

# AGENDA

## Planning Committee

Date: **Wednesday 13 January 2016**

---

Time: **10.00 am**

---

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

---

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

For any further information please contact:

**Tim Brown, Democratic Services Officer**

Tel: 01432 260239

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

---

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**

**Vice-Chairman**

**Councillor PGH Cutter**

**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

		Pages
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 9 December 2015.</p>	7 - 34
5.	<p><b>CHAIRMAN'S ANNOUNCEMENTS</b></p> <p>To receive any announcements from the Chairman.</p>	
6.	<p><b>APPEALS</b></p> <p>To be noted.</p>	35 - 38
7.	<p><b>150659 - HOLMER TRADING ESTATE, COLLEGE ROAD, HEREFORD.</b></p> <p>Demolition of all existing buildings and hard standings, remediation of the site, including reinstatement or landscaping of the former canal and development of up to 120 homes, landscaping, public open space, new vehicle and pedestrian access and associated works.</p>	39 - 60
8.	<p><b>P141964/O - LAND OFF, MADLEY ROAD, CLEHONGER, HEREFORDSHIRE, HR2 9TE</b></p> <p>Site for residential development of up to 90 dwellings with access, parking, public open space with play facilities and landscaping.</p>	61 - 88
9.	<p><b>151937 - LAND ADJACENT TO NEWLANDS, STOKE LACY, HEREFORD</b></p> <p>Proposed demolition of existing buildings and erection of 28 nos dwelling houses with details of access and all other matters reserved.</p>	89 - 106
10.	<p><b>151354 - LYNTERS WOOD, UPTON BISHOP, HEREFORDSHIRE</b></p> <p>Proposed archery course with 3d foam animal targets on a circuit through the woods. To include a reception area, off road parking and serviced portaloos toilet facilities.</p>	107 - 118
11.	<p><b>152036 - LAND ADJACENT TO, FARADAY HOUSE, MADLEY, HEREFORDSHIRE, HR2 9PJ</b></p> <p>Site for proposed erection of 27 dwellings including affordable housing.</p>	119 - 140
12.	<p><b>DATE OF NEXT MEETING</b></p> <p>Date of next site inspection – 2 February 2016 Date of next meeting – 3 February 2016</p>	



## **The Public's Rights to Information and Attendance at Meetings**

### **YOU HAVE A RIGHT TO: -**

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- 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.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

### **Public Transport Links**

- The Shire Hall is a few minutes walking distance from both bus stations located in the town centre of Hereford.

## **RECORDING OF THIS MEETING**

Please note that filming, photography and recording of this meeting is permitted provided that it does not disrupt the business of the meeting.

Members of the public are advised that if you do not wish to be filmed or photographed you should let the governance services team know before the meeting starts so that anyone who intends filming or photographing the meeting can be made aware.

The reporting of meetings is subject to the law and it is the responsibility of those doing the reporting to ensure that they comply.

## **FIRE AND EMERGENCY EVACUATION PROCEDURE**

In the event of a fire or emergency the alarm bell will ring continuously.

You should vacate the building in an orderly manner through the nearest available fire exit and make your way to the Fire Assembly Point in the Shire Hall car park.

Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.

The Chairman or an attendee at the meeting must take the signing in sheet so it can be checked when everyone is at the assembly point.

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 9 December 2015 at 10.00 am**

**Present:** Councillor PGH Cutter (Chairman)  
Councillor J Hardwick (Vice Chairman)

Councillors: BA Baker, CR Butler, PJ Edwards, DW Greenow, KS Guthrie, EL Holton, TM James, JLV Kenyon, SM Michael, FM Norman, AJW Powers, WC Skelton, J Stone, EJ Swinglehurst and LC Tawn

**In attendance:** Councillor WLS Bowen

**108. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors JA Hyde and A Seldon.

**109. NAMED SUBSTITUTES**

Councillor SM Michael substituted for Councillor A Seldon and Councillor J Stone for Councillor JA Hyde.

**110. DECLARATIONS OF INTEREST**

**Agenda item 7: 151145 Field adjoining A4112 and Chestnut Avenue, Kimbolton.**

Councillor J Stone declared a non-pecuniary interest as Chairman of Kimbolton Primary School Governors..

*(With regard to item 8: 151641 – Land to rear of Bramley House and Orchard House of Kings Acre Road, Swainshill, Hereford, Councillor AJW Powers informed the Committee that he was a member of Breinton Parish Council.)*

**111. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 18 November, 2015 be approved as a correct record and signed by the Chairman.

**112. CHAIRMAN'S ANNOUNCEMENTS**

There were no announcements.

**113. APPEALS**

The Planning Committee noted the report.

**114. 151145 - FIELD ADJOINING A4112 AND CHESTNUT AVENUE, KIMBOLTON, LEOMINSTER, HEREFORDSHIRE**

*(Proposed residential development of up to 21 dwellings along with new access and associated works.)*

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

In accordance with the criteria for public speaking, Mr W Mears of Kimbolton Parish Council commented that whilst the Parish Council had no objection in principle it did have a number of concerns about the Scheme. Mr J Robinson, a local resident, spoke in objection. Mrs S Churchward, the applicant, 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 community consultation referred to at paragraph 1.5 of the report had been organised by the applicants not the Parish Council. It had been well attended.
- In the context of Kimbolton the development was large and potentially significant.
- The Neighbourhood Plan was at an early stage so residents, who were not opposed in principle to development, had not yet had the opportunity to express their views on possible development sites.

The following points were in favour of the development:

- The proposal for up to 21 houses, 40% of which would be affordable, would provide an opportunity for young people and families to live in the village and contribute to the village's sustainability.
- The Primary School was good and the head teacher welcomed the development.
- The development was of a low density.

Less welcome aspects included:

- Whilst the Parish Council was not opposed in principle to development it had outlined a number of concerns in its response at page 31 of the agenda papers. These included sewage management; there was already a pollution problem in the absence of a public sewer.
- The comments of the Conservation Manager (Landscape) who had registered an objection included the statement that: "*The proposed site extends in a north-westerly direction beyond the existing north western housing boundaries. This creates housing creep into the open countryside which makes the proposed site out of scale with the existing village pattern.*" The Conservation Manager went on to suggest that a development of 11 houses would be more acceptable.
- There were concerns about the access to the site and the additional traffic. Whilst there was a 30mph speed limit on that part of the A4112 the road was busy and traffic fast at certain times of the day. Traffic calming measures were needed.
- Kimbolton Primary School needed its own hall so pupils did not have to walk to the village hall.
- Footpath and cycleway provision needed to be improved.



- The section 106 agreement needed to be revisited.

In conclusion he observed that paragraph 6.29 of the report concluded that the adverse impacts did not significantly and demonstrably outweigh the benefits of the Scheme. It was a finely balanced application.

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

- It was welcome that the density was relatively low. The scheme provided gardens for the houses.
- The road was a through route to Tenbury and very busy at times. The access was satisfactory within the 30mph speed limit but signing should be improved. A speed indicator device should also be considered.
- The site was in the middle of the village with a public house and shop nearby.
- The site did slope up from the road. It was to be hoped that at the reserved matters stage consideration could be given to ensuring that the development did not loom over the village.
- A concern was expressed that the development extended beyond the natural line of the village and would have an adverse impact.
- Any development should be far enough away from the edge of the bank to avoid damaging it.
- There was the potential for water run-off from the site. Consideration should be given to a wet system of drainage using trees.
- Quality of design and low energy housing was to be encouraged.
- The provision of 40% affordable housing was welcome.
- It was regrettable that Grade 2 agricultural land was to be used if brownfield land was available.
- Mitigation to address the concerns of the Conservation Manager (Landscape) about the impact on the landscape appeared possible, for example with more planting and provision of open space, and would be welcome.
- Given concerns expressed about drainage it was asked whether some of the informatives relating to this aspect could be made conditions. The Development Manager commented that conditions 14-16 addressed these points and the informatives related to those conditions.
- If there would not be enough funding under the S106 agreement for a school hall consideration should be given to improving the pavement to the village hall.

The Development Manager commented that the application was for a development of up to 21 houses. If the Committee wanted there to be a smaller development on the site it would have to refuse the current application.

He added:

- It was recognised that a requirement for recycling provision would need to be added into the draft heads of terms.
- The draft section 106 agreement was Community infrastructure levy compliant and no further contribution could be required.
- The provision of gateway features could address concerns about the access and be funded from the proposed S106 transport contribution. Funding to support safer routes to schools requirements could also be considered.
- Drainage would be considered at the reserved matters stage. Soft landscaping could assist with drainage.
- The development was sufficiently distant from the Stockton Cross Inn, a listed building, not to have an impact.
- If the application were refused the applicant could submit an application for up to 10 houses and offer no affordable housing.

The local ward member was given the opportunity to close the debate. He commented that the development did have a lot of advantages. It was on the same side of the village as an existing estate and the access was better than for a number of alternative sites. It was important that drainage concerns were addressed because Kimbolton had suffered from flooding. The Parish Council had asked to be consulted on the S106 agreement. The Parish Council was not opposed in principle to the development so long as it was of benefit to the village. The provision of affordable housing was important to the village's long term sustainability.

**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 and appended, 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. **B01 Development in accordance with the approved plans**
5. **G03 Retention of existing trees/hedgerows**
6. **G04 Protection of trees/hedgerows that are to be retained**
7. **G09 Details of Boundary treatments**
8. **G10 Landscaping scheme**
9. **G11 Landscaping scheme - implementation**
10. **H13 (Access, turning and parking)**

11. H27 (Parking for site operatives)
12. E01 Site investigation - archaeology
13. The recommendations set out in Section 5 of the ecologist's report from Churton Ecology dated March 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.

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 SS6, LD2 and LD3 of Herefordshire Local Plan –Core Strategy

To comply with Herefordshire Council's Policy LD2 and LD3 in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006

14. I20 Scheme of surface water drainage
15. I21 Scheme of surface water regulation
16. I18 Scheme of foul drainage disposal
17. Prior to the first occupation of any of the residential development hereby permitted written evidence / certification demonstrating that water conservation and efficiency measures to achieve the 'Housing – Optional Technical Standards – Water efficiency standards' (i.e. currently a maximum of 110 litres per person per day) for water consumption as a minimum have been installed / implemented shall be submitted to the Local Planning Authority for their written approval. The development shall not be first occupied until the Local Planning Authority have confirmed in writing receipt of the aforementioned evidence and their satisfaction with the submitted documentation. Thereafter those water conservation and efficiency measures shall be maintained for the lifetime of the development;

Reason: - To ensure water conservation and efficiency measures are secured, in accordance with policy SD3 (6) of the Herefordshire Local Plan Core Strategy 2011-2031

**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. 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. The following information should be provided in connection with Conditions 14, 15 and 16 above:**

**Soil infiltration rates to confirm whether the infiltration techniques are feasible for both surface water and foul water discharges;**

**Groundwater levels if infiltration techniques are found to be feasible on site, as the bottom of a soakaway should be located a minimum of 1m above the recorded groundwater levels;**

**Detailed surface water drainage design including SUDS source control measures wherever feasible and drainage calculations. The Applicant must provide evidence that the proposed drainage system will not increase risk of flooding to people and properties within and outside of the site for up to and including the 1 in 100 year event with 30% climate change allowance. The Applicant must also provide information on exceedance routes to ensure no increased flood risk to people and properties elsewhere;**

- Detailed foul water drainage design;**
- Confirmation of who will be responsible for the maintenance of the proposed package treatment plant and common attenuation storage;**
- Confirmation from DCWW that they have agreed to the adoption and maintenance of the surface water drainage system**

**As discussed above, the Applicant will also need to obtain approval of the Council regarding the proposed combined sewer located within the public highway and ordinary watercourse consent for the new outfall to the watercourse south of the site.**

- 115. 151641 - LAND TO REAR OF BRAMLEY HOUSE AND ORCHARD HOUSE, OFF KINGSACRE ROAD, SWAINSHILL, HEREFORD, HR4 0SG**

*(Proposed residential development of up to 21 dwellings along with new access and associated works.)*

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, Mrs E Morawiecka of Breinton Parish Council spoke in opposition to the Scheme. Mr B Jolly, the applicant's agent, spoke in support.

Councillor WLS Bowen had fulfilled the role of local ward member for this application on behalf of Councillor RI Matthews. In accordance with the Council's Constitution, Councillor Bowen spoke on the application.

He made the following principal comments:

- He noted that it had been advised that the route corridor for the western relief road did not impact upon the site and that it was not therefore a relevant matter.

- The site had once been an old orchard and if the application were approved he supported the maintenance of an area as traditional orchard.
- The access from the Kings Acre Road was good, but the road from the access to the site needed to be adopted.
- The site had good access to transport links and was sustainable.
- The Parish Council considered that the parish needed smaller housing units than the application proposed.
- The development would have no affordable housing.
- The quality of design would be important.
- The turning head of the access road should be reduced in size.
- It was important that sewerage and water supply issues were addressed.
- The S106 agreement would need to incorporate provision for transport, public open space and a play area.
- He requested that the Parish Council should be fully consulted on any reserved matters application.

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

- The Conservation Manager (Ecology) had suggested that a condition should be imposed requiring a compensatory commitment to re-establish areas of lost trees and manage an area in association with the development as traditional orchard. The Principal Planning Officer confirmed where it was proposed that area should be. She noted that there had been no trees on the development site since 1999. It was proposed to address the points made by the Conservation Manager (Ecology) about enhancing the area through the S106 agreement.
- The concept of the traditional orchard was questioned. Such orchards were not long lived, were not commercially viable and could only be maintained as a community project.
- The proposal was sustainable.
- The provision of private garden space was welcome.
- The absence of any affordable housing as part of the development was regrettable.
- The development could not be considered to be in open countryside. It was in the middle of an area that had already been developed and could be viewed as organic growth.
- In considering the size of the turning head of the access road, it was important to ensure that regard was had to recycling and waste management collection requirements.

- Local demand showed a need for affordable housing and smaller housing units than was proposed.
- The stated density was 15.5 dwellings per hectare. However, 9 houses on 40% of the site was in fact a high density development.
- A Member commented that all the issues raised in the debate were addressed in the Breinton Neighbourhood Plan. The completion of the Plan had been delayed by failings on the part of the Council. The Council's Housing and Economic Land Availability Assessment (HELAA), the accuracy of which officers were now questioning, had stated that the site had been rejected due to inadequate access on the advice of the Council. The HELAA also stated that the site was within the preferred corridor for the western relief road. Another application in the preferred corridor for the western relief road had been rejected. The Breinton Neighbourhood Plan would achieve Regulation 16 status early in the New Year. The application should be deferred on the grounds of prematurity.
- The Development Manager commented that the Neighbourhood Plan was a material consideration but could not be given weight at this stage. If the application were to be deferred the applicant would have a right of appeal for non-determination.

A motion that the application be deferred was lost.

Councillor Bowen, acting on behalf of the local ward member, was given the opportunity to close the debate. He commented that, if approved, it was to be hoped that smaller housing units would be built and a community orchard established. He reiterated the need for full consultation on reserved matters with the Parish Council, local ward Member and the Chairman of the Committee.

The Development Manager commented that the Neighbourhood Plan would be material in processing a reserved matters application and full weight could be given to it. The local ward member and the parish council would be consulted on a reserved matters application. However, it was only if there was dispute that the reserved matters application would be referred to the Committee for determination. The provision of an orchard was covered by condition. The site was clearly outside the western relief road corridor. The former Unitary Development Plan designation of the site as open countryside was no longer material.

**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 after consultation with the local ward member, the Parish Council and the Chairman.:**

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. **G11 Landscaping scheme - implementation**
8. **H09 Driveway gradient**
9. **H13 Access, turning area and parking**
10. **H18 On site roads - submission of details**
11. **H27 Parking for site operatives**
12. **H29 Secure covered cycle parking provision**
13. **I16 Restriction of hours during construction**
14. **The recommendations set out in the ecologist's report from Focus ecology dated May 2015 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat enhancement scheme integrated with the landscape scheme should be submitted to and be approved in writing by the local planning authority. The scheme shall incorporate the allocation of a compensatory area of mixed orchard planting commensurate with the composition of the original site trees and the scheme be implemented as approved and managed as a standard tree orchard in perpetuity.**

**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 Policy LD2 of the Herefordshire Local Plan - Core Strategy in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006.**

15. **L01 Foul/surface water drainage**
16. **L02 No surface water to connect to public system**
17. **L03 No drainage run-off to public system**
18. **Prior to the first occupation of the development a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 shall be submitted to and approved in writing by the local planning authority and implemented as approved.**

**Reason: To ensure compliance with Policies SD3 and SD4 of the Hereford Local Plan – Core Strategy**

**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. 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. HN01 Mud on highway**
- 4. HN28 Highways Design Guide and Specification**

**116. 150052 - LAND OFF GINHALL LANE, LEOMINSTER**

*(Proposed 10 no dwellings with garages.)*

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

In accordance with the criteria for public speaking, Mr C Thomas, of Leominster Town Council, spoke in opposition to the Scheme. Mr C Jessop, a local resident, spoke in objection.

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

She made the following principal comments:

- She noted the link to application 150053 on a directly adjoining site that was the subject of the next item on the agenda.
- Ginhall lane off which the access was proposed was very narrow with a 60mph speed limit.
- In a recent accident a car had ended up upside down right against the house at the junction.
- The site was higher than the lane so there would be high banks on either side close to the existing cottages. The gradient lent itself to water run-off and pooling.
- Traffic from that location fed into Baron's Cross and The Bargates. This was currently a very busy and heavily congested stretch of road. Ginhall lane itself was used as a rat run to avoid the congestion.
- A development of 1,000 homes was planned on the opposite side of the road.
- The site was in an area identified as a strategic green corridor. It formed part of a green approach to the Town where it was hoped that ecology would develop.
- An assurance had previously been given that there would be no access from the Buckfield Estate onto Ginhall Lane, which was a country lane with soft verges used for walking and unsuitable for additional traffic.
- If the application were approved, in terms of S106 contributions the most important requirement was to provide a pedestrian crossing for the Baron's Cross estate.

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



- The Transportation Manager confirmed the accident history of Ginhall Lane up until 2013.
- The access was not acceptable. It was proposed that consideration of the application should be deferred to permit discussions on how to create a safer access through the adjoining site.

**RESOLVED: That consideration of the application be deferred to permit consideration of a safer access.**

**117. 150053 - LAND AT, AND WEST OF WEST WINDS, CHOLSTREY ROAD, LEOMINSTER, HEREFORDSHIRE**

*(Proposed cottage and garage.)*

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

In accordance with the criteria for public speaking, Mr C Thomas, of Leominster Town Council spoke in opposition to the Scheme. Mr C Jessop, a local resident, spoke in objection.

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

She noted the link with the adjoining application 150502, the subject of the previous agenda item. Traffic from the proposed development would have to use congested roads adding to the existing problem. Planning permission had already been granted for a development of 420 houses on the opposite side of the road.

It was proposed in debate that consideration should be deferred to consider the development of a single access to the two sites (application 150502 and 105053).

**RESOLVED: That consideration of the application be deferred to permit consideration of a single access to the sites the subject of applications 150502 and 105053.**

**Appendix 1 - Schedule of Updates**

The meeting ended at 12.50 pm

**CHAIRMAN**



**PLANNING COMMITTEE**

**Date: 9 December 2015**

*Morning*

**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

**151145 - PROPOSED RESIDENTIAL DEVELOPMENT OF UP TO 21 DWELLINGS ALONG WITH NEW ACCESS AND ASSOCIATED WORKS AT FIELD ADJOINING A4112 AND CHESTNUT AVENUE, KIMBOLTON, LEOMINSTER, HEREFORDSHIRE**

**For: Mrs Susan Churchward, Moreton Farmhouse, Moreton Eye, Leominster, Herefordshire HR6 0DP**

### **ADDITIONAL REPRESENTATIONS**

The applicant has provided an updated drainage strategy plan, in the light of the typo identified in the originally submitted plan identified by the Land Drainage Consultant

### **OFFICER COMMENTS**

This revised plan corrects a direction flow arrow.

### **NO CHANGE TO RECOMMENDATION**

**151641 - PROPOSED ERECTION OF NINE DWELLINGS AT LAND TO REAR OF BRAMLEY HOUSE AND ORCHARD HOUSE, OFF KINGSACRE ROAD, SWAINSHILL, HEREFORD, HR4 0SG**

**For: Messrs Griffiths per Mr Robert Jolly, P O Box 310, Malvern, Worcestershire, WR14 9FF**

### **ADDITIONAL REPRESENTATIONS**

Members of the Parish Council have raised concerns about the assessment of the site as part of the Hereford Housing and Economic Land Availability Assessment (HELAA) that was published in mid-November.

The assessed site (CRE10) is 1.3 hectare site and the assessment is as follows:

*No known environmental constraints to development. Suitable for residential use, B1 employment and/or mixed use. The suitability of the site for development would be dependent on the extent/delivery of the proposed western (Three Elms) urban extension due to its current poor relationship with the existing urban boundary of Hereford. The site has a medium landscape sensitivity therefore a sensitive design approach would be necessary. Site lies within the relief road corridor, and may be suitable for development. Once a detailed route is established such sites will be reassessed. Site rejected due to inadequate access on advice of HC.*

The Parish Council have also raised concern about lack of reference to policy SS4 of the Core Strategy.

## OFFICER COMMENTS

Officers have been able to confirm that the information provided in the HELAA in respect of this site is incorrect. The Route Corridor identified in the Core Strategy does not extend this far west and therefore does not impact upon this site. Historically, the site was within the 'Outer Route' Corridor and this seems to have been carried over into this document.

The HELAA itself does not set policy but provides background evidence on the potential availability of land for housing and economic development. The identification of sites in the HELAA should not be taken as an intention to allocate these sites for housing/economic development or that planning permission will be granted, likewise, just because a site is rejected in this document does not mean that upon further scrutiny and examination, sites would not obtain planning permission.

The application submission relates to less than half of the site identified in this document. The Council's Highways officer has raised no objection subject to conditions and officers are satisfied that this development would not adversely impact on highway safety and this proposal is compliant with the policies of the Core Strategy.

Officers also acknowledge that whilst Policy SS4 is referenced in the Section 2, there is no specific reference to this strategic policy in the appraisal and would take the opportunity to expand on this point.

*Policy SS4 states that; New developments should be designed and located to minimise the impact on the transport network, ensuring that journey times and the efficient and safe operation of the network are not detrimentally impacted. Furthermore, where practicable, development proposals should be accessible by and facilitate a genuine choice of modes of travel including walking cycling and public transport.*

This site has direct access onto the A438 and its bus services, by existing footway, and does offer a genuine opportunity to access means of travel for some journeys other than the private motor vehicle. This is not to say that there will be a reliance of the car – but this is so of any development in the Breinton Neighbourhood Area and it could be that accessing buses and footways will be much more accessible and realistic from this location than some of the more rural areas within the Parish. In the context of Policies RA2 and SS4 this must be a consideration.

## NO CHANGE TO RECOMMENDATION

**150052 - PROPOSED 10 NO DWELLINGS WITH GARAGES  
AT LAND OFF GINHALL LANE, LEOMINSTER,**

**For: Mr Owens & Parry per Mr John Needham, 22 Broad  
Street, Ludlow, Shropshire, SY8 1NG**

## ADDITIONAL REPRESENTATIONS

The Applicant's agent confirms that the visibility requirements are as recommended by the Council's Transportation Manager, following a speed survey. The agent also confirmed that the Town Council have been informed that grounds of prematurity are not substantive grounds for refusal and that the emergence of the Neighbourhood Development Plan cannot hold up determination of sustainable development. S106 headline figures subject to legal scrutiny

S106 headline figures subject to legal scrutiny

### **Transportation**

2 bed - £1966  
3 bed - £2949  
3 bed – 3932

### **Open Space**

2 bed - £965  
3 bed - £1640  
4 bed - £2219

### **Recycling**

£80 per dwelling including affordable

### **Affordable**

25% of the dwellings being Affordable units covering the whole site

### **NO CHANGE TO RECOMMENDATION**

**150053 - PROPOSED 25 DWELLINGS WITH GARAGES AND CAR SPACES AT LAND AT, AND WEST OF WEST WINDS, CHOLSTREY ROAD, LEOMINSTER, HEREFORDSHIRE,**

**For: Mr And Mrs Preece per Mr John Needham, 22 Broad Street, Ludlow, Shropshire, SY8 1NG**

### **ADDITIONAL REPRESENTATIONS**

The Applicant's agent confirms that the visibility requirements are as recommended by the Council's Transportation Manager, following a speed survey. The agent also confirmed that the Town Council have been informed that grounds of prematurity are not substantive grounds for refusal and that the emergence of the Neighbourhood Development Plan cannot hold up determination of sustainable development.

S106 headline figures subject to legal scrutiny

### **Transportation**

2 bed - £1966  
3 bed - £2949  
3 bed – 3932

### **Open Space**

2 bed - £965  
3 bed - £1640

4 bed - £2219

**Recycling**

£80 per dwelling including affordable

**Affordable**

25% of the dwellings being Affordable units covering the whole site

**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 9 December 2015 at 2.00 pm**

**Present:** Councillor PGH Cutter (Chairman)  
Councillor J Hardwick (Vice Chairman)

Councillors: BA Baker, WLS Bowen, CR Butler, BA Durkin, DW Greenow, KS Guthrie, EL Holton, TM James, JLV Kenyon, FM Norman, AJW Powers, A Seldon, WC Skelton, EJ Swinglehurst and LC Tawn

**118. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors PJ Edwards and JA Hyde.

**119. NAMED SUBSTITUTES**

Councillor WLS Bowen substituted for Councillor PJ Edwards and Councillor BA Durkin for Councillor JA Hyde.

**120. DECLARATIONS OF INTEREST**

**Agenda item 4: 151354 – Lynders Wood, Upton Bishop, Herefordshire**

Councillors PGH Cutter, BA Durkin, J Hardwick and EJ Swinglehurst declared non-pecuniary interests as members of the Wye Valley AONB Joint Advisory Committee.

