appropriate native tree and hedgerow proposals should be clearly indicated on the proposed landscape plan to mitigate these proposed visual impacts and to enhance the visual amenity of the surrounding area.

LA2. Landscape Character and areas resilient to change, *'Proposals should demonstrate that landscape character has influenced their design, scale, nature and site selection. Where appropriate, developers will be encouraged to restore degraded or despoiled landscapes to their inherent character'*

The proposal should clearly show that the design, scale, materials and colours for the proposal reflect the landscape character of the area.

LA5. Protection of trees, woodlands and hedgerows, *'Through the enhancement and protection of individual trees, tree groups woodlands and hedgerows'*

Any construction access arrangements should identify if any existing vegetation is to be removed on site or on the site boundary. Trees close to the construction works should have appropriate root protection measures during the operations on site. TPO trees on site should be clearly marked on Landscape plans and also be clearly identified on site including appropriate tree protection measures.

On the basis of the above landscape comments, I would recommend that conditions be attached.

#### 4.3 Conservation Manager (Historic Buildings Officer)

The site is located on the edge of the north western sector of the village, to the rear of the houses on the south side of the lane. The site is triangular in shape and bordered by 2 roads along the south west and south east boundary. The site is prominent in views from the southern point and the lane along the south western edge. An unregistered park and garden associated with Burghill Court lies just beyond the south east boundary of the site. Pyefinch Farmhouse which is a grade II listed building backs on to the northern boundary of the site.

The site has a strong tree and hedgerow boundary along south eastern edge. Provided this is retained it would effectively screen the development from the unregistered park and garden.

Pyefinch Farmhouse is located within a row of mostly modern housing development just beyond the northern edge of the site. The north side of the lane predominantly consists of modern housing estates. The rear of the listed farmhouse is therefore seen from the south / south west in the context of modern residential development. A key view of the farmhouse is obtained from the lane that it fronts. From here views beyond Pyefinch Farmhouse to the open countryside are obtained. This view, primarily through the gap to the west of the house contributes to its setting and is a reminder of the buildings former use. If this proposed development is to go ahead it is important that a sufficient area of landscaped open space is retained to the south of the listed building to retain a sense of openness when viewed from the road. It is noted that the site plan shows open space in this area which would be used for attenuation

#### 4.4 Transportation Manager

The cycle pedestrian link and treatment where it joins the village street by Pearmain is unclear, as it attainment of visibility at this junction. Clarification is required.

The remainder of the overall layout and vehicular access junction with C1095 is considered acceptable.

Section 106 contributions would be required in line with our SPD.

Subject to resolution of the above points, I would have no objections.

Street lighting provision will need to be discussed with the parish council.



#### 4.5 Housing Manager

In principle the housing team support the above application for 24 dwellings of which 8 will be made available for affordable housing. However the mix is not suitable and a suggested mix would be:

- 2 x 2 bed social rent
- 3 x 2 bed intermediate housing
- 2 x 3 bed social rent
- 1 x 3 bed intermediate housing

#### 4.6 Parks and Countryside Manager

**UDP Policy H19 Policy Requirements:** It is noted that the applicant makes no reference to policy requirement for POS arising from this development in accordance with UDP policy H19 either as an on-site provision or an off-site contribution. The Design and Access statement doesn't include anything and there are no draft heads of terms accompanying the application. In accordance with UDP policy H19 developments of this size are required to provide a small children's play area and although the proposal is opposite the existing recreation ground and play area at Bakers Furlong this is not a reason for them not meeting this policy requirement. Evidence provided in the Play Facilities study and investment plan acknowledges that the existing play area at Bakers Furlong, although fairly new and built in 2011 as a community project, still requires additional investment to create a larger neighbourhood facility to cater for all ages appropriate to a village this size.

Therefore, in this instance it is appropriated to ask for an off-site contribution towards providing additional equipment at Bakers Furlong. In accordance with the SPD on planning obligations and based on market housing only we would ask for the following:

- 2 bed: £965
- 3 bed: £1,640
- 4+ bed: £2,219

**SUDS:** It is noted that there is an area on site for SuDS and attenuation ponds. The applicant as not made this clear whether or not this will be publically accessible. With careful design to take account of health and safety these areas can provide both informal recreation to include natural play opportunities, enhance biodiversity and create habitats via ponds and areas of wetlands for amphibians and reptiles. If this is to be the case and the applicant makes provision for natural play as part of the SuDS it would potentially reduce the need to provide an off-site contribution.

SuDS areas need to be designed in accordance with national SUDS guidance and will require a detailed ecological/site management plan and annual work plan. The Council doesn't as yet have a SuDS strategy and advises developers to use CIRA guidance but with reference to DEFRA's draft of the revised SuDS guidance (currently being finalised) and to reference other useful SUDS and wildlife guidance from the Wildfowl & Wetland/RSPB available from the susdrain website.

**Adoption/Future Maintenance:**

**POS/Play:** If this is to be provided as part of the SuDS 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 a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement.

**SuDS:** With the changing legal issues/revising national guidance around SuDS following recent Govt consultations, at this time we are unable to advise a definitive answer on adoption and maintenance of any SuDS areas. Any adoption or maintenance agreements and associated commuted sums/management charges with any eligible body are subject to the powers, acts and national guidance that is live and relevant at the time of adoption.

#### Waste Operations Manager

The area proposed for development is currently served by a 26tonne Refuse Collection Vehicle therefore any new developments in this area would also be covered by this size vehicle. Please consider this with regards to access and vehicle movement for collections of refuse and recycling. The vehicle will need to access once per week to all properties.

#### 4.7 Land Drainage Manager makes the following comments:

##### *Fluvial Flood Risk*

Figure 1 indicates that the site is located in the low risk Flood Zone 1, where the annual probability of flooding from fluvial sources is less than 0.1% (1 in 1000). As the site is greater than 1 ha, a Flood Risk Assessment (FRA) is required in accordance with National Planning Policy Framework (NPPF) as part of the planning application. A FRA has been provided by the Applicant, which confirms the low fluvial flood risk at the site.

##### *Other Considerations and Sources of Flood Risk*

As required by NPPF, the FRA also gives consideration to flood risk from other sources. The potential flood risk from surface water, groundwater, impounded bodies of water and sewers have been assessed and considered to be of low risk. We concur with this assessment.

##### *Surface Water Drainage*

The submitted FRA states that the results of soil infiltration tests indicate that infiltration is not feasible on site. No soil infiltration results were submitted for our review. As this information contradicts information provided on the Cranfield University Landis Soils map, which indicates that the site is underlain by freely draining soils, it is recommended that the Applicant submits the results of soil infiltration tests with a drawing showing the location of where the tests were undertaken to confirm whether infiltration is feasible or not.

No watercourses are identified in the vicinity of the site. Therefore, the submitted FRA states that surface water runoff from the proposed development is proposed to be discharge to the existing public sewer located approx. 50m to the north of the site. The report noted that it will require a new connection, which will be subject to approval and agreement with Dwr Cymru Welsh Water (DCWW).

The Applicant submitted the existing greenfield runoff rates calculated for the proposed development site. The rates are shown in Table 1.

| Return Period                | 30 year | 100 year |
|------------------------------|---------|----------|
| Greenfield runoff rate (l/s) | 5.5     | 6.8      |

It is proposed that the discharge rate to the public sewer is limited to the existing 1 in 100 year greenfield runoff rate. This approach is not in accordance with Defra's Non-statutory technical standards for sustainable drainage systems (March 2015) that states 'For greenfield developments, the peak runoff rate from the development to any highway drain,

sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event should never exceed the peak greenfield runoff rate for the same event'.

Whilst limiting discharge from the site to the existing 1 in 100 year greenfield runoff rate is acceptable during the 1 in 100 year design scenario, discharge during smaller events should be limited to a lower runoff rate. The Applicant should demonstrate why a lower discharge rate cannot be achieved and, if a lower discharge rate is not feasible, the Applicant should confirm that a higher discharge rate is acceptable to DCWW without posing increased flood risk elsewhere.

The submitted FRA states that surface water runoff generated from the majority of the new development will be attenuated for up to and including the 1 in 100 year storm event with 30% climate change allowance. Surface water runoff is proposed to be attenuated in a balancing pond located within the site boundary. It is proposed that the entire basin excavation is lined with impermeable geomembrane to ensure that groundwater will not enter the pond. The preliminary calculations indicate that approx. storage volume of 245m<sup>3</sup> may be required. It is proposed to provide an additional 300mm freeboard above the maximum water level during the 1 in 100 year event and the top of bank level. We agree with this approach, however we recommend that the Applicant demonstrates how exceedance of the drainage system will be managed during extreme storm events and/or blockage to ensure no increased risk of flooding to properties and people. Specifically, how runoff that cannot enter the drainage system instantaneously (i.e. because of the capacity of the gullies and below ground sewers) will be temporarily attenuated and/or managed in a controlled way to ensure that this is directed to the pond and not permitted to drain from the site in an uncontrolled manner.

The Applicant states that due to topography of the site, surface water runoff from the south-west corner of the site is proposed to be discharged to a pumping station and then pumped via a 60m long raising main to the gravity-fed surface water drainage system serving the remainder of the site. In accordance with building regulations, the pumping station must be located a minimum of 15m away from any habitable building. It is recommended that prior any works, the Applicant confirms that the proposed pumping station fulfils this requirement.

We also recommend that that Applicant confirms the depth to the groundwater table to justify the need to line the proposed attenuation pond. If the maximum groundwater level is in excess of 1m below the base of the proposed attenuation pond, we would promote the use of an unlined system that maximises infiltration potential even if during smaller rainfall events.

The Applicant intends for the surface water drainage to be offered to DCWW for adoption under a S104 agreement. The adoption will also include the balancing pond, attenuated outfall to the existing public sewer, the pumping station and the raising main. In our experience, DCWW are often reluctant to adopt above ground attenuation features and/or features that provide attenuation for events greater than the 1 in 30 year event. We recommend that the Applicant confirms this with DCWW as soon as possible and that the Council request this information to be provided as soon as possible.

The submitted FRA states that all highway gullies and gully connections will be adopted and maintained by Herefordshire Council Highways Authority as part of a S38 agreement. Maintenance of all private drainage within individual property boundaries will be the responsibility of each individual home-owner. We recommend that this is confirmed with Herefordshire Council Highways Authority.

The Applicant makes no reference to the treatment of surface water prior to discharge. Evidence of adequate separation and/or treatment of polluted water 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

Foul water generated on the site is proposed to be discharged to the existing public foul sewer located at the south of the site. The existing public foul water sewer that crosses the eastern part of the site will be diverted so as to connect into the proposed foul water system – subject to agreement with DCWW. We recommend that the Applicant confirms this approach with DCWW and that the Council request this information to be provided for review

### Overall Comment

Overall, we do not object in principal to the proposed development on flood risk and drainage grounds. However, we recommend that the following information is submitted prior to the Council granting outline planning permission:

- Results of soil infiltration testes undertaken throughout the site and showing the location of these tests to confirm that infiltration techniques are not feasible for this site.
- Confirmation of the depth to the groundwater table to justify the need to line the proposed attenuation pond.
- Confirmation that a lower discharge rate will be strived for during rainfall events less than the 1 in 100 year event in accordance with Defra's Non-statutory technical standards for sustainable drainage systems, and if this is not achievable then confirmation that DCWW would accept a higher discharge rate.

If infiltration is found to be feasible, the surface water drainage system should be revised to incorporate infiltration techniques as much as possible and submitted to the Council for approval.

Prior to construction, it is recommended that the Applicant submits the following information as part of any subsequent reserved matters application and/or planning conditions:

- A detailed drainage strategy with supporting calculations that confirms no flooding from the drainage system during the 1 in 30 year event and no increased risk to people and property up to and including the 1 in 100 year event and allowing for the potential effects of climate change.
- Details of any proposed attenuation systems, including cross section and proposed inlet/outlet structures.
- Details of the proposed pumping station including supporting calculations, noting that the pumping station should be designed in accordance with Sewers for Adoption 7<sup>th</sup> edition.
- Information on how surface water runoff will be managed in the case of the exceedance of the drainage systems and/or blockage.
- Demonstration that appropriate pollution control measures are in place prior to discharge.
- Confirmation from DWCC that surface water runoff and foul water from the development can be discharged to the existing public surface water and foul water sewers respectively.

- Confirmation that the proposed pumping station is located a minimum of 15m away from any habitable building.
- Confirmation and evidence of agreement in principle from the authority(s) responsible for the adoption and on-going maintenance of all aspects of the proposed drainage system.

## 5. Representations

5.1 Burghill Parish Council objects to the application for outline planning permission for the following reasons:

1. This site was considered during Burghill PC's neighbourhood development plan (NDP) assessments and was scored following HC's recommended scoring mechanism. On a scale of 1 to 4, 1 being a site most suitable for development and 4 being the least, this site was scored 2.57.

2. A high proportion of comments received during the initial consultation phase of the NDP gave the view that smaller developments with a maximum of 10-12 dwellings would be more suitable and acceptable in a rural location.

3. Burghill's Parish Plan and its subsequent update in 2010 specified that development at 'Pyfinch Triangle' should be protected from development (54% of residents responding to a parish wide questionnaire supported this statement).

4. The PC considers the development of this site would form an unacceptable extension to the village harmful to the rural character of a village situated in open countryside.

5. There is considerable concern regarding the capacity of drains to cope with increased demand. The site is known to become waterlogged in wet weather and drainage problems already exist in the village. The PC considers the ongoing discussions with Welsh Water regarding the SUDS and attenuation pond should be completed before a decision is taken on this site, as the question of adoption and maintenance of the system, and adequate protection of the pond from a safety perspective are of considerable importance locally.

6. Road safety was raised by a high proportion of residents attending the parish council meeting held to discuss the application; the site access will be very close to a particularly hazardous crossroads where a number of accidents, collisions and near misses have occurred (there has been a fatality at this crossroads, milkman was killed). Herefordshire Council Unitary Development Plan currently designates this zone around Burghill as open countryside therefore this type of development, and this location in particular is not in keeping with the rural nature of the village and would have a detrimental effect on the character and appearance.

5.2 14 letters of objection have been received that raise the following comments and issues:

### Highway Safety

- Tillington Road is very busy and dangerous;
- Crossroads by the Copse has been site of fatal accident and other serious accidents; Lose sight of cars for several seconds;

- Close proximity to the busy junction at the Golf Club;
- Additional car movements (105 spaces provided) will add to an already dangerous stretch;
- Will this become a 30mph road?;

### Services

- Power cuts;
- Overloaded sewerage system, problems;
- Site is mainly clay – land drainage problems in future. Testing done in largely dry winter;
- Who will be responsible for the drainage pond?