**Agenda item 6: Land adjacent to Sutton Lakes Farm, Sutton Lakes, Hereford**

Councillor BA Baker declared a non-pecuniary interest and left the meeting for the duration of the item.

**121. 151354 - LYNDERS WOOD, UPTON BISHOP, HEREFORDSHIRE**

*(Proposed archery course with 3d foam animal targets on a circuit through the woods. To include a reception area, off road parking and serviced portaloo toilet facilities.)*

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 F Buchanan, the applicant, spoke in support of 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 site was in the Wye Valley AONB and a site visit, which he had requested, would have been helpful.
- The applicant's ecological survey was inadequate and did not address the damage the proposed activity would cause or propose any mitigation.
- Regard should be had to the concerns raised by the Woodlands Trust and Herefordshire Wildlife Trust in their representations on the adverse impact of the proposal.
- He questioned the business model and the number of visitors envisaged suggesting there were inconsistencies in the documentation.
- The proposal was not in line with policy LD2 or SS6. It was also contrary to paragraph 118 of the NPPF; the benefits of the development did not clearly outweigh its adverse impact.
- There were concerns about safety and the risk of arrows flying outside the site's perimeter. No safety assessment appeared to have been made.
- If the application were to be approved mitigation measures should be required to protect flora and fauna.

In the Committee's discussion of the application mention was made of the potential benefit of the business to the County but also to the importance of safety. A site visit was proposed.

**RESOLVED: That consideration of the application be deferred pending a site visit.**

**122. 151248 - 61 STANHOPE STREET, HEREFORD, HEREFORDSHIRE, HR4 0HA**

*(Change of use to HMO and installation of fire alarm grade A LD2, all bedrooms and kitchen doors to be replaced with fire doors, all walls repainted, carpets refitted, additional shower room and toilet, one internal stud wall added. (retrospective).)*

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 S Kerry, of Hereford City Council spoke in opposition to the application. Mr R Hizzey, a local resident, spoke in objection. Mr R Stuligolwa, the applicant, spoke in support.

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

He made the following principal comments:

- Properly licensed and managed houses in multiple occupation (HMOs) did need to form part of the county's housing tenure and mix. However HMOs needed to be in the right place and to be of an appropriate scale. It was to be noted that the Council did not have a specific policy on HMOs.
- It was regrettable that the application was retrospective.

- The WC opened directly into the kitchen.
- Paragraph 1.1 of the report described the area as suburban; it was in fact in a densely urban part of the city
- It was generous to describe the area in front of the property as a foregarden.
- The nearest car park was at Greyfriars 10 minutes walk and 700 metres away. The report acknowledged at paragraph 6.6 that the advice of the landlord to tenants that no parking was available at the premises could not be conditioned and enforced as part of the planning permission.
- Contrary to paragraph 4.2 of the report, paragraph 6.6 of the report stated that a bicycle store had been provided. The area to the front of the house was too small to accommodate waste bins and a cycle store. If the store was to the rear of the property bikes would have to be taken through the kitchen.
- It was questioned why the Environmental Health Officer had only been asked to comment on noise issues given that a number of other health issues appeared to warrant consideration.
- There were three main issues: amenity of neighbours, car parking and overintensification.
- In terms of amenity Nos 59 and 63 shared drainage and it was apparent that the sewer could not cope.
- The landlord's statement that there was no parking for residents and their visitors could not be enforced. Parking in the area was inadequate. The nearest car park was often full.
- The application was overintensification. There was no communal space apart from the kitchen/diner. With 6 tenants there had been a separate dining room and a sitting room. The provision of one WC was below the required standard.
- One of the Core Strategy strategic objectives set out at Figure 3.1 of the Strategy was to meet the housing needs of all sections of the community (especially those in need of affordable housing), by providing a range of quality, energy efficient homes in the right place at the right time. The application did not fulfil that objective.

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

- A motion that consideration of the application be deferred for a site visit was lost on the Chairman's casting vote.
- In response to concerns expressed by Members, the Development Manager commented that whilst retrospective applications were unwelcome this was not a material factor. The Committee had to consider the application as it was presented: an application to increase the occupancy from 6 residents to 10 residents and the impact that had.

- The consensus was that the property was not suitable to accommodate ten residents, noting the pressure on parking, waste management problems and other issues. A number of grounds for refusal of the application were advanced.

The Development Manager commented that the property had now been granted a license under HMO legislation for ten residents. The applicant could have accommodated 6 residents without planning permission. The consideration in planning terms was therefore whether increasing the number of residents from 6 to 10 would have a severe impact on matters such as the residential amenity and character of the area and car parking.

The Chairman agreed to request that a briefing note be provided for members of the Committee and all other councillors on the legal framework governing HMOs.

The local ward member was given the opportunity to close the debate. He suggested that there was a need for the Council to develop specific policies for HMOs, such as the supplementary policy adopted by Worcester City Council. This issue could become more pressing for the authority with the proposed University development, for example, potentially placing additional strain on the rented sector.

**RESOLVED: That planning permission be refused and that officers named in the Scheme of Delegation to Officers be authorised to finalise the drafting of the reasons for refusal for publication, based on the Committee’s view that the following should be the reasons for refusal: the adverse impact on the residential amenity, character of the area and car parking.**

**123. 152475 - LAND ADJACENT TO SUTTON LAKES FARM, SUTTON LAKES, HEREFORD**

*(Proposed cottage and garage)*

*(Councillor BA Baker left the meeting for the duration of this item.)*

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 C Nenadich, the applicant, spoke in support.

In accordance with the Council’s Constitution, the local ward member, Councillor KS Guthrie, spoke on the application.

She made the following principal comments:

- The site was sustainable with access to public transport, Sutton St Nicholas and Marden.
- The site was within a cluster of houses in the hamlet of Sutton Lakes and could be regarded as infill development.
- Marden Parish Council supported the proposal and there was evidence of local public support.
- The proposal was consistent with the draft Neighbourhood Plan.

- The applicant was a local resident who wanted to build a house for health reasons in a location where he could be supported by his family and friends.

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

- The proposed dwelling was not out of character with the area, was close to Marden and could be considered to be infill development.
- The Parish Council supported the proposal; there was local support and there were no objections.
- A view was expressed that the applicant's reasons for making the application were sound. However, it was also noted that social care issues were not a material planning consideration and that there were risks in granting an application for a specific reason to meet the needs of a specific individual.
- The proposed dwelling was in the open countryside, contrary to policy RA3, and did not meet the special circumstances in paragraph 55 of the NPPF under which such developments could be permitted.

The Development Manager confirmed that the proposal was not tied in any way to an adjoining property. The draft Neighbourhood Plan was at Regulation 16 stage but was still not yet a relevant consideration to which weight could be attached. Sutton Lakes was not identified in the Core Strategy as an area for development and the proposal for a dwelling in the open countryside was contrary to policies RA2 and RA3. The development was unsustainable. Social care issues were not a material consideration.

The local ward member was given the opportunity to close the debate. She reiterated her view that the proposal did represent sustainable development.

**RESOLVED: That officers named in the Scheme of Delegation to officers be authorised to grant planning permission subject to conditions considered necessary.**

#### **124. DATE OF NEXT MEETING**

The Planning Committee noted the date of the next meeting.

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

The meeting ended at 4.05 pm

**CHAIRMAN**



## PLANNING COMMITTEE

Date: 9 December 2015

*Afternoon*

### 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.

**151354 - PROPOSED ARCHERY COURSE WITH 3D FOAM ANIMAL TARGETS ON A CIRCUIT THROUGH THE WOODS. TO INCLUDE A RECEPTION AREA, OFF ROAD PARKING AND SERVICED PORTALOO TOILET FACILITIES AT LYNDERS WOOD, UPTON BISHOP, HEREFORDSHIRE**

**For: Mr F Buchanan, 27 Archenfield Estate, Madley, Hereford, Herefordshire HR2 9NS**

**ADDITIONAL REPRESENTATIONS**

Subsequent to the receipt of additional information and plans a further 10 objections have been received. In summary these raise the following additional points:

- Business model is implausible, it is not commercially viable and no evidence of demand.
- What is the real motive? With M50 nearby could give rise to greater commercial exploitation
- New altruistic dimension to business does not change the proposal
- Better location for such a use, if to serve Herefordshire should not be on the border with Gloucester and could take place at village fetes etc.
- Continuing lack of detail still does not give confidence as to how the enterprise would be run
- No details of safety zones/perimeter buffer zones have been provided and two people operating it is still insufficient
- Site slopes, which would complicate course design
- Block plan includes a neighbour's land and notice has not been served on them. This results in the application being invalid and inaccurate in respect of the proximity of targets to neighbour's land. The proposal would be danger to users of the paddock.
- At the time the Ecology Report was produced the site layout had not been submitted, therefore the Report cannot assess the proposal accurately
- Trees are proposed to block misfired arrows leaving the wood. This will damage trees, making them more susceptible to disease and the arrows not blocked will exit the woods and be a danger.
- Unclassified road is single track and used by pedestrians to reach the bus stop. It is unsuitable for large volume of traffic.
- Proposal still does not demonstrate that protected species and wildlife would not be harmed. Dormouse survey should be produced before the decision is made. Applicant's preference not to carry out the survey shows the level of appreciation for the woodland and wildlife
- The trampling of the woodland has been underestimated. This would be significant even for 16 people a day at weekends/bank holidays if the number of shots per target is taken into account.
- Will there be audible safety alarms?
- Recreational use could give rise to fire in the woods from discarded matches/cigarettes
- How often will the portable toilets be serviced?



## **OFFICER COMMENTS**

The applicant has confirmed that as originally drawn the red line around the application site was inaccurate and inadvertently included a parcel of land, next to the boundary with Lynders Lodge. Revised plans have now been provided to rectify this. As the neighbour was aware of the situation and has made representation on the application there has been no prejudice in this case.

The comments raised in general highlight the local view that the submission is not precise enough to make a decision and express objection to the use on highway safety and ecology issues. These have been considered within the Committee Report and in line with consultation responses given, it is considered that subject to the recommended conditions these are suitably addressed.

Further consideration of the comments received from the Transportation Manager has taken place. It is considered appropriate to attach conditions requiring the retention of visibility splays and to secure surfacing of the splayed entrance to reduce the risk of mud being deposited on the highway

## **CHANGE TO RECOMMENDATION**

Two additional standard conditions CAB (H03) and CAL (H13)

**152475 - PROPOSED COTTAGE AND GARAGE AT LAND  
ADJACENT TO SUTTON LAKES FARM, SUTTON LAKES,  
HEREFORD,**

**For: Mr Nenadich per Mr John Phipps, Bank Lodge, Coldwells  
Road, Holmer, Hereford, Herefordshire HR1 1LH**

## **ADDITIONAL REPRESENTATIONS**

Highways comments received – no objections and no impact on highways safety so long as the parking and turning is laid out as proposed. The frontage needs to be cut back to secure adequate visibility splays. If minded to approve conditions are recommended.

Additional information to accompany the application has been submitted by the agent. This is summarised below:

- The applicant was diagnosed with Chronic Lymphatic Leukaemia in May and as a result his immune system has dilapidated and he has been prone to infections.
- As a result his occupation as a pest controller and damp proofing specialist should be avoided
- The new dwelling would enable the applicant to live in a more acceptable environment that lowers the risk of infection, keeps him in the community with friends and support and would be a sustainable build
- The proposal sits within a line of six houses with nearby amenities including Bodenham GP 3 miles away and 500m from a bus stop.

**OFFICER COMMENTS**

While the above personal reasons have been taken into consideration, it does not change the recommendation for refusal of the application.

**NO CHANGE TO RECOMMENDATION**

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>13 JANUARY 2016</b>
<b>TITLE OF REPORT:</b>	<b>APPEALS</b>

---

**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 081479 DCNW2008/1289/F

- The appeal was received on 26 November 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Planning Conditions
- The appeal is brought by Bolsterstone Innovative Energy (Reeves Hill) Ltd
- The site is located at Reeves Hill, Reeves Lane, Near Knighton, Herefordshire
- The development proposed is Proposed erection and operation of 4 Wind Turbines and associated access tracks hardstanding and substation, building DCNW/2008/1289/F
- The appeal is to be heard by Written Representations

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

### Application 143808

- The appeal was received on 27 November 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 Paul Ross
- The site is located at Land at Oldfield House, Wyson Lane, Brimfield, Ludlow, Shropshire, SY8 4NL
- The development proposed is Proposed erection of four detached dwellings and alteration of existing access
- The appeal is to be heard by Written Representations

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

---

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

**Application 151596**

- The appeal was received on 27 November 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 R Channon
- The site is located at Land adjacent Purland Chase, Coughton, Herefordshire, HR9 5RR
- The development proposed is Proposed two residential dwellings.
- The appeal is to be heard by Written Representations

**Case Officer: Mr C Brace on 01432 261947**

**Application 152211**

- The appeal was received on 3 December 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Prior Approval
- The appeal is brought by Mr Morris
- The site is located at Two buildings at Grantsfield Farm, Kimbolton, Leominster, Herefordshire
- The development proposed is Prior approval for a proposed change of use of two farm buildings into two dwellings (Use Class C3)
- The appeal is to be heard by Written Representations

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

**Application 150595**

- The appeal was received on 10 December 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Prior Approval
- The appeal is brought by Mr K Lewis
- The site is located at Middle Common Piggery, Lower Maescoed, Herefordshire, HR2 0HP
- The development proposed is Proposed change of use of an agricultural building to a dwelling.
- The appeal is to be heard by Hearing

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

**Application 151875**

- The appeal was received on 10 December 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Prior Approval
- The appeal is brought by Mr K Lewis
- The site is located at Workshop Building, Middle Common Piggery, Lower Maescoed, Herefordshire
- The development proposed is Proposed change of use of an agricultural building to a dwelling.
- The appeal is to be heard by Hearing

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

**Application 142985**

- The appeal was received on 17 December 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 Wyevale Holdings Ltd
- The site is located at Land adjacent Kings Acre Halt, Kings Acre Road, Hereford, Herefordshire, HR4 7AY
- The development proposed is Site for proposed erection of up to 73 dwellings (including up to 26 affordable dwellings).
- The appeal is to be heard by Hearing

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

## ***APPEALS DETERMINED***

### **Application 150269**

- The appeal was received on 25 August 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 Pugh
- The site is located at Ford Dene, Ford, Leominster, Herefordshire, HR6 0PB
- The development proposed was Proposed erection of 2 no. detached bungalows
  
- The main issue was: whether the proposed dwellings are appropriate in principle in such a location in light of relevant local and national policy concerning new housing in the countryside and sustainable development

#### **Decision:**

- The application was Refused under Delegated Powers on 20 March 2015
- The appeal was Dismissed on 1 December 2015

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

### **Application 143703**

- The appeal was received on 11 September 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 Steve Lowe & Mrs Jane O'Connor
- The site is located at Land west of Crackadonia, Bullocks Mill, Lyonshall, Herefordshire, HR5 3LN
- The development proposed was Proposed construction of new eco-dwelling, associated car parking and landscaping.
  
- The main issues were: Whether the proposal would be appropriate in principle in such a location in the light of relevant local and national policies; and the effect of the proposal on the character of the landscape

#### **Decision:**

- The application was Refused under Delegated Powers on 12 February 2015
- The appeal was Dismissed on 18 December 2015

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

### **Application 150491**

- The appeal was received on 28 July 2015
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Planning Conditions
- The appeal was brought by Mrs S Anderson
- The site is located at The Bee House & The Hive, Nashend House, Bosbury, Ledbury, Herefordshire, HR8 1JU

- The development proposed was Removal of condition 3 & 4 of planning permission DCNE2003/2257/F as amended by appeal decision APP/W1850/A/08/2077264
- The main issue(s) were: Conflict with national and local policies that seek to protect the countryside and to promote sustainable rural development; effect the setting of Nashend, a Grade II listed building; and effect the living conditions of neighbouring occupiers, with particular regard to privacy, noise and disturbance.

**Decision:**

- The application was Refused under Delegated Powers on 9 April 2015
- The appeal was Allowed on 21 December 2015
- An Application for the award of Costs, made by the Appellant against the Council, was Dismissed

**Case Officer: Mr 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>13 JANUARY 2016</b>
<b>TITLE OF REPORT:</b>	<p><b>150659 - DEMOLITION OF ALL EXISTING BUILDINGS AND HARD STANDINGS, REMEDIATION OF THE SITE, INCLUDING REINSTATEMENT OR LANDSCAPING OF THE FORMER CANAL AND DEVELOPMENT OF UP TO 120 HOMES, LANDSCAPING, PUBLIC OPEN SPACE, NEW VEHICLE AND PEDESTRIAN ACCESS AND ASSOCIATED WORKS AT HOLMER TRADING ESTATE, COLLEGE ROAD, HEREFORD.</b></p> <p><b>For: The Owner per Mr Ben Stephenson, Greyfriars House, Greyfriars Road, Cardiff, CF10 3AL</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=150659&amp;search=150659">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=150659&amp;search=150659</a>
<b>Reason Application submitted to Committee – Re-direction</b>	

Date Received: 5 March 2015

Ward: Holmer

Grid Ref: 351720,241781

Expiry Date: 31<sup>st</sup> January 2016

Local Member: Councillor AR Round

## 1. Site Description and Proposal

- 1.1 Outline planning permission with all matters bar access reserved is sought for the demolition of all existing buildings and hard standing, remediation of the site, including reinstatement or safeguarding of the former canal and the erection of up to 120 homes with associated landscaping, public open space and new vehicular and pedestrian access.
- 1.2 The site is Holmer Trading Estate which comprises 3.7ha of employment land accessed from College Road opposite the former site of the Bridge Inn. The site is bound to the north by the Hereford – Newport rail line and to the south by the route of the Hereford to Gloucester Canal. Cavanagh's, a business specialising in automotive body repairs, is located at the site's south-eastern corner and maintains a right of vehicular access across the site. Aylestone Park is immediately to the east.
- 1.3 Historically the site was occupied by a tile works and is previously developed land within the city, approximately 1.8km from the city centre. The tile works closed around 1960 and the majority of buildings on site were demolished during the 1970s, with a minority retained and converted to business use. Demolition material was used to infill the route of the canal. This material is contaminated.

---

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

- 1.4 A scheme for the comprehensive redevelopment of Holmer Trading Estate was allowed on appeal in 2009. This consisted of a mixed-use scheme of up to 115 dwellings (mostly apartments), employment and retail development, along with the restoration of the canal. This permission has not been implemented and is considered to be unviable.

#### The Proposal

- 1.5 The current proposal involves the demolition of all buildings on site and the breaking up of all hardstanding and redevelopment for housing with no employment or retail. Historic contamination would be remediated. The scheme would comprise the erection of up to 120 dwellings including 1 & 2 bed apartments and 2-5 bed dwellings, with the final mix of market and affordable housing to be determined at the Reserved Matters stage.
- 1.6 Access from College Road would be as per the 2009 appeal scheme, with the formation of a mini-roundabout and signalised junction over the railway bridge. The treatment of the canal within the scheme is the determining factor influencing the site layout and viability, with the application presented with the flexibility to either facilitate restoration of the canal or safeguard the route with dedication of the land to the Canal Trust for restoration at a later date. It is contended, however, that restoration of the canal and the associated costs will militate against the ability of the scheme to deliver affordable housing and other S106 contributions.
- 1.7 At 120 dwellings, the scheme has a gross density of 32 dwellings/hectare. It is intended that the majority of dwellings are 2-storey. Although made in outline, the application is accompanied by a Development Framework Plan which identifies the key constraints, including noise emanating from Cavanaghs and the need to preserve their right of vehicular access as well as safeguarding the canal.
- 1.8 The Planning Statement explains that buildings and compounds on the site are let on a short term basis with all occupiers aware of the likelihood of redevelopment as a consequence of the 2007 application and consequent allowed appeal. It is also noted that private drainage arrangements exist and that the redevelopment would enable the separation and appropriate treatment of surface water and foul drainage.
- 1.9 The application is accompanied by the following technical studies:
- Topographic Survey
  - Flood Risk and Drainage Assessment
  - Noise Assessment (with update)
  - Ground conditions/Contamination Survey
  - Ecological Survey; updated with reptile surveys
  - Aboricultural Survey
  - Transport Assessment
  - Engineering Statement regarding the canal
  - Statement of Community Involvement – A public consultation event was held on 28<sup>th</sup> October 2014. This was held at the RNC with invitations delivered to households in Victoria Park. The event was also advertised in the Hereford Times.
- 1.10 The Council has adopted a Screening Opinion confirming it does not consider the scheme to represent development requiring the submission of an Environment Statement.

## 2. Policies

### Herefordshire Local Plan – Core Strategy

- |     |     |   |  |
|-----|-----|---|--|
| 2.1 | SS1 | - | Presumption in Favour of Sustainable Development |
|     | SS2 | - | Delivering New Homes                             |

---

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



SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
SS6	-	Addressing Climate Change
HD1	-	Hereford
HD3	-	Hereford Movement
HD7	-	Hereford Employment Provision
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
E2	-	Redevelopment of Existing Employment Land and Buildings
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

## 2.2 National Planning Policy Framework

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

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

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

## 3. Planning History

3.1 DCCE2007/1655/O – Mixed use development comprising residential (115 units), employment (office, industrial and warehousing), retail and supporting infrastructure including new access off College Road, roads, footpaths, open spaces, landscaping, parking and re-opening of part of canal at Holmer Trading Estate, Hereford, HR1 1JS – Refused 3<sup>rd</sup> September 2008 and allowed on appeal 21<sup>st</sup> August 2009.

This mixed use scheme comprised up to 115 dwellings, 605 square metres of office space, 4,600 square metres of industrial land and 1,500 square metres of retail floor space. The residential element was at 85 dwellings/hectare (including 4-storey apartments). This permission has never been implemented but was subject of an application from the previous owners to extend the lifetime of the permission (S121750).

The current applicant's contention is that the appeal scheme is unviable and that four-storey apartments would be inappropriate in the local context.

## 4. Consultation Summary

### Statutory Consultees

#### 4.1 Environment Agency: No objection subject to conditions

We have reviewed the submitted preliminary risk assessment by Waterman Energy, Environment & Design Limited dated September 2014, and would agree that based on the former land uses, nature of the underlying strata, and proximity of the infilled canal as a controlled waters receptor, this site is of medium vulnerability to pollution. We would concur with the conclusions of the report that further characterisation of the contamination needs to be done and we would also like to highlight that a risk assessment and remediation methodology will also be required.

#### 4.2 Welsh Water: No objections subject to conditions

### Internal Council Consultees

#### 4.3 Transportation Manager: Recommends conditions

The application is in outline and the internal layout will be determined at the Reserved Matters stage. In designing the internal layout, care and consideration must be given to the pedestrian and cycle desire lines and the usage of the access by HGV's and the number of visitors to the Cavanagh's site.

Parking will need to be to HC Design Guide and if garages are to be used, the internal dimensions need to be 6m x 3m. The internal layout will need to be adopted under s38 agreement.

The access and links will need to be provided as part of the development, without these the site will not be sustainable from a transport perspective. Please see the conditions below:

#### **CAP** - Junction improvement/off site works

Development shall not begin until details of the following off-site highway works have been submitted to and approved in writing by the local planning authority and a S278/S38 agreement has been entered into, and the development shall not be occupied until the scheme has been constructed in accordance with the approved details.

The works identified are:

Suitable access to the site has been designed and road safety audited and to include the following:

- Pedestrian footpath to the north and south linking to the existing footpaths on College Road
- Include into the design the access to the development to the North.
- Signalised control of the bridge to enable a footpath link
- Safe crossings from the site linking to the Playing fields off Old School Lane (cycles and pedestrians; for pedestrians north of the railway bridge to cross to the eastern side of College Road; from the site to the footpath on the west to cross the railway bridge and to link to the path north of the public open space.

The design should incorporate the redevelopment opposite and utilise Toucan crossings where the opportunity arises.

- A full construction footway cycle link to the south linking to the existing path south of the site adjacent to Wessington Drive, future proofing for any canal works proposed. Plus link to Wessington Drive itself.
- Identifying and implementing any Traffic Regulation Orders required ensuring the safe passage of pedestrians and traffic in the vicinity of the proposed works.

#### 4.4 Economic Development Manager: Qualified comment

I understand that given the uncertainty current tenants have faced over their future occupation at the Holmer Trading Estate site and the ongoing prospect of the site being redeveloped, a number of businesses have commenced the process of finding new, alternative accommodation across the city. Whilst it is realised that the applicant has no obligation to assist businesses to relocate off the site, redevelopment of the estate will displace some currently successful businesses, with resulting uncertainty over future location and viability.

I recognise that to mitigate this impact the applicant has appointed local agents to engage with tenants to assist in finding alternative accommodation, obviously the success of such searches will vary from business to business due to their individual requirements.

It would be useful to have further clarity from the agents over the current status of each business in terms of finding a new location so it is possible to ascertain which businesses are yet to identify a future operating location. We would ask that the local agent works closely with the Economic Development team to determine potentially suitable alternative accommodation and to communicate this quickly to the tenants.

It is also recognised that the emerging policy framework, as presented through the Core Strategy, has gained a level of certainty with the recent adoption of the Core Strategy by Herefordshire Council. The Core Strategy provides for the redevelopment of “moderate and poor” quality employment sites, as defined in “The Employment Land Study 2012”, as detailed under Policy E2.

It has previously been noted that Cavanaghs Auto Body Repair shop is directly affected by the application as the access to their site is accessed through the application site and the proposed residential uses. Additionally the application framework plan indicates that residential uses will be located directly opposite the existing Cavanaghs site.

I have previously raised concerns regarding the potential conflict of uses between the new residential element and the Cavanaghs site and the prospect to negatively impact on the operations of Cavanaghs. I am aware that the applicant has presented a solution to planning and Environmental Health colleagues and that they are content that this solution provides an acceptable level of mitigation with regard to noise attenuation. In this situation I must defer to the expertise of colleagues and their opinion over the presented mitigation.

I am also conscious of the arguments made by the Canal Trust that the development offers the opportunity to restore a section of the canal, which would assist with the long-term objective of delivering a fully restored and continuous route; as per CS policy E4. This long-term project will provide economic benefits to the city and county as a whole that need to be weighed against the loss of employment land. Thus it is my opinion that the potential threat to the viable delivery of the canal should this application be refused, should be borne in mind.

Given the points made above, specifically the Core Strategy policies and the opinions of Environmental Health colleagues, the Economic Development team withdraw the original objection to the application.

#### 4.5 Land Drainage Consultant: No objection subject to conditions

### **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, FRAs are required to consider flood risk from other sources. The potential flood risk from groundwater, impounded bodies of water, sewers and off-site overland flows has not been considered as part of the Applicant's submitted FRA. Whilst we do not believe that these areas would pose a particular risk to the site, we would welcome an appropriately-evidenced statement of this by the Applicant.

### **Surface Water Drainage**

The Applicant has provided a surface water management strategy for the development. Surface water runoff from the development will be drained to a Dwr Cymru Welsh Water (DCWW) adoptable underground pipe network before being discharged, at attenuated rates, to the Gloucestershire and Herefordshire Canal, which is to be reinstated as part of the development. Surface water attenuation components will be split such that the 30-year storage will be provided by oversized pipes or precast storage tanks which will be adopted by DCWW. Additional storage up to and including the 100-year event will be provided by underground cellular storage tanks and porous pavement located outside of the adoptable highway. The Applicant proposes that these devices are to be maintained by a private management company. Whilst we accept that the above approach to surface water management is practical, we would ask that further consideration be given to the use of at-ground and near-surface SUDS techniques which integrate with the development's areas of open spaces - thus ensuring that the potential use of best-practice SUDS techniques has been maximised.

The Applicant's submitted drainage strategy has initially discounted the use of infiltration as a means of surface water disposal on the grounds of historic ground contamination. We note the Applicant's intention to undertake infiltration/contaminant leaching testing to further assess the viability of using infiltration as a means of surface water disposal. We welcome this approach and would want to see some degree of infiltration used on the site if deemed feasible. The Applicant has indicated that the development provides 16.5% betterment in terms of pre- and post-development impermeable area. Additionally, the Applicant is proposing to further restrict post-development runoff rates to provide mitigation for the potential future effects of climate change. We welcome this approach.

We note that the intention of the surface water drainage strategy is to retain all runoff within below-ground attenuation structures for events up to and including the 100-year event. We would ask that at detailed design stage, the Applicant considers and illustrates likely overland flow routes that would be utilised in the event of a failure in the drainage network or for exceedance design events.

We recommend the Applicant considers the control of potential pollution of receiving waters from vehicles and other potentially contaminating sources. SUDS treatment of surface water is considered to be the preferential means of achieving water quality enhancements. We request that the Applicant demonstrates at detailed design stage that at least two levels of treatment are achieved prior to discharge from site.

### **Foul Water Drainage**

The submitted FRA states that DCWW have been consulted with regards to foul water discharge from the development and have confirmed there is capacity in the existing sewage system. The FRA indicates that the preferred method of foul sewage disposal is via a gravity

connection to the existing DCWW foul sewer located to the east of the site. We concur with this approach.

### **Overall Comment**

For outline planning permission we have no objections in principle to the proposed development on the grounds of flood risk and drainage. The site is located entirely within Flood Zone 1 and the submitted FRA and surface water management plan have demonstrated that the flood risk to the site or downstream of the site is unlikely to be increased due to the development up to the 1 in 100 year event with an allowance for climate change. However we recommend the following is provided as part of any subsequent reserved matters application:-

- A statement assessing the potential flood risk from groundwater, impounded bodies of water, sewers and off-site overland flows;
- Provision of a detailed drainage strategy indicating final drainage arrangements and presenting all relevant supporting calculations. The strategy should demonstrate that the opportunities for the use of SUDS features has been maximised, according to feasibility. Results of infiltration testing undertaken in accordance with BRE365 and results of recorded groundwater levels;
- Indicative overland flow/exceedance routes to be of relevance in the event of drainage network failure;
- Demonstration that appropriate pollution control measures have been incorporated into the surface water drainage design.
- Final confirmation of the agreed adoption and maintenance arrangements for the surface water drainage system.

#### 4.6 Environmental Health Manager (Noise): Qualified comment

I can advise that although there are some differences in the predicted noise levels between the August and October 2015 reports on the impacts of Industrial Noise upon the Proposed Residential Dwellings, I do not consider these to be significant and confirmation has been provided that the noise is predicted at the first-floor level. My view as expressed in my response dated the 23rd September 2015 therefore remains substantially the same. I would however express reservations as regards the possible levels of night time noise that could affect parts of the proposed development in that although they are predicted to be within the World Health Organisation Guidelines I am concerned that these levels could be detrimental to the internal amenity of residents particularly those residing closest to Cavanagh's body shop, and whilst not wishing to raise an objection to the proposed development I would recommend that permission is only considered subject to a condition requiring that a scheme of noise protection measures be agreed in writing prior to the commencement of the development and implemented before the dwellings are occupied. The exact nature of these measures will to some extent depend on the final detail of the development, however it is envisaged that they will include the measures identified in the February and October 2015 noise assessments plus additional measures such as acoustically treated passive vents and upgraded fenestration to some properties, particularly those closest to Cavanagh's body shop.

#### 4.7 Housing Development Manager: Qualified comment

The application states that there may be issues of viability and that this could impact on the S106 contributions. The affordable housing requirements for policy compliant delivery are as follows:-

- 35% or 42 units in total,
- Tenure mix of 54% (22) Social rent and 46% (20) intermediate
- Mix of 1, 2, 3 and 4 beds (exact numbers to be confirmed)

If there is a requirement to reinstate the canal fully and this has an impact on S106 contributions, then negotiations can take place subject to confirmation of viability.

Affordable Housing delivery within the area that this site sits, the number of affordable units delivered since 2009 is set out below.

Planning granted and delivered = 101

Planning granted outline = up to 17

Planning RM or Full = 6

As you are aware affordable housing is a high priority, but the question is whether the canal is a higher priority? It is clear that the delivery of both would not be a viable option and I am extremely reluctant to lose the affordable housing. However, if Members feel that the long-term priority is the delivery of the canal, the alignment for which cannot be moved but is governed by the need to connect with the western tunnel portal, then I would accept the decision. Nonetheless, I would like to request there be a clause in the S106 that should any allocated money for the canal not be spent, then it is to be re-allocated as a commuted sum for the delivery of affordable housing in the vicinity.

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

These revised comments are made in light of the Core Strategy Policy requirements and POS, Play and Outdoors sports needs have been reviewed, in support of the overall viability of the scheme and the options of reinstating the canal. The on and off site requirements are seen as both policy and CIL compliant.

In accordance with Core Strategy OS1 and OS2, open space provision will be sought from all new residential development and considered on a site by site basis in accordance with all applicable set standards of quantity, quality and accessibility.

For 120 houses and at a population rate of 2.3 per house (276 persons) the developer should provide as a minimum the following on and off site provision supported by evidence bases findings to ensure that both the existing and future populations have access to the best quality sustainable facilities to meet their needs.

It is also understood that what is provided will be dependant of the viability of the scheme but it is hoped that there will be as little compromise as possible.

##### On-site provision - Children's Play and POS

- Children's play area:

(@ 0.8ha per 1000 pop) equates to 0.22ha (2,200sq m) of which 0.07ha (700sqm) should be formal equipped play and 1,500sq m should be informal. For this site this can be reduced to provide approximately a third to 470sq m for infants and juniors only. The informal area could also be reduced by a third to 1,000sq m.

This takes into account the proximity to existing play areas including that at Aylestone Park which is within acceptable thresholds for older children. Aylestone Park is a good quality neighbourhood park which has recently been installed to accommodate requirements for this part of Hereford and as such requires no current investment and no off-site contribution towards this facility is required.

The applicant has made provision for a play area on site which is supported including its location to the east end of the site given the nature of the proposal and links in and out of the site. This should be aimed at provision for younger children (infants and juniors)

- POS: (@ 0.4ha per 1000 pop) equates to 0.1 ha (1,000sq m)

Off-site Provision: Outdoor Sport.

Investment is required in support of providing additional and improving existing outdoors sports facilities in Hereford to meet the needs of the future populations up to 2031 and in doing so address deficiencies in both quality and quantity as evidenced in the Playing Pitch Assessment for Hereford Area 2012 updated 2014 and the Outdoor Sports Investment Plan which is currently being prepared in partnership with the National Governing Bodies for Sport, (NGBs) Sport England and the County Sports Partnership. This plan will complete soon and sets out a list of priority projects which are considered sustainable, deliverable and manageable and have the support of the NGBs for cricket, football, hockey and rugby.

Contributions are calculated as follows:

- Total Investment costs for all projects in Hereford City: £6,239,052
- Core Strategy housing requirements: 6,500 houses identified for Hereford City
- This equates to £960 per market house
- For 78 market houses (65% of 120) @ £960 per house total: £74,880

Option 2 Linear Park POS: It is advised that at the outset new residents are made aware what this area is for and that its use as an amenity green space will be limited once the canal is reinstated. The Council will not adopt this area and to avoid future legal issues and complications it is advised that the land is transferred freehold directly to the Canal Trust who would then be responsible for its management and reinstatement.

On-site Play Area Adoption: 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 a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use

SuDS: it is noted that the applicant has made mention of SuDS but no detail is provided at this stage. On site SuDS ponds with careful design to take account of health and safety and standing water issues can provide good semi natural POS for both biodiversity and natural play and recreation opportunities. They will need to be designed in accordance with national SUDS guidance and will require a detailed ecological/site management plan and annual work plan.

4.9 Conservation Manager (Archaeology): No objection

4.10 Conservation Manager (Ecology): Recommends conditions

I have read the additional survey work for reptiles and birds requested and I am happy with the findings. If the application is to be approved I advise that the following non-standard condition is attached:

*The recommendations for species mitigations set out in Section 5 of the ecologist's reports from Ecology Services dated November 2015 and habitat enhancements set out within Section 5 of the ecologist's reports from Ecology Services dated February 2015 should be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved. A working method statement for protected species present and habitat enhancement plan should be submitted to the local planning authority in writing. The plan shall be implemented as approved.*

4.11 Schools Capital and Investment Manager: No objection.

## 5. Representations

5.1 Hereford City Council: Objection. The response cites impacts on traffic congestion in relation to the skew bridge and the potential that 120 dwellings would represent over-development of the site. The City Council estimates that 120 dwellings could generate as many as 200 vehicles coming onto an already well used road and notwithstanding the junction improvement proposed they will be coming onto the road near a sharp bend and very narrow bridge. The bridge is already a cause of congestion and any proposal to increase the traffic flow in College Road must take that into account.

5.2 Ten objections have been received. All are from existing businesses or employees operating from Holmer Trading Estate:-

- The majority of businesses operating at Holmer Trading Estate are very well established and have grown during their tenure. Their trading names are now synonymous with the estate;
- The estate may be considered to represent 'poor quality' employment land, but it is an important site for many small businesses, offering affordable premises in a convenient location;
- Many businesses have invested significant sums in their respective premises. This will be abortive cost if businesses are forced to relocate;
- Attempting to try and relocate businesses to a different place it will be a very stressful experience for business owners and employees:
- Finding a competitive and geographically suitable place to relocate business takes time and money. There appears to be a dearth of opportunity
- Certain businesses may not be able to find suitable place to relocate to or it will be far too expensive for business to survive efficiently and profitably. It will also be an extra cost to any company advertisements and administrative documents.
- Businesses will suffer commercial loss during the period when in "relocation transit".
- The 2009 appeal proposal at least allowed for the retention of some commercial land and many existing businesses were to be accommodated on that land had that scheme progressed. The current application may be for needed housing, but it does not allow for any employment opportunities whatsoever.

5.3 A 670 signature petition supporting the retention of existing businesses at Holmer Trading Estate has also been received.

5.4 Herefordshire and Gloucestershire Canal Trust: Updated comment: Please take this as supplemental to our earlier comments and holding Objection.

Obviously our Objection will remain in place until such time as a suitable tri-partite s.106 is signed delivering the Canal and maintenance income. We would wholly support the scheme subject to that s.106.

For clarity the s.106 for delivery of a restored Canal through this site is required as:-

1. It is a fundamental breach of Policy if this scheme does not deliver the Canal, as to not deliver the scheme at the time of the adjoining development would severely Prejudice the delivery not only of the Canal on this site but also within the City. It is therefore a Breach not only of the wider Canal Policies but also those for the Canal Basin area Policies as well, which is reliant on the connecting Canal. There is no alternative route at this location due to the Aylestone Tunnel [in perfect condition; we have full diving surveys] and the close proximity of the high pressure gas main.

---

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



2. The development proposals include development of the cutting side and require significant retaining walls as shown in the developers own drawings. This is development on the associated infrastructure of the Waterway which is protected within and beyond the protected corridor and is in Breach of the Protection Policy. This would also completely Prejudice the restoration of the Canal due to significantly increasing its restoration costs in Breach of Policy. However, with a suitable tri-partite s.106 to ensure restoration of the Canal and provision of these retaining walls and other infrastructure at the time of development and income stream we would fully support the proposals subject to all other matters herein.

3. It should be noted that the site requires decontamination at the time of the development. Neither the Trust nor the Council would have the resources to do this at a later date. It is not viable to restore this section after development undertaking such heavy civil engineering immediately adjoining the new properties and in conflict with the site access road, and to do so would Prejudice the restoration in Breach of Policy.

The only viable way to restore the Canal through this site in our lifetimes is as an integral part of a redevelopment scheme. Any failure to deliver this will not only be a Breach of Policy on several counts but also will prejudice the redevelopment of the Canal Basin and bringing forward developments closer to the city centre.

It should be remembered that the Canal will bring significant Economic benefits to the area which will help mitigate for the loss of employment land on this site. The British Waterways report in 2009 indexed and updated to today projects in the order of £30m/year and 650 jobs.

The previous inspector applied significant weight to this and the wider benefits of the Canal on this site:-

*20. On the main issue, I have found that the proposal would conflict with UDP Policy E5, and would be likely, by reason of the loss of some employment land and possible hardship for some existing tenants, to result in harm. However, in my judgement, the Canal restoration, and its resultant benefits to long-term planning objectives for the City, are material considerations in this case, which are sufficient to outweigh the conflict with the development plan and the limited harm I have identified.*

We should make clear that the drawings supplied for the 'restoring the Canal option' do however have our full support. Subject to a suitable tri-party s.106 covering restoration of the Canal and ongoing maintenance contributions our Objection will be removed and we wholly support this scheme which would see a crucial section of Canal within the City delivered.

We must stress that this scheme with delivery of the Canal is the only potential means which we can realistically see for delivering the Canal on this site. That will dramatically increase the attractiveness and viability of delivering the Canal within the City and as identified with Dwr Cymru - Welsh Water and the Environment Agency provide a route for surface water disposal [we have already invested some £35k delivering the storm overflow weir at Aylestone Park to provide for this].

Subject to an agreed tri-partite s.106 we fully Support this Application and will remove our existing Objection.

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

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

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

## 6. Officer's Appraisal

- 6.1 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."*

- 6.2 In this instance the Development Plan for the area is the Herefordshire Local Plan - Core Strategy (CS). A range of CS policies, referred to at section 2.1, are relevant. The strategic Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the NPPF. SS1 confirms that proposals that accord with the policies of the CS (and, where relevant other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.
- 6.3 As per the NPPF, the delivery of sustainable housing development to meet objectively assessed need is a central theme of the CS. Policy SS2 'Delivering new homes' confirms that Hereford, with the market towns in the tier below, is the main focus for new housing development. SS2 also confirms the use of "previously developed land in sustainable locations will be encouraged."
- 6.4 It is also clear that failure to maintain a robust NPPF compliant supply of housing land will render the housing supply policies of the CS out-of-date. Policy SS3 'Ensuring sufficient housing land delivery' thus imposes requirements on the Council in the event that completions fall below the trajectory set out in Appendix 4.6.5 In this case the proposal is for residential redevelopment of an existing employment site within the City of Hereford which is rated as poor quality and where planning permission exists for a mixed use redevelopment that is not considered viable.
- 6.5 CS Policies SS2 and HD1 direct that housing applications in Hereford be supported in principle, with the use of brownfield land preferred. As the application site is located within the city of Hereford it is inherently sustainable in its location offering good access to facilities and services.
- 6.6 The key issue is the loss of employment land in the context of Core Strategy policies which aim to achieve a deliverable supply of housing land, as set out above, whilst maintaining and enhancing employment opportunities across the county. Flowing from this is a discussion in relation to viability and the approach to affordable housing and restoration of the Hereford to Gloucester canal, in the knowledge that to remain viable the development will not be able to support full restoration of the canal alongside the requisite 35% affordable housing and other S106 contributions.

### The loss of Employment Land

- 6.7 The Core Strategy confirms that 'Best and Good' quality employment land in the county, as defined in the *Employment Land Study 2012* will continue to be safeguarded for employment generating uses and general industry. 'Policy E1 – Employment Provision' identifies the focus for new employment provision in Herefordshire is to provide a range of locations, types and sizes of employment buildings, land and offices to meet the needs of the local economy. Larger

---

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

employment proposals will be directed to the strategic employment sites of Hereford, the market towns and rural industrial estates where appropriate. More appropriate and better use of existing employment land will be supported.

- 6.8 However, central to determination of this application insofar as the loss of employment land is concerned, is Policy E2 'Redevelopment of existing employment land and buildings.' This policy takes a hierarchical approach to safeguarding employment land and buildings with that rated as 'best' and 'good' safeguarded from redevelopment to other non-employment uses.
- 6.9 Proposals which would result in the loss of employment land rated as 'moderate' will be permitted where certain conditions are met; which include safeguards relating to the overall provision of employment land supply in the area. The hierarchical element of the Policy makes no reference at all to 'poor' rated employment land and buildings, and yet the precise wording does go on to state that in all cases [where loss of employment land is proposed] the viability of the development proposal must be confirmed through a comprehensive assessment and there must be evidence of appropriate and active marketing of at least 12 months... and it can be shown that such marketing has been unsuccessful.
- 6.10 The Policy approach, as clarified in supporting text at 5.2.18, is to safeguard 'best' and 'good' employment land. The Policy allows for a considered view in relation to the redevelopment of 'moderate' quality employment land, subject to qualifications which include measures to safeguard the overall supply and quality of employment land. In making no reference to 'poor' rated land, but in the context of the afore-defined hierarchical approach, the Policy thus appears to support the redevelopment of 'poor' rated employment land and buildings for non-employment purposes; particularly where a viable development proposal has been confirmed and the non-viability of an employment led redevelopment has also been demonstrated.
- 6.11 The applicant has submitted a viability report which has been independently assessed by the District Valuation Office. This has confirmed that the scheme cannot support the canal redevelopment *and* affordable housing. From this it can be inferred that an employment-led or mixed use redevelopment scheme would not be capable of delivering the restored canal either; and would not make any contribution towards housing supply. This position was accepted by the appeal Inspector in 2009, when he recognised on the evidence before him that a wholly employment-led redevelopment of the site, given the remediation costs, would be unlikely to be viable.
- 6.12 Application of Policy E2 as outlined above has consequences for the occupiers of poor rated employment land and buildings. The comprehensive redevelopment of the site for residential use will result in the displacement of existing businesses on the site, leading to the problems set out by objectors at 5.2 above. In response the applicants have appointed local land agents to assist with the relocation of tenants and the Council's Economic Development team has also assisted. At the time of writing vacancy rates are high with 45% of the available units/compounds empty. A number of existing tenants have relocated to alternative premises, including Frank's Biscuits, whose owners and employees account for 3 of the 10 letters of objection received.
- 6.13 Moreover, while the 2009 appeal scheme allowed for retention of some employment land, not all existing occupiers would have benefitted from this accommodation and even in the light of the S106 attached to that permission, those that did would have been liable to suffer a temporary impact on trade.
- 6.14 Whilst there is genuine sympathy for the potential hardship for existing tenants who have hitherto been unable to find alternative premises, the wording of recently adopted Policy E2 is clear insofar as the hierarchical approach prioritises the safeguarding of 'best' and 'good' quality land above 'moderate' and 'poor'.

- 6.15 In conclusion on this issue, officers consider that in the context of Policy E2 and clear evidence relating to the non-viability of an employment-led redevelopment, officers consider the principle of residential development on a sustainably located brownfield site within the city of Hereford is acceptable.

#### The Hereford to Gloucester Canal

- 6.16 The safeguarding of the historic route of the canal is a recurrent objective of the CS. The wording of policies attached to Hereford City Centre and the Ledbury Viaduct site identifies a requirement that schemes contribute both land and financial contributions for certain canal-related projects. For instance Policy HD2 – Hereford City Centre, outlines that development within the city centre will be expected, where possible, to provide developer contributions in the form of land and finance towards the formation of the canal basin terminus. There is a similar requirement in relation to the Ledbury Viaduct housing allocation.

- 6.17 Elsewhere, and in relation to schemes that are not subject to such policies, the approach to the restoration of the canal is set out in Policy E4 – Tourism. This site is one which does not benefit from a site specific policy and thus must be held in the context of Policy E4:-

*“Herefordshire will be promoted as a destination for quality leisure visits and sustainable tourism by utilising, conserving and enhancing the county’s unique environmental and heritage assets and by recognising the intrinsic character and beauty of the countryside. In particular, the tourist industry will be supported by a number of measures including, inter alia, the safeguarding of the historic route of the Herefordshire and Gloucestershire Canal (shown on the Policies Map), together with its infrastructure, buildings, towpath and features. Where the original alignment cannot be re-established, a corridor allowing for deviations will be safeguarded. New developments within or immediately adjoining the safeguarded corridor will be required to incorporate land for canal restoration. Development not connected with the canal that would prevent or prejudice the restoration of a continuous route will not be permitted.”*

- 6.18 The application has been prepared in the light of this policy and its forerunner in the Unitary Development Plan RST9, and is presented as an opportunity to restore this section of the canal, which links back to that already restored to the east adjacent to Aylestone Park. To the west the canal passes through a tunnel portal. A canal restoration technical note has been prepared and it is clear that substantial remediation is required in order to reinstate the canal to its original working level. This is a consequence of the volume of material that was pushed into the canal when the former tile works were demolished.

- 6.19 Given the cost associated with the restoration of the canal, which is calculated at c.£3 million, the applicants have prepared a viability assessment, which has been appraised independently by the District Valuation office (DV) on instruction by the Council. The DV has confirmed that the proposal could not remain viable whilst restoring the canal *and* delivering 35% affordable housing (42 units) and other S106 contributions towards education, play and sustainable transport.

- 6.20 On this basis a choice must be made between two competing issues; restoration of the canal versus the provision of affordable housing. Both are strategic priorities and whilst officers consider a decision in either direction would not be irrational, close scrutiny of the wording of the policies involved leads officers to the conclusion that more weight should be given to the restoration of the canal in this instance and that affordable housing and other S106 contributions can legitimately be set aside.

- 6.21 Policy E4, quoted above at 6.17, concludes with the sentence that *“Development not connected with the canal that would prevent or prejudice the restoration of a continuous route will not be permitted.”* Thus, where it can be demonstrated beyond reasonable doubt that development

would prevent or prejudice restoration of a continuous route, it should not be permitted – or put another way, it should be refused.

- 6.22 Officers would refer Members at this point to the Canal Trust's comments at 5.4 above. In summary these contend that the development without canal restoration would be prejudicial to the long-term delivery of a continuous route for the following reasons:
- 1) Restoration of the canal can only be viable if undertaken in conjunction with adjoining redevelopment. Failure to do so would render future restoration impractical and unviable;
  - 2) The current development proposal makes an incursion into the historic route, but subject to a suitable S106 agreement is accepted by the Trust as being necessary to facilitate delivery;
  - 3) The route of the canal cannot be moved along this stretch, but must align with the tunnel portal to the west. It cannot be moved;
  - 4) Not undertaking restoration concurrently with redevelopment would present future occupants with considerable uncertainty as to when the canal restoration might be undertaken, with potential for considerable loss of amenity as and when it did;
  - 5) Failure to deliver this section of the canal with adjoining redevelopment would not only be contradictory to Policy E4, but also that element of HD2 (Hereford City Centre), which requires land and financial contributions to support the canal and its intended terminus;
  - 6) The 2009 appeal inspector noted the potential benefits to the city arising from the long-term restoration of the canal were sufficient to offset the loss of employment land and was, in the inspector's view, the decisive factor;
  - 7) The entire site requires remediation and the most practical and cost-effective way is via a comprehensive redevelopment that delivers the housing and canal simultaneously.
- 6.23 Officers consider that these issues when considered in the round are sufficient to demonstrate that safeguarding of the route and deferral of restoration until a later date is highly likely to prejudice to the delivery of a continuous route and is in conflict with Policies E4 and HD2 and all relevant supporting text. Whilst officers are content that the canal could be delivered in isolation after the completion of the residential development, this does not account for the fact that neither the Council nor Canal Trust are likely to have the wherewithal to meet the costs of remediation. Clearly, Members will form their own view on this, yet it is apparent that remediation of this stretch of the canal is, owing to the nature of the fill material, going to be extremely expensive and more than any form of redevelopment other than residential could support.
- 6.24 Although it is accepted that a fully detailed cost for the restoration cannot be guaranteed at this stage, the volume of material used to infill the canal can be quantified and the cost of its disposal is likely to account for the majority of the project cost, irrespective of the detail of the remainder of the scheme. This, allied to other market-led factors illustrates the extent to which the appeal scheme, which left the amount to be contributed towards the canal unspecified, is unviable.
- 6.25 The Housing Delivery Officer has expressed disappointment at the potential foregoing of affordable housing on this site, but is equally well aware of the Core Strategy objective that the continuous route of the canal be delivered. If Members are minded to approve a scheme that prioritises restoration of the canal, it is recommended that the S106 agreement include a claw-back mechanism whereby in the event that the canal restoration is not as costly as first assumed, a commuted sum will be paid to the Council for the purpose of delivering affordable housing elsewhere.
- 6.26 Weighing all of the above in the balance and having regard to the conflict with H1 if affordable housing is not delivered, officers nonetheless consider that the potential prejudice to the long-term restoration of the canal should carry more weight in this specific case.