### Character and appearance

- Rural village, this housing estate will change character;
- If street lighting introduced then this would be urbanising;
- Traffic noise and light pollution will harm character;
- Wildlife haven, wildlife corridor welcomed. Dispute aft that the site has low ecological value.
- One tree on southern boundary has TPO.
- A housing estate will change the character of the village.

### Neighbourhood Plan

- Should not be discounted, there are smaller sites that can cumulatively provide the growth;
- NP was supportive of pepperpot growth;
- Wishes were for this site to be 12 dwellings not 24;
- Premature to decide this without adopted CS. UDP site was dismissed by inspector;
- Site is outside the envelope / settlement boundary;

### Other

- Ditch across site that has been filled in;
- Site is not sustainable with its facilities (shop, school and public house) being in next hamlet. Not in easy walking distance. Therefore high dependency on the motorcar;
- What are the benefits to the local community?
- 6 buses a day is not regular.
- Two storey dwellings will impact on the privacy and amenity of the nearby residents;
- How would safety of the and be dealt with? If approved S106 should be used for The Copse Leisure area opposite (sports pavilion and courts that have planning permission);
- What is the proportion of social housing?

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 Burghill is identified within the adopted Unitary Development Plan as a main village and is also allocated as a main village within the Hereford Housing Market Area within the emerging Local Plan – Core Strategy with an 18% minimum growth target over the plan period across the Burghill and Tillington area. This equates to a minimum of 124 dwellings, to 2031. As there are a number of planning permissions already secured in the area, the residual minimum requirement over the lifetime of the Core Strategy is a minimum of 106 and therefore remains in excess of the 24 units proposed.

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, impacts arising from foul drainage, 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. The Local Plan – Core Strategy Examination in Public took place during February 2015. Although the Inspector's report is anticipated shortly, Core Strategy Policies presently attract no weight for the purposes of decision taking.

6.5 The two-stage process set out at S38 (6) above requires, for the purpose of any determination, 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 for the purpose of decision-taking. NPPF Paragraph 215 has the 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 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."

- 6.7 In the context of the UDP and the Council's acknowledged shortfall of housing land supply it is the second bullet point and the weighing of positive and negative impacts in the 'planning balance' that is relevant in this case. The decision-taker must decide whether the development before them is representative of sustainable development having regard to the policies of the NPPF as a whole if the positive presumption is to be engaged.
- 6.8 Although not expressly defined, the NPPF refers to the three dimensions of sustainable development as being the economic, environmental and social dimensions.
- 6.9 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, which is further reinforced 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 11-15. Paragraph 49 states:
- “Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.”*
- 6.10 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.
- 6.11 Burghill is a village that is closely related to the hamlets of Tillington and Tillington Common. The Neighbourhood Plan is being progressed inclusive of both of these areas. Whilst Burghill village has a clear core, the goods, services and employment opportunities are dispersed in a linear manner along Tillington Road and serve the wider area. These include the school, shop and public house (The Bell) as well as the recreation ground, cricket and golf clubs. Occupants of the proposed dwellings would support these services and facilities and improve their economic growth. The sites location is considered to be sustainable.

### **Assessment of the scheme's sustainability having regard to the NPPF and Housing Land Supply**

- 6.12 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*.
- 6.13 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.
- 6.14 In this instance officers consider that in terms of access to goods, services and employment opportunities the site is sustainably located. The delivery of up to 24 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 scheme's contribution towards fulfilment of the environmental role is discussed below.

### **Impact on landscape character**

- 6.15 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 sections 11 and 12 of the NPPF.
- 6.16 The application site has no formal landscape designation. It lies in open countryside outside but adjacent the settlement boundary on a site designated in the SHLAA (2009) as having low/minor constraints and being capable of accommodating up to 50 dwellings.
- 6.17 The Conservation Manager (landscape) acknowledges that the site is potentially visible from a variety of locations at varying distances from a number of private and public areas. Appropriate native tree and hedgerow proposals should be clearly indicated on the proposed landscape plan at Reserved Matters Stage (And is shown on the indicative plans at this Outline Stage). Conditions can also be used to secure landscape enhancement. The indicative layout also promotes green infrastructure along the pedestrian routes through the site and biodiversity enhancements in line with the recommendations of the Ecologist. In this respect conditions will be imposed requiring the protection of hedgerows, 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 heritage assets**

- 6.18 Pyefinch Farmhouse is a grade II listed building that backs on to the northern boundary of the site and fronts the Burghill Village Road. Pyefinch Farmhouse is located within a row of mostly modern housing development just beyond the northern edge of the site. The north side of the lane predominantly consists of modern housing. The rear of the listed farmhouse is therefore seen from the south / south west in the context of modern residential development. A key view of the farmhouse is obtained from the lane that it fronts. From here views beyond Pyefinch Farmhouse to the open countryside are obtained. This view, primarily through the gap to the west of the house contributes to its setting and is a reminder of the buildings former use. This application is in outline form, with layout reserved for future consideration. The Conservation Manager recommends that to ensure a satisfactory form of development that a sufficient area of landscaped open space is retained to the south of the listed building to retain a sense of openness when viewed from the road. It is noted that the indicative site plan shows open space in this area which would be used for attenuation but this matter must be fully considered at a reserved matters stage. In addition to this, the boundary treatments must be carefully considered to ensure that the setting is preserved or enhanced whilst also providing adequate visibility for pedestrians and privacy for the occupiers of the dwelling. It is therefore considered that the residential development of the site would not, with the appropriate layout and landscaping, have an adverse impact on the setting of the Listed Building and as such would comply with the requirements of saved policy HBA4 of the UDP and guidance contained within the NPPF.

- 6.19 The unregistered parkland associated with Burghill Court lies just beyond the south east boundary of the site. The site has a strong tree and hedgerow boundary along south eastern edge that can be retained. Provided this is retained it would effectively screen the development from the unregistered park and garden and preserve its setting. As such the proposed development will comply with saved policy LA4 of the UDP and with the guidance contained within the NPPF.

### **Impact on ecological interests**

- 6.20 Paragraph 109 of the NPPF requires that the planning system should minimise impacts on biodiversity and provide net gains where possible, contributing to the Government's commitment to halt the overall decline in biodiversity. An ecological report has been submitted with the application, that identifies bat activity in trees that bound the site, identifies bird nesting opportunities and also potential for great crested newts and makes further recommendations of how these issues can be addressed as part of a residential development. Following consultation with the Council Ecologist, it is recommended that conditions be imposed to ensure that a biodiversity enhancement plan be submitted in line with the report recommendations and that this inform the design, layout and landscaping of the Reserved Matters submission. On this basis, the development of the site can safely mitigate protected species and provide biodiversity enhancement in accordance with the requirements of saved UDP policies NC1, NC8 and NC9 and with the guidance contained within the NPPF.

### **Tree Preservation Order**

- 6.21 A group Tree Preservation Order has been identified to the east of the site. This TPO (050) dates from 1972 and identifies a number of Groups of trees. The one to which this relates is G6 and relates to 6 Elm trees. These are no longer on site, and from the historic aerial photographs have not been in existence for some time. It is possible that these were lost to Dutch elm disease. Having consulted with the Councils Tree Officer, it is recommended that new mature trees are planted to compensate for the loss. The reserved matters in respect of landscape can ensure compliance with this requirement. As such the proposal complies with the requirements of saved policies LA5 and LA6 of the UDP.

### **Transport and Highway Safety**

- 6.22 The site's location offers the opportunity to access some local goods and services on foot. The site is close to or adjoining the village playing field and near to the primary school and village Hall (Simpson Hall). Bus stops are accessible and with the shop and public house a short distance away.
- 6.23 One of the key elements of this application relates to the ability to make provision for pedestrian connectivity through the site. Following a query by the Transportation Manager confirmation was sought in respect of the achievable visibility to the pedestrian accesses. An updated plan was received that identifies current visibility at 60m from a position 2.4m back, As this is a pedestrian / cycle access only and will be constructed in accordance with the Herefordshire Council Guidelines with tactile paving to both sides of the carriageway and to adoptable standards with the relevant highways agreements. The second pedestrian access also provides good visibility, albeit this will involve the loss and replanting of some hedgerow trees, and a crossing to a proposed new footway into the sports ground. Providing this connectivity across the site to this facility is seen as a benefit to the wider community. Pedestrian access will also be provided through the site to the Tillington Road and a proposed crossing point to the existing footway that runs along the western side of the carriageway and onward to the school.
- 6.24 Turning to the vehicular access, the concerns of the local residents about traffic speed and movements are noted, with particular reference to the crossroads. The Traffic Manager

confirms that the proposed visibility splays of 2.4m x 120m to the north and 4.5m x 120m are acceptable. The splay is achievable primarily behind the existing hedgerow but will require some hedge and fence removal to the south of the site adjacent to the crossroads. This should also improve visibility at the crossroads which is currently impeded by the fence / hedgeline. The position of the access has purposefully been staggered from that Golf Club access, with good inter-visibility, to address highway safety concerns raised at a pre-application stage. This arrangement is now considered to be acceptable and no objection is raised.

- 6.25 It is also recommended that Section 106 contributions be secured for via the S106 agreement for Improvements to pedestrian / cycle facilities; Improvements to sustainable and public transport facilities; Community transport and safer routes to school. Otherwise improvements to include the new footways and crossing points will be secured through s38 and s278 agreements and required via planning conditions as suggested below.
- 6.26 Having regard to the above, the proposed development is considered to provide safe and adequate vehicular and pedestrian access to the site, without detriment to highways safety and is in conformity with the requirements of saved UDP policy DR3. It is also concluded that subject to these measures the scheme is acceptable relative to the requirements of paragraph 32 of the NPPF and would not result in residual cumulative impacts that are severe.

### **Land Drainage/Drainage**

- 6.27 The Councils Land Drainage engineer has provided detailed comments on the proposed scheme, raising no objection in principle but requiring further exploration and details to be submitted. It is clear that this site and its eventual layout will need to carefully consider the drainage requirements as they will inform design and layout. These technical details will also need to form part of the Reserved Matters application, at which stage a re-consultation with the Land Drainage Engineer will take place (pre-application discussions will be encouraged). On this basis, the proposal is considered to be acceptable, in principle and whilst concerns are noted, these can be addressed fully in a detailed scheme submission. As such, the proposal is considered to be acceptable and compliant with the requirements of policy DR4 of the UDP.
- 6.28 Welsh Water do not object to the proposal, but note the presence of the mains sewer through the site. Their requirements will also impact upon the detailed layout and design of the site and will be considered again at Reserved Matters stage to ensure compliance.

### **S106 contributions**

- 6.29 The S106 draft Heads of Terms are appended to the report. CIL regulation compliant contributions have been identified to the applicant at the pre-application stage and will secure contributions towards education (Whitecross High School and Burghill Primary School), Sustainable Transport, Play facilities and Waste Management. In addition, the S106 will secure 35% affordable housing being a mix of both Social rent and Intermediate Tenure (Shared Ownership / Low Cost Open Market). Subject to signing the Section 106 agreement, the proposal will comply with the requirements of the SPD Planning Obligations, UDP policy DR5 and CIL regulations.

### **Impact on adjoining residential amenity**

- 6.30 The application is made in outline with all matters bar access reserved. The site layout plan does indicate a proposed layout, but does not definitively define the position of dwellings within the site. Officers are aware that the survey work discussed above will need to further inform design and layout. Nonetheless, officers are content that a layout could be devised that would respect the privacy of adjoining dwellings. Any reserved matters application will need to carefully consider these relationship and any technical requirements to ensure that privacy

amenity are acceptable having regard to the requirements of the Local Plan and NPPF guidance.

### **The Neighbourhood Plan**

- 6.31 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*'. Burghill Parish Council has only comparatively recently applied to designate a neighbourhood plan area. Accordingly, 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.

## **7. Summary and Conclusions**

- 7.1 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.
- 7.2 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. Burghill 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).
- 7.3 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.
- 7.4 The Conservation Manager confirms the application site has the ability to accommodate residential development subject to the retention of landscape features and providing a well thought out landscape scheme that will also enhance biodiversity interests of the site. The sites location adjacent to the Grade II listed building has also been considered, and subject to landscaping and layout being sensitively addressed at the reserved matters stage, officers are content that a scheme can be provided that would not cause harm to the setting or significance of any designated or non-designated heritage assets.
- 7.5 Officers conclude that subject to the completion of a S106 agreement, there are no highways, drainage 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.

## **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**

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

- 1. A02 Time limit for submission of reserved matters (outline permission)**
- 2. A03 Time limit for commencement (outline permission)**
- 3. A04 Approval of reserved matters**
- 4. A05 Plans and particulars of reserved matters**
- 5. B01 Development in accordance with the approved plans**
- 6. C01 Samples of external materials**
- 7. H06 Vehicular access construction**
- 8. H09 Driveway gradient**
- 9. H13 Access, turning area and parking**
- 10. H27 Parking for site operatives**
- 11. H29 Secure covered cycle parking provision**
- 12. G03 Retention of existing trees/hedgerows**
- 13. G04 Protection of trees/hedgerows that are to be retained**
- 14. G11 Landscaping scheme - implementation**
- 15. I16 Restriction of hours during construction**
- 16. I51 Details of slab levels**
- 17. K4 Nature Conservation - Implementation**
- 18. L01 Foul/surface water drainage**
- 19. L02 No surface water to connect to public system**
- 20. L04 Comprehensive & Integrated draining of site**
- 21. H17 Junction improvement / off site works**

## **INFORMATIVES:**

- 1. HN10 No drainage to discharge to highway**

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

2. **HN08 Section 38 Agreement & Drainage details**
3. **HN28 Highways Design Guide and Specification**
4. **HN13 Protection of visibility splays on private land**
5. **HN05 Works within the highway**
6. **The developer is advised that the proposed development site is crossed by a public sewer with the approximate position being marked on the attached 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 3 metres either side of the centreline of the public sewer.**
7. **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.**

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Notes: .....  
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**Background Papers**

Internal departmental consultation replies.



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

Application 151316 – Proposed residential development for 24 dwellings.

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

Site for residential development on Land opposite the playing fields, Pyefinch, Burghill, Hereford.