## Noise

- 6.27 The application site is bounded to the north by the rail line and Cavanaghs automotive repair workshop to the immediate south-east. Whilst noise impacts arising from the railway have been considered acceptable by the Environmental Health Officer, the noise emanating from Cavanaghs via wall-mounted extraction equipment facing onto the application site has been subject to more consideration.
- 6.28 The issue was considered by the appeal Inspector who imposed a series of conditions which required, *inter alia*, the formulation of a scheme of acoustic attenuation in relation to Cavanaghs extraction fans. The applicant's response to this issue has been to devise a range of measures aimed at reducing noise at the façade of the nearest dwellings to acceptable levels. This has involved the proposed formation of a landscaped bund with acoustic fence erected on top, at a sufficient height and density to mitigate the noise such that other defensive measures e.g. non-opening windows, are not necessary. This illustrative scheme has been the subject of direct consultation with the Council's Environmental Health Officer and Cavanaghs themselves and neither has objected. Subject to the imposition of a condition requiring the agreement and implementation of a detailed scheme of acoustic attenuation at the Reserved Matters stage, officers are content that off-site noise sources do not present a basis for refusal. Officers are content in the local context that a landscaped bund with overtopping acoustic fence of the type envisaged would be acceptable from an aesthetic perspective.

## Transport

- 6.29 The site is well placed to benefit from sustainable modes of transport. There are a number of local bus services connecting to the city centre and a network of local footpaths and dedicated cycle lanes.
- 6.30 The detailed access proposals are as per those designed for the 2009 appeal, with the formation of a mini roundabout and signals on the railway bridge, which enable the formation of a footway. These off site works are to be delivered by the developer as S278 works.

## Other Matters

### *Foul and surface water betterment*

- 6.31 Existing foul drainage for the site is non-mains, with septic tanks and treated effluent discharging to the route of the canal and potentially the restored canal to the east. Likewise surface water, on what is a largely impermeable site, runs off towards the canal. The development would provide new drainage infrastructure separating foul and surface water, with the ability to attenuate the latter such that run-off in various storm events is reduced by comparison to the existing rates. This represents betterment as regards both the volume and ability to treat potentially contaminated run-off. Detailed surface water management will be subject to condition.

### *Ecology*

- 6.32 The Conservation Manager (Ecology) has considered the findings of the updated bird and reptile survey, which were undertaken post submission of the application on his advice. The Conservation Manager has read and agrees with the findings of the supplementary reports and has no objection subject to the imposition of conditions.

### *Conditions & S106*

- 6.33 Conditions are attached to the recommendation. Beyond those regulating implementation and highway works, noise attenuation is required in relation to Cavanaghs and road and rail noise.

These conditions are those imposed by the appeal inspector in 2009. Conditions requiring the agreement of foul and surface water drainage arrangements are also imposed.

6.34 Insofar as the S106 is concerned, the 2009 agreement provides some precedent and will be a tri-partite agreement between the developer, Council and Canal Trust. It will be necessary to consider appropriate mechanisms to ensure timely delivery of all facets of the development and the proposed affordable housing claw-back mechanism should the restoration of the canal not prove as costly as first assumed.

## 7. Conclusion

7.1 This application is for the redevelopment of the existing trading estate for housing. This is in the context that the site is within the city on brownfield land. The scheme asks Members to take a view in relation to two principal issues. Firstly, in the context of Policy E2 and the planning history, Members will need to form a view as to whether the loss of employment land is acceptable in this case. If the answer to this is positive, Members will then need to consider whether, in the context of the viability appraisal, priority should be given to the restoration of the canal or the provision of affordable housing; it being clear that the scheme cannot support both.

7.2 The officer recommendation is that outline planning permission be granted subject to planning conditions and the completion of a S106 agreement, with priority given to canal restoration.

In summary this recommendation is made on the following grounds:-

- Holmer Trading Estate is categorised as 'poor' quality employment land and buildings that CS Policy E2 allows for redevelopment where viability assessment has proved retention or redevelopment for employment uses would be unviable;
- A viable redevelopment scheme is in the best interests of the proper planning of the area; a position recognised by the appeal inspector in 2009;
- The scheme will, depending on Member direction, contribute towards reinstatement of an important and costly section of the Hereford-Gloucester canal;
- Otherwise the scheme will make a valuable contribution to the supply of housing, including 42 affordable units, on a sustainable site within easy reach of the city centre and various local amenities;
- The scheme offers other benefits in the form of remediation of contaminated land, attenuation of surface water and connection of foul drainage to the mains sewer;
- A number of the existing tenants would not have been accommodated on site via the 2009 appeal scheme on the basis they would not have been compatible with the housing approved as part of that mixed-use scheme. In this respect the loss of B2 General Industrial uses from the site has previously been accepted.

7.3 Whilst paying due regard to the hardship caused to long-established tenants of the estate, it must be acknowledged that the adopted Policies of the CS, principally in the form of E2, do not give officers the latitude to object to the principle of redevelopment of 'poor' rated employment land in this case. It is ultimately this that underpins the recommendation, with Members required to take a judgement as to whether they consider the importance of restoring the canal outweighs the delivery of affordable housing. Having regard to the specific nature of the application site and its environs, officers consider that in this case the restoration of the canal should carry more weight as to not deliver the canal now would cast doubt on the ability to do so at a point in the future. The delivery of 120 dwellings, irrespective of whether this includes affordable housing, is also a significant material consideration in support of approval.

## RECOMMENDATION

Subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement, the scope of which will be determined according to the Members' decision, 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. **B03 Amended plans**
6. **H06 Vehicular access construction**
7. **H17 Junction improvement/off site works**
8. **H19 On site roads – phasing**
9. **H20 Road completion**
10. **H21 Wheel washing**
11. **H27 Parking for site operatives**
12. **H29 Covered and secure cycle parking provision**
13. **H31 Outline travel plan**
14. **No development, or phasing as agreed below, shall take place until the following components of a scheme to deal with the risks associated with contamination of the site are submitted to and approved in writing, by the local planning authority**
  - 1) **A site investigation scheme, based on the preliminary risk assessment, Holmer Trading Estate, College Road, Hereford, September 2014, Waterman Energy, Environment & Design Limited., to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.**
  - 2) **The site investigation results and the detailed risk assessment (1) and, based on these, an options appraisal and remediation strategy, if necessary, of the remediation measures required and how they are to be undertaken.**
  - 3) **A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. This should include any proposed phasing of demolition or commencement of other works.**
  - 4) **Prior to occupation of any part of the development (unless in accordance with agreed phasing under part 3 above) a verification (validation) report demonstrating completion of the works set out in the approved remediation strategy (2 and 3). The**



report shall include results of any sampling and monitoring. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the Local Planning Authority. Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved. Reason: To protect ground and surface waters (‘controlled waters’ as defined under the Water Resources Act 1991). Condition: 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, a Method Statement for remediation. The Method Statement must detail how this unsuspected contamination shall be dealt with. A verification (validation) report demonstrating completion of the works set out in the method statement shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of any sampling and monitoring. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the Local Planning Authority. Reason: To ensure that any unexpected contamination is dealt with and the development complies with approved details in the interests of protection of ground and surface waters (‘controlled waters’ as defined under the Water Resources Act 1991).

15. G19 details of play equipment
16. G10 Landscaping scheme
17. G11 Landscaping implementation
18. G14 Landscape management plan
19. L01 Foul/surface water drainage
20. L02 No surface water to connect to public system
21. L03 No drainage run-off to public system
22. L04 Comprehensive and integrated draining of site
23. The recommendations for species mitigations set out in Section 5 of the ecologist’s reports from Ecology Services dated November 2015 and habitat enhancements set out within Section 5 of the ecologist’s reports from Ecology Services dated February 2015 should be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved. A working method statement for protected species present and habitat enhancement plan should be submitted to the local planning authority in writing. The plan shall be implemented as approved.  
  
Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).
24. Development shall not commence until a scheme to safeguard the residential units hereby permitted from road traffic, railway and industrial noise has been submitted

to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be completed before occupation of any dwellings and shall thereafter be retained.

Reason: To protect the amenities of the residential units hereby approved so as to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the NPPF.

25. Prior to the commencement of development, details of a scheme for acoustic attenuation of noise from the extract fans at Cavanaghs shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the residential units hereby permitted and any works or attenuation measures shall thereafter be retained.

Reason: To protect the amenities of the residential units hereby approved so as to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the NPPF.

**INFORMATIVES:**

1. Statement of positive and proactive working
2. S106
3. HN01 Mud on Highway
4. HN04 Private Apparatus Within Highway
5. HN05 Works Within the Highway
6. HN07 Section 278 Agreement
7. HN08 Section 38 Agreement and Drainage Details
8. HN10 No Drainage to Discharge to Highway
9. HN21 Extraordinary Maintenance
10. HN25 Travel Plans
11. HN27 Annual Travel Plan Reviews
12. HN28 Highway Design Guide and Specification

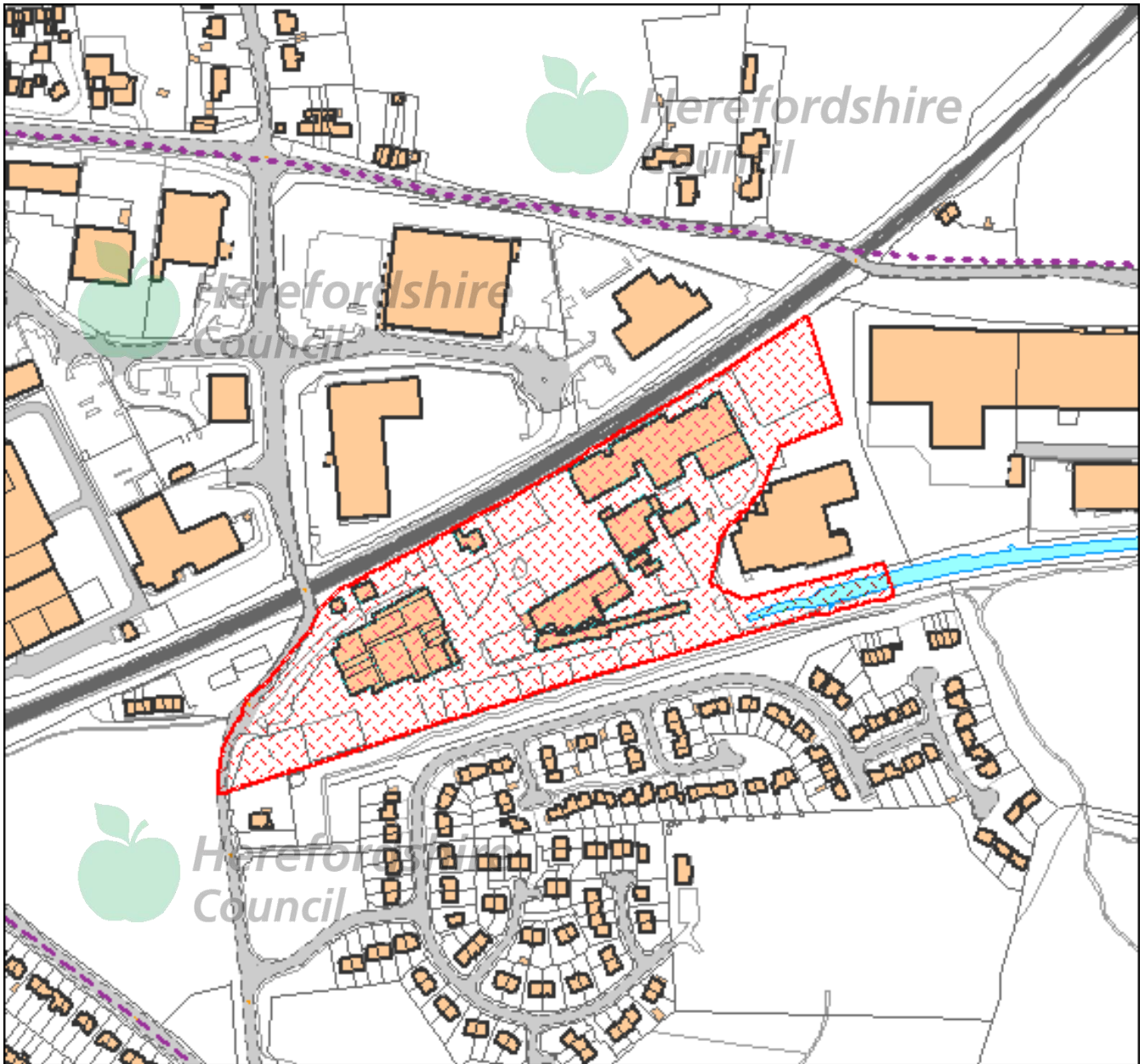
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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

**APPLICATION NO:** 150659

**SITE ADDRESS :** LAND AT HOLMER TRADING ESTATE, COLLEGE ROAD, HEREFORD,  
HEREFORDSHIRE

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

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





<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>13 JANUARY 2016</b>
<b>TITLE OF REPORT:</b>	<p><b>P141964/O - SITE FOR RESIDENTIAL DEVELOPMENT OF UP TO 90 DWELLINGS WITH ACCESS, PARKING, PUBLIC OPEN SPACE WITH PLAY FACILITIES AND LANDSCAPING AT LAND OFF MADLEY ROAD, CLEHONGER, HEREFORDSHIRE, HR2 9TE</b></p> <p><b>For: Gladman Developments Ltd., Gladman House, Alexandria Way, Congleton Business Park, Congleton, Cheshire CW12 1LB</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=141964&amp;search=141964">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=141964&amp;search=141964</a>
<b>Reason Application submitted to Committee – Redirection</b>	

**Date Received: 3<sup>rd</sup> July 2014**

**Ward: Stoney Street**

**Grid Ref: 344626, 237646**

**Expiry Date: 30<sup>th</sup> September 2015**

Local Member: Councillor SD Williams

### **Introduction**

The applicants have appealed against non-determination; the application having been held in abeyance pending an outcome to deliberations between the applicant and Welsh Water concerning the ability of the local Wastewater Treatment Works to accommodate foul flows arising from the development. The application is being presented to the Planning Committee for Members to confirm the refusal reasons as set out below which will be defended at the appeal.

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 land between the B4349 and B4352 Kingstone and Madley Road, Clehonger. Clehonger is also defined as a main village in the Core Strategy, where proportionate growth may be sought over the plan period.
  - 1.2 The site lies immediately adjacent to the settlement boundary for Clehonger bound to the south by the B4349 and to the north by the B4352 Madley Road.
  - 1.3 The site lies in open countryside on the west side of Clehonger, a small to medium-sized village about 4km south west of the outskirts of Hereford City. Much of Clehonger is a recently developed community south of the B4349 and B4352 roads, with the 'new' village sited some

---

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

1.2km from the church and the 'old' village. Parts of the church are 12<sup>th</sup> century and there are several 16<sup>th</sup> – 18<sup>th</sup> century dwellings.

- 1.4 The 'new' village is situated on the south side of a 'triangle' of land formed by the B4352 to the north, leading north-westwards to Madley, and the B4349 leading south-westwards towards Kingstone; both these settlements are approximately 3km from Clehonger. Beyond the western side of this triangle, in which the site is situated, is open and rural, gently undulating landscape between Madley and Kingstone, characterised by commons and marshlands. The site is in an area known as Gorsty Common, which reflects its traditional landscape character, and that of the wider area. However the satellite tracking station, disused airfield and industrial estates have despoiled much of the landscape in parts of the wider locality.
- 1.5 From its junction with the B4352, the north side of the B4349 is very sparsely settled, with only the occasional dwelling / farmstead, whereas the south side of the road, as it passes through Clehonger, is quite densely settled - much of this development is relatively recent. The B4349 and the hedge form a clear and distinct edge to the north west of the village.
- 1.6 The site comprises five fields situated on the southern side of the Cage Brook valley; Cage Brook is a tributary of the River Wye which lies approximately 2km to the north. The site is relatively flat adjacent to the B4349 but it then falls quickly and evenly towards the north-west, beyond which the densely-wooded brook sides slope more steeply. In this area, the land between the road and Cage Brook woodland is predominantly traditional pasture and orchard; the local field patterns appear to be remnants of medieval open-field system strips, reinforced by native hedgerow boundaries with occasional good, mature trees, predominantly oak.
- 1.7 Four of the five fields are currently down to rough pasture, grazed by sheep. The fifth contains an old orchard. The field boundaries are predominantly unmanaged, native hedges, three of which are classified as 'Important' under the Wildlife and Landscape criteria of the Hedgerow Regulations 1997. There are several good, mature trees in the site boundary hedges, but apart from the orchard there are no free-standing trees in the fields. There is currently access into the fields off the B4349.
- 1.8 The site would be served via a vehicular access at roughly the mid-point of the frontage with the B4349. The two roadside fields and the field to the immediate north-west would be developed for housing. The Development Framework Plan proposes that the existing orchard would be retained and dedicated to the community. An equipped area of play would be located in the larger parcel, as opposed to adjacent the balancing pond as originally proposed. The steeply sloping land descending to the Cage Brook is retained as nature conservation area.
- 1.9 A 2.0m wide footway is proposed on the north-side of the road linking to a pelican crossing a short distance to the west of the junction with Croft Road, with S278 works proposed in the verge to ensure continuous footway connectivity to existing pedestrian infrastructure.
- 1.10 The application is accompanied by a range of studies, including the following:
  - Planning, Design and Access Statement;
  - Transport Statement;
  - Ecological Assessment;
  - Flood Risk Assessment;
  - Landscape and Visual Impact Assessment;
  - Tree Report;
  - Foul Drainage Report;
  - Contamination Report;

1.11 The proposal has been screened against the Environmental Impact Assessment Regulations 2011 and is not considered to represent development requiring the submission of an Environmental Statement.

## 2. Planning Policy

### 2.1 Herefordshire Local Plan – Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Ensuring Sufficient Housing Land Delivery
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
RA1	-	Rural Housing Distribution
RA2	-	Housing in Settlements Outside Hereford and the Market Towns
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	-	Waste Water Treatment and River Water Quality
ID1	-	Infrastructure Delivery

### 2.2 National Planning Policy Framework 2012. In particular chapters:

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

### 2.3 National Planning Practice Guidance 2014

### 2.4 Neighbourhood Planning

Clehonger 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. There is no timescale for proposing/agreeing the content of the plan at this stage, but the plan must be in general conformity with the strategic content of the emerging Core Strategy. Whilst the Neighbourhood Plan is a material consideration it is not sufficiently advanced to attract weight for the purposes of determining planning applications.

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

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

### 3. Planning History

#### 3.1 None on site

3.2 142349/O - Outline application for the erection of up to 80 dwellings on land between the Seven Stars PH and Gosmore Road at the east of the village – 142349/O. Members resolved to grant outline planning permission subject to planning conditions and the completion of a S106 agreement requiring a Welsh Water contribution on 16<sup>th</sup> September 2015.

3.3 140056/O - Outline application for residential development of 13 dwellings with a Committee resolution to approve at Harpacre, adjacent the junction of the B4349/B4352. The resolution was subject to resolution of the Welsh Water holding objection, which persists.

3.4 141905/O is an outline application for the erection of 4 dwellings on land adjacent Glasnant House; a site adjoining 142349/O. This application was approved on the basis a private drainage solution was feasible.

### 4. Consultation Summary

#### Statutory Consultations

#### 4.1 Welsh Water: Objection

The proposed development would overload the Waste Water Treatment Works. No improvements are planned within Dwr Cymru/Welsh Water's Capital Investment Programme. We consider any development prior to improvements being made to be premature and therefore OBJECT to the development.

#### 4.2 Natural England: Objection.

Natural England has provided three consultation responses, each of which have objected to the development on the basis that there is no capacity within the Waste-water Treatment Works.

#### **Wildlife and Countryside Act 1981 (as amended)**

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

Further to Natural England's responses to the above consultation and following your re-consultation in response to Welsh Water/ Dŵr Cymru's objection, in relation to lack of foul drainage infrastructure capacity, we would like to provide further comment.

#### **Internationally and nationally designated sites**

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the River Wye Special Area of Conservation (SAC) which is a European site. The site is notified at a national level as River Wye Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features. In considering the European site interest, Natural England advises that 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 are set out within Regulations 61 and 62 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 61 and 62 are commonly referred to as the 'Habitats Regulations Assessment' process.



The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website. <http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/> explains how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

### **River Wye SAC – Objection - Further information required**

Natural England understands that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects.

We understand that your assessment concludes that your authority cannot rule out the likelihood of significant effects arising from the proposal, either alone or in-combination. On the basis of information provided, Natural England advises that there is currently not enough information to rule out the likelihood of significant effects. Natural England therefore advises that your authority should not grant planning permission at this stage.

Uncertainties remain relating to effects that may become significant when considered in combination with other plans or projects.

The planning application proposes to connect foul drainage to mains sewer. The outfall from the Wastewater Treatment Works (WWTW) goes into the Cage Brook; a tributary of the River Wye SAC/SSSI. Welsh Water/ Dŵr Cymru has objected to both proposals as they would overload the WWTW. There is therefore currently uncertainty on how foul drainage will be disposed of. In terms of Habitats Regulations to be able to rule out a significant effect on the River Wye SAC there needs to be certainty on how the foul sewage will be disposed of.

Natural England recommends that any information gaps should be met by the formal submission of information, so that the project as a whole, i.e. as submitted with all information and measures to protect the European site, can be screened to check whether the likelihood of significant effects can be ruled out.

### **River Wye Site of Special Scientific Interest (SSSI) – objection - further information required.**

Please see section above. Our concerns regarding the River Wye SSSI are the same as those for the River Wye SAC.

### **Cage Brook Valley SSSI - objection further information required.**

We confirm that Cage Brook Valley SSSI includes Cage Brook watercourse. Part of the SSSI is notified for damp alder *Alnus glutinosa* woodland which occurs in the areas immediately adjacent to the Cage Brook. The soils wetness and nutrient status determine what species may occur; therefore a change in nutrient levels could affect the vegetation community and therefore the notified features. Outfall from the WWTW goes into the Cage Brook. If the proposals are granted permission and the situation regarding capacity of the WWTW is not resolved, then there is likely to be an adverse impact on the SSSI.

As a result Natural England objects to these developments on the grounds that the applications, as submitted, are likely to damage or destroy the interest features for which Cage Brook Valley SSSI has been notified.

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

If your Authority is minded to grant consent for this application contrary to the advice relating to the Rive Wye SSSI and Cage Brook Valley SSSI contained in this letter, we refer you to Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended), specifically the duty placed upon your authority, requiring that your Authority;

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

4.3 Environment Agency: The site is within Flood Zone 1 and standing advice would apply in that regard. However, in the light of the foul capacity issue further advice has been sought and the EA has confirmed the following:-

*"The Cage is failing to meet some of its Water Framework Directive (WFD) objectives for water quality and the Sewerage Treatment Works is a contributing causal factor. DCWW are considering their WFD schemes for Asset Maintenance Programme 6, and also schemes for AMP7 to address the challenges presented to them by the Nutrient Management Plan. DCWW have offered the developer the opportunity to fund a Development Impact Assessment for their development which would then allow a discussion between them and the developer about how their development might be accommodated and when. As you are aware our policy is that developments in sewered areas should go to the sewer."*

Internal Council Consultees

4.4 Conservation Manager (Landscape): Objection

The proposal is to build up to 90 dwellings on the 5.23ha site which comprises five fields, one of which is an orchard (the site is described in section 3 below). The indicative plans show three of the five fields being built on, with the northernmost field retained as public open space and nature conservation area, and the orchard retained and offered for use by the community. A new access would be created off the B4349 road.

Small breaks in some of the hedges would be required for internal access roads within the site and to accommodate a new public right of way. Over half of the hedge along the B4349 would have to be removed to facilitate the new access. A new hedgerow is proposed to partially replace it. Almost all of the existing trees would be retained. A balancing pond is proposed to the north of the site.

Recommendations for biodiversity enhancements are set out in the ecological report.

#### Site and Surrounding Area

The site lies in open countryside on the west side of Clehonger, a small to medium-sized village about 4km south west of the outskirts of Hereford City. Much of Clehonger is a recently developed community south of the B4349 and B4352 roads, with the 'new' village sited some 1.2km from the church and the 'old' village. Parts of the church are 12<sup>th</sup> century and there are several 16<sup>th</sup> – 18<sup>th</sup> century dwellings. In 1901 the population of Clehonger was 430 and today it is about 2,500. The 'new' village is situated on the south side of a 'triangle' of land formed by the B4352 to the north, leading north-westwards to Madley, and the B4349 leading south-westwards towards Kingstone; both these settlements are approximately 3km from Clehonger. Beyond the western side of this triangle, in which the site is situated, is the open and rural, gently undulating landscape between Madley and Kingstone, characterised by commons and marshlands. The site is in an area known as Gorsty Common, which reflects its traditional

landscape character, and that of the wider area. However the satellite tracking station, disused airfield and industrial estates have despoiled much of the landscape in parts of the wider locality.

From its junction with the B4352, the north side of the B4349 is very sparsely settled, with only the occasional dwelling / farmstead, whereas the south side of the road, as it passes through Clehonger, is quite densely settled - much of this development is relatively recent. The B4349 and the hedge form a clear and distinct edge to the north west of the village.

The site comprises five fields situated on the southern side of the Cage Brook valley; Cage Brook is a tributary of the River Wye which lies approximately 2km to the north. The site is relatively flat adjacent to the B4349 but it then falls quickly and evenly towards the north-west, beyond which the densely-wooded brook sides slope more steeply. In this area, the land between the road and Cage Brook woodland is predominantly traditional pasture and orchard; the local field patterns appear to be remnants of medieval open-field system strips, reinforced by native hedgerow boundaries with occasional good, mature trees, predominantly oak.