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

|        |   |
|--------|---|
| £2,120 | (index linked) for a 2 bedroom apartment open market unit |
| £3,848 | (index linked) for a 2/3 bedroom open market unit         |
| £7,113 | (index linked) for a 4+ bedroom open market unit          |

to provide enhanced educational infrastructure at Burghill Primary School and Whitecross High School, The sum shall be paid on or before the commencement of the development (or in accordance with a phased timetable to be agreed) , 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):

|         |  |
|---------|--|
| £ 1,920 | (index linked) for a 2 bedroom open market unit  |
| £ 2,580 | (index linked) for a 3 bedroom open market unit  |
| £ 3,440 | (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:

- a) Improvements to pedestrian / cycle facilities
- b) Improvements to sustainable and public transport facilities
- c) Community transport
- d) Safer routes to school

3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £80 (index linked) per open market dwelling. The contribution will provide for waste reduction and recycling in Hereford. The sum shall be paid on or before occupation of the 1<sup>st</sup> open market dwelling, (or in accordance with a phased timetable to be agreed) and may be pooled with other contributions if appropriate.



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

|         |  |
|---------|--|
| £ 965   | (index linked) for a 2 bedroom open market unit  |
| £ 1,640 | (index linked) for a 3 bedroom open market unit  |
| £ 2,219 | (index linked) for a 4+ bedroom open market unit |

To be used to further develop the neighbourhood play area . The sum shall be paid on or before occupation of the 1<sup>st</sup> open market dwelling (or in accordance with a timetable of phased payments to be agreed) , and may be pooled with other contributions if appropriate.

5. The developer covenants with Herefordshire Council that 35% (10 units – on basis of development of 28) of the residential units shall be “Affordable Housing” (Social rent / Intermediate tenure) 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.
6. All the affordable housing units shall be completed and made available for occupation prior to the occupation of no more than 80% of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.
7. The Affordable Housing Units (Social rent or Shared Ownership) 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:-
- 7.1. registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
  - 7.2. satisfy the requirements of paragraphs 9 & 10 of this schedule
8. 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:-
- 8.1. a local connection with the parish of Burghill
  - 8.2. in the event of there being no person with a local connection to Burghill (cascaded parishes)
  - 8.3. 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 9.1 above.
9. For the purposes of sub-paragraph 9.1 of this schedule ‘local connection’ means having a connection to one of the parishes specified above because that person:
- 9.1. is or in the past was normally resident there; or
  - 9.2. is employed there; or

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

- 9.3. has a family association there; or
  - 9.4. a proven need to give support to or receive support from family members; or
  - 9.5. because of special circumstances;
10. 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.
  11. 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.
  12. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 3 and 4 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.
  13. The sums referred to in paragraphs 1, 2, 3 and 4 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.
  14. 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.
  15. 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.

**Kelly Gibbons**  
**Principal Planning Officer**



|   |   |
|---|---|
| <b>MEETING:</b>   | <b>PLANNING COMMITTEE</b>   |
| <b>DATE:</b>  | <b>7 October 2015</b>   |
| <b>TITLE OF REPORT:</b>   | <p><b>151150 - PROPOSED RESIDENTIAL DEVELOPMENT OF 69 NO. DWELLINGS OF WHICH 24 WILL BE AFFORDABLE, ACCOMPANIED BY ASSOCIATED INFRASTRUCTURE AND PUBLIC OPEN SPACE ON LAND ADJACENT TO SOUTHBANK, WITHINGTON, HEREFORDSHIRE.</b></p> <p><b>For: David Wilson Homes (Mercia) Ltd per Mrs Sian Griffiths, Unit 6 De Sallis Court, Hampton Lovett, Droitwich, Worcestershire WR9 0QE</b></p> |
| <b>WEBSITE LINK:</b>  | <a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151150&amp;search=151150">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151150&amp;search=151150</a>   |
| <b>Reason Application submitted to Committee – Contrary to Policy</b> |   |

**Date Received: 17 April 2015**

**Ward: Hagley**

**Grid Ref: 356556,242770**

**Expiry Date: 23 July 2015**

Local Member: Cllr DW Greenow

## **1. Site Description and Proposal**

### The Site

- 1.1 Detailed planning permission is sought for the erection of 69 dwellings on a 2.92ha field at the south-eastern edge of Withington. The site is bounded to the south by the A4103 Hereford to Worcester Road and to the north by the Southbank housing estate, which appears to have been built in at least two distinct phases. The western boundary is formed by hedgerow lining the C1130, punctuated at the mid-point by the existing field access. Vehicular access into the site is proposed slightly further to the south. Orchard View, which comprises three pairs of semi-detached dwellings, lies adjacent the site's south-eastern corner. These dwellings line the northern edge of the A4103 with long gardens (c. 50m) extending north-eastwards. The western boundary of No.1, which abuts the site, is formed by a dense, conifer hedge.
- 1.2 Opposite the site to the west are dwellings and a residential care home. Further to the west, fronting the A4103 is the Grade II listed Whitestone Chapel and beyond that the site allocated for housing under the Unitary Development Plan policy H5 – Land adjacent to Whitestone Chapel, Withington. This site has outline planning permission for the erection of 33 dwellings and is a 'commitment' contributing towards the parish housing requirement over the lifetime of the Core Strategy. Whitestone Business Park is found to the south of the A4103 along with several other dwellings.

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

- 1.3 Withington is identified as a main village in the Unitary Development Plan and also a settlement within the Group Parish where proportionate housing growth will be sought over the lifetime of the emerging Core Strategy.

#### The Proposal

- 1.4 The detail of the application has been amended on several occasions post-submission but has remained constant insofar as the number of dwellings (69) is concerned. The layout places public open space against the roadside boundaries. This space incorporates a surface water attenuation basin, landscaping and an adoptable footway that enters the site at the north-western corner opposite the existing public footpath linking back via Withies Close to Withies Road and the village facilities; including the village hall, playing fields and shops. This footway exits the site on the boundary with the A4103 giving direct access to the bus stop outside Orchard View. The village primary school lies off to the north within the Conservation Area.
- 1.5 The development comprises a mixture of 1, 2, 3 and 4-bedroom 1, 1 ½ and two-storey dwellings. The 2 and 3 bed units are terraced or semi-detached. The larger units are detached. Almost two-thirds of the open market units (29) are 4-bed properties, with 14 no. 3-bed and a single 2-bed unit. The affordable housing is split in line with the Housing Development Officer's brief between social rent and intermediate tenures with 12 intermediate units and 12 social rented.
- 1.6 The estate road heads into the site with properties arranged on either side overlooking the public open space initially, before being orientated to overlook the principal estate road and shared private drives within the site. The estate road takes a loop within the site with two drives terminating in turning heads on the eastern boundary, where dwellings overlook open countryside with the proposed 'buffer planting' intervening.
- 1.7 There is a pocket of development (units 32-38) located against the north-eastern boundary of the gardens to Orchard View, whilst units 40-44 back on to the north-western boundary of the garden to No.1, with the intent that the existing conifer hedgerow be protected and retained. This element of the scheme has been redesigned, as discussed below.
- 1.8 The site is outside but immediately adjacent the settlement boundary for Withington as defined by 'saved' policy H4 of the Unitary Development Plan. The application site was subject to assessment under the Strategic Housing Land Availability Assessment and categorised as having low/minor constraints. The implications of the Council's lack of housing land supply (HLS) are discussed below.
- 1.9 The application is accompanied by a Planning Statement, Design and Access Statement, Ecological Appraisal, Landscape and Visual Impact Assessment, Transport Statement, Summary Statement of Community Involvement, Drainage and Flood Risk Assessment and Arboricultural Report.
- 1.10 The Council has adopted a Screening Opinion in relation to the development proposal which concludes that it is not development requiring the submission of an EIA.

## **2. Policies**

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

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

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

Section 12 - Conserving and Enhancing the Historic Environment

2.2 Herefordshire Unitary Development Plan 2007

|     |   |   |
|-----|---|---|
| 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                                 |
| 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                                    |
| 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 | - | Landscape and Townscape  |
| LD2 | - | Biodiversity and Geodiversity                                  |
| LD3 | - | Green Infrastructure   |
| SD1 | - | Sustainable Design and Energy Efficiency                       |
| SD3 | - | Sustainable Water Management and Water Resources               |
| ID1 | - | Infrastructure Delivery  |

2.4 Withington Group 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.

- 2.5 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

### 3. Planning History

- 3.1 None on site

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Welsh Water: No objection subject to conditions.

#### Internal Council Advice

- 4.2 Transportation Manager: No objection subject to conditions.

Speed data has been provided to confirm the visibility splay from the proposed junction with the C1130. The distance accords with the Manual for Streets recommendation for the measured 85% speed. A setback of 3.5m has also been agreed. This is above the standard 2.4m for a junction such as this, but allows for some encroachment by the hedgerow proposed to the rear of the splay. The pedestrian visibility for the crossing of the C road to the footpath opposite is also acceptable.

The provision of a footway through the site to provide a link to and from the bus stop on the A4103 is a benefit as it will draw pedestrians off the road into a safer walking environment. It has been confirmed that this footway will be offered for adoption by the Council thus securing its use by the public.

The likely traffic impact of the development is summarised in the Transport Statement and the impact on the road network is considered acceptable.

As regards the internal layout and parking provision, this submitted layout on Drawing H6888-101 Rev E is considered acceptable. Cycle parking should be provided in oversized garages or in separate stores as appropriate.

In terms of sustainability, there are footway links into the village and onward to primary school, shop, post office and main bus stops, with a regular bus service to Hereford as detailed in the Transport Statement.

The draft Heads of Terms for Section 106 is considered acceptable, and suitable schemes for use of the contribution will need to be discussed and agreed. Although no provision for a pedestrian crossing of the A4103 is made, the Section 106 contribution could be put towards this if it is considered a local priority.

As with the need for a pedestrian crossing of the A4103 Worcester Road, street lighting will need to be discussed with the Parish Council. As highways within the development are not offered for adoption, this will need to be done by the developer.

- 4.3 Conservation Manager (Landscape): No objection

- As stated within the pre-application advice: *The site is located adjacent to the A4103 and forms part of the eastern gateway to the Village of Withington. Adjacent to the Village*

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

*Settlement Boundary it relates well to the settlement with existing dwellings on three boundaries. The principle of development on the site is therefore supported.*

- As previously noted, views of the proposal will be possible from the eastern approach to the settlement, the A4103, PROW WT30 and elevated landform to the east. Whilst the proposal will be seen in the context of the existing settlement, it is recommended that the eastern boundary of the development which borders agricultural land has a robust landscape in order to assimilate the scheme into its surroundings.
- It is noted that despite recommendations for green infrastructure to form an integral part of the proposal, public open space is confined to the west of the proposal. It is therefore recommended that extensive planting of trees, shrubs and perennials be incorporated into the scheme in order to soften the built form.
- The proposed public open space running along the south western perimeter of the proposal will provide a buffer between residential dwellings and the A4103 filtering both noise and light levels. As well as providing an attractive landscape setting to the public footpath connecting the development to public transport.
- It is, however, disappointing to see that despite recommendations on more than one occasion for the increase of green infrastructure across the site these have not been included as part of the proposal.

Overall Conclusion:-

In conclusion therefore, the impact upon landscape character and visual amenity is unlikely to be detrimental to the locality and the principle of development upon the site is considered acceptable. The lack of green infrastructure proposed is regrettable however an appreciable buffer with the A4103 is proposed and the layout gives some consideration to the transition between open countryside and built form. Having regard to both local context and the UDP policies LA2 and LA3 the scheme is considered to be acceptable. Conditions should be imposed requiring the submission of tree and hedgerow protection proposals, a fully detailed planting specification and a landscape management plan.

#### 4.4 Conservation Manager (Ecology):

Thank you for consulting me on the above application. Although carried out a sub-optimal period of the year, the findings of the ecological report are adequate for this site with some recommendations which should form the basis for a non-standard ecological condition as follows:

*The recommendations set out in the ecologist's report from Betts Ecology dated January 2015 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 integrated with the landscape scheme 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.

#### 4.5 Conservation Manager (Historic Buildings): No objection

The western edge of the site is within 70 metres of the Baptist Chapel which is a grade II listed building. The White Stone, a 3ft high section of sandstone, also grade II listed is located close to junction with the A4103. Policy HBA4 Setting of listed buildings is therefore applicable to this proposal.

The chapel is located within an existing group of buildings and is not experienced in the same context as the proposed residential site. The proposed landscaped public open space running along the southern and south western perimeter also provides a buffer. It is concluded that there would not be a significantly harmful impact on the setting of the Baptist Chapel. The White Stone would also not be affected by the development unless the junction of the lane with the A4103 has to be widened / altered. If it does need to be moved, then listed building consent would be required.

4.6 Housing Development Manager: No objection

4.7 Schools Capital and Investment Officer: No objection. The village primary school has capacity to accept children from this development.

4.8 Parks and Countryside Officer:

**UDP Policy H19 and RST3: Open Space Requirements:** In accordance with UDP policies H19 and RST3 developments of 69 houses consisting of 1 x 4 bed, 14 x 2bed , 21 x 3bed and 30 x 4+ bed and a population of 161.7 are required to provide:

- 0.06ha (600sq m) of POS @ 0.4 ha per 1000 population
- 0.012ha (1200sq m) Children's play @ 0.8ha per 1000 population including both formal and informal.
- Formal provision using Fields in Trust Standard @ 0.25ha per 1000 population should be 0.04ha (400sq m)

**On site POS/Play/SuDS:** It is noted that the applicant in accordance with UDP policy H19 has provided a substantial amount of POS including opportunities for natural play but they have not indicated the size and have suggested that this is dependant on the level of existing provision within the immediate locality. It is acknowledged that Withington is reasonably well provided for in terms of play and recreation facilities, including a neighbourhood facility at the village hall catering for all ages and a couple of smaller play areas which are used by the immediate residential areas all of which are fairly new and in good condition, but the applicant will need to demonstrate how much on-site provision is usable for recreation purposes as some of the area includes an attenuation pond as part of the SuDs.

Whilst natural play features are supported; as SuDs can create good informal semi natural POS for both biodiversity and natural play and recreation opportunities, they need to be designed to take account of health and safety issues. On site play provision should ideally complement that which already exists particularly at the village hall, where older children are well catered for in terms of kick-about space for example. Provision on site for younger children may be more appropriate as access to other facilities would involve negotiating roads. The approach to provide more natural play opportunities is supported particularly as this area forms part of the SuDs. This could take the form of play trails etc, and some formal equipment will be required.

**Based on the number of market housing only and using the SPD on planning obligation (development costs only) the play provision should be to the value of approximately £38,000 to be secured via planning condition.**

It is noted that the location of the open space has been designed in accordance with both opportunities and constraints and that developing a central village green feature is not practical given engineering constraints and the need for the balancing feature to be part of the POS which needs to be at the low point of the site. Although the opportunity to create one larger open space incorporating the SuDs area and informal recreation is generally supported the location of formal play is of some concern, and the applicant will have to consider children's safety when playing close to a noisy and busy road. Children need secure, safe places to play with good access. Final detail of landscaping plans and formal play equipment will need to be agreed via planning condition.



**Adoption/Commuted sums:** 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. For example, this could be by a management company or by the Parish Council. With regard to the SUDS areas: With the changing legal issues/revising national guidance around SuDS following recent Govt consultations, at this time we are unable to advise a definitive answer on adoption and maintenance of any SuDS areas. Any adoption or maintenance agreements and associated commuted sums/management charges with any eligible body are subject to the powers, acts and national guidance that is live and relevant at the time of adoption.

### **Off-site sports facilities contribution**

Withington Parish Council has an identified need for a stand-alone changing room facility to serve the adult and junior sports pitches. In the absence of a defined financial requirement by the Parish, this contribution has been calculated through the use of Sport England guidance. Accordingly the applicants have agreed to pay the total sum of £45,000 towards the provision of the community changing room facilities.

## **5. Representations**

### **5.1 Withington Group Parish Council: Objection**

The Parish Council has objected to the original proposal and the subsequent amended plans. The comments are summarised as follows. The full transcript of all Parish Council objections is available on the website and they should be read in conjunction with the relevant plans. Some of the objections are of an 'in principle' nature, whilst others are more specific to the proposals as they've evolved. The 10 bullet points below summarise the Parish Council position whilst taking account, where possible, of the revised proposals. The paragraph following on from these is the Parish Council's final response to the scheme before Members today.

1. The development in principle is in accordance with the requirement of the draft Core Strategy amendments, which suggest an 18% increase in the number of dwellings in the parish of Withington. (it is understood that this proposal has not yet been accepted). This would result in a requirement for 110 extra dwellings up to 2031. Existing commitments and completions since 2011 total just over 40 dwellings, giving a net shortfall of about 70 dwellings. However the layout of the development is not acceptable as it is more fitting for a major urban area rather than a rural settlement. The applicant's statement that the adjoining Southbank built in the 1980's was a private development is wrong. It was built by a housing association under strict financial controls. The design/access statement states that an opportunity exists for the 'creation of useable and well surveyed public open space to compliment the areas existing recreational and leisure facilities and reinforce feeling of space'. This has not been achieved. Recent developments in Withington have been based on the principle of the provision of a village green in the centre of the development, not on the edge adjacent to a major county highway. In addition the attenuation pond cannot be classed as public open space as it should be fenced for safety reasons and not be available for 'play'. The remaining 'open space is only included to accommodate the footpath.

The developer has ignored this 'design' principle notwithstanding this was brought to its notice at the first public consultation, and in subsequent submissions.

2. The location of the development is described as being on a so called quiet country lane, C1130. However the 'lane' is used as a cross county route to/from the A438, A4103 to the A465 to locations to the north and south of Hereford. There is a need for significant improvement from the A4103 to the new access and on to the junction with Southbank (the bus stop), with the lanes being delineated and a footpath provided. To the north of Southbank consideration should

be given to making the section one way up to Withies Road with the provision of a footpath. (the direction of travel to be determined on highway safety grounds) This suggestion has been ignored by the planning and highway officers.

3. The proposed footpaths links are inadequate and unattractive. Depending on 2 above, there should be a link into Southbank as stated in para 6.11 of the design/ access statement but not shown on the layout to provide access to the bus stop. It is noticed it was removed from earlier plans. Additional traffic calming measures are required on the C1130 at any crossing to link into the footpaths into Withies Close. A speed table may be beneficial. Since making these observations (points 2 and 3) the developer has simply stated that there could be ownership issues but has given no details. As Southbank is 'publicly' owned through a housing association both the developer and Council could co-operate in reaching a satisfactory solution.

4. The house sizes provide a mix of development and it is noted that significant changes have been made to the designs. The brick types should be 'rustic' and stone and render and possibly timber cladding (not mock tudor) should be used to break up the monotony of brick.

It has also been brought to the attention of the PC that the area behind 1, 2, and 3 Orchard View is prone to flooding. The balancing pond could be located behind these houses.

5. The affordable homes are not provided with garages, nor with the opportunity to build garages in the future. Regardless of proposed government policy to extend the right to buy, affordable homes should have the same facilities as open market dwellings or at least the ability to develop them in the future. It is understood that the Council does not pursue this as a policy but it would provide an opportunity to start doing so. This will ensure a reduction in on street parking. The lack of garage provision also applies to plots 40 – 44, but see 5 above.

6. Only 10% of the dwellings are bungalows or dormer bungalows. This should be increased to 20% (14 dwellings) to reflect the needs of an aging population. Again the lack of a Council policy should not prevent this being sought.

7. There are no proposals for pedestrian crossing facilities on the A4103 to provide safe access to the employment area at Whitestone Business Park. It is understood that the developer does not consider this necessary. The PC considers that no decision should be taken until proposals are submitted and agreed by the highway authority. Without significant traffic calming and pedestrian safety features all journeys are likely to be by car, and thus be unsustainable for a 2 – 500 metre journey.

8. There is no Section 106 agreement provided with the application, and the Parish Council would ask to be consulted on any draft agreement. The draft heads of term does not appear to reflect the wishes of the PC in respect of the type of affordable housing (too many social rented) and in respect of the contribution to public open space.

9. It is acknowledged that the neighbourhood plan has not progressed beyond initial consultation and the consideration of options for future residential development. However in order to overcome the problems re access, by foot and car to the existing school an alternative location, more accessible to the recent housing areas could be considered in the plan period of the Core Strategy. There are limited sites in the village to the north of the A4103 and part of the application site would provide an acceptable location. This is currently being considered for further public consultation as part of the NP process.

10. The PC has not been consulted as to the requirement for street lighting. It is considered that this is necessary.

#### Parish Council response to the current proposals

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

Following further consideration of the amended plan the WGPC considers that the scheme still does not overcome the fundamental objection which has been pursued from the initial consultation, over 6 months ago, that there should be a 'village green' approach to the layout. Public open space next to a major county highway is unacceptable and to link this with a flood attenuation area is also unacceptable. The reduced impact on 1 Orchard View is acknowledged, but does not overcome the significant impact of properties overlooking its' private amenity space.

5.2 Eight (8) letter of objection have been received. The content is summarised below:-

- The development is too large. It would fulfil the Parish requirement for housing over the lifetime of the Core Strategy in one go. Smaller sites should be looked at first;
- There are better sites with better access to village facilities. The second appeal at Vine Tree Close is pending and the decision should be awaited before taking a decision on this site;
- The route to the primary school via the C1130 and C1129 is unsafe. The road is unlit, narrow and without pavement. It is also prone to significant traffic movements, including articulated lorries and farm traffic. The alternative route via Withies Close is circuitous;
- The C1130 itself is narrow and the 30mph limit is not observed.
- The bus service is poor. The earliest bus does not arrive in Hereford in time for the beginning of the working day. This will reinforce reliance on the private motor car;
- The dwellings located adjacent Orchard View will result in a loss of privacy and devaluation of property. A greater margin should be built in around these properties;
- The village has no healthcare facilities or senior school. This will further increase reliance on the private motorcar for journeys to these facilities;
- The POS should be located to the rear of Orchard View not adjacent the A4103;
- The site is prone to flooding as a result of run-off from higher ground. Developing the site will increase the risk of surface water flooding elsewhere, including the A4103.

5.3 River Lugg Internal Drainage Board: No objection subject to standard requirements.

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 The fully detailed proposal seeks planning permission for the erection of 69 dwellings, including twenty-four affordable, public open space and associated infrastructure on an agricultural field to the immediate north of the A4103 at the south-eastern fringe of Withington. The site covers 2.92ha and is in arable use.

6.2 The Council cannot demonstrate a five-year supply of housing land with requisite buffer. This contradicts the NPPF requirement as expressed at paragraph 47 and means that UDP policies relevant to the supply of housing must be considered out of date as per paragraph 49. Housing applications must therefore be considered in the context of the NPPF's presumption in favour of sustainable development unless other policies in the NPPF indicate that development should be restricted – see NPPF paragraph 14 foot note 9.

6.3 Relevant to the supply of housing in rural Herefordshire in the long-term is the content of the Core Strategy ('CS'); even if its policies attract no weight for the present. Within the CS, Withington is

identified as a main village within the Hereford Housing Market Area (HMA). Within such villages the intention is that an indicative proportionate growth target will deliver the requisite 5,300 homes in rural areas over the lifetime of the plan to 2031. For main villages in the Hereford HMA the minimum growth target is 18% relative to the housing stock at 2011.

### **How does the policy position translate to housing provision in Withington?**

- 6.4 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*.
- 6.5 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, including bungalows. 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.
- 6.6 The Core Strategy is predicated on the aims and objectives of the NPPF. As a main village within the Hereford Housing Market Area, the proportionate growth target for Withington Parish over the lifetime of the Core Strategy is 18%. When commitments and completions since March 2011 are taken into account, the residual requirement is a minimum 45 dwellings and the proposal would meet and exceed the minimum requisite growth for the parish between now and 2031. It should be noted there is no requirement in emerging Core Strategy policy for a phased approach to housing delivery in the rural areas.
- 6.7 Taking the policy context and 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 that would significantly and demonstrably outweigh the benefits of the development so as not to contribute to the achievement of sustainable development.

### **Accessibility to goods, services and employment**

- 6.8 Withington is a main village within the Hereford Local Plan – Core Strategy and also historically within the UDP. The site is contiguous with the main built up part of the settlement linking well with the villages existing network of footpaths. As regards the sustainability of the site in locational terms, a number of representations refer to the lack of access to necessary goods, services and employment opportunities. It is argued that the bus service, although relatively good by comparison with other rural services, is not a genuine alternative to the private motor car. It is stated that Withington does not have employment opportunities within the parish and there is no access to medical care. The conclusion is that the village is not equipped to accommodate large-scale housing development of this sort, but should be allowed to grow via smaller sites; albeit these are as yet undefined.
- 6.9 Emerging policies anticipate that rural settlements such as Withington will accommodate proportionate growth over the plan period; it is the means by which the need is met that is at issue. In this context officers do not consider it can be argued simultaneously that such villages are unsustainable locations for proportionate housing growth. On this point officers are mindful of Inspectors' conclusions in relation to recent appeal decisions where the sustainability of similar rural settlements was also at issue.
- 6.10 Whilst accepting that Withington does not contain all of the facilities necessary for day-to-day existence, officers consider the village does support sufficient facilities to warrant its status as a sustainable location for future housing growth. Moreover, Withington is a village in the Hereford

Housing Market Area, closely related to the county's main population centre and on a main arterial route. To conclude that Withington is not a sustainable location for housing delivery would undermine the evidence base supporting the Core Strategy; specifically the housing delivery policies and is not, in the opinion of your officers, arguable.

- 6.11 In this specific context the site is considered reasonably well placed relative to local facilities and public transport and the scheme takes the opportunity, insofar as is possible, to improve pedestrian connectivity.

### **Impact on Landscape Character and Visual Amenity**

- 6.12 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 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), 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 chapters 11 and 12 of the NPPF.
- 6.13 The application site has no formal landscape designation and is bound to the north by an existing C20th residential development and to the south by the A4103. It lies in open countryside outside but adjacent the settlement boundary and was also categorised in the 2009 SHLAA as a site with 'low/minor' constraints. The Conservation Manager (Landscape) concludes the proposed development is not likely to adversely affect the character of the landscape or its visual amenity and that the site can accommodate the development proposed, although this is contingent on appropriate landscaping proposals and retention of the hedgerow features for which the Principal Settled Farmlands landscape typology is known and bolstering these features as appropriate. The revised layout and landscaping plans reflect these objectives and enhances green infrastructure by drawing development away from the western and southern highway boundaries.
- 6.14 The topography of the site and intervening features is such that there is no inter-visibility with the conservation area to the north and the Historic Buildings Officer confirms no objection in relation to the listed Chapel and milestone marker. There is no conflict with saved UDP policy HBA4 of guidance set down in Chapter 11 of the NPPF.
- 6.15 On the basis that conditions will be imposed requiring the protection of existing hedgerows, 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 and NPPF guidance.

### **Design and Appearance**

- 6.16 The NPPF states that good design is indivisible from sustainable development. Neither local nor national policy seeks to impose a straitjacket on designers. Good, innovative design is actively encouraged, particularly where it has the ability to promote or reinforce local distinctiveness.
- 6.17 Officers agree that the submitted Design and Access Statement is accurate insofar as its assessment of the existing built form is concerned and believe it reasonable to describe Withington's growth over the last 40 years as comprising a series of residential estates; Withies Close, Southbank, Vine Tree Close, Farndon Rise and Springfield are such examples. Whilst Withington is not without numerous examples of traditional Herefordshire vernacular, these are concentrated in the conservation area, with the southern part of Withington now typified by more

modern development which now serves as a backcloth to the application site. As a consequence it is officers' opinion that the development would not appear incongruous in the immediate context.

- 6.18 Revisions to the layout and housing mix and appearance have been undertaken in response to officer and Parish Council concerns. The house-types proposed are variations on the standard units used by the applicant and through an iterative process these have been reviewed in a manner that officers are now satisfied with. The palette of materials has also been reviewed, with some principal elevations throughout the scheme faced in painted render. This alleviates the regimented uniformity associated with the use of brick throughout and is considered more appropriate in a village scenario, where there is often a diverse range of architecture and consequently building materials. A number of bungalows have been incorporated to the row of properties overlooking open countryside to the east. The resultant steps in ridge heights will relieve the massing that would result from uniform two-storey dwellings on this important flank of the application site which is exposed to the open countryside.
- 6.19 Given the mix of architectural styles and periods present in Withington it is difficult to reconcile policies that require the reinforcement or promotion of local distinctiveness with proposals for modern housing development, particularly where local distinctiveness has been blurred over time by comparatively large-scale C20th expansion; as is the case here. However, given the backcloth provided by Southbank and the retention of a landscaping buffer against the A4103, officers consider that the overall design and appearance of the development will not be incongruous. The Parish Council, in its response above (5.1, point 4), recognises the significant changes to the individual design of the dwellings themselves.
- 6.20 The Parish Council concerns include what is described as a lack of a 'village green' feature at the centre of the development. This has been discussed directly with the developer. Whilst understanding the Parish Council's concerns, officers consider the layout, which incorporates public open space and surface water drainage attenuation along the south-western boundary, is justified on technical *and* design grounds:-
- The public open space and associated landscaping offers a green wedge against the roadside that will better maintain the rural edge to the village;
  - This land incorporates some of the lower-lying land on the site and thus is the most logical position for the water attenuation basin;
  - The public open space will make an attractive setting for the public footpath link to the bus stop;
  - The buffer also protects the dwellings from road noise to a greater extent than if the dwellings currently overlooking this space were moved to the roadside.
- 6.21 In conclusion, whilst officers accept that there is more than one potential approach to architecture and site layout, the context is one of existing predominantly mid-late C20th dwellings that have grown up as small estates. In this context the use of standard house-types is not considered inherently unsustainable as a design approach but is broadly consistent with prevailing character locally. Likewise the layout is considered appropriate to the local context. Maintaining landscaped buffers to the two road frontages in this context is considered beneficial to the wider character of the area, notwithstanding it prevents the central 'village green' feature the Parish Council favours.