Four of the five fields are currently down to rough pasture, grazed by sheep. The fifth contains an old orchard. The field boundaries are predominantly unmanaged, native hedges, three of which are classified as 'Important' under the Wildlife and Landscape criteria of the Hedgerow Regulations 1997. There are several good, mature trees in the site boundary hedges, but apart from the orchard there are no free-standing trees in the fields. There is currently access into the fields off the B4349.

#### Landscape Character, Designations, Constraints and Potential Effects

a. Landscape Designations: The site is in 'open countryside' outside the village settlement boundary as defined in the former UDP. It has no landscape designation.

b. Landscape Character: The site's landscape character type is Principal Settled Farmlands. These are settled agricultural landscapes of dispersed scattered farms, relic commons, and small villages and hamlets, and the key primary characteristic is hedgerows used for field boundaries. The landscape of the site and surrounding area is typical of this description. In terms of settlement pattern, HC's Landscape Character Assessment states: 'Low densities of individual dwellings would be acceptable as long as they are not sited close enough to coalesce into a prominent wayside settlement pattern. Additional housing in hamlets and villages should be modest in size in order to preserve the character of the original settlement'. The overall strategy for Principal Settled Farmlands is to 'conserve and enhance the unity of small to medium scale hedged fields'. This is particularly relevant to the area in which the site is located as the field patterns are an important element of the landscape.

The adjacent Cage Brook valley is Wooded Estatelands landscape character type. This Landscape Type relies heavily upon its woodland component as the critical element in defining its character. The size, shape and composition of the woodlands are all important, being generally large, discrete woods of ancient semi-natural character and irregular or semi-regular outline. They are often associated with designed estates and parklands which are a feature of this landscape type, as is the case here (see para, c. below). The key characteristic is large, discrete blocks of woodland; the landscape in this section of the valley north of the site is typical of this description.

The area of influence of the site in the wider Herefordshire landscape is relatively limited however and in this context I agree with the findings of the LVIA that the adverse effects of development on the County's landscape character are not likely to be significant adverse.

In terms of effects on local landscape character, in section 7 the LVIA concludes that the sensitivity of the local landscape is High, and that the magnitude of impact will also be High. I

agree with this evaluation. However, in para. 7.6, the subsequent conclusion is that the overall significance of effects will only be Moderate (i.e. not significant). As no tables of criteria or matrices appear to have been provided in the LVIA it is not possible to see how the predicted level of significance was arrived at, apart from in the text at para. 7.6, which states:

*"The site is well contained by vegetation the north, east and west. The southern boundary is overwhelmingly influenced by the existing urban edge of Clehonger. The change of use from agricultural to residential is considered acceptable in landscape terms".*

It is not clear to me how this conclusion has been reached. It is usual practice that when a High sensitivity receptor is combined with a High magnitude of impact, the overall significance of effects will be Major Negative, i.e. significant adverse.

I do consider that the effects on local landscape character will be significant adverse, for the following reasons:

i) The proposals would result in the permanent loss of three fields which form an important and integral part of the area's traditional landscape character, and their change from pastoral land to large scale built form. The retention of the orchard, the northernmost field as public open space and the majority of the trees and hedgerows does reduce the significance of effect to some degree, especially as it retains the pattern of the fields, but this does not compensate for the loss and change.

ii) A modern housing estate of up to 90 dwellings on the proposed site would not be in keeping with the wider landscape types' characteristics (for which see above). It would not be modest in size but very large in the context of the existing settlement, and would indeed 'coalesce into a prominent wayside pattern' in an area which has traditionally been pastoral land / orchard beyond the road which forms a distinct edge to the village, abutting historic parkland. It would extend into open countryside and would not fit with the shape of the existing settlement, which is almost completely contained within the boundaries created by the surrounding roads.

iii) In the context of the existing village-scape, development on the north side of the B4349 is uncharacteristic. Figure 02 - Context Plan in the Design & Access Statement shows clearly how built development of anything beyond a small domestic scale is absent on the north side of the B4349.

iv) The roadside hedge along the southern boundary is an important local feature, defining the intrinsic rural character of the settlement at its gateway from the south west. Over half of it will be lost, and although the indicative plans state that it will be replaced (presumably behind the sightlines), it will no longer be a rural hedge but a domestic boundary with urban form behind, and the access will leave views into the development open.

v) The introduction of lighting at night would also give rise to localised adverse effects.

Incidentally, I am not convinced that a 2m wide footpath in the position indicated on the plans can be achieved without damage to the existing hedge.

c. Historic and Cultural Landscape: The 12<sup>th</sup> Century Church of All Saints, 1.8km east of the site, is a Grade I listed building; its setting is unlikely to be affected by the proposals.

There is a Grade II listed building (early 18<sup>th</sup> Century Cagebrook House with Grade II listed stables) about 300m west of the site. The landscape associated with Cagebrook House is an Unregistered Historic Park and Garden. The gardens and parkland are extensive and include a 1km long/approximately 150m wide stretch of the Cage Brook and its wooded valley slopes; their boundary is adjacent to the north-west corner of the site and is contiguous with the road along the site's northern boundary. There is extensive, dense woodland vegetation between the

site and the house and garden, and the site does not appear to be inter-visible with them so the proposals are unlikely adversely affect them; however there is the potential for indirect adverse effects on the woodland area of the park if there is an increase in human activity (litter, erosion etc.) via the local footpath network (see d. below).

The archaeological assessment notes that the fields in the area are likely to have formed part of the local agricultural landscape from at least the medieval period and subject to enclosure from the 18th century onwards (and possibly earlier). The effects of the loss of three of the five fields to development in terms of landscape character is set out above.

d. Natural Landscape and Biodiversity: The southern boundary of Cage Brook Valley SSSI (broadleaved mixed and yew woodland) lies adjacent to the site. Cage Brook Valley and Woodlands are also a Special Wildlife Site and Deciduous Woodland BAP Priority Habitat. These habitats make a very important contribution to local wildlife, landscape character, visual and public amenity and are a key element of both local and wider Green Infrastructure. In addition, Cage Brook is a tributary of the River Wye SAC / SSSI. The habitats are extremely sensitive to change, which could occur as a result of disturbance through increased human activity and the introduction of domestic pets especially cats and dogs. I note that the indicative plans show the northernmost field left undeveloped as a buffer which may reduce the significance of effects somewhat, but the potential indirect effects from the increase in activity, lighting etc. still cause me concern.

The orchard is a UK BAP Priority Habitat. The indicative plans show the orchard retained for use by the community. Certainly the retention of this valuable habitat is important, as its loss would increase the significance of adverse effects.

e. Visual and Public Amenity: Byway CH21 runs between the B4349 and the B4352 along the site's eastern boundary. There is a tall, unmanaged native hedge between the byway and the site with a high percentage of evergreens in it, and it currently acts as an effective screen. So long as it was maintained as a screen and managed in the long term, it would help to mitigate adverse effects on receptors.

Footpath CH19 lies close to the site's western boundary. The LVIA predicts a Major to Moderate Adverse effect on views from this PRoW. It links to footpaths which run through the Cage Brook valley - CH20 on the south side of the brook south west of the B4352, and EB26 on the north side of the brook, north east of the road (the latter links to footpaths along the River Wye). Due to the steep valley sides and woodland cover the site is not likely to be highly visible from these footpaths. There are several other public rights of way within 1km of the site but views from these are unlikely to be significantly affected.

On the east side of the byway there are houses which could have views of the new development from upper floor windows; houses facing the site's southern boundary would also have views of it. These receptors would also be adversely affected by lighting.

I am slightly confused about the assessment of visual effects on residential receptors. The LVIA concludes that "Overall, once the development is completed and planting established the resultant visual effects are anticipated to be moderate adverse, becoming minor where properties are set further back from the site". However, the LVIA also states that existing vegetation will be retained, which is not the case for over half of the road frontage, and that this, along with new planting, "...will mitigate any visual effects considered to be significant".

This suggests to me that effects on the receptors with views will be significant adverse until (and if) proposed mitigation becomes effective, which could take several years.

There are extensive long-distance views from the site to Hay Bluff in the west, but intervening vegetation and topography suggest that middle to long-distance views towards the site would be limited and the proposals would not have more than small adverse effects in this regard.

## **Conclusions**

For the reasons set out above, I do not support the proposal for development on this site, which is likely to give rise to significant adverse effects on local landscape character and visual amenity. This would be contrary to several of the Council's CS Policies including RA2 and LD1.

- 4.5 Transportation Manager: Further correspondence with the Transport Team has addressed the concerns in relation to the visibility splays and pedestrian crossing, which is to be controlled. The site remains a concern insofar as the vehicles approaching from the south and the connectivity within Clehonger is concerned, but S106 monies and the S278 works identified will address this. The S278 will need to include the crossing and footpath connecting to the village as per the revised submitted drawing.

The S106 will need to include the improvements within the village connecting the site to the facilities such as the hall, school, etc. There is also the need to improve the gateway to the village from the south.

- 4.6 Conservation Manager (Ecology): In the absence of any new evidence or consolidated agreement between the developer and water service provider concerning the treatment of foul drainage or of a definitive time-scale for providing such, I must still conclude that there will be a Likely Significant Effect on affected watercourses feeding the R. Wye Special Area of Conservation and SSSI. I would not support any approval on this basis until a resolution is found to the problem.

- 4.7 Land Drainage Officer: No objection subject to conditions

## **Overall Comment**

Overall, for outline planning permission, we do not object to the proposed development on flood risk and drainage grounds. However, all new drainage systems for new developments must meet the new National Standards for Sustainable Drainage (currently in draft) and will require approval from the Lead Local Flood Authority (Herefordshire Council). Therefore, should the Council be minded to grant outline planning permission, we recommend that the submission and approval of detailed proposals for the disposal of foul water and surface water runoff from the development is included within any reserved matters associated with the permission. The detailed drainage proposals should include:-

- Provision of a detailed drainage strategy that demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features;
- Evidence that the Applicant has sought and agreed permissions to discharge foul water and surface water runoff from the site with the relevant authorities;
- Evidence that the Applicant has sought and agreed allowable discharge rates for the disposal of foul water and surface water runoff from the site with the relevant authorities;
- Evidence that the Applicant is providing sufficient on-site attenuation storage to ensure that site-generated surface water runoff is controlled and limited to agreed discharge rates for all storm events up to and including the 1 in 100 year rainfall event, with a 30% increase in rainfall intensity to allow for the effects of future climate change;
- Demonstration that appropriate pollution control measures are in place prior to discharge.

In addition, it is recommended that the Applicant provides a confirmation from Welsh Water that additional foul flows from the development can be accommodated in the existing public foul water sewers.

- 4.8 Conservation Manager (Archaeology): No objection. Standard archaeological planning condition E01/C47 should be utilised in order to secure a precautionary watching brief during works
- 4.9 Housing Development Manager: No objection. Details of tenure split and type will need to be agreed either via planning condition or S106.
- 4.10 Parks & Countryside Manager: No objection

These revised comments are made in light of the Core Strategy Policy requirements and POS, Play and Outdoors sports needs and take account of the amended plans submitted by the applicant.

Core Strategy Policies OS1: Requirement for open space, sport and recreation facilities and OS2: Meeting open space and recreation needs.

In accordance with Core Strategy OS1 and OS2, open space provision will be sought from all new residential development and considered on a site by site basis in accordance with all applicable set standards of quantity, quality and accessibility which in this instance are set out below. In this instance on site provision is required using the following standards of provision:

- Local Evidence: Herefordshire Open Space Study 2006: data for amenity public open space has not changed significantly and it is still considered to be accurate. This recommends POS should be at a rate of 0.4ha per 1000 population.
- Local Evidence: Herefordshire Play Facilities Study and Investment Plan 2012 and National Evidence: Fields in Trust Guidance: These recommend children's play at a rate of 0.8ha per 1000 population. Of this 0.25ha should be formal equipped play.
- Local: Playing Pitch Assessment 2012 and update 2014, Outdoor Sports Investment Plan (draft) and National Evidence: Fields in Trust Guidance: These recommends outdoors sports provision of between 1.4 and 1.6ha per 1000 population and where future investment in outdoor sport should be directed to maximise the benefits to the local community.

\*please note this information will form the basis of a separate SPD on POS standards currently being prepared.

For 90 houses and at a population rate of 2.3 per house (207 persons) the developer should provide as a minimum the following on site provision.

On-site provision - Children's Play and POS

- POS:  
@ 0.4ha per 1000 population equates to 0.08ha (800sq m)
- Children's play area:  
@ 0.8ha per 1000 population equates to 0.16ha (1600sq m) of which 0.05ha (500sqm) should be formal equipped play and 1100sq m should be informal
- Outdoor Sports: There is no requirement either on or off-site for a contribution towards outdoor sports facilities. Clehonger has no existing outdoor sports clubs or facilities in the village and in accordance with the Playing Pitch Assessment for the Hereford Area 2012 there is no identified latent demand which is further supported in the

developing Investment Plans. Therefore we would not be seeking any formal on or off site contribution

Total on-site requirement:

- 0.24ha of which 0.5ha should be formally equipped.

As per my previous comments, the provision on-site of formal play, in accordance with the Play Facilities Study and Investment Plan 2012, will help meet local deficiencies and its location away from the balancing pond area has been considered in the light of local concerns including those of the Parish Council and therefore the overall design is supported.

The proposal includes substantial on site open space, both formal and informal and in addition areas of nature conservation and a balancing pond area which could both provide informal recreation opportunities if designed accordingly.

A total of 0.9 ha is to be provided on site to include:

- Formal Play: 0.04ha
- POS: 0.86ha

In total this is in excess of policy requirements and although the formal provision is slightly shy of policy requirements given the opportunity for informal recreation, community orchards and wildlife/biodiversity then the scheme can be supported. Along with this the applicant should consider natural play opportunities, provision of a kick-about for older children and should deliver a good quality high play value play area on site.

#### Future Maintenance

It is noted in the Design and Access statement that the POS will be offered for adoption by Herefordshire Council. Herefordshire Council no longer consider adopting POS.

To ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use the maintenance of any on-site Public Open Space (POS) should 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.

SuDS areas: Areas of open space on new development that include a proportionally significant area of Sustainable Drainage Scheme (SuDS) may still be adopted by the Council as part of the adoption of Highway assets on a new development subject to receipt of an appropriate "life-time" commuted management fee. This will be defined within the developing SuDS guidance and policies being written jointly with Shropshire Council.

4.11 Schools Capital and Investment Manager: A contribution will be required for Clehonger Primary School as per the draft Heads of Terms.

4.12 Public Rights of Way Manager: No objection

## 5. Representations

5.1 Clehonger Parish Council: Objection

#### Introduction and Overall Viewpoint

Whilst accepting that some development is both necessary and desirable in line with genuine need, this application would appear to constitute an opportunistic venture that is taking advantage of perceived gaps in Planning Law to achieve an outcome which cannot be seen as sustainable, or beneficial, to the community who currently reside in the Parish. To effectively



forcibly increase the number of houses in this way, within an established community, would be unwelcome and ill advised for all of the reasons identified and would necessarily lead to a reduction in the quality of services enjoyed thus far. This development would irrevocably alter the rural nature of the village and continue to exacerbate the detrimental urbanisation of green-field sites with the consequent implications for future food production and village integrity. It has been noted by the Parish Council that Gladman Developments have so far been unwilling to meet the Parish residents at a Public Meeting describing previous damage to property (cars) at venues in other parts of the Country and fear for the safety of their property due to the perception of the potentially contentious nature of the proposals. They have attended a Parish Council Meeting and answered questions, posed by residents, during the Open Session of the Meeting. Gladman have advised a number of incentives to be made to the community, such as community facilities and targeted funding, however the overall opinion given was that these in no way compensate for the loss of amenity and potential harm to the rural lifestyle chosen by the people who live in the village. The Parish Council is aware of other applications in the pipeline and this knowledge further increases the anxiety felt over the future of the Village of Clehonger.

The Parish Council objects to the application and request the Herefordshire Planning Authority to refuse it for reasons including those detailed here:-

#### 1) Housing Need

The proposed development does not tie in with local housing need, there is no evidence that it will provide employment opportunities and it robs future generations of land for growing food. The only perceived benefit at this stage would appear to be to the applicant. This is not therefore a sustainable development in line with the National Planning Policy Framework. (The NPPF is itself a material consideration).

To quantify local housing need the following observations have been noted. Expectations in relation to the emerging Herefordshire Core Strategy (Local Development Plan) 2011 - 2031, define a growth of 18% for the Parish over the remaining period of the Plan which represents approximately 100 new houses during that entire timescale.

The proposals are deeply unpopular in the village. This reflects the views expressed in recent consultations over the Parish Plan where it was very clear that the village as a whole wanted a restrained approach to further development, with a wish to maintain Clehonger's rural nature. Feedback has shown that over a quarter of the population want no development at all and those who did accept that a moderate number of new dwellings were needed clearly rejected the idea of "big estates". It is a fact that a Herefordshire Council employee, from the Housing Department, is on record for describing a development of more than 18 houses as a "ghetto" and this was recorded in the Minutes of a Parish Council Meeting at which local housing need was being discussed.

Herefordshire Council's own recent Housing Survey, published this year, identified a need for only 8 households that wish to move to a home in the Group Parish; 2 were found to have a need for affordable accommodation, 4 were found to have a need for a home on the open market, 1 was found to have a need for private rented accommodation and 1 was found to have an undetermined need. (Source Local Housing Needs Survey for the parishes of Clehonger & Eaton Bishop).

Furthermore this particular proposed development site has geographical separations outside the boundary area and may become an isolated settlement.

## 2) Infrastructure

There would, potentially, be an issue with the provision of fresh water and the disposal of sewerage and foul water on the site. Current provision is known to be at capacity and the increase in demand, following this volume of new build, may prejudice the provision of these facilities for existing customers of the service.

There are questions about whether the local infrastructure can take the burden of such a large development in one go. It is known that there are already very serious issues about sewage disposal in the area with many households already relying on septic tank drainage. This fact has been acknowledged in the recent planning decision over the proposed small estate at Harpacre, Clehonger which is along the same stretch of road as this proposal. This application was opposed by Welsh Water who currently has no plans for improving the out of date sewage treatment plant in the next five years. The level of reactive phosphates, recorded in the stream below the site at Cagebrook, has been recorded at fourteen times the desirable level limit specified in law. This potentially could contribute to the undesirable levels of phosphate which are known to be problematic in the River Wye, flowing through Hereford.

## 3) Roads and Transport

There are major concerns about the heavy volume of traffic and speeding traffic along the Kingstone road, with the increased likelihood of persons crossing the road and increased access and exit for vehicular traffic. Recent records indicate that there have already been 5 injury accidents and sadly, 1 fatality, on this stretch of road and it is generally perceived to be unsafe to walk or cycle along it. This is currently the main road into Hereford City for a number of outlying villages and increased volumes of traffic from growth in all villages, especially at peak times, is believed to be an unacceptable risk on what is ultimately a relatively narrow "B" classified road and with no footpath. This is evidenced by the fact that Herefordshire Council fund transport to the Kingstone Schools, for Clehonger children, in acknowledgement that it is not safe for them to walk or cycle to school.

The assertion of car numbers made by Gladman's is at a considerably lower assessment level than the national figures which report the following statistics:

Average cars per household <http://www.gloucestershireecho.co.uk/Average-household-Britain-cars-according-new/storv-20257863-detail/storv.html>

This shows an average of 2 cars per household, for the proposed site this represents circa 180 cars and given the rural nature of the site the numbers could potentially be even higher. Road safety issues also throw into question the connectivity of the village by foot or cycle. It is noted that Gladman's have included a photo of the proposed site access point off B4349. This picture would appear to have been taken from the junction of Croft Road and the B4349 in the direction of Kingstone. They have not included a photo taken of the approach to the proposed access point from the Kingstone direction which would have clearly shows how limited the view is from the Kingstone direction. The enclosed three photo's clearly show how limited the view is for motorists approaching the proposed entrance from the direction of Kingstone. No.1. Is from entrance to Shark House Barn, there is no view of the proposed entrance. No.2. Is from a point where you can first see someone at the proposed entrance trying to see if any traffic is approaching. Measured distance is 44 metres. No.3. Taken from proposed entrance, standing out in the road to see approaching traffic coming from Kingstone direction. Even if the hedge is cut back, the view will still be very restricted. Vehicles will have to pull out into the road to see.

There is concern over the current congestion experienced on the Belmont Road, with the bulk of journeys into Hereford being made along the Belmont Road for retail, employment, leisure, education and services for the foreseeable future. Bus Services have been under review, with

subsidy cuts and route restrictions being made, so it will be a necessity to use cars as opposed to other transport options. There are also the issues of young people being able to access the facilities in the City in the absence of reliable public transport.

#### 4) Pond/Path/Playing Field

The inclusion of a Play Area in the application clearly indicates, contrary to Gladman's submission, how remote the proposed development is from the existing play area which is located in the centre of the village. The majority of existing housing being located within the bounds of the B4349 makes it safe for children to access the existing play facility without having to cross any busy roads. The Parish Council is at this time applying for grants to raise funds to upgrade the play equipment on the existing play area.

For safety reasons {the risk of children drowning} it is very unwise to have a pond adjacent to a children's play area or where they can easily access it. (Even Herefordshire Council filled in its paddling pool which was within the play area on King George 5ths Playing Field). The proposed path leading from the proposed development down towards CHI9 and CH20 would provide easy access for children into a very boggy area and onto the B4352 at a point where there is a very sharp bend {Cagebrook Bridge}. There have been numerous accidents on this bend in the past and the thought of children playing there is an accident waiting to happen. The proposed path, due to the lay of the land, will be very steep which would even limit the number of adults who could make use of it.

#### 5) Hospital/Surgeries/Health Services

There are reported current capacity issues at both of the local surgeries Kingstone and Belmont, and at the Hereford County Hospital. Large increases in housing stock with, consequently, many more people to serve will necessarily lead to a reduced and more delayed service for all. There are currently acknowledged issues at the Accident & Emergency Department, and the inpatients service is already compromised. There are currently no plans for expansion of the Hospital, and extra provision for "end of life care" (Hospice facilities).

#### 6) Emergency Services

It is assumed that there would need to be access for emergency services from both ends of a site of this size. How is vehicular access to both sides of the site going to be achieved when the land at the rear of the site, off the B4352, may not be available or suited to the provision of an additional roadway? There are currently budget cuts being implemented for the Police, Ambulance and Fire Services and there does not seem to be any point in increasing the demand for these to a ratio that may be likely to cause problems with service delivery and realistic crime and disorder control, for example.

#### 7) Environment

There are grave concerns, in the Parish, over the impact of a development of this size on the SSSI sites that border and are close to the proposal site. The environmental impact of the huge increase in likely sewerage and waste water, potential for dog fouling and general denigration of habitat are likely to irreversibly compromise the areas that are highly prized for the habitats they provide for many examples of flora and fauna. These concerns are expressed in the Landscape Officer's comments, recorded above.

### 5.2 Eaton Bishop Parish Council (adjoining Parish):

Eaton Bishop Parish Council has considered this application and has also discussed it with the Parish Council of Clehonger. Eaton Bishop Parish Council supports wholeheartedly the

comments made by Clehonger and considers this application should be rejected as requested by Clehonger Parish Council in their response.

### 5.3 41 letters of objection have been received. The content is summarised as follows:-

- In conjunction with other sites this development would far exceed Core Strategy growth targets for Clehonger over the life of the emerging plan. The approval of a scheme for 80 dwellings adjoining the public house, when allied to other small-scale development, has already exceeded the minimum growth target for the parish.
- The vast majority of parishioners would support small-scale developments that allow the village to evolve gradually. Large-scale proposals change the nature and character of the village physically and socially;
- Large-scale development at Clehonger should be considered in the context of large-scale planning approvals at Kingstone. The strain on highway infrastructure and congestion on the main arterial route into Hereford should be considered;
- This development, with others, would add to the congestion on Belmont Road. It can take an hour to travel less than 5 miles into Hereford. The relief road, when constructed, would do little to alleviate this situation as Hereford is often the destination for this traffic i.e. for work, leisure, recreation etc;
- Bus services are poor, under threat and not likely to encourage people to leave the private motorcar at home. The latest return service from Hereford leaves at 21:30pm; not late enough to allow people to take in a film or socialise;
- The existing hedgerows offer effective screening during the summer, but will not be effective in screening the development from adjoining dwellings on Gosmore Road; especially from first floor;
- This scheme, with others, would generate far too many affordable houses in one go;
- It is well-known that the sewerage treatment works are at capacity. Additional flow is likely to be detrimental to conservation objectives in the Cage Brook SSSI to which the outfall from the sewage works discharges;
- The Planning Inspectorate dismissed the appeal on land at Home Farm, Belmont; a site that is more suitable to housing than this one;
- The impact of large-scale development on the wider Herefordshire infrastructure must be considered. With reductions in a number of public services, there is bound to be an effect on service provision. GP surgeries are full and difficulties in recruiting new staff are well documented. The impact on the Kingstone GP practice should be considered in the context of large-scale permissions in that village. The same impacts are likely at the County Hospital. Fire services are also under threat. How can large-scale house-building be allowed to proceed at this rate without assurances in place?
- The scheme does not appear to include any bungalows. With an ageing population and increasingly large proportion of disabled amongst the general population, bungalows should be included;
- Residents are yet to be convinced of the demand for all this housing. Houses on the open market regularly remain unsold;
- There is very little employment locally. Most occupants of this scheme will commute to Hereford or beyond. Clehonger will be a dormitory settlement or a suburb of Hereford. The rural nature of the village should be protected. This scheme is out of scale with the village and would result in the loss of important habitat;
- There is not the capacity in the local school to cater for the additional demand;

### 5.4 Hereford and Worcester Gardens Trust: Objection

The Executive Committee of the Hereford and Worcester Gardens Trust asked me to bring to your attention the proximity to this development to an unregistered garden landscape, forming part of the curtilage of Cagebrook House, a listed building, which is directly to the NW of the development site. The importance of the landscape is flagged-up in the Trust's Survey of

Historic Parks and Gardens in Herefordshire (2001), p. 88 but ignored in the developer's landscape report.