## **Impact on Adjoining Residential Amenity**

- 6.22 Loss of amenity arising from direct and prejudicial overlooking is a material consideration. In this case, officers are satisfied that development of the site as per the amended layout provides a reasonable standard of amenity and is without undue impact on adjoining property.
- 6.23 The scheme has been amended to take account of concerns that the layout in the south-eastern corner where the site adjoins Orchard View would have resulted in unacceptable adverse impacts for neighbouring residents. Specifically the two, large detached units occupying the original plots 45 and 46 have been removed and the public open space extended up to the boundary with No.1 Orchard View. Revised plot 44 has a front elevation removed from the mutual boundary with No.1 and orientated to overlook the public open space. Further along the boundary plots 41-43 form a short terrace of three bedroom dwellings with 10 metre rear gardens, separated from No.1 by the existing mature evergreen hedge. Given the distance and oblique relationship to No.1 itself, the relationship is now considered acceptable.
- 6.24 At the north-eastern end of the Orchard View gardens is a cluster of 7 affordable units in the form of a pair of semi-detached dwellings a pair of semi-detached bungalows and some maisonettes. The layout here is, in your officer's opinion, comparatively cramped. However, given the separation distances to the dwellings in Orchard View and intervening landscaping, it is not considered that the impact on the living conditions of existing residents would be so harmful to the living conditions of existing residents so as to warrant refusal. As such, whilst the shortcomings of the layout in this location are noted, this must be weighed in the balance against the benefits of the scheme.

## **Transport**

- 6.25 The Transportation Manager has no objection subject to conditions. The visibility splays for vehicles and pedestrians have been calculated against measured speeds and are acceptable. The provision of a footway link through the site is considered of wider benefit to pedestrian facilities locally, whereas the S106 contributions could, if desired locally, be put towards investigating the feasibility of constructing a pedestrian crossing of the A4103.
- 6.26 There is no evidence that the network will not be able to accommodate the traffic generated and the location adjacent the A4103 will result in fewer vehicles having to travel through the village along Withies Road by comparison with other sites.

## **Impact on Ecological Interests**

- 6.27 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 as set out below, the development is considered to accord with the provisions of the Development Plan and NPPF guidance.

## **Land Drainage and Flood Risk**

- 6.28 The Land Drainage Officer has no objections to the proposed development subject to submission and approval of detailed proposals for the disposal of foul water and surface water runoff from the development prior to construction. A condition is recommended to ensure the submission of a fully integrated foul and surface water drainage system.

## **Foul Drainage and Water Supply**

- 6.29 The Water Authority has no objection to the development and confirms that the treatment of domestic discharges from this site can be accommodated by the existing Waste Water Treatment Works. No problem is anticipated with the supply of potable water.

## **S106 Heads of Terms**

- 6.30 The S106 draft Heads of Terms are appended to the report. The S106 will also include provision to ensure 35% of the development meets the definition of affordable housing, together with requisite standards and eligibility criteria. The Parish Council has requested that none of the affordable housing units be for Social Rent, but this position is not supported by the Council's Housing Development Manager. Expenditure of the off-site highway monies will be undertaken in consultation with the Parish Council. This could include discussion on the potential and desirability of forming a pedestrian crossing of the A4103. The contribution towards the village playing fields changing facilities has been negotiated with Parish Council input and is agreed by the developer. There is no contribution towards the village school, which has capacity.

## **The Neighbourhood Plan**

- 6.31 Withington 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'*.
- 6.32 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. It is worth noting, however, that the application site has been identified as a preferred site for housing previously. In representations objecting to the development at Vine Tree Close, the application site was cited as the preferred location for housing development within the village.

## **7. Conclusions**

- 7.1 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.
- 7.2 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 and Withington is, having regard to the NPPF, a sustainable location and this site is well placed to benefit from good pedestrian connectivity to village facilities and improves the existing footway network by diverting pedestrians off-road through the site towards the bus stop. In this respect the proposal is in broad accordance with the requirements of chapter 4 of the NPPF (Promoting sustainable travel).
- 7.3 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.
- 7.4 In providing a greater supply of housing and breadth of choice, including 35% affordable and in offering enhancements to footway and pedestrian facilities locally, officers consider that the scheme also responds positively to the requirement to demonstrate fulfilment of the social dimension of sustainable development.



- 7.5 The Conservation Manager (Landscapes) confirms the application site has the ability to accommodate residential development subject to the retention of landscape features and the revised layout plan responds positively to these requirements. The site is well removed from the conservation area, and would exert relatively little influence on the setting of the listed Chapel and milestone. Officers also conclude that there are no highways, drainage, ecological or archaeological issues that should lead towards refusal of the application and thus the Environmental role is satisfied.
- 7.6 On the basis of the above and that officers have failed to identify overriding harm, the benefits associated with granting planning permission significantly and demonstrably outweigh the adverse impacts of doing so. 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 Section 106 Planning Obligation and appropriate planning conditions.

## **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**

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

- 1. A01 Time limit for submission of reserved matters (outline permission)**
- 2. B03 Amended plans**
- 3. C01 Samples of external materials**
- 4. G04 Protection of tree/hedgerows that are to be retained**
- 5. G10 Landscaping scheme**
- 6. G11 Landscaping scheme - implementation**
- 7. G14 Landscape management plan**
- 8. G19 Details of play equipment**
- 9. H03 Visibility splays**
- 10. H05 Access gates**
- 11. H06 Vehicular access construction**
- 12. H11 Parking – estate development**
- 13. H17 Junction improvements/off site works**
- 14. H27 Parking for site operatives**
- 15. I16 Restriction of hours during construction**

- 16. I51 Details of slab levels
- 17. L01 Foul/surface water drainage
- 18. L02 No surface water to connect to public system
- 19. L03 No drainage run off to public system
- 20. L04 Comprehensive and integrated draining of site
- 21. The recommendations set out in the ecologist's report from Betts Ecology dated January 2015 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 integrated with the landscape scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

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.

- 22. I16 Restriction of hours during construction

**INFORMATIVES:**

- 1. HN04 Private apparatus within highway
- 2. HN05 Works within the highway
- 3. HN08 Section 38 Agreement & Drainage details
- 4. N11C General
- 5. S106
- 6. 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.

Decision: .....

Notes: .....

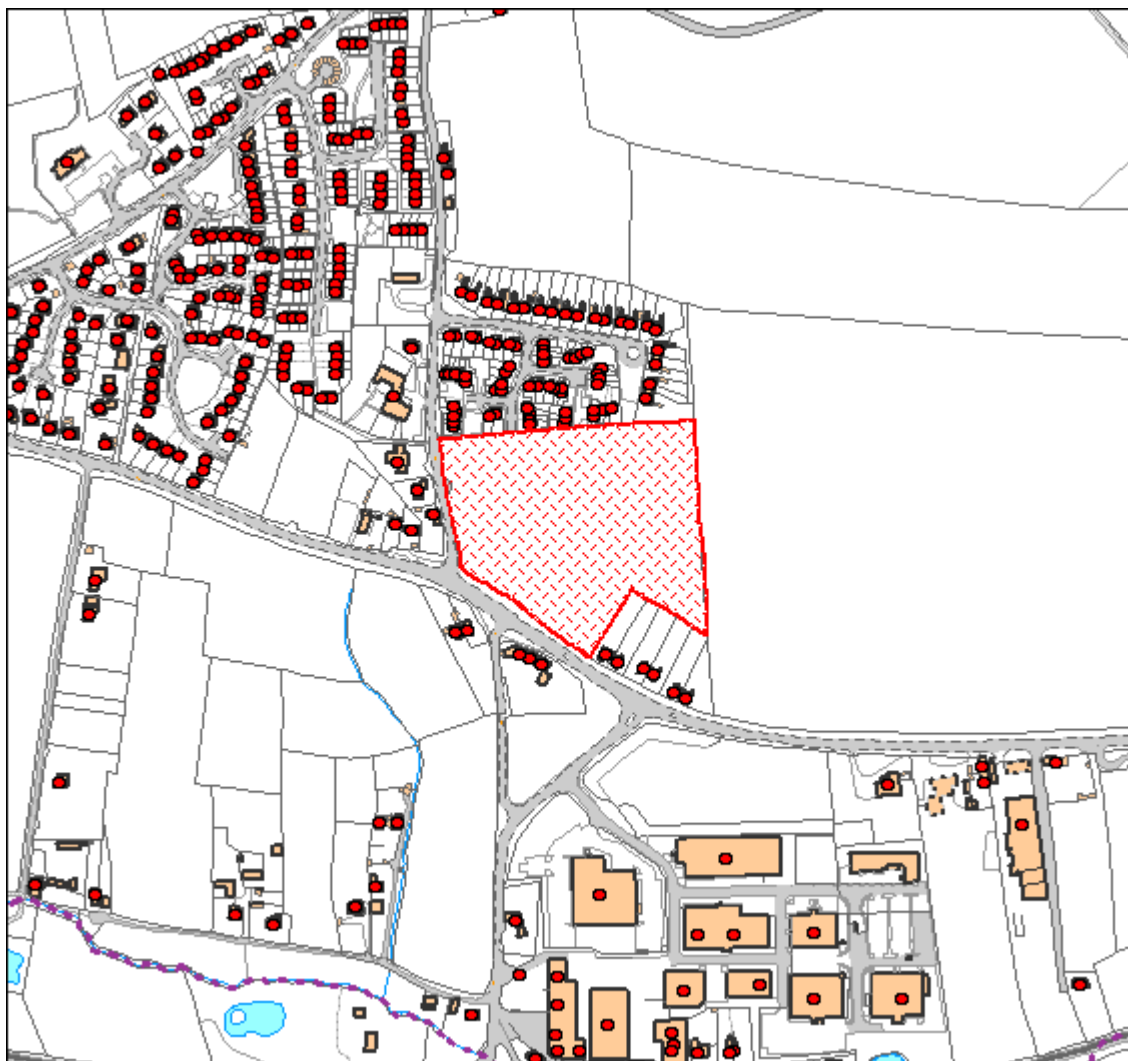
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**Background Papers**

Internal departmental consultation replies.

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



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**APPLICATION NO:** 151150

**SITE ADDRESS :** LAND ADJACENT TO SOUTHBANK, WITHINGTON, HEREFORDSHIRE

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# HEADS OF TERMS

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

### Planning Application – 151150

Site address:

[Land adjacent to Southbank Withington Herefordshire](#)

Planning application for:

**Residential development of 69 dwellings.**

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1<sup>st</sup> April 2008, and Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended). All contributions in respect of the residential development are assessed against open market units only except for item 3 which applies to all new dwellings.

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

|       |  |
|-------|--|
| £1720 | (index linked) for a 2 bedroom open market unit  |
| £2580 | (index linked) for a 3 bedroom open market unit  |
| £3440 | (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:

- a) Traffic calming and traffic management measures in the locality
  - b) New pedestrian and cyclist crossing facilities
  - c) Creation of new and enhancement in the usability of existing footpaths and cycleways in the locality
  - d) Public initiatives to promote sustainable modes of transport
  - e) Safer routes to school
2. The maintenance of any 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 and/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: Any attenuation basin and/or SUDS which may be transferred to the Council will require a commuted sum calculated in accordance with the Council's tariffs over a 60 year period*

*NOTE: The public open space, although privately maintained, will be for the benefit and enjoyment of the general public and not solely for the use and enjoyment of residents of the development.*

3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £80 (index linked) per dwelling. The contribution will be used to provide 1 x waste and 1 x recycling bin for each dwelling. The sum shall be paid on or before occupation of the 1<sup>st</sup> open market dwelling.
4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £45,000 (index linked) towards the provision of community changing room facilities at the Village Hall playing fields.
5. The developer covenants with Herefordshire Council that 35% (24 on basis of a gross development of 69) 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

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

including the Supplementary Planning Document on Planning Obligations.

Please note that the following tenures will be sought:

- 12 x Social Rent
- 12 x Intermediate tenure

For the avoidance of doubt, the term intermediate tenure shall not include equity loans or affordable rent.

6. All the affordable housing units shall be completed and made available for occupation in accordance with a phasing programme to be agreed in writing with Herefordshire Council.
7. 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:-
  - 7.1. registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
  - 7.2. satisfy the requirements of paragraphs 7 & 8 of this schedule
8. 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:-
  - 8.1. a local connection with the parish of Withington
  - 8.2. in the event of there being no person with a local connection to Withington 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 9.1 above.
9. For the purposes of sub-paragraph 8.1 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
  - 9.1. is or in the past was normally resident there; or
  - 9.2. is employed there; or
  - 9.3. has a family association there; or
  - 9.4. a proven need to give support to or receive support from family members; or
  - 9.5. because of special circumstances.
10. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2 and 3 above, for the purposes specified in the agreement within 10 years of the date of payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
11. The sums referred to in paragraphs 1, 2 and 3 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
12. If the developer wishes to negotiate staged and/or phased trigger points upon which one or more of the covenants referred to above shall be payable/delivered, then the developer shall pay a contribution towards Herefordshire Council's cost of monitoring and enforcing the Section 106 Agreement. Depending on the complexity of the deferred payment/delivery schedule the contribution will be no more than 2% of the total sum detailed in this Heads of Terms. The contribution shall be paid on or before the commencement of the development.

13. 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.