As the Survey indicates the garden at Cagebrook was most probably laid out in c.1780 with a picturesque water garden by the garden designer, John Davenport of Wem in Shropshire. Davenport was a pupil of 'Capability' Brown, who in the last decade of his life delegated much of his work to a number of regional assistants. Davenport seems to have operated for him in the West Midlands and Wales. His registered landscapes on both sides of the border include Nanteos and Clytha in Wales, Daylesford and Batsford in Gloucestershire, Coughton Court and Welcombe in Warwickshire, Mawley Hall, Shropshire and Kyre Park in Worcestershire. In Herefordshire he is documented at Allensmore Court and Cagebrook House. An early assessment of Davenport's work can be found in the Journal of the Picturesque Society 23 (1998), pp. 16-23.

Like his master Brown, Davenport had a reputation for the management of ornamental water and this, no doubt, brought him to Cagebrook where the Green family employed him to beautify the Cage Brook, which was already impounded to serve two watermills, thus providing several picturesque opportunities for enhancement. Some of this is still depicted on the 6" OS plan for 1887, over 100 years after its creation and is reproduced in the Survey (2001). Very little is visible today but the site remains unaffected by any subsequent development apart from tree growth and drainage.

The present development will impinge upon the setting of Cagebrook House and in the winter will be especially intrusive. Moreover, should any future owner of the estate consider restoring the water garden, the new housing would become a considerable impediment. Herefordshire Council should also bear in mind that in 2016 there will be a series of national and local events to celebrate the 300<sup>th</sup> anniversary of the birth of 'Capability' Brown, which will certainly draw attention to his work - and that of his disciples - in Herefordshire. The application should be dismissed because of its impact upon Cagebrook House, a heritage asset with an important, albeit unrecognised, historic landscape.

5.5 Herefordshire CPRE: Object. The letter raises concerns that are expressed elsewhere by the landscape officer, Parish Council and Hereford and Worcester Gardens Trust.

5.6 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

### ***Planning Policy***

6.1 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."*

6.2 In this instance the Development Plan for the area is the Herefordshire Local Plan - Core Strategy (CS). A range of CS policies, referred to at section 2.1, are relevant to development of this nature. The strategic Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the NPPF. SS1 confirms proposals that accord with the policies of the CS (and, where relevant other Development Plan

Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.

- 6.3 As per the NPPF, the delivery of sustainable housing development to meet objectively assessed needs is a central CS theme. Policy SS2 'Delivering new homes' confirms that Hereford, with the market towns in the tier below, is the main focus for new housing development. In the rural areas new housing development will be acceptable *"where it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community."*
- 6.4 Equally it is clear that failure to maintain a robust NPPF compliant supply of housing land will render the housing supply policies of the CS and by extension adopted NDPs out-of-date. Policy SS3 'Ensuring sufficient housing land delivery' thus imposes requirements on the Council in the event that completions fall below the trajectory set out in CS Appendix 4.
- 6.5 Clehonger is identified as one of the figure 4.14 rural settlements within the Hereford Housing Market Area (HMA). These settlements are to be the main focus of proportionate housing development in the rural areas. The strategy set out at CS Policy RA1 is to ascribe an indicative housing growth target for the settlements listed within each rural HMA. Within the Hereford rural HMA the indicative minimum housing growth is 18%. The position as at 1 April 2014 for Clehonger parish is set out in the table below. This expresses a minimum housing requirement to 2031 of 105, but does not take account of the 80 dwellings with a resolution for approval on land adjacent the Seven Stars (142349/O) or other small-scale developments granted planning permission or have a resolution for approval since April 1<sup>st</sup> 2014. When combined, planning permission or resolutions to approve exist for a total of 104 dwellings.

Parish/Group	Number of households in parish	% growth in Local Plan Core Strategy	Number of new houses required to 2031	Housing Completions 2011 – 2014	Housing commitments as at 1 April 2014	Total housing remaining
Clehonger	603	18	109	0	4	105

- 6.6 The preamble to RA2 – Housing in settlements outside Hereford and the market towns states: *"Within these [figure 4.14] settlements carefully considered development which is proportionate to the size of the community and its needs will be permitted."* The proactive approach to neighbourhood planning in Herefordshire is also noted and that when adopted, Neighbourhood Development Plans (NDPs) will be the principal mechanism by which new rural housing will be identified, allocated and managed. Clehonger Group 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.
- 6.7 This notwithstanding, the Parish Council has made its objection to the application clear and has stated its preference for the site adjacent the Seven Stars Public House. In any event, your officers conclude that the scheme's impact on the landscape setting of the village is contrary to Core Strategy Policies RA2 and LD1.
- 6.8 However, and particularly until NDPs are adopted, RA2 is positively expressed insofar as housing proposals will be permitted where the four criteria of the policy are met. Moreover, the Inspector's Main Modification 038 confirms that in the period leading up to the definition of

---

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

appropriate settlement boundaries i.e. until such time as NDPs define a settlement boundary, the Council will “*assess any applications for residential developments in Figure 4.14 and 4.15 against their relationship to the main built up form of the settlement.*” Thus with the NDP not yet attracting weight, policy RA2 is key to assessment of planning applications that deliver housing in the rural settlements.

6.9 Policy RA2 states that housing proposals will be permitted where the following criteria are met:

- *Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area. In relation to smaller settlements identified in fig 4.15, proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement; and/or result in development that contributes to or is essential to the social well-being of the settlement concerned.*
- *Their locations make the best and full use of suitable brownfield sites wherever possible.*
- *They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting.*
- *They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in the particular settlement, reflecting local demand.*

6.10 Thus it can be seen that RA2 requires assessment of the development proposed against the size, role and function of the village, location relative to the main built form and that the scheme is high quality and sustainable, making a positive contribution to the surrounding environment and its landscape setting. Brownfield land should be utilised where possible and schemes should promote the range and type of housing that is required locally. The impact of the development on the landscape setting of the village is considered one of the two principal issues concerning the determination of this application.

### **Impact on the Landscape Setting of Clehonger**

6.11 Clehonger is, as the Landscape Officer describes, a recently developed community south of the B4349 and B4352 roads, with the 'new' village sited some 1.2km from the church and the 'old' village. Insofar as the site is adjacent the former UDP defined settlement boundary the site can, from a desk-top analysis, be seen as adjacent the main built up area. This is in accordance with the second requirement of criterion 1 of Policy RA2. However, this criterion also requires that design and layout should reflect the “*size, role and function*” of each settlement; whereas criterion 3 demands that development results in high quality, sustainable schemes which are “*appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting.*” In this regard the landscape specific CS Policy LD1 is also relevant, directing that development proposals should, *inter alia*, “*demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas*”.

6.12 The Landscape Officer considers the proposal would be ‘very large’ in the context of the existing settlement, and would ‘coalesce into a prominent wayside pattern in an area which has traditionally been pastoral land / orchard beyond the road which forms a distinct edge to the village, abutting historic parkland. It is concluded that the development would extend into open countryside and would not fit with the shape of the existing settlement, which is almost completely contained within the boundaries created by the surrounding roads’.

6.13 In the context of the existing settlement pattern, development on the north side of the B4349 is uncharacteristic. Mapping shows clearly how built development of anything beyond a small domestic scale is absent on the north side of the B4349. In this respect, and whilst each application should be determined on its own merits, officers consider that a clear distinction may be drawn between this site and the land adjoining the Seven Stars PH.

- 6.14 The roadside hedge along the southern boundary is an important local feature, defining the intrinsic rural character of the settlement at its gateway from the south west. Over half of it will be lost, and although the indicative plans state that it will be replaced (presumably behind the sightlines), it will no longer be a rural hedge but a domestic boundary with urban form behind, and the access will leave views into the development open.
- 6.15 The landscape officer concludes that the development is unacceptable for these reasons and that the development is contrary to Core Strategy policies RA2 and LD1 accordingly.

### **Foul Drainage and Associated Impacts on Ecological Interests**

- 6.16 The preamble to CS Policy SD4 'Wastewater treatment and river water quality' states that the quality of Herefordshire's main rivers and their tributaries is of strategic importance and in particular, current unacceptable levels of nutrients along part of the rivers need to be addressed. This is important to the overall environmental objectives of the Core Strategy.
- 6.17 The River Wye, to which outfall from the Clehonger WwTW eventually flows, is a SSSI and designated as a Special Area of Conservation (SAC). The Cage Brook is also a SSSI. Both levels of designation require efforts to be made to ensure the whole system, or catchment, achieves and then remains resilient in terms of supporting river habitats consistent with policy LD2 (Biodiversity and geodiversity). The Environment Agency has responsibility for water quality and ecological objectives set by European Directive 2000/60/EC, the 'Water Framework Directive,' which applies to surface waters and groundwater, and is preparing a River Basin Management Plan to deliver these. Natural England has responsibility for ensuring SSSIs and SACs achieve 'favourable condition.' Currently parts of the river SSSIs are in unfavourable condition although some are recovering. All public bodies have a duty to contribute towards meeting these targets.
- 6.18 Policy SD4 is clear that development should not undermine the achievement of water quality targets for rivers within the county, in particular through the treatment of wastewater. In the first instance developments should seek to connect to the existing mains wastewater infrastructure network. This approach is consistent with NPPG. Where this option would result in nutrient levels exceeding conservation objectives targets, in particular additional phosphate loading within a SAC designated river, then proposals will need to fully mitigate the adverse effects of wastewater discharges into rivers caused by the development. This may involve, as was the case at the Seven Stars, the use of developer contributions to facilitate improvements to the waste water treatment works.
- 6.19 In the case of development which might lead to nutrient levels exceeding the limits for the target conservation objectives within a SAC river, planning permission will only be granted where it can be demonstrated that there will be no adverse effect on the integrity of the SAC in view of the site's conservation objectives. Policy SD4 is therefore a restrictive policy and mirrors the NPPF at paragraph 118, which directs refusal of development which is considered likely to have an adverse effect on the relevant SSSI (either individually or in combination with other developments) unless benefits clearly outweigh the impacts that it is likely to have on the features of the site that make it of special scientific interest.
- 6.20 Taking the above-described policies and duties into account and applying it to the development at hand, officers are bound to have regard to the existing objections from Welsh Water, Natural England and the Environment Agency and the Council's own duty to ensure the favourable status of the River Wye SSSI/SAC can be ensured.
- 6.21 To this end the application has been held in abeyance pending Welsh Water's assessment of the foul sewerage system and necessary measures to improve capacity such that discharge into the Cage Brook SSSI and subsequently the River Wye SSSI/SAC fall within licence. This



assessment has concluded that significant investment is required at the Waste-water Treatment Works (WwTW). The applicant is not prepared to accept the costs and submits that Welsh Water is obligated under statute to provide capacity. Welsh Water disagree on the basis that the Asset Maintenance Programme (AMP) cannot anticipate where development will arise and that their funding has to be directed to development identified in Local Plans as a priority.

- 6.22 CS Policy SD4 does allow for consideration of non-mains drainage options, but no such alternatives have been advanced and it is assumed that none are feasible for a development of this scale.
- 6.23 Irrespective of the disagreement between Welsh Water and the developer insofar as funding WwTW improvements are concerned, the main issue in a planning context is that by virtue of insufficient capacity at the WwTW, there is a likelihood of significant effects on the SSSI/SAC, which would be contrary to planning policy and statutory duties under national and international legislation. Officers consider that the policy context is clear-cut and that the Council cannot, in the circumstances, make a positive recommendation.
- 6.24 In this case, there is again a distinction between this application and the Seven Stars, where Members will recall the applicants opted to accelerate the improvements to infrastructure via a contribution to Welsh Water as per CS Policy SD4 above. A Grampian condition was used in this instance to ensure that the extra capacity required at the treatment works for the discharge produced by that development was provided prior to the first occupation of a dwelling, thereby overcoming the above expressed ecology and biodiversity concerns.

## **Transport**

- 6.25 Concerns have been expressed in relation to trip generation and the ability of the network to cope with additional demand. Likewise concern is expressed in relation to the intention to form the vehicular access with the B4349, where objections allege poor observance of the 30mph speed limit. The ability of pedestrians to cross the road and access village facilities on the south-side of the highway is also questioned.
- 6.26 Core Strategy Policy MT1 'Traffic management, highway safety and promoting active travel' deals with highway matters and requires that development proposals should demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development. Development should also promote and, where possible, incorporate integrated transport connections and supporting infrastructure (depending on the nature and location of the site), including access to services by means other than private motorised transport and encourage active travel behaviour to reduce numbers of short distance car journeys through the use of travel plans and other promotional and awareness raising activities.
- 6.27 Development should also ensure that developments are designed and laid out to achieve safe entrance and exit, have appropriate operational and manoeuvring space, accommodate provision for all modes of transport, the needs of people with disabilities and provide safe access for the emergency services and protect existing local and long distance footways, cycleways and bridleways unless an alternative route of at least equal utility value can be used, and facilitate improvements to existing or provide new connections to these routes, especially where such schemes have been identified in the Local Transport Plan and/or Infrastructure Delivery Plan. In designing schemes regard should be had to the Council's Highways Development Design Guide and cycle and vehicle parking standards as prescribed in the Local Transport Plan - having regard to the location of the site and need to promote sustainable travel choices.

- 6.28 Where traffic management measures are introduced they should be designed in a way which respects the character of the surrounding area including its landscape character. Where appropriate, the principle of shared spaces will be encouraged.
- 6.29 In response to the proposed point of access the Transportation Manager has no objection. Whilst accepting measured speeds indicate poor observance of the speed limit extending through the village, the visibility splays are acceptable in relation to measured speeds. Moreover, the Transportation Manager is content there is no quantifiable evidence to suggest that the highway network is not capable of safely accommodating the traffic generated.
- 6.30 In terms of the promotion of sustainable travel, the scheme promotes a network of internal footways and shared spaces, with pedestrian access exiting out to a signalised crossing over the main road to be delivered by the developer as part of the S278 agreement. The Transportation Manager is, on balance, persuaded that the proposal is satisfactory, although the site's location on the north side of the B4349 has presented problems in devising an acceptable crossing point on what is, for a rural area, a heavily trafficked road – and only liable to become more so.
- 6.31 Insofar as is possible and practicable the scheme is considered to accord with the relevant requirements of Policy MT1.

### **Other Matters**

#### Heritage Assets

- 6.32 There are no designated heritage assets within the built up part of the village. Cage Brook House and New Mill stand 300m to the west, but given the intervening topography, officers consider that the development proposed would have an insignificant impact on the aforementioned designated heritage assets.

#### S106 Contributions

- 6.33 The S106 draft Heads of Terms are appended to the report. A restriction is also imposed requiring the provision of on-site public open space. A maintenance contribution towards the management of on-site public open space and SUDs system, if adopted by the Council, will also be required. The contributions have not yet been agreed. If Members are minded to refuse the application, a reason for refusal is proposed on the basis that a S106 agreement is not yet signed.

#### Impact on Adjoining Residential Amenity

- 6.34 The application is made in outline with all matters bar access reserved. Although development would affect the outlook from properties lying adjacent, the impact on residential amenity would not, subject to appropriate detail at the subsequent RM stage, be likely to cause undue impact.

## **7. Summary and Conclusions**

- 7.1 The application is for large-scale residential development on land adjoining the built up form of the village at Clehonger. It is, however, considered to represent development that is contrary to the existing village-scape, in that it would make a significant, detrimental incursion into pastoral land with urbanising effects and concomitant loss of historic hedgerow.
- 7.2 Moreover, the village WwTW is operating over-capacity. In the absence of agreement between Welsh Water and the applicant, a solution has not been found and the Council has had to conclude that the development would be likely to give rise to significant effects on the River Wye SSSI/SAC and its tributary the Cage Brook SSSI. Natural England objects on this basis

and the scheme is held to be contrary to Core Strategy Policies LD2 and SD4 as well as NPPF 118, a restrictive policy, which overrides the presumption in favour of sustainable development.

7.3 The application is recommended for refusal accordingly.

## **RECOMMENDATION**

**That Members are minded to refuse planning permission for the following reasons:-**

- 1. The application is for large-scale residential development on land adjoining the built up form of the village at Clehonger. It is, however, considered to represent development that is contrary to the existing settlement pattern, which is almost completely contained within the boundaries created by the surrounding roads. The development would thus make a significant, detrimental incursion into pastoral land with urbanising effects and concomitant loss of historic hedgerow. The development is thus considered contrary to Herefordshire Local Plan – Core Strategy Policies RA2 and LD1 as well as Paragraph 17 of the National Planning Policy Framework.**
- 2. The village Wastewater Treatment Works is operating over-capacity with the effect that additional discharge would be likely to adversely affect the conservation status of the River Wye SSSI/SAC and its tributary the Cage Brook SSSI. In the absence of agreement between Statutory Undertaker and applicant, a solution enabling connection to the foul mains has not been found and nor has an acceptable alternative arrangement been suggested. The Council is unable to conclude that the development would not lead to a likely significant effect on the River Wye SSSI/SAC and its tributary the Cage Brook SSSI and that on this basis the scheme is contrary to Core Strategy Policies LD2 and SD4 as well as NPPF 118, a restrictive policy, which overrides the presumption in favour of sustainable development.**
- 3. A legal agreement pursuant to S106 of The Town and Country Planning Act 1990 (As Amended) has not been completed. As such there is no legal mechanism by which the Council can require the payment of contributions that comply with the CIL regulations at Section 122(2) (b) or properly regulate the delivery, construction and occupation of the affordable dwellings. These measures are necessary to make the development acceptable and the financial contributions are considered fairly related in scale and kind with the proposal. The absence of an agreement is in conflict with Herefordshire Local Plan – Core Strategy Policy ID1, the Council’s Planning Obligations Supplementary Planning Document and guidance set out in the National Planning Policy Framework 2012.**

## **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.**

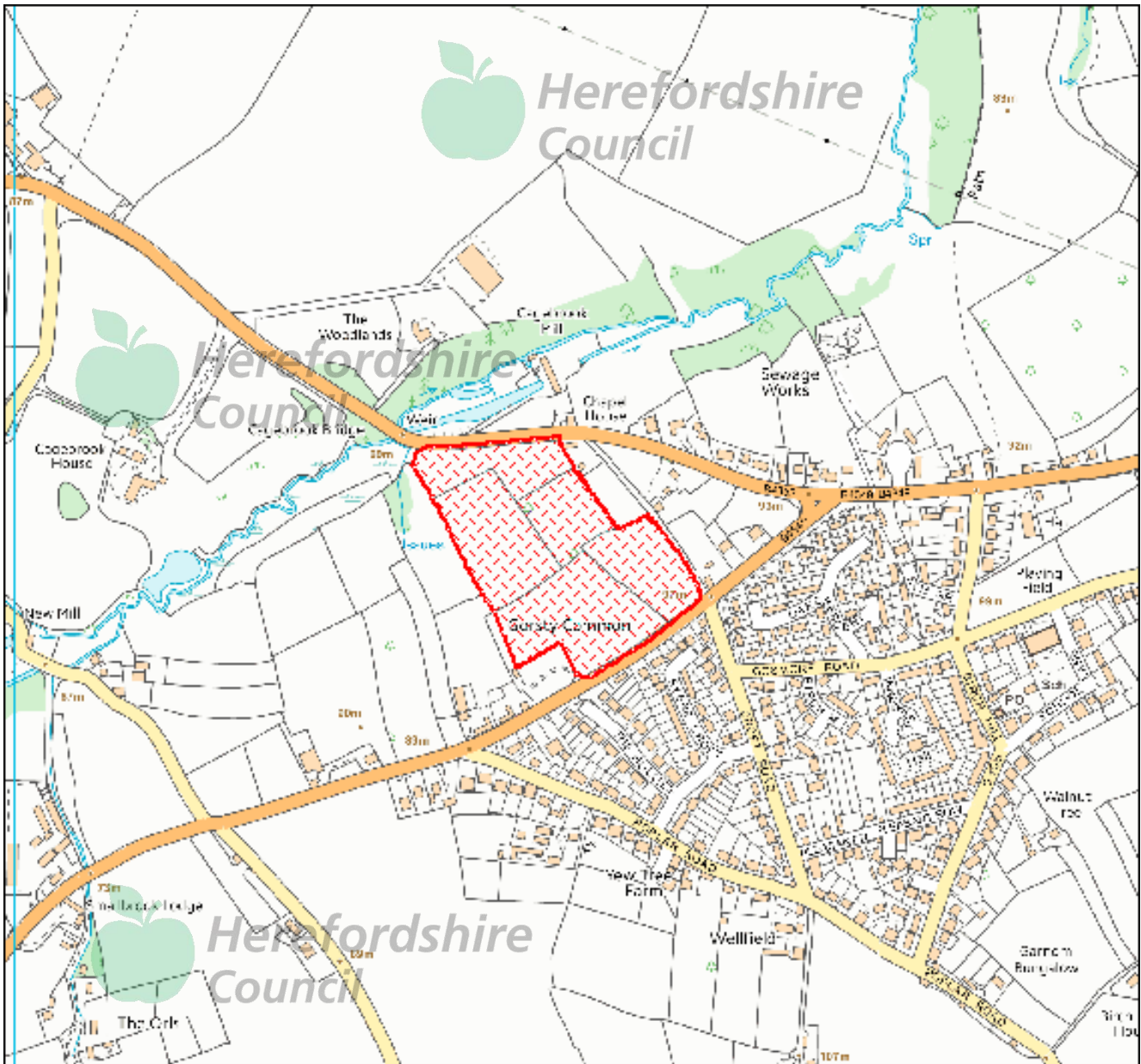
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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

**APPLICATION NO:** 141964/O

**SITE ADDRESS :** LAND OFF, MADLEY ROAD, CLEHONGER, HEREFORDSHIRE, HR2 9TE

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

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

# DRAFT HEADS OF TERMS

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

### Planning Application – P141964/O

Site address:

**Land off Madley Road, Clehonger, Herefordshire, HR2 9TE**

Planning Application for:

**residential development of up to 90 dwellings including access, parking, public open space, play facilities and landscaping**

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 sum of (per open market unit):
  - £1,201.00 (index linked) for a 2 bedroom open market dwelling
  - £2,143.00 (index linked) for a 3 bedroom open market dwelling
  - £3,471.00 (index linked) for a 4+ bedroom open market dwelling

to provide enhanced educational infrastructure at Clehonger Primary School. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

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

- Improvements to the highway network in Clehonger to facilitate pedestrian access to the village amenities
- Improvements to the public right of way network within the vicinity of the development
- Improvements to bus passenger waiting facilities in Clehonger with the provision of shelters and dropped kerbs

*Note: A footway will be required to be delivered along the frontage of the development site adjacent to the B4349, with a controlled crossing of the B4349 to the grass verge on Croft Road which will be converted to a pedestrian footway. This is necessary to make the development acceptable and will be a condition of the planning permission to be delivered through Section 278 agreement.*

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 1x waste and 1x recycling bin for each open market property. The sum shall be paid on or before occupation of the 1<sup>st</sup> dwelling
4. The developer covenants with Herefordshire Council to provide 2.15 hectares of on-site green infrastructure comprising;

---

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

- 0.86 hectares of Public Open Space which includes 0.04 hectares of formal play for toddlers, children and teenage age groups, a community orchard, amenity green space and areas of informal recreation space
- 0.54 hectare Nature Conservation Area
- 0.06 hectare Attenuation Basin
- 0.76 hectares of retained structural landscaping

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

*Note: This exceeds the Council's planning policy requirement for Public Open Space which would equate to 0.24 hectares.*

5. 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*

6. The delivery of the affordable housing will be a condition of the planning permission on the following basis: The development shall not begin until a scheme for the provision of affordable housing as part of the development on the site, has been submitted to and approved in writing by the local planning authority.

*NOTE: The affordable housing shall be provided in accordance with the approved scheme which shall include:*

- 1) The numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 35% of housing units;*
- 2) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;*
- 3) The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing, if no Registered Social Landlord is involved;*
- 4) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and*
- 5) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.*

*Reason: To secure satisfactory affordable housing provision in accordance with policy H1 of the Herefordshire Local Plan Core Strategy 2011-2031 and the National Planning Policy Framework.*

7. 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.

8. 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.

9. 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.

10. 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**

20151124v3.1 (alternative)





<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>13 JANUARY 2016</b>
<b>TITLE OF REPORT:</b>	<p><b>151937 - PROPOSED DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 28 NOS DWELLING HOUSES WITH DETAILS OF ACCESS AND ALL OTHER MATTERS RESERVED AT LAND ADJACENT TO NEWLANDS, STOKE LACY, HEREFORD.</b></p> <p><b>For: Ms Edwards per Mr Jeremy Houghton, Vesey House, 5-7 High Street, Sutton Coldfield, Birmingham, B72 1XH</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151937&amp;search=">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151937&amp;search=</a>
<b>Reason Application submitted to Committee – Redirection</b>	

**Date Received: 29 June 2015**

**Ward: Three Crosses**

**Grid Ref: 362592,250378**

**Expiry Date: 20 October 2015**

Local Member: Councillor JG Lester

## 1. Site Description and Proposal

- 1.1 The site is located on the A465 on the north eastern edge of Stoke Lacy, and approximately 5 kilometres from Bromyard. It slopes gently from north to south and amounts to 1.59 hectares of land which is a mix of rough grazing land and residential curtilage of a C20th chalet style bungalow known as Newlands. It is bounded to the roadside by a mature mixed species hedgerow and three dwellings bound to the south.
- 1.2 The village is split into two parts. Stoke Lacy is the historic core which includes the church and a number of farmsteads, whilst Stoke Cross comprises more recent development, has a higher concentration of residential properties, and includes the parish hall, public house and employment uses. The village is also served by a local bus route that runs between Bromyard and Hereford and the bus stops for each direction are within 50 metres of the site.
- 1.3 The application is made in outline with all matters apart from access reserved for future consideration and is for the erection of 28 dwellings. The application is supported by the following documents:
- Planning Statement
  - Design & Access Statement
  - Landscape & Visual Assessment
  - Arboricultural Assessment
  - Transport Statement
  - Noise Assessment
  - Ecological Appraisal

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

- Flood Risk Assessment
- Outline Drainage Strategy

- 1.4 The Transport Statement includes details of the proposed junction layout in accordance with the request to determine the proposed means of access at outline stage. A seven day speed survey has also been completed and the results of this have been used to determine the extent of visibility splays required in either direction at the new junction, and also to determine a suite of highway improvements which would include the extension of the 30mph limit further to the east.
- 1.5 The submission otherwise includes an indicative master plan that shows a layout based on the proposed development of 28 dwellings. This includes the demolition of Newlands and the closure of its access. As submitted, the scheme would amount to a density of approximately 18 dwellings per hectare. The plan also indicates the provision of two areas of open space; one to the western end of the site at its narrowest point, and one in the eastern corner bounding the A465 and an adjoining property, Crossfield Cottage. The site is at its lowest point here and the indicative master plan suggests that this would be the most appropriate location for a surface water attenuation pond.
- 1.5 Heads of Terms have been agreed with the applicant's agent and are appended to the report.

## 2. Policies

### 2.1 National Planning Policy Framework:

The following sections are of particular relevance:

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

### 2.2 Herefordshire Local Plan - Core Strategy:

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land For Residential Development
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
RA1	-	Rural Housing Distribution
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

### 2.3 Neighbourhood Planning

Stoke Lacy Parish Council are not at the present time producing a Neighbourhood Plan.

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

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

### 3. **Planning History**

3.1 There is no planning history relevant to the application site.

### 4. **Consultation Summary**

#### **Statutory Consultations**

4.1 Welsh Water – No objection subject to conditions relating to the separate treatment of foul and surface water. Initial concerns raised about the impact of the proposed development on water supply have been retracted and no objection is raised in this particular regard.

#### Internal Council Consultees

4.2 Transportation Manager – The speed and use of the A465 is cause for concern as overtaking occurs at this location. This is an outline application, therefore the access is the only consideration. A speed survey has provided data which requires a visibility splay of  $x = 2.4m$  and  $y$  distance = 160m to the east and 140m to towards the village, west. These are achievable.

The concern remains in regards to Highway Safety, The applicant has agreed to put together a package of measures as part of a S278 Agreement to mitigate and improve the situation in the location which include:-

- Extend the TRO
- Gateway features
- Reduce carriageway width
- Footpath fronting the site linking to the village
- Improve the bus passenger waiting facilities closest to the site

The scheme will also need to have houses visible to the road to provide the sense of place to help minimise the traffic speed and impact. The proposal limits this impact, can the layout be rethought to maximise the impact of the development?

The effect of housing fronting the road is evident in the county, this needs to be built on, with this and the above package of improvements, the development can provide mitigation and help reduce speed and the potential overtaking in this location.

There are a number of accidents on the A465 though not in the past 5 years in this location. Intensification through the development, has risk associated though the measures proposed will mitigate the impact of the development.

If you are minded to approve, please condition to cover the points raised above.

#### 4.3 Conservation Manager

Ecology - The maintenance of over 0.36 ha of herb rich grassland in the eastern field is particularly welcome with a proper meadow management regime as a benefit of this development. I note also that there are bats the roost for which will be adequately catered for in the new build intended. I am content that there are no other major issues for ecology and have no objection to the development if approved subject to condition.

Landscape - The Council's Landscape Officer confirms that he has read the Landscape and Visual Assessment submitted as part of the application and the indicative master plan dated June 2015. His comments are as follows:

The proposal will require the removal of a section of existing native hedgerow on the north western site boundary and the loss of several existing trees on site. In compensation for this loss the proposed tree planting should indicate what ecological enhancements are to be achieved through the proposed new tree planting.

The landscape character of the proposed site is that of Timbered Plateau Farmlands which is composed of field boundary hedgerows which are thrown into visual prominence by the landform along with wooded valleys, dingles and an ancient wooded character. Proposed soft landscape boundary features should emphasis this landscape character.

The proposed housing density is higher than the adjacent existing housing in the village. This along with the loss of a green field site will change the character of the village. There are views into the site from the south from the nearby footpath SL6. This visual impact when seen from footpath SL6 requires sensitive mitigation to reduce this visual impact.

As mentioned previously, parallel to the southern boundary of the site there is a public right of way footpath (SL6). Further tree planting should be proposed to screen views from this footpath and from the adjacent existing nearby housing. Where appropriate native evergreen trees should be positioned adjacent to the proposed properties on the southern boundary.

Several existing mature trees are to be lost with this housing proposal. Existing trees and hedgerows to remain on site should therefore be protected appropriately during the demolition and construction activities on site.

Due to the distance from the site proposal and lack of inter-visibility there will be potentially no impact on Listed Buildings within the village.

4.4 Parks & Countryside Manager- The green infrastructure is so located as to provide opportunities for the whole development to access some amenity space but the applicant has not indicated how large any of these areas are or indeed if they are suitable for informal recreation. In accordance with the Play Facilities Study, formal play is probably not required on this site, given Stoke Lacy Parish falls below the threshold of 1000 population but access to informal play opportunities is required and this should be considered either on-site or via access to the wider countryside. For example:

- on-site provision can include SuDs areas which if carefully designed to take account of standing water and health and safety can not only provide opportunities for wildlife but also for informal recreation.
- off-site provision can include improving access to wider countryside via the Public Rights of Way network in and around the village. This is in acknowledgement that access to the wider countryside provides valuable informal recreation opportunities in the more rural parishes.

I would ask therefore that the applicant either demonstrates that on-site provision is both adequate in both size and usage for informal recreation in meeting policy requirements or that they are willing to contribute to improving access to the wider countryside in accordance with the Public Rights of Way Improvement Plan.

- 4.5 Waste Operations Team Leader - Wheeled bin collection for a limited number of properties will not be possible under the current plans. The presentation point (location that residents has to put their bin ready for emptying by collection crews) should be at the boundary of the property closest to the public highway and not be more than 25 meters from the point on the highway that an RCV can safely access. In this area we operate an 18 tonne RCV. Plot numbers where collection in accordance with the guideline of within 25m of where the vehicle can access are 1-4, 18-20, 26, 27.

Development will require 1 x 180 litre general rubbish bin and 1 x 240 litre green recycling bin for each property therefore s.106 contribution of £2240 is requested.

- 4.6 Housing Manager – No objection subject to the completion of a Section 106 Agreement to secure affordable housing type and tenure in perpetuity.
- 4.7 Environmental Health Manager (Noise) - I have concerns about the impact of road traffic noise from the A465 in relation to the proposed houses closest to this road.

This is in particular reference to the Laeq external measures in the gardens of proposed houses 10m away from the road with a reading of 63dB. This is not acceptable.

Consideration must be given to orientation of the dwellings and gardens on the site so that they are either further away from the road or orientated such that they are screen by the residential properties themselves. Noise levels in external areas ie gardens should achieve the BS8233 standard of 50dB.

Consideration will also need to be given to reduction of noise levels in internal rooms with the windows and appropriate mitigation measures as discussed in the report. House design could also include the orientation of the living spaces and sleeping areas where possible so as to give maximum mitigation.

- 4.8 Education Manager- The educational facilities provided for this development site are Burley Gate Primary School and Queen Elizabeth Humanities College.

Burley Gate Primary School has a planned admission number of 15. As at the schools summer census 2015:

- 4 year groups are at or over capacity- YR=16, Y4=15, Y5=17, Y6=17

The school will require additional classroom space to accommodate the needs of the children created by this development and we would therefore be seeking the contribution to provide an extension to the classroom space at the school.

Queen Elizabeth Secondary School has a planned admission number of 80. As at the schools summer census 2015:

- All Year groups have spare capacity- no contribution

In accordance with the SPD the Children's Wellbeing Directorate would therefore be looking for a contribution to be made that would go towards the inclusion of all additional children generated by this development. The Children's Wellbeing contribution for this development would be as follows:

Contribution by No of Bedrooms	Primary
2+bedroom/apartment	£1,084
2/3 bedroom house/bungalow	£1,899
4+ bedroom	£3,111

## 5. Representations

### 5.1 Stoke Lacy Parish Council

Whilst the Parish Council is not against this application for development within the village in principle it wishes to raise the following points for consideration:

- Although Stoke Lacy requires some new houses, and in particular affordable/starter homes for our community, in the Parish Councillors' opinion the current proposal constitutes an overdevelopment of this site.
- The proposed development will have negative impact on existing houses in the immediate locality.
- Although the village has a public house, a village hall and a church, there is no general shop or village school and the bus service has recently been reduced.

### 5.2 West Mercia Police

I do not wish to formally object to the proposals at this time. However there are opportunities to design out crime and/or the fear of crime and to promote community safety.

I note that this application does not make any specific references to crime reduction measures within the Design Access Statement, other than on page 17 where there is a brief acknowledgment to addressing crime prevention. There is a clear opportunity within the development to achieve the Secured by Design award scheme. The development appears to have good access control and natural surveillance already built into the design. The principles and standards of the award give excellent guidance on crime prevention through the environmental design and also on the physical measures. The scheme has a proven track record in crime prevention and reduction which would enhance community safety in this village.

### 5.2 Seventeen letters of objection have been received from local residents. In summary the points raised are as follows:

#### Principle of Development

- Disproportionate growth for the existing size of the village – the proportionate growth is nine according to the council's own figures.
- The proposed development represents a 46% increase in the number of properties in the village envelope, assuming that it amounts to 61 dwellings.
- The proposed dwellings will not be affordable to local people and will not meet local needs.
- Studies show that in 2012 there were 108 vacant properties in the Bromyard Housing Market Area (HMA). These should be brought back into use in the first instance.
- The village lacks local services and amenities to support a development of this size.
- The village is not sustainably located and future residents would have to rely on private modes of transport.
- It has not been demonstrated how the proposal will improve the area.

### Amenity

- The scheme will have a detrimental impact on the amenities of adjoining residents.
- Increases in pollution (air, light and noise).

### Highway Matters

- Additional traffic and the position of the access road will cause highway safety problems.
- There have been a number of near misses and incidents of dangerous driving that are not reflected in the transport statement prepared by the applicant's agent.
- The traffic survey has been completed outside of peak times and does not accurately reflect actual traffic flows along the A465.
- The existing recessed bus stop does not meet current regulations. If its use is to be increased by the development it should be improved.

### Visual Impacts

- Development would be better located between Stoke Cross and Stoke Lacy, bringing the two communities together.
- The development is not in keeping with the rest of the village.
- The site is in an elevated position, will blight the skyline and is detrimental to the character and appearance of the countryside.
- The proposal would be detrimental to the setting of the village and contrary to Policy LA3 of the UDP. The council has defended appeals elsewhere in the county on this basis and has successfully demonstrated that such harm does not outweigh the council's current lack of a five year housing land supply.

### Other Matters

- The proposal will cause detrimental effects on local wildlife and a loss of biodiversity.
- A smaller development would be welcomed.
- There has been a lack of public consultation.

5.3 Four letters of support have also been received from local residents. In summary the points raised are as follows:

- The scheme will provide affordable homes for local people.
- It will enhance the village.
- It provides the potential to improve speed restrictions at this end of the village.
- The site will not be over-developed.
- Housing development would provide support for local services including the church, village hall and local schools.
- The proposal will benefit local businesses operating in Stoke Lacy – excellent news for the local economy.
- New homes and families will provide a new lease of life to an ageing population.

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

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

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

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

## 6. Officer's Appraisal

### Principle of Development

- 6.1 The Core Strategy has been adopted. Policy SS1 sets the theme of a presumption in favour of sustainable development and is a direct reflection of paragraph 14 of the NPPF. It reads as follows:

*When considering development proposals Herefordshire Council will take a positive approach that reflects the presumption in favour of sustainable development contained within national policy. It will always work proactively to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the social, economic and environmental conditions in Herefordshire.*

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

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

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

- 6.2 The policy is clear that where proposals can be shown to be sustainable there should be a presumption in their favour, unless material planning considerations indicate otherwise.

- 6.3 Policy RA1 sets out the council's strategy for the distribution of rural housing. Stoke Lacy falls within the Bromyard Housing Market Area (HMA) where the minimum proportionate growth target is 15%. Policy RA2 then goes on to outline those settlements that are considered to be appropriate for proportionate growth and Stoke Lacy / Stoke Cross is listed as one of the 119 settlements that are considered to be appropriate for accommodating growth. It states:-

*"To maintain and strengthen locally sustainable communities across the rural parts of Herefordshire, sustainable housing growth will be supported in or adjacent to those settlements identified in Figures 4.14 and 4.15. This will enable development that has the ability to bolster existing service provision, improve facilities and infrastructure and meet the needs of the communities concerned.*

*The minimum growth target in each rural Housing Market Area will be used to inform the level of housing development to be delivered in the various settlements set out in Figures 4.14 and 4.15. Neighbourhood Development Plans will allocate land for new housing or otherwise demonstrate delivery to provide levels of housing to meet the various targets.*

*Housing proposals will be permitted where the following criteria are met:*

- 1. Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area. In relation to smaller settlements identified in fig 4.15 proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement; and/or they result in development that contributes to or is essential to the social well-being of the settlement concerned;*



2. *Their locations make best and full use of suitable brownfield sites wherever possible;*
3. *They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting; and*
4. *They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlement, reflecting local demand.*

*Specific proposals for the delivery of local need housing will be particularly supported where they meet an identified need and their long-term retention as local needs housing is secured as such.”*

- 6.4 Stoke Lacy is a settlement that has been identified as being appropriate for proportionate growth. This amounts to 15% in the Bromyard HMA and a minimum of 24 dwellings for Stoke Lacy. The parish council have not indicated an intention to prepare a NDP and in the absence of such a document, the development's conformity with the numbered criteria of Core Strategy Policy RA2 is the appropriate method of determination.
- 6.5 Some of the letters of objection have suggested that the proportionate growth for Stoke Lacy is only nine dwellings, but this assumes growth based only on the number of dwellings contained within the village envelope and not the wider parish.
- 6.6 Part of the application site has previously been assessed under the Strategic Housing Land Availability Assessment (SHLAA) and was found to have low or minor constraints. It is immediately adjacent to the group of buildings that comprise Stoke Cross and is one of only two sites that were considered to be appropriate for development during the plan period through SHLAA.
- 6.7 Stoke Lacy and Stoke Cross are two distinctly separate groups of buildings. Stoke Lacy comprises a group of approximately twenty older properties located around the church and on either side of the A465 on lower lying land in a river valley. It is considered that there are very limited opportunities for growth in this part of the village.
- 6.8 The more substantial concentration of residential development is focussed around Stoke Cross and includes the village hall, pub and business units. The majority of dwellings are contained within an estate of 26 properties called Westbury which is located on the opposite side of the A465 from the application site. This part of the village would seem to offer the more logical opportunity for housing growth. The application site is immediately adjacent to the built up area of the settlement and it is considered that the proposal accords with the first criteria of Policy RA2.
- 6.9 The requirement for growth in the Stoke Lacy/Stoke Cross area will inevitably bring about a change in the pattern of development due to the limited sites and opportunities for growth that are available. The comments from the Landscape Officer note the visual sensitivity of the site and that the proposal will bring about a change in the pattern and density of development in the area. However, he does not object to the principle of development, but recommends that careful mitigation is required if planning permission is forthcoming. Landscaping is a matter that is reserved for future consideration and, should outline planning permission be granted in the first instance, there would be an expectation that a comprehensive landscaping scheme would be submitted. Notwithstanding this, the low density of the proposal would allow the potential for meaningful landscaped areas to be incorporated into any design.
- 6.10 The fourth criteria of RA2 requires developments to provide a range of housing that is required in a particular settlement. The indicative layout does suggest that half of the dwellings to be provided would be four and five bedroom properties and your officers are inclined to agree with

some of the representations made that, if this were the case, the scheme would not provide accommodation that would be affordable to local people, nor would it meet local needs. However, Members are reminded that the application is made in outline and that an approval would not be tied to the schedule of accommodation shown on the illustrative master plan.

- 6.11 In this instance, officers consider that there is no overriding harm in the context of Policy RA2. The proposal is therefore representative of sustainable development when held against both the Core Strategy and paragraph 14 of the NPPF.

### Amenity

- 6.12 The Environmental Health Manager has made some comments about the proximity of dwellings to the road and potential nuisance that might arise from noise associated with passing traffic. Given that this is an outline application this is a matter that could be addressed at a reserved matters stage should outline planning permission be forthcoming and it is recommended that a condition be imposed to require the submission of a detailed scheme to address road noise. It does not, in the view of your officers, represent sufficient justification to withhold permission as a matter of principle.
- 6.13 Some of the objectors have expressed concerns about the impact of the development on the residential amenities of their properties. Particular concerns have been raised about the planting shown along the southern boundary contiguous with Crossfield House, Middlefields and Shortfield and officers would concur that tree planting in such close proximity to existing properties is not necessarily an appropriate solution to the protection of amenity.
- 6.14 The comments received are based on a presumption that the development would proceed on the basis of the layout provided by the master plan. However, Members are reminded that the application has been made in outline with layout and landscaping reserved for future consideration. The application demonstrates that the site is capable of accommodating the 28 dwellings proposed and, should outline permission be forthcoming, the issue of residential amenity would be carefully assessed at reserved matters stage when a detailed layout and landscaping scheme would be submitted.

### Highway Matters

- 6.15 Policy MT1 of the Core Strategy and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 30 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 32 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where *'the residual cumulative impacts of development are severe.'*(NPPF para. 32).
- 6.16 The proposed means of access to the site is onto the A465 at a point where the national speed limit applies, but approximately 50 metres to the eastern edge of the village where the limit is reduced to 30 mph. At the point of the proposed access the road is straight in both directions and is currently bounded by a mature hedge that forms part of the application site. The application is accompanied by a Transport Statement and detailed layouts of the proposed means of access to demonstrate that appropriate visibility splays can be provided in accordance with the council's design guide specifications. The Transportation Manager's comments anticipate the completion of a Section 278 Agreement which will include the extension of the 30 mph zone to the east of the proposed new access, combined with other highway works designed to reduce traffic speeds. The Heads of Terms appended to this report also sets out

contributions to be made for highway improvements and include a gateway feature for the settlement a method used in other areas of the County.

- 6.17 Whilst it is acknowledged in the comments from the Transportation Manager that there are existing highway safety concerns on the A465 along the site frontage; caused particularly by motorists making overtaking manoeuvres, it is considered that the proposal offers the opportunity to improve the current situation. The development will extend the residential boundary of the site and change the character of the area and will help to change the perception of road conditions. Through the implementation of highway improvements it is considered that the proposal will improve highway safety and it is therefore concluded that the proposal is compliant with Policy MT1 of the Core Strategy and paragraphs 30 – 32 of the NPPF.

#### Visual Implications/Setting of the Settlement

- 6.18 The proposal will inevitably change the character of the area in terms of the landscape and the setting of the village. It is currently an agricultural field bounded by a mature hedgerow and this will be altered if the site is developed. The Landscape Officer has commented in detail on the application and, whilst acknowledging the changes in character to the area, does not object to the scheme.
- 6.19 Although the proposal does extend development on previously un-developed land its scale and form are not considered to be at odds with the landscape character of the area and it is therefore concluded that the proposal is compliant with Policy LD1 of the Core Strategy.

#### Summary and Conclusions

- 6.20 Both Policy SS1 of the Core Strategy and paragraph 14 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that development should be approved where they accord with the development plan. The site is adjacent to the built area of Stoke Lacy, is close to local services and employment opportunities and is within 50 metres of local bus stops.
- 6.21 The principle of development is considered to be acceptable, with the detailed design, layout and landscaping to be considered at the reserved matters stage. It is at this stage that it would be appropriate to consider detailed design and amenity aspects of the scheme and ensure compliance with Policy RA2, SD1 and LD1 of the Core Strategy.
- 6.22 Whilst local residents concerns have been considered, the proposed development complies with the requirements of policy MT1 of the Core Strategy and with the guidance contained within the National Planning Policy Framework. Matters of impact upon biodiversity have been resolved satisfactorily and the council's Ecologist is content that the mitigation measures proposed in the ecology report that accompanies the application are sufficient to ensure that the requirements of policy LD2 are met.
- 6.23 In assessing the three indivisible dimensions of sustainable development as set out in the Core Strategy and NPPF, officers are of the opinion that the scheme is representative of sustainable development and that the presumption in favour of approval is engaged. 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 and social roles. Likewise S106 contributions as outlined in the draft heads of terms agreement appended to this report should also be regarded as a material consideration when making any decision.
- 6.24 The adoption of the Core Strategy confirms that the council does currently have a five year housing land supply of 5.24 years (Published March 2015). However, this will only continue to

apply if the Local Planning Authority continues to grant planning permissions for housing to meet its growth targets. Developments such as the proposal being considered here are vital to support the growth required over the plan period and to ensure a continued five year housing land supply for the County.

- 6.25 To conclude, the proposed development is considered to represent a sustainable development for which there is a presumption in favour of and, as such, the application is recommended for approval subject to conditions and the completion of the Section 106 agreement in accordance with the heads of terms attached to this report.

## **RECOMMENDATION**

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

1. **A02 – Time limit for submission of reserved matters (outline permission)**
2. **A03 – Time limit for commencement (outline permission)**
3. **A04 – Approval of reserved matters**
4. **B01 – Development in accordance with approved plans**
5. **The development shall include no more than 28 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. **H02 Single access – footway**
7. **H03 Visibility splays**
8. **H06 Vehicular access construction**
9. **H11 Parking – estate development (more than one house)**
10. **H18 On site roads – submission of details**
11. **I13 Scheme to protect new dwellings from road noise**
12. **The recommendations set out in the ecologist’s report from fpcr dated June 2015 should be followed. Prior to commencement of the development a working method statement for bat species mitigation and a habitat management /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.**

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

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

- 13. L01 Foul/surface water drainage
- 14. L02 No surface water to connect to public system
- 15. L03 No drainage run-off to public system

**INFORMATIVES:**

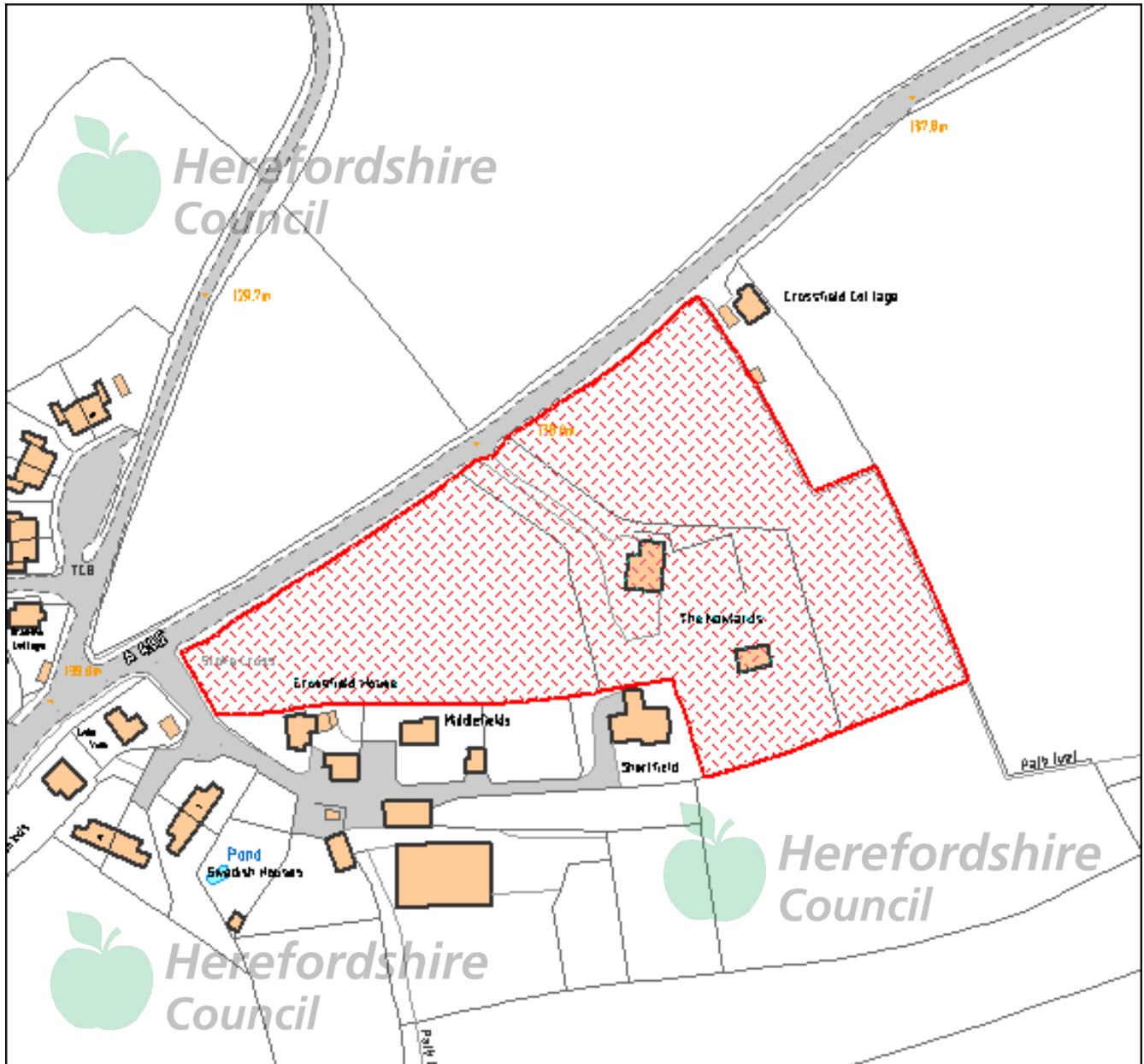
- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission 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

Decision: .....