**Peter Clasby**  
**Planning Obligations Manager**



|   |  |
|---|--|
| <b>MEETING:</b>   | <b>PLANNING COMMITTEE</b>  |
| <b>DATE:</b>  | <b>7 OCTOBER 2015</b>  |
| <b>TITLE OF REPORT:</b>   | <p><b>143272 - PROPOSED EARTH SHELTERED DWELLING TO REPLACE AN EXISTING STABLE AND STORAGE BUILDING ON A PREVIOUSLY DEVELOPED SITE AT STABLE AND YARD NORTH OF MEWS HOUSE, MORDIFORD, HEREFORDSHIRE, HR1 4LN</b></p> <p><b>For: Mr &amp; Mrs Gullis per Mr Garry Thomas, Watershed, Wye Street, Hereford, Herefordshire, HR2 7RB</b></p> |
| <b>WEBSITE LINK:</b>  | <a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=143272&amp;search=">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=143272&amp;search=</a>  |
| <b>Reason Application submitted to Committee – Re-direction</b> |  |

Date Received: 30 October 2014

Ward: Backbury

Grid Ref: 357128,237641

Expiry Date: 26 December 2014

Local Member: Cllr J Hardwick

## 1. Site Description and Proposal

- 1.1 The application site comprises a broadly square shaped parcel of land (0.34 hectares in size) that lies to the west of the C1292 and the north of the village of Mordiford. The village school is located to the south east on the opposite side of the highway, along with the Public House. Immediately to the south of the site lie a number of listed dwellings, with the River Lugg to the west. The site slopes from the highway to the east down towards the river to the west. A stable block lies in a position towards the bottom of the slope and sits on a level surface and has a footprint of 18m x 6m, eaves height of 2.4m and ridge height of 4m. The land to the front of the stable slopes quite steeply down to the level ground and river banks. The site is enclosed utilising timber post and rail fencing and there are a number of hardsurfaces.
- 1.2 The application seeks planning permission for the demolition of the stable block and erection of a dwelling. The dwelling is described as an earth sheltered structure that is highly energy efficient and of contemporary design.
- 1.3 The dwelling would be sited in a similar position to the existing stable block, offset slightly to the south, but extending slightly further south across the site into / towards the bank. The accommodation would comprise at ground floor, a draft lobby, stables, store, hallway, games room, and store. Externally there is a terrace proposed that extends in a westerly direction. Accommodation at first floor would comprise an entrance to hallway from the east of the building (car parking area), bathroom / en-suite (x3), three bedrooms, dressing room, kitchen, dining room and living room.

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

- 1.4 The building would be two storeys in height. Whilst the overall height would be approximately 6.7m, this does utilise the change in levels across the site. The dwellings design is flat roofed (Sedum) and incorporates a palette of materials. To the west elevation, the upper floor utilises a 'green living wall', with the forward projection using 'reflective glass'. Double glazed window areas proposed between the living wall.
- 1.5 At the lower floor coreten cladding panels (Weathering steel panels), a double glazed wall and timber weather boarding are proposed. The northern elevation incorporates coreten cladding panels, reflective glass to the forward projecting element. Green walls are proposed to the first floor, interspersed with double glazed windows. To the east elevation, the palette is similar, but using stone walls. The southern elevation appears to be entirely encompassed in the bank.
- 1.6 Externally, parking areas will be provided to the eastern side of the site in a position that is broadly level with the top the proposed dwelling. This identifies parking for four vehicles. A revised access plan (2215-L(1)102 Rev c identifies alterations to the access to address initial concerns raised. The access will be a porous hardstanding that extends northwards before turning down the hill and to the west (annotated as being for access for agricultural vehicles only). The hedgerow to the north and south will be replanted and trimmed for a minimum of 10m to the north and south of the access.
- 1.7 The curtilage of the dwelling has been defined by the latest plan submission to the terraced area immediately to the west of the dwelling (no further forward than the forward projection) and to the north and east (between dwelling and highway). The remaining area has been defined as area restored as historic landscape.
- 1.8 During the course of this application a number of additional documents have been submitted to address objections and representations that have been made. Re-consultations have been undertaken on amended plans, additional and supporting documentation.
- 1.9 The site is affected by a number of designations and constraints :
- Within a Conservation Area;
  - Within the Unregistered Park and Garden known as 'Old Sufton';
  - Partially within a Flood Zone 3 / 2;
  - Adjacent to the Registered Parkland of 'Sufton Court';
  - Adjacent to the Wye Valley Area of Outstanding Beauty;
  - Adjacent to the river Lugg (Special Wildlife Site (SWS), Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC)
  - Setting of Listed Buildings
- 1.10 The application has been supported by the following documents:
- Design and Access Statement
  - Planning Statement (and supplements)
  - Ecological Assessment
  - Flood Risk Assessment
  - Highways Statement
  - Landscape and Visual Impact Assessment
  - Tree Protection Plan
  - Tree Survey and Arboricultural Constraints report
  - Supplementary Landscape reports
  - Seeing the History in View
  - Tyler / Granger – Response to landscape comments
  - Sufton Estate / Sufton Park estate (context)



## 2. Policies

### 2.1 National Planning Policy Framework

Paragraph 7 – the three dimensions to sustainable development

Paragraph 11 – 14

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 The Herefordshire Unitary Development Plan:

|      |   |  |
|------|---|--|
| S1   | - | Sustainable Development                                    |
| S2   | - | Development Requirements                                   |
| S7   | - | Natural and Historic Heritage                              |
| DR1  | - | Design   |
| DR2  | - | Land Use and Activity                                      |
| DR3  | - | Movement   |
| DR7  | - | Flood Risk   |
| H6   | - | Housing in Smaller Settlements                             |
| H7   | - | Housing in the Countryside Outside Settlements             |
| H13  | - | Sustainable Residential design                             |
| H16  | - | Car Parking  |
| LA1  | - | Areas of Outstanding Natural Beauty                        |
| LA3  | - | Setting of Settlements                                     |
| LA4  | - | Protection of Historic Parks and Gardens                   |
| LA5  | - | Protection of Trees, Woodlands and Hedgerows               |
| LA6  | - | Landscaping Schemes  |
| NC1  | - | Biodiversity and development                               |
| HBA4 | - | Setting of Listed Buildings                                |
| HBA6 | - | New Development Within Conservation Areas                  |
| HBA7 | - | Demolition of unlisted buildings within conservation areas |
| NC6  | - | Biodiversity Action Plan priority habitats and species     |
| NC7  | - | Compensation for loss of biodiversity                      |
| NC8  | - | Habitat creation, restoration and enhancement              |

### 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 The Herefordshire Local Plan (Emerging Core Strategy):

|     |   |  |
|-----|---|--|
| SS1 | - | Presumption in favour of sustainable development |
| SS2 | - | Delivering new homes                             |
| SS4 | - | Movement and transportation                      |
| RA1 | - | Rural Housing Strategy                           |
| RA2 | - | Herefordshire Villages                           |
| RA3 | - | Herefordshire's Countryside                      |
| H1  | - | Affordable Housing Thresholds                    |
| H3  | - | Ensuring an appropriate range and mix of housing |

|     |   |  |
|-----|---|--|
| MT1 | - | Traffic Management, highway safety and promoting active travel |
| LD1 | - | Landscape and Townscape  |
| LD2 | - | Biodiversity and geodiversity                                  |
| LD4 | - | Historic Environment and heritage assets                       |
| SD1 | - | Sustainable design and energy efficiency                       |
| SD2 | - | Renewable and low carbon energy                                |
| ID1 | - | Infrastructure delivery  |

The emerging Core Strategy Policies (including modifications) can be viewed on the Council's website by using the following link:- <https://www.herefordshire.gov.uk/local-plan>

- 2.5 Dormington and Mordiford Neighbourhood Area was approved in May 2014, The Parish Council will prepare a Neighbourhood Development Plan for the area. The plan must be in conformity with the strategic content of the emerging Core Strategy. In view of this no material weight can be given to the plan.

### 3. Planning History

- 3.1 DCCE2008/2969/F – Widening Access – Planning Permission Not Required.
- 3.2 CE2006/3636/F - Proposed stable block – Approved
- 3.3 DCCE2006/2465/F: Proposed stable block – Withdrawn.
- 3.4 DCCE2004/0799/F – Proposed widening of existing entrance and driveway – Approved.
- 3.5 DCCE2004/0459/S - Widen existing entrance and driveway. Planning permission required.

### 4. Consultation Summary

#### Statutory Consultees

- 4.1 Historic England:

We do not wish to comment in detail, but offer the following general observations.

Conditions should be imposed requiring your Council's prior approval of all external facing materials, all architectural details, and all landscaping design and detail.

#### Internal Council Consultations

- 4.2 Conservation Manager (Landscape Officer)

- 4.2.1 Initial Comments:

The site is accessed via Dormington Road its eastern boundary contained by mature hedgerow running parallel with the road. At its highest point the land form reaches 55m AOD along the eastern boundary and falls in a westerly direction to form part of the River Lugg floodplain

- The site is located within open countryside and apart from the aforementioned structure is essentially composed of natural landscape features; grassland trees and hedgerow. It falls within the Landscape Character Type; Principal Settled Farmlands defined as settled agricultural landscapes with a dispersed settlement pattern. The site is also adjacent to the Riverside Meadows landscape character type which is described as essentially unsettled landscapes with occasional mills or other buildings directly associated with the river. It is

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

considered that the given the topography of the site in this instance it is appropriate to consider the site in the context of the Riverside Meadows Landscape Character Type.

- There are a number of designations both within the site and in close proximity to its boundary; these include the Wye Valley AONB, Mordiford Conservation Area, the River Lugg SSSI, SAC, SWS, Old Sufton unregistered park and garden. The site should also be considered in the context of the setting of a number of heritage assets; Sufton Park the Grade II\* registered park and garden, the Church of the Holy Rood grade II\* listed and the Old Rectory and the Mews. The degree of protection afforded this landscape is such that in accordance paragraph 109 of the NPPF the protection and enhancement of this valued natural landscape should be considered paramount

*Visual and Public Amenity:*

- The site to a larger degree will be contained by landform to the east; views from Dormington Road will be further obscured by the existing mature hedgerow. To the north and south hedgerow and trees filter views from nearby dwellings. To the west however the landscape opens out across the river meadows and views extend across open countryside
- Key views from sensitive receptors; Wye Valley Walk and Mordiford Bridge take in the River Lugg surrounded by the natural landscape of the Wye Valley AONB. With a number of prominent listed buildings forming part of the heritage of this rural settlement. The proposal will be viewed in the context of the aforementioned vista and is considered incongruous in form and material to both the existing and natural and built form of the landscape.

*Conclusions:*

- The Design and Access Statement asserts that *the proposal is introduced in the conceptual form of the Ha ha, upholding the pastoral landscape tradition to hide a built feature within the landscape whilst maintaining uninterrupted views of the landscape, thus the proposal will appear less visible than the current building.* However the plans indicate the proposal occupies a larger footprint than the existing structure and extends to approximately twice the height of the existing stable, it incorporates a large section of glazing along its westerly aspect, with potential for both reflective qualities by day and light pollution at night. Viewed in conjunction with the associated access, turning circle, retaining stone walls and landscaping it is considered that the proposal will not significantly enhance its immediate setting (Paragraph 55 of the NPPF) and does not serve to protect and enhance this valued landscape ( Paragraph 109 of the NPPF). Given the sites proximity to the Wye Valley AONB and its location in relationship with both Old Sufton and Sufton Court neither it is considered to comply with LA1 or LA4 of the Unitary Development Plan.
- Notwithstanding the above if the application is met with approval it is recommended that landscape proposals be submitted which incorporate the detailing of the proposed sedum roof and green living walls. In addition to a plan indicating the proposals in relation to the root protection areas of the existing tree and hedgerows. (the current Tree Survey (Aug 2014) submitted indicates existing planting alongside existing development it is therefore unclear as to where proposals encroach into RPAs.) As well as further detailed drawings requested by the Transport Engineer indicating the exact length of hedgerow H1 necessary for removal to provide visibility splays.

#### 4.2.2 Comments following submission of amended plan / additional information (February 2015)

The following comments are made in response to the supplementary landscape report submitted by Tyler Grange in relation to application P143272/F, land to the west of Dormington Road Mordiford.

As set out in my initial landscape response for the proposal, the site forms part of a key vista composing a number of elements which include both heritage assets in the form of the church

and Georgian Rectory, complemented by both the designed landscape of Sufton Park and Garden alongside the natural landscape of the Wye Valley AONB. It is a superb example of built form working in harmony with its surrounding landscape. English Heritage guidance (The setting of Heritage Assets 2012) defines setting as the surroundings in which an asset is experienced, the extent and importance of which is often expressed by visual considerations and is therefore generally more extensive than curtilage.

Given the orientation of Sufton Court itself overlooking the River Lugg and settlement of Mordiford and the tendency for *many historic parks and gardens include deliberate links to other designed landscapes, and remote 'eye-catching' features or 'borrowed' landmarks beyond the park boundary.* It is considered that contrary to the statement in paragraph 2.34 of the supplementary landscape report there does in fact exist a strong visual link between the aforementioned assets and the site in which the proposal is located.

Historic mapping dating back to 1843 indicates that this particular landscape has remained relatively unaltered since this period this in itself makes an important contribution to the heritage asset's significance, given that the likelihood of the original setting remaining unchanged declines with time. The impact of the proposal should be viewed in this context and therefore cannot be considered to be minor.

From the Wye Valley Walk at its closest point, less than 350m from the site, clear views of the existing stable are possible. Heading south along this route the site comes into view from the point where the railway embankment changes direction in line with the watercourse and approaches the settlement of Mordiford, views of the proposal are possible for approximately 1km in length. Further partial views of the existing stable are seen along the B4224 on exiting the village of Hampton Bishop.

Whilst it is noted that the proposal is an earth sheltered dwelling, the massing diagram indicates that the full height of the proposal extending a further 3m than the existing stables will be appreciated from these sensitive western views.

It is noted that reference has been made to existing vegetation lining the riverbank as helping to screen views. However it is my understanding this land is not within the ownership of the applicant. Further to this during a site visit conducted on the 19th March 2015 the Environment Agency were carrying out pollarding to the trees along the water course. Following on from discussions with the engineer present it was confirmed that this was carried out on a cyclical basis in order to ensure free flow of the watercourse and alleviate flooding.

Finally Herefordshire Council LCA (2004) states *Riverside Meadows 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, the presence of extensive areas of seasonally grassed waterside meadows has provided a strong sense of visual and ecological unity.* Whilst the landscape character type boundary crosses the application site it is considered that the site most strongly associates with the aforementioned characteristics. In this instance the strategy for conservation is to discourage built development and to conserve and restore linear tree cover along hedge lines ditches and watercourses only.

#### 4.2.3 Comments on additional information (April 2015)

As previously stated in my initial response, this site is located within open countryside, it is the subject of two designations; lying within Mordiford Conservation Area, as well as Old Sufton unregistered park and garden - this designation was omitted from the baseline analysis of the Landscape and Visual Impact Appraisal conducted by Mackley Davies Associates Ltd August 2014. The site is adjacent to the Wye Valley AONB as well as Sufton Court, registered park and garden. It lies less than 50m from the River Lugg protected by numerous designations and

is within the visual envelope of numerous heritage assets; Sufton Court and Holy Rood Church. The sensitivity of this landscape is high.

Whilst the LVIA states the scale of the new dwelling is slightly larger than the existing stable block, the massing diagram submitted demonstrates the proposal will essentially double the height of the existing and extend the built form several metres in a southerly direction. *The proposal will include terraced patio areas to north and west of dwelling, as well as private gardens to the west and south west extending as far as the site boundary, the extent of which will be defined with a tree and hedgerow boundary (LVIA 2014).* Given that this is a predominantly natural landscape with limited built form I do not agree that the magnitude of change brought about by this contemporary construction and its associated works to this landscape is small.

The LVIA goes on to state that impacts are mainly restricted to the western elevation. Following on from a site visit conducted on 15th April 2015, it is established that views from Sufton Court registered park and garden are in fact possible of the existing single storey stables, given the increase in height of the proposal, views will be possible from this protected parkland, the impact of these views are not assessed as part of the LVIA.

The LVIA states *long views are only possible from the west but this impact is considered to be low due the scale distance and nature of the proposed development.* Views of the proposal from the Wye Valley Walk are 150m from the proposal they are for 1km in length and are uninterrupted by pylons. From Mordiford bridge, 200m from the site clear views are also possible. The impact of the proposal on these views is therefore considered to be greater than low. The land both sides of the watercourse is not under the ownership of the applicant and is subject to coppicing on a cyclical basis by the Environment Agency where limbs are reduced to ground level. This mitigation is not a permanent feature and where a proposal is reliant upon screening to reduce its harm, in lieu of enhancement to this valued landscape implies that development in this location is inappropriate.

LA4 of the UDP states *Development which would destroy, damage or otherwise adversely affect the historic structure, character, appearance, features or setting (including the designed visual envelope) of a registered park or garden will not be permitted.* It is considered that the proposal has the potential to adversely affect the setting of Sufton Court registered park and garden as well significantly affecting Old Sufton unregistered park and garden in which the site lies. *Unregistered parks and gardens recognised and identified by the Council as currently of local importance will be afforded similar protection*

#### 4.2.4 Comments on Additional / Amended Plans (6<sup>th</sup> July)

I note the letter to Miss Gibbons dated 6<sup>th</sup> July 2015, along with the submitted block plan indicating the extent of the proposed curtilage, indicating that the domestic curtilage will extend to the east of the proposal site and the area to the west will be restored to historic landscape.

The historic map entitled Application Site in Context 1886 is further noted.

I would refer you to my earlier comments as these still apply.

#### 4.3 Conservation Manager (Historic Buildings)

The site is located just outside of Mordiford but it is seen in the context of the village, especially when viewed from the Mordiford Bridge and from the west side of the river. This vista includes a number of listed buildings: Church of the Holy Rood (grade II\*); Old Rectory and Mews (grade II); and the barn to northwest of Old Rectory (grade II). The site is also seen in the context of Sufton Court located on higher ground to the north east. Sufton Court, a substantial grade II\* listed c1790 country house attributed to James Wyatt. The house is

surrounded by a landscaped park laid out by Repton. The site is located within the Mordiford Conservation Area.

The existing stable block on the site is a functional utilitarian building with no architectural value but has a fairly benign impact on the surroundings due to its low profile. The plans indicate that the proposed dwelling would be built into the bank; however, its scale and massing exceeds that of the stable block, making it more prominent in the landscape than the existing building. The siting of a more prominent building in this location has the potential to have a harmful impact on the setting of Sufton Court and also on the character and appearance of the conservation area. If a replacement building is to work in this location, it will need to blend into the surrounding landscape. Some of the materials proposed such as the living green wall, the use of stone and the sedum roof could help achieve this but large areas of glazing, including the reflective glass are likely to make more of a visual statement. It is useful to assess the buildings in Mordiford looking from the west. The church and Old Rectory stand out as landmark buildings but the subsidiary buildings associated with the Old Rectory and the barn are built from a local stone and are visually part of the landscape, sitting quietly in their surroundings. Any proposed building on the stable site needs to achieve the same result.

The submitted plans include elevation drawings but these do not really allow full understanding of how this building would look in practice. The images shown on the 'precedent' drawing do not provide sufficient assurance that the glazing would not be intrusive. Given the sensitivity of the site it is suggested that 3D drawings are provided showing the proposed dwelling from all angles and also showing how the parking, driveway and garden would work. More work also needs to be done to assess the relationship of the site with the surrounding historic environment, particularly Sufton Court.

From a heritage perspective the principle of replacing the stable with a dwelling may be acceptable but based on the plans submitted, the current proposal does not convince that it could be assimilated into the landscape and not impinge on the setting of Sufton Park, or harm the conservation area and the setting of the listed buildings in Mordiford.

#### 4.4 Conservation Manager (Ecology)

The ecological report is satisfactory and I will write a condition – follow ecological report recommendations etc. However, there remains the chance of impact upon the SAC through construction activities as it is so close and a Construction Environmental Management Plan should be required to safeguard the R. Lugg from this. I would prefer this upfront: I have to produce an HRA screening brief and would rather not have the CEMP reliant upon a condition – Natural England could potentially object.

I note that a SUD system is intended to manage surface water run-off and would there not be any impact upon the R. Lugg SAC. With regard to foul drainage from the sewage treatment, the proposal to locate the biodisc treatment outside the floodzone and to have this outfall to a soak away is satisfactory in principle. I would think Building Control might need to see a percolation test to determine the efficacy of this arrangement.

#### 4.5 Transportation Manager

The visibility splays indicated in the Highway Statement would be sufficient based upon the surveyed speeds, however hedge removal on both sides of the access is likely to be necessary to establish and maintain these splays, I would suggest possibly requiring a more detailed drawing in this aspect.

The gradient of the access is indicated on the inset drawing b/RRAMordiford.1/01 in the Highway Statement to be 1 in 20 for the first 10m. This is not confirmed by the indicated spot

levels for the access on that drawing, which indicate a level drop of 1.0m in less than the delineated 10m on that inset, resulting in a much steeper gradient (around 1 in 8). This should be clarified. Subject to resolution of the above points, I would have no objections to the proposals.

## 5. Representations

### 5.1 Mordiford and Dormington Group Parish Council make the following comments:

The majority of the Group Parish Council were in favour of the proposals and on that basis we would like to support it.

However, we would like it noted that as this development is within the Conservation Area we support it on the basis that the proposals meet all the local environmental protection guidelines.

Comments on additional information and plan:

The GPC have no problem with the additional information and remain supportive of the application

### 5.2 Hereford and Worcester Gardens Trust

Having assessed the application on the ground and taken into account the Grade II\* Registration of the Repton landscape at Sufton Court, the Hereford and Worcester Gardens Trust urges Herefordshire Council to refuse this application.

The classic view of Sufton Court and its grounds is from the causeway over Mordiford Bridge. The view with the church in the foreground, the Georgian rectory and its outbuildings (now the Mews House) is of iconic status. In the centre of the view is the stable block - its brown, wooden character, blends well with its surroundings, until, that is, a car or van arrives, as was the case when I viewed the site. This creates an alien, shiny intrusion and dramatically downgrades the enjoyment of the view. The new house, albeit set into the river slope will present a bank of glass and modern materials, much of which will draw attention to itself through reflection. Moreover, there will be more cars present at all times, not just twice a day when the horses need attending.

From the Wye Valley Footpath along the top of the stank - a veritable viewing platform - the house will be even more obvious. Albeit partially hidden by the willows in the summer; in the winter without the leaf cover there will be no shelter. Moreover, since it is the River Authority's practice to pollard the trees regularly, the house will become a permanent feature in the landscape. From the point of view of the development it is unfortunate that an important national long distance footpath - designed to celebrate the Area of Outstanding Beauty, which begins just below the site - should coincide with two highly valued heritage assets-the II\* landscape and the II\* listed building - Sufton Court, which is highly visible here for all to see. Other assets of this importance are often hidden away behind belts and approached by a long drive but here the work of two figures of national cultural significance -Humphry Repton and James Wyatt are set out for all to enjoy. Dorothy Stroud, the biographer of Repton believes Sufton Court has one of the best preserved Repton landscapes in England. This is an extraordinary work of art and has regularly been painted and is always being photographed. Sir Edward Elgar often cycled here with his notebook to seek inspiration and express in musical form his appreciation of this pastoral idyll. There is even a car park and a stile to remove any impediment from the enjoyment of this scenery.

Although the new development will not be visible from within the Repton park or the Wyatt house, it is inevitable that the management of the site will lead to suburbanisation in relation to

entrance gates, new boundaries, hard standing etc. This may be discounted on the present application but who will be here to enforce this in twenty years time? Social occasions will draw vehicles to the site and some of these will inevitably be parked on the road exposed for all to see from the bridge, the footpath and from within the Repton park. The parking that takes place behind the church, in association with the school and by the residents of cottages within the village is already a problem and detracts from the enjoyment of the Repton landscape. One of the sketches in the Red Book, kept at the Court takes in the view from the Drawing Room window down to the village, the church and the causeway. Thus, any development that intensifies traffic movement and other 20<sup>th</sup> century activities will affect the character of Repton's work of art. It must be stressed that presence of a Red Book still in the Drawing Room of the family who commissioned it; in the house and landscape to which it was addressed, is a remarkably rare event. Usually Red Books are separated from their estates because the house, the family or the landscape have been lost or destroyed. At Sufon Court the whole package is complete - and long may it be so. This is not a landscape where any risks can be taken, it is far too precious. The application should be refused.

Further objection:

I have tried to digest the supplementary material provided by RRA Architects but still feel that they fail to address the adverse impact of the development, in a variety of ways, upon the several heritage assets in the vicinity - including 2 listed houses, registered landscape, long distance footpath, ancient monuments (church and bridge) - etc. You could not find a more sensitive spot anywhere else within Herefordshire - to use a hackneyed term, this really is an iconic view

5.3 32 letters of support have been received in total (31 following the re-consultation on the amended / updated information). These can be summarised as follows:

- Supporting documents consider Conservation Area and are thorough and indicate impact on wildlife will be low
- Design has green credentials through use of materials in cladding and roof construction
- Will be energy efficient
- Like use of contemporary design
- Great addition to local area
- Looks fantastic
- No impact on the area / no detrimental harm due to design and materials
- Design of quality and vision. Designed to high standard and eco-friendly;
- Will sit well in the landscape against bank and blends cleverly into the landscape through use of modern materials and design techniques
- Provides community with example of best 21<sup>st</sup> Century design rather than pastiche neo Georgian or Tudor / Bethan
- Will sit picturesquely
- Low impact on the locality due to extensive measures applicant is proposing
- This will greatly improve view in contrast to the stable block. Enhance rather than detract.
- You cannot see the stable block when driving past
- Designed as not to be of a distraction in the views from the Mordiford bridge and Wye Valley Walk and Mordiford bridge to Hampton Bishop, to the landscape that surrounds the proposed site;
- Cannot be viewed from the road above or from adjacent properties.
- Since the applicants bought land 8 years ago they have continuously improved landscape and river bank and view for walkers;
- Owner undertake maintenance of banks (tree removal)
- Applicants support the community and want to downsize but stay in the village.



5.4 One letter of concern has been submitted that states some sympathy for the application but raises concern about the sensitivity of the site in relation to Sufton Court. Surprised that what was considered a greenfield site a few years ago can now be considered brownfield.

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

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

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

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

## 6. Officer's Appraisal

### *Principle of development*

6.1 The Unitary Development Plan (UDP) 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. 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)."*

6.2 The effect of this paragraph is to supersede the UDP with the NPPF where there is inconsistency in approach and objectives. Acknowledging that the Council does not have a five year supply of housing at this time and that the Councils Housing Supply policies are out of date, the requirements of the paragraph 49 are applicable. The presumption in favour of approval as set out at paragraph 14 is engaged if development can be shown to be sustainable.

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

- *"Approving development proposals that accord with the development plan without delay; an*
- *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."*

6.4 The application site lies to the north of the village of Mordiford. Mordiford is defined in the Herefordshire Unitary Development Plan as a smaller settlement to which policy H6 of the Herefordshire Unitary Development Plan would apply. This proposal does not meet the criteria of this policy, and there is no claim within the applicants' submission that it does.

6.5 When considered in the context of the Unitary Development Plan, the site would fall to be considered as policy H7 that seeks to restrict residential development where it does not meet with any of the exception criteria. The proposal also fails to comply with any of the relevant

criteria of policy H7. Policy H7 is considered to be broadly consistent with the requirements of paragraph 55 of the NPPF in that it advises Local Planning Authorities to avoid new isolated homes in countryside. Its aim is to promote housing in locations where it will enhance to maintain the vitality of rural communities.

- 6.6 This site lies close to an adjacent cluster of dwellings and is served by an existing footway that gives access to the primary school, public house, shop and church. The village is served by public transport to the wider area. Whilst it is not yet possible to give weight to the emerging Core Strategy, this village is identified as one that can accept proportionate new growth. As such, I would conclude that whilst the site is physically detached from the cluster of dwellings, it is quite well related and its location can be considered to be sustainable.
- 6.7 The main issue is whether, having regard to the supply of housing land within the County, the proposals would give rise to any adverse impacts, having particular regard to the likely effects upon the character and appearance of the area, the setting of designated and non-designated heritage assets and nature conservation interests, that would significantly and demonstrably outweigh the benefits of the scheme so as not to contribute to the achievement of sustainable development.
- 6.8 The site is located within open countryside and apart from the aforementioned structures and hardsurfacing is essentially composed of natural landscape features; grassland trees and hedgerow. It falls within the Landscape Character Type; Principal Settled Farmlands defined as settled agricultural landscapes with a dispersed settlement pattern. The site is also adjacent to the Riverside Meadows landscape character type which is described as essentially unsettled landscapes with occasional mills or other buildings directly associated with the river. It is considered that the given the topography of the site in this instance it is appropriate to consider the site in the context of the Riverside Meadows Landscape Character Type.
- 6.9 There are a number of designations both within the site and in close proximity to its boundary; these include the Wye Valley AONB, Mordiford Conservation Area, the River Lugg SSSI, SAC, SWS, Old Sufton unregistered park and garden. The site should also be considered in the context of the setting of a number of heritage assets; Sufton Park the Grade II\* registered park and garden, the Church of the Holy Rood (grade II\* listed) and the Old Rectory and the Mews (grade II listed).
- 6.10 The site as exists comprises the stables and access roads that were approved in 2008. These have altered the natural topography of the landscape. Its engineered platform does form an intrusion into the landscape which is visible from local footpaths and the road bridge; albeit to a limited extent. There are a number of key views of the site from sensitive receptors. To the west the Wye Valley Walk runs along what is commonly referred to as 'The Stank' with and Mordiford Bridge lies to the south west. These views take in the River Lugg surrounded by the natural landscape of the Wye Valley AONB with a number of prominent listed buildings forming part of the heritage of this rural settlement.
- 6.11 There is little dispute that the landscape is considered to be a valued landscape. The designations associated with this reiterate its importance and value. Paragraph 109 of the NPPF states that the planning system should contribute and enhance the natural and local environment by protecting and enhancing valued landscapes. This is consistent with the aims of policy LA2 of the UDP that restrict proposals for new development that would adversely affect either the overall character of the landscape, as defined by the Landscape Character assessment and the Historic Landscape characterisation of its key attributes or features.
- 6.12 The second part of this policy seeks to ensure that proposals demonstrate that the landscape character has influenced their design, scale, nature and site selection and where appropriate restrict degraded or despoiled landscapes to the inherent character.

- 6.13 A significant amount of information has been submitted with the application, and as supplementary documents, that makes assessments of the impact of the proposed development and I note findings of the document 'Seeing the History in the View' that states:

*'whilst the affect of this development would be negligible, it is important to recognise that the change in views will occur as a result in the development. It is a recommendation that further landscape mitigation be carried out...'*

- 6.14 It appears that both parties acknowledge that there will be an impact from the development, but there is a disagreement in the magnitude of the impact on the valued landscape, designated and undesignated heritage assets and whether this can or should be mitigated.
- 6.15 The proposed dwelling does replace a single storey stable building. The land is described as previously developed land (NPPF definition being: *is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure*). This stable building has a floor area of 100 sqm. It has a pitched roof that is 4m in height. There are some areas of hardstanding that surround the building that extend towards the west in the area that is now shown to be restored historic landscape. These are clearly identified on the plans submitted to add clarity. (Stable 100 sqm, Yard surrounding stables, 170 sqm and access and car parking areas 640 sqm). It is officer opinion that whilst the existing stable yard and associated curtilage has altered the landscape it is a relatively unobtrusive development and certainly would not represent a brownfield site that would benefit significantly from re-development in the form proposed. As such, in officer's opinion, little weight can be attributed to this matter in making a decision.
- 6.16 The proposed dwelling, with its flat roof, will have a height of 6.7m and provide 310 sqm of accommodation over the two floors. Whilst the west elevation (fronting the river Lugg) will be fully exposed and visible, some of the accommodation will be built into the bank to the south of the site. Access and parking areas will be limited to 450 sqm to the north and east of the proposed dwelling. An area of residential curtilage / terrace has also been identified in addition to this, which would be to the west, east and north of the dwelling in addition to the 450 sqm. The application also provides a diagram that identifies the mass of the proposed building in comparison with the existing stable block.
- 6.17 The level of information that accompanies this application is significant and detailed, as one would expect when dealing with such a sensitive environment. Officer's identified clearly their concerns that the proposed dwelling would be of a scale, size and design that would represent a significant intrusion in a very sensitive and valued landscape and that the proposed use would also bring with it the associated residential paraphernalia, lights (outside / within dwelling during winter and during hours of darkness), parked cars, terraces and gardens. The applicants have sought to address this by restricting the curtilage to a terrace area to the front (overlooking the river meadows) and north of the site. Tree planting along the river bank has also been proposed along with the proposal to remove hard standing areas and restore the landscape to the west of the site. The proposed mitigation, is clearly identified within the conclusions of the submitted documents as being required to enable them to conclude that the negative residential impacts are considered to be minimal and small in scale. In the event that the mitigation fails / or is removed or eroded over time, then the conclusion must be that the proposed development will have a more severe and adverse impact.
- 6.18 Whilst officers have carefully considered the use of conditions to overcome of the very significant concerns and objections to this proposal, it is not considered that the use of tree planting and restriction on size of curtilage would overcome objections. Given the sensitivity of the landscape, mitigating a proposal to make it acceptable cannot be considered a viable and long term solution. The environmental benefits that could be attributed to the proposed development relate only to the screening of the development, and measures to restrict

residential paraphernalia to the most prominent part of the site. Whilst reference is made to the restoration of the historic landscape to the west, the existing position is not so harmful to warrant support for a development of this nature to offset the limited harm caused by the driveway and fence.

- 6.19 The proposed development would have a significant and demonstrable harm on the unspoilt natural landscape of the area which forms part of the setting of the Area of Outstanding Natural Beauty and setting of the village of Mordiford. As such, the proposal would fail to comply with the requirements of policies LA2 of the UDP and with the guidance contained within the National Planning Policy Framework. Policy DR1 of the UDP is also applicable here, requiring development to promote or reinforce the distinctive character and appearance of the locality and to respect landscape character.

#### *Impact upon Heritage Assets*

- 6.20 The landscape is one that has been recognised in its value through its local designation as an unregistered park and garden. Policy LA4 of the UDP affords the same protection to both registered and unregistered parks and gardens and seeks to restrict development which would destroy, damage or otherwise adversely affect the historic structure, appearance, features or setting (including the designed visual envelope) of a registered park or garden.
- 6.21 With regards to the impact upon the 'Designated Heritage Asset, that being the Registered Parkland, Conservation Area and Setting of the Listed Buildings, paragraph 134 of the NPPF would apply, thus requiring that the harm should be weighed against the public benefits. In considering the non designated heritage asset, that being the locally listed unregistered parkland, due regard shall be had to paragraph 135 of the NPPF. This states that a balanced judgment will be required having regard to the scale of the harm or loss and the significance of the heritage asset.
- 6.22 Members attention is drawn to the very detailed responses from the Conservation Manager in respect of the impact of the proposed dwelling on the Heritage and Designated Heritage Assets. These objections and concerns are also explored in the detailed response from the Hereford and Worcester Gardens trust. These representations clearly explain the importance and significance of the application site and its relationship and importance to the relevant assets. They conclude that the impact of the development, even with the proposed mitigation, would have a significant adverse affect the identified designated and non designated heritage assets that local plan policy and national guidance seek to protect. As such, the proposal would fail to comply with the requirements of policies LA4, HBA4 and HBA6 of the UDP and with the guidance contained within the NPPF.

#### *Flood Risk*

- 6.23 The proposed dwelling lies within a Flood Zone 2, but I have considered the information provided within the submitted Flood Risk Assessment, the fact that there is already a building on the site and the fact that there is a safe, dry pedestrian access to the main road and would not wish to raise an objection on this ground. The proposal is considered to comply with the requirements of policy DR7 of the UDP and with guidance contained within the NPPF.

#### *Ecology / Habitat Regulation Assessment*

- 6.24 The Councils Ecologist has confirmed that the ecological report is satisfactory and that a condition can be imposed requiring the applicant to follow the ecology report recommendations. There are no significant biodiversity gains or benefits from this developments but is broadly compliant with the requirements of policies NC1 and NC8 of the UDP and with the guidance contained within the NPPF. It is however noted that there remains

the chance of impact upon the SAC through construction activities as it is so close and a Construction Environmental Management Plan should be required to safeguard the River Lugg from this. A condition would suffice but it is normally preferable to have this prior to determination so that it can form part of the Habitat Regulation Assessment.

- 6.25 It is noted that the SuD's system is intended to manage surface water run-off and there would not be any impact upon the River Lugg SAC. With regard to foul drainage from the sewage treatment, the proposal to locate the biodisc treatment outside the floodzone and to direct this outfall to a soak away is satisfactory in principle. In order to ensure compliance with policy DR4 of the UDP and with guidance contained within the NPPF, a condition could be imposed to ensure satisfactory drainage arrangements are provided to the site.

#### *The Planning Balance*

- 6.26 The proposal would have a very modest benefit in addressing the shortfall of housing supply within the County. It would increase the choice of housing by a very modest amount. There are the usual economic benefits that could be attributed to the construction industry. The impact of one dwelling in supporting local services and facilities is also considered to be minimal. Nonetheless, these benefits must be given weight in the determination of the application.
- 6.27 The proposed planting and mitigation measures do not outweigh or overcome the harm to the valued landscape, Heritage Assets and Designated Heritage Assets that has been identified above, and as such, its development would be at odds with the environmental role of sustainability. Moreover, notwithstanding the shortfall in Housing Land Supply, these adverse environmental impacts and the harm to the valued landscape and setting of heritage assets would significantly and demonstrably outweigh the very modest economic and social dimensions/benefits of the proposed scheme.
- 6.28 The application submission makes reference to the site as being 'previously developed land' the re-use of which the NPPF encourages. However, Paragraph 17 of the NPPF does state that this is applicable provided that it is not of high environmental value. For the reasons detailed above, I would assert that the site, by virtue of its designations and landscape value, does have high environmental value and as such, limited weight can be given to the sites 'previously developed' status.
- 6.29 Therefore, for the reasons detailed above, the proposed development would fail to comply with the requirements of policies DR1, LA2, LA4, HBA4 and HBA6 of the Unitary Development Plan and with the guidance contained within the National Planning Policy Framework and the application is recommended for refusal.

## **RECOMMENDATION**

**That planning permission be refused for the following reason:**

- 1. The proposed dwelling and associated residential use, by virtue of its siting, scale, mass, height and design would cause significant and demonstrable harm to the valued landscape, Heritage Assets and Designated Heritage Assets within this and therefore failing to promote or reinforce the distinctive character and appearance of the locality. As such the proposal would fail to comply with the requirements of policies DR1, HBA4, HBA6 and LA4 of the Unitary Development Plan and with the guidance contained within the National Planning Policy Framework. Notwithstanding the current shortfall in Housing Land Supply, these adverse environmental impacts and the harm to the valued landscape and setting of heritage assets would significantly and demonstrably**

outweigh the very modest economic and social dimensions/benefits of the proposed scheme.

**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 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**

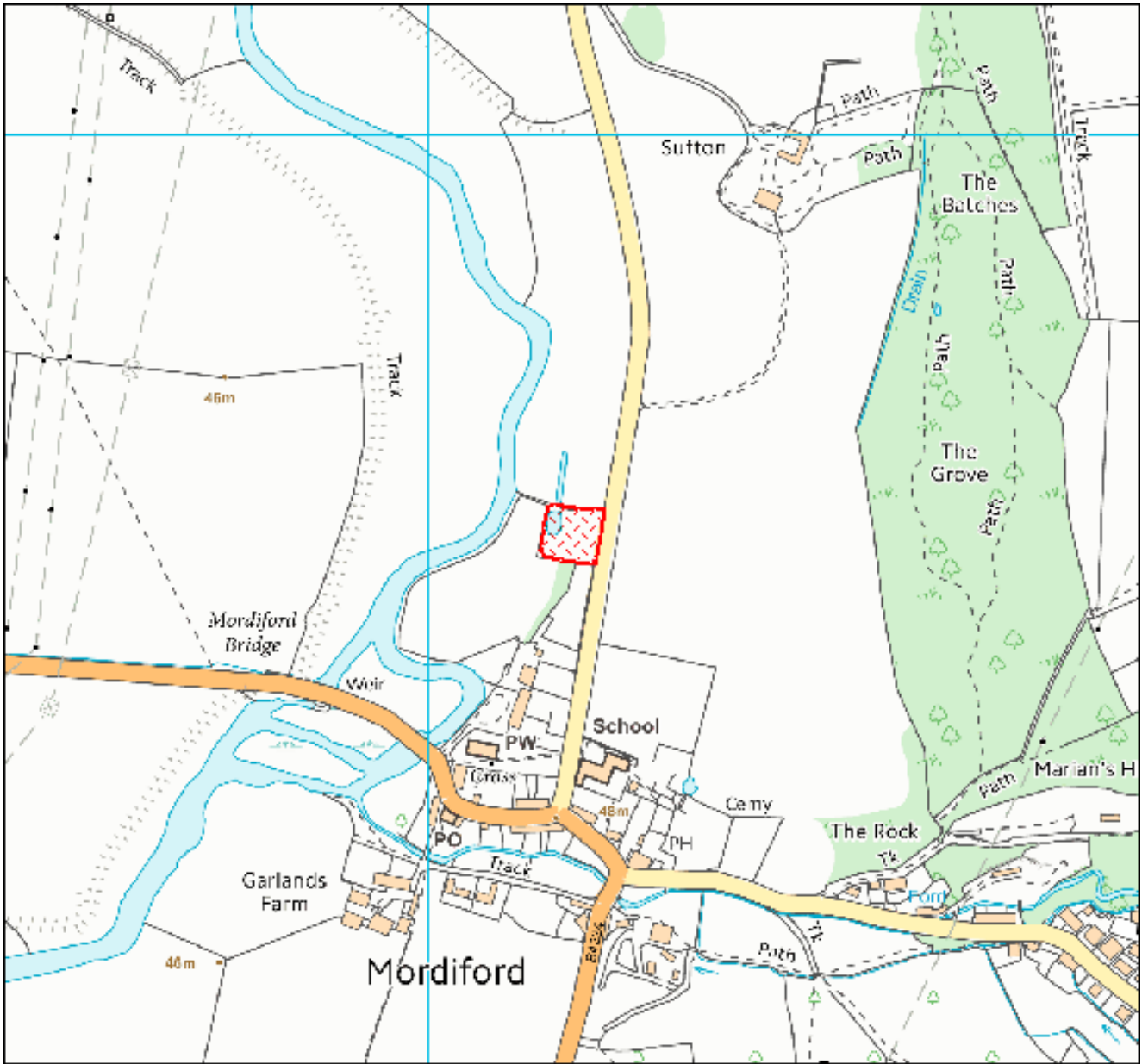
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 143272

**SITE ADDRESS :** STABLE AND YARD NORTH OF MEWS HOUSE, MORDIFORD, HEREFORDSHIRE, HR1 4LN

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