Notes: .....

**Background Papers**

Internal departmental consultation replies.



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

**APPLICATION NO:** 151937

**SITE ADDRESS :** LAND ADJACENT TO NEWLANDS, STOKE LACY, HEREFORD, HEREFORDSHIRE

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

# DRAFT HEADS OF TERMS

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

### Planning Application – 151937

Site address:

**Land adjacent to Newlands, Stoke Lacy, Hereford**

Planning application for:

**Outline application for the demolition of existing buildings and proposed development for the erection of 28 dwellings with all matters apart from access reserved for future consideration**

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 sum of (per open market unit):

<b>£1,084</b>	(index linked) for a 2 bedroom apartment open market unit
<b>£1,899</b>	(index linked) for a 2/3 bedroom open market unit
<b>£3,111</b>	(index linked) for a 4+ bedroom open market unit

to provide enhanced educational infrastructure at Burley Gate Primary School. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

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

<b>£2,728</b>	(index linked) for a 2 bedroom open market unit
<b>£3,690</b>	(index linked) for a 3 bedroom open market unit
<b>£4,917</b>	(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 connecting to the site
- d) Provision of and enhancement of existing localised bus infrastructure
- e) Public initiatives to promote sustainable modes of transport

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 1x waste and 1x 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 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*
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” 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. Of those Affordable Housing units, at least two (2) shall be made available for social rent with the remainder being available for intermediate tenure occupation.
7. All the affordable housing units shall be completed and made available for occupation prior to the occupation of no more than 50% of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.
8. 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:-
  - 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 paragraphs 11 & 12 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 whom has:-
  - 9.1. a local connection with the parish of Stoke Lacy
  - 9.2. in the event of there being no person with a local connection to Stoke Lacy any other person ordinarily resident within the administrative area of the Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 12.1 above.
10. For the purposes of sub-paragraph 13.1 of this schedule ‘local connection’ means having



a connection to one of the parishes specified above because that person:

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 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.

12. 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 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 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.

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.

**Andrew Banks**  
**Principal Planning Officer**





<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>13 JANUARY 2016</b>
<b>TITLE OF REPORT:</b>	<p><b>151354 - PROPOSED ARCHERY COURSE WITH 3D FOAM ANIMAL TARGETS ON A CIRCUIT THROUGH THE WOODS. TO INCLUDE A RECEPTION AREA, OFF ROAD PARKING AND SERVICED PORTALOO TOILET FACILITIES AT LYNDERS WOOD, UPTON BISHOP, HEREFORDSHIRE</b></p> <p><b>For: Mr F Buchanan, 27 Archenfield Estate, Madley, Hereford, Herefordshire HR2 9NS</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151354&amp;search=151354">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151354&amp;search=151354</a>
<b>Reason Application submitted to Committee – Re-direction</b>	

Date Received: 5 May 2015

Wards: Old Gore &amp; Penyard

Grid Ref: 365076,226201

Expiry Date: 13 July 2015

Local Members: Councillors BA Durkin and H Bramer

### Introduction

Members will recall that this planning application was deferred at the last meeting to allow a site visit to be undertaken. The previous report has been updated with the additional representations, previously set out in the December 2015 Committee Update. In addition, it should be noted, as per the previous update that the application site area has been clarified and is a reduction from that originally submitted, which included land in a third parties' ownership due to a drafting error. The recommended highways conditions referred to in the Update have also been included in this report.

### 1. Site Description and Proposal

- 1.1 The application site comprises the southeasterly part of Lynders Wood, an Ancient Woodland, in Upton Bishop, which lies between the M50 and the B4221 Roads. The northern and western sections of the application site (including the access and cleared area) is described as replanted ancient woodland, whilst the central and southern sections are classed as ancient and semi-natural woodland. The majority of the site, and indeed Lynders Wood falls within Old Gore Ward, but the most southeasterly section is within the Penyard Ward. It is accessed from an unclassified road to Linton, some 60 metres to the southeast of its junction with the B4221. There is an existing gated vehicular access into the site, which is some 8 hectares in area. The site is predominantly woodland, with a cleared area at the section nearest to the road, which includes an existing area of hardstanding. Almost opposite the entrance there is a detached dwelling known as Hill Top and to the east of the site a dwelling known as Lynders Lodge. To

---

Further information on the subject of this report is available from Mrs Charlotte Atkins on 01432 260536

the west of the application site lies the remainder of Lynders Wood and to the south a parcel of land used by PGL for recreation/leisure purposes with the M50 beyond.

- 1.2 It is proposed to use the site for an archery course. This would entail 3D foam animal targets being set out on a course within the woodland. An area next to the access would be used for parking, the provision of portaloos, a reception area comprising a canopy attached to trees and picnic tables and a practise target. There is an existing track within the woods, which it is proposed to utilise in part, and a new track is also proposed.
- 1.3 During the consideration of the application further details have been submitted. In total an Ecological Assessment, a Business Model and document entitled 'Setting out Parameters', along with a site plan, identifying the route through the woods and position of the targets, have been provided.
- 1.4 The applicant has advised that the nature of the business would be low key, chiefly set up to provide a facility that does not exist in Herefordshire, an archery course open to the public (by appointment), and to accommodate his and his partner's archery hobby. The land is rented and it is intended that the income will cover this cost along with the replacement of the targets as they age and wear. The course would only be open between April and the end of October, because the activity requires day light. No lighting is proposed and those wishing to use the facility would have to make a prior booking. It is proposed to be open at weekends and bank holidays only, between 9am and 6pm as a maximum and dependent upon the season. The number of archers on site will be limited to a maximum of eight at any one time, with the maximum number per group limited to four. A Director will escort those partaking in the archery around the course. The applicant has confirmed that a previously suggested 'national event' for a greater number of participants will now not take place and that the provision of barbed wire around the wood's perimeter was carried out by the landowner, and was not necessitated by this proposal.
- 1.5 The applicant has provided details of the methodology for setting out the course and the position of the targets. It is stated that these have been carefully planned, on the basis of experience and guidance set out in '3-D Archery, A Guide to Course Design' by Michael O'Leary. Due to this and the type of bows to be used it is asserted that it will not be possible for arrows to shoot out of the site. Cross bow and bows with any form of mechanical advantage will not be permitted. As set out earlier all participants will be under the supervision of one of the directors.
- 1.6 The use has already operated from the site, under the 'permitted development rights' afforded by Class B (Temporary use of land), Part 4 (Temporary buildings and uses), Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. This permits the use of land for any purpose for not more than 28 days in total in any calendar year, of which not more than 14 days in total are for the holding of a market or motor car and motor cycle racing/trials and practising for these, and the provision on the land of any moveable structure for the purposes of the permitted use. Development is not permitted by this Class if, amongst other things, the land is a site of scientific interest and the temporary use is for motor car and motor cycle racing etc. clay pigeon shooting or war gaming. Lynders Wood is not a site of scientific interest. The applicant exceeded the permitted 28 days, because the portaloos (a moveable structure) remained on the land between its use for archery.
- 1.7 The Parish Councils and those who have submitted representation on the application have been notified of the submission of further information and plans. Any further comments received, which raise additional issues will be summarised in the Committee Update.

## 2. Policies

### 2.1 Herefordshire Local Plan - Core Strategy:

- SS1 - Presumption in Favour of Sustainable Development
- SS4 - Movement and Transportation
- SS6 - Environmental Quality and Local Distinctiveness
- MT1 - Traffic Management, Highway Safety and Promoting Active Travel
- SC1 - Social and Community Facilities
- LD1 - Landscape and Townscape
- LD2 - Biodiversity and Geodiversity

2.2 Upton Bishop Parish Council has designated a Neighbourhood Plan Area but has not yet started drafting their Neighbourhood Plan. Linton Parish Council are not undertaking a Neighbourhood Plan. At this juncture no weight can be given to the Neighbourhood Plans.

### 2.3 National Planning Policy Framework (NPPF):

The following sections are of particular relevance:

Introduction

Achieving Sustainable Development

Core planning principles

Section 3 - Supporting a prosperous rural economy

Section 4 - Promoting sustainable transport

Section 8 - Promoting healthy communities

Section 11 - Conserving and enhancing the natural environment

Decision-taking

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

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

## 3. Planning History

3.1 SH94/0374/FZ – New loading bay – no objection 15.4.1994.

## 4. Consultation Summary

### Internal Council Consultees

#### 4.1 Transportation Manager:

The application site has an existing gated access. Visibility from the existing access is reduced by railings to the left and right of the access. Whilst the road is subject to a national speed limit, due to the geometry of the road and width it is unlikely for this speed limit to be reached. Recommended conditions.

4.2 Public Rights of Way Manager: No objection.

4.3 Environmental Health Manager: I have no objections to this development. Informatives recommended in respect of drinking water and if food and drink production/sales are proposed.

#### 4.4 Conservation Manager (Ecology):

I have reviewed the documentation for these proposals and would offer 'support in principle' to the enterprise. The two key aspects to the appraisal regarding the site sensitivity is the Ancient Woodland designation and the probable presence of hazel dormouse which has been recorded at the site. Excluding ground nesting birds (for which the report states that there is little habitat) there are two potential impacts from the activities proposed; trampling of pre-vernal and vernal flora already evident at the site together with the risk of disturbance to dormice during their active season for breeding and foraging. The latter may specially be the case during the latter end of the archery 'season' when autumnal foraging by the species is optimal. Trampling of flora is an especial consideration within the Ancient Woodland section of the prospective archery trail via the south-east loop of the path as it links back to the main entry point. This section appears not to follow an existing track as does much of the rest of the trail as such, passing through the ancient woodland habitat increases the impact risks from the above.

In respect of dormice the report indicates that the "sparse scrub or bramble layer are not conducive to low nesting sites for birds or for dormice." The photographic evidence certainly shows this and, on balance, I would agree that this aspect of disturbance to habitat could be minimal. In addition, the report states that "there will be no felling or surfacing in the wood." I take this also to mean no clearance of vegetation and therefore no risk to dormice or their habitat. The vegetation impact is likely to be greater from deer activity than from the archery. However, no survey has been conducted which I would like to have seen, and it is my view that there is a possibility of dormice being present in coppice stools growing within the area of trail activity. Dormice are predominantly arboreal, nocturnal and hibernate during the winter months – this coincides with the lack of activity proposed by the archery trail and so minimal impact should be envisaged at these times. However, the requisite surveys should be carried out to ascertain dormice presence/absence within the woodland. No doubt there will be a need to establish the trail with some minor works during the winter and early spring months and the location of any dormice should be known in order to avoid them. In addition, the most propitious places for erection of dormice boxes can be identified.

With regard to trampling of flora, especially during the main crowd event planned, I would advise that this is best organised during the school holiday period which will avoid the early field layer bloom of the woodland and allow some respite for the flora to build resources in recovery each year. In all events, I would have thought that defining the trail or exclusion taping areas of botanical interest would be a best practice protocol to follow. I suggest that confirmation and mapped photographic evidence is provided for the route of the trail to demonstrate that it avoids the most botanically rich field and ground layer. I assume some mapping will be required anyway in order to issue brochure information.

I note that there is email confirmation that lighting will not be required at the site. This, I assume, will be the case into the late autumn short days and the activities will be entirely a dawn to dusk venture.

If approved I would suggest two conditions as follows:

Prior to the change of use, a dormouse survey should be conducted and the findings together with full working method statement and enhancement measures for dormice if necessary 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.

Reasons:

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

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

A report evaluating the impact of the trail upon ground flora and field layer of the woodland should be submitted to the local planning authority. Confirmation of the trail route 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.

## **5. Representations**

### **5.1 Linton Parish Council:**

Unable to support this application. There is insufficient relevant information with regard to health and safety we have been informed by the adjacent landowner that the archery circuit as shown on the map is not the same as that on the ground. It comes within a few metres of his property, the grounds of which are used by adults and children who would be at risk of injury from stray arrows and the children running into the barbed wire fence now partially hidden by vegetation, therefore the health and safety aspect does not appear to have been addressed. What type of bow and arrow will be used? What training/qualifications will staff have? Will each group be personally supervised? How often will the portaloos be serviced? Access to the course is from a narrow country lane, is this considered adequate? The Highway Authority should be consulted. It is also stated that the course will only be used each weekend, at which time there will inevitably be disturbance to the very diverse flora and fauna, what conditions can be imposed to alleviate this problem. It seems unlikely that if used only two days per week that this venture would be financially viable, would it be possible for the applicant to extend the hours or instigate a 'change of use' without consultation or permission? It should also be noted that before this Planning Application was made the area was surrounded by a barbed wire fence, the targets (foam animals and birds) and the portaloos were installed, as though planning permission was a foregone conclusion! It was then very disturbing to learn from the Planning Officer that this was all regarded as 'Permitted Development' and was valid for at least 28 days, The Council would appreciate being advised of the precise legislation to which this circumstance refers. We have also been advised that there is a boundary dispute with regard to the position of the barbed wire fence, therefore it would seem unwise for planning permission to be given if the extent of the ownership of the site is not accurately known. We trust great care will be taken and more information will be sought from the applicant before any decision is made.

## 5.2 Upton Bishop Parish Council:

As far as we can see from the application, and have been informed by a neighbour, the activity is taking place in the Linton end of the land using about a third of it. The only concerns of the parish council are that of the extra traffic and access, also that the whole exercise needs to be organised in a safe manner not only for the participants, but also (and especially) taking into account the neighbours. Apart from the comments above, the Parish Council are not opposed to the idea.

## 5.3 Seventeen letters of objection have been received from local residents (a total of 8 residents), the Preservation of Rural Beauty (PRuB) and the Woodlands Trust. The main points raised are summarised as follows:

- No justification for commercial use in a sensitive environment.
- Activity will displace wildlife.
- There has already been a loss of other woodlands (Ancient woodland is defined as an irreplaceable natural resource that has remained constantly wooded since AD1600).
- Natural England's standing advice for Ancient Woodland and Veteran Trees (published April 2014), paragraph 4.8.1 states: 'Ancient woodland is of prime ecological and landscape importance, providing a vital part of a rich and diverse countryside.'
- Intensification of the recreational activity of humans causes disturbance to the habitats of breeding birds, vegetation damage, removal of deadwood and litter.
- Implementation of structures and facilities in woodland leads to changes in soil conditions.
- Inevitable safety issues in respect of trees adjoining/overhanging the circuit and infrastructure, which will be threatening to the longer-term retention of such trees.
- As a result of changes in soil conditions there can be changes to the hydrology altering ground water and surface water quantities.
- Any effect of development can impact cumulatively on ancient woodland - this is much more damaging than individual effects.
- Likely that noise pollution would have an adverse impact on sensitive woodland species.
- Could be an embryonic theme park business, activity is likely to increase and expand with the need for buildings etc.
- Not farm diversification, no custodial care of the woodland.
- Environmental statement is inadequate, does not account for nesting birds in April.
- Highway safety, booking not required so no control on numbers, traffic could back up onto the 'B' road.
- Lack of parking for large event planned.
- Route and targets are too close to properties and PGL site to the south, and are in fact closer than shown on the submitted maps, being within 12 metres of Lynders Lodge.
- Would be better sited within the central or western parts of the wood.
- Proposal for 'free range' archery by unskilled participants is not safe or appropriate in the forest.
- Dog walkers use the area, this is not a safe activity.
- Proposal would be harmful to the diversity of the wood, which provides a habitat for birds, deer, dormice, foxes, badgers, muntjac, polecats etc.
- Participants may shoot wildlife rather than targets.
- Barbed wire has been provided to fencing around the site, this is apparently required for the use and is dangerous.
- Additional planting required due to tree felling.
- Ecological Assessment is inadequate and Council's Ecologist assumes that archer will not go off the track – they are likely to do so to retrieve stray arrows.
- Health and safety issues - two members of staff is insufficient.
- Route/position of target does not appear to meet guidelines – National Archery Association.
- No details of the directors experience in setting out courses has been provided, nor how stray arrows will be dealt with

---

Further information on the subject of this report is available from Mrs Charlotte Atkins on 01432 260536



- PGL use lake and facilities at Drummonds Dub for holidays for children (aged 7-13 years)
- Proposed use is in the summer when we wish to enjoy our garden, noise disturbance could result from the proposal.
- If approved would devalue our property.
- Use has already commenced on the site, without permission.
- Business model is implausible, it is not commercially viable and no evidence of demand.
- What is the real motive? With M50 nearby could give rise to greater commercial exploitation
- New altruistic dimension to business does not change the proposal
- Better location for such a use, if to serve Herefordshire should not be on the border with Gloucester and could take place at village fetes etc.
- Continuing lack of detail still does not give confidence to how the enterprise would be run
- No details of safety zones/perimeter buffer zones have been provided and two people operating it is still insufficient
- Site slopes, which would complicate course design
- Block plan includes a neighbour's land and notice has not been served on them. This results in the application being invalid and inaccurate in respect of the proximity of targets to neighbour's land. The proposal would be danger to users of the paddock
- At the time the Ecology Report was produced the site layout had not been submitted, therefore the Report cannot assess the proposal accurately
- Trees are proposed to block misfired arrows leaving the wood. This will damage trees, making them more susceptible to disease and the arrows not blocked will exit the woods and be a danger.
- Unclassified road is single track and used by pedestrians to reach the bus stop. It is unsuitable for large volume of traffic.
- Proposal still does not demonstrate that protected species and wildlife would not be harmed. Dormouse survey should be produced before the decision is made. Applicant's preference not to provide carry out the survey shows the level of appreciation for the woodland and wildlife
- The trampling of the woodland has been underestimated. This would be significant even for 16 people a day at weekends/bank holidays if the number of shots per target is taken into account.
- Will there be audible safety alarms?
- Recreational use could give rise to fire in the woods from discarded matches/cigarettes
- How often will the portable toilets be serviced?

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 Development Plan now consists of the recently adopted Herefordshire Local Plan –Core Strategy (CS) and in accordance with the legal requirements set out in section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, applications for planning permission should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material planning consideration.

6.2 Both the CS and NPPF promote sustainable development, which encompasses three dimensions, namely social, economic and environmental roles. These are stated to be mutually

dependent and to achieve gains in all three roles they must be sought jointly and simultaneously.

- 6.3 There are no policies within the CS which are directly relevant to this proposal. CS policy SC1 is relatable in respect of the proposed provision of a recreational facility. The preamble to policy SC1 states that social and community facilities can be defined as facilities for different individuals and communities, which are provided by a range of organisations (public, private and voluntary). They provide for the health, welfare, social, educational, spiritual, recreational, leisure and cultural needs of the community. They offer services for education, health and well-being; and support community cohesion and benefit the general quality of life of residents. This confirms that even a private facility is classed as a social and community facility and therefore it can positively contribute to the social role of sustainable development objectives. The NPPF takes a very similar stance in chapters 3 (Supporting a prosperous rural economy) and 8 (Promoting healthy communities). At paragraph 73 it states that opportunities for sport and recreation can make an important contribution to the health and well-being of communities.
- 6.4 Turning to the environmental role CS policies LD1 and LD2 are relevant along with NPPF chapter 11 and the core planning principles with regards the provision of proposals achieving good standards of amenity. These CS policies require, in summary, that proposals conserve and enhance the natural and scenic beauty of important landscapes and by enabling appropriate uses and management ensure development integrates appropriately into its surroundings. Chapter 11 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by recognising the wider benefits of ecosystems and minimising impacts on biodiversity, providing net gains where possible, amongst other things. At paragraph 113 it advises that local plan policies for proposals affecting protected wildlife or geodiversity sites should be criteria based and distinction drawn between the hierarchy of international, national and locally designated sites, such that protection is commensurate with their status. Paragraph 118 of the NPPF states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodlands, unless the need for and the benefits of the development in that location clearly outweigh the loss.
- 6.5 The main issues in the consideration of this application are:
- 1) The impact arising from the use on the ancient woodland and protected species, namely dormice.
  - 2) The impact of the development upon the living conditions of nearby residential property and amenities of the area.
  - 3) The impact of the development on highway safety.
- 6.6 Firstly it should be noted than when assessing the impact of the proposal, the fall back position of the rights for temporary uses afforded by the 'General Permitted Development Order' should be borne in mind. This allows the land to be used for 28 days in any one calendar year for not only the used proposed here, but also for other, more potentially intrusive, uses and up to 14 days for motor racing. These rights do not afford any control over the hours of operation on each of the permitted days, the number of participants or protection of wildlife.
- 6.7 On the basis of the submitted information and plans the Council's Ecologist has no objection in principle, but seeks to secure conditions to require further surveys to be carried out to assess the impact on flora, the field layer of the woodland and dormice and set out mitigation measures where necessary. The Ecologist considers the use to have a relatively light touch on the existing woodland during a defined period of the year. The Woodlands Trust's comments are noted, but it is considered that these do not take account of the nature of this specific use, as clarified by the additional information. Nor does it assess the proposal against the impacts that would be derived from the use of the site under permitted development rights or the existing woodland use. As noted by the Ecologist, deer are likely to have a greater impact on the

woodland. It is considered that the proposal would not result in the loss or deterioration of an irreplaceable habitat and the assumption to refuse permission, as set out in paragraph 118 of the NPPF is not engaged. Rather the use can be satisfactorily controlled by conditions.

- 6.8 With regards the impact of the proposal on the living conditions of neighbouring properties and the wider community, these will be derived from the comings and goings to site and the activity of archery within the site. The initial concerns of local residents are appreciated, but the additional information received clarifies the nature of the proposal. It is considered that due to the limited number of participants, the proposed days and times of operation and the nature of the use, which is not inherently noisy, the proposal would not have an adverse impact on living conditions. In accordance with CS policy SD1 and the fourth core planning principle of the NPPF good standards of amenity would be provided for occupants of local dwellings. To ensure that a more intensive use could not result without further consideration of the impacts it is considered reasonable and necessary to impose conditions limiting the times when the activity can take place and the number of participants. Whilst the health and safety concerns raised pertaining to both participants and neighbouring residences are appreciated these do not fall within the planning remit.
- 6.9 No permanent buildings are proposed and the use would utilise the woodland such that the appearance of the site would not materially change. Portaloos are proposed to be sited to the south of the access and would not be unduly obtrusive. The canopy would also be unobtrusive due to its non-permanent appearance, size and siting. Overall the ancillary non-permanent/moveable structures, associated with the proposed use are considered not to be visually intrusive and in any event can be removed easily if the use ceases and when the use is not operating between the end of October and the beginning of April each year.
- 6.10 Turning to highway safety issues, the applicant has now confirmed that the maximum number of participants per day would be sixteen. In addition to the two directors who would be on site this would be a maximum of eighteen vehicles per day, with a likelihood that some of the participants would car share, given that group bookings are probable. Only eight participants would be on site at any one time, provided that the first group departs before the next group arrives. On this basis the number of car parking spaces required would be ten at anyone time. The applicant has stated that fifteen can be provided, and the size of the hardstanding adjacent to the access could accommodate this. The visibility at the existing access is limited to a degree by the fencing. However, on the basis of the likely speeds on this stretch of the lane, near to the junction with the B4221 the Transportation Manager has no objections. Furthermore, the existing use of the site for forestry and the potential for larger vehicles accessing and egressing from the site could also give rise to greater impacts. In light of this it is considered that the nature of the use proposed would not result in highway safety issues. The conditions recommended by the Transportation Manager are noted, but given the nature of the use it is not considered necessary to require consolidation, surfacing and drainage of the parking area, as the hard standing exists and the nature of the use proposed does not necessitate such a formal parking area.
- 6.11 Due to its location the site is most likely to be accessed by motorised vehicles. There is a bus stop nearby on the B4221, which depending upon the service offered at the time could enable participants to arrive and leave by public transport. Overall the site cannot be considered to be sustainably located, but given its rural location this is not to be unexpected.
- 6.12 In conclusion it is considered that the proposal would provide social benefits, in the form of the provision of a public recreational/sporting facility. The objectors' concerns are noted, but it is considered that with the protection afforded by the conditions recommended by the Ecologist this relatively low key activity would not result in the deterioration of the ancient woodland or harm to protected species. On this point it is considered that there would not be a negative impact on the environmental role of sustainable development. Weighing up the considerations,

under the three roles, it is considered that overall the proposal represents sustainable development and it is recommended that permission is granted.

## **RECOMMENDATION**

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

- 1. A01 Time limit for commencement (full permission)**
- 2. B03 Amended plans – received 16.11.2015**
- 3. Prior to the implementation of the change of use hereby permitted, a dormouse survey should be conducted and the findings together with full working method statement and enhancement measures for dormice if necessary 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.**

- 4. Prior to the implementation of the change of use hereby permitted a report evaluating the impact of the trail upon ground flora and field layer of the woodland should be submitted to the local planning authority. Confirmation of the trail route 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.**

- 5. The use hereby permitted shall only be carried out in accordance with the following:**
  - 1. Participants shall only be allowed on site between the hours of 9am and 6pm on Saturdays, Sundays and bank holidays.**
  - 2. At any one time there shall be no more than 8 participants on the site, in addition to the 2 directors.**

**Reason: In order to protect the amenity of occupiers of nearby properties and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 6. Upon cessation of the use hereby permitted the portaloos, canopy and targets shall be permanently removed from the site. Between the 1 November and 31 March each year that the use operates the canopy shall be taken down, the target practice area dismantled and the portaloos removed from the site, unless alternative details have first been submitted to and agreed in writing by the Local Planning Authority.**

**Reason: To safeguard the amenities of the locality and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 7. H03 visibility splays**
- 8. H13 access, turning and parking**

**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. **Drinking water - The development may mean that non mains drinking water is necessary for the scheme. All new non-mains water supplies must be wholesome and comply with the standards set out in the Private Water Supplies Regulations 2009.**
  
3. **Food and drink - Please note that if the proposal includes the use of the premises for the production and/or sale of food and drink, in accordance with Article 6 EU Regulation 852:2004 on the Hygiene of Foodstuffs, the business will be required to be registered as a food with business with the Commercial team in Environmental Health and Trading Standards.**

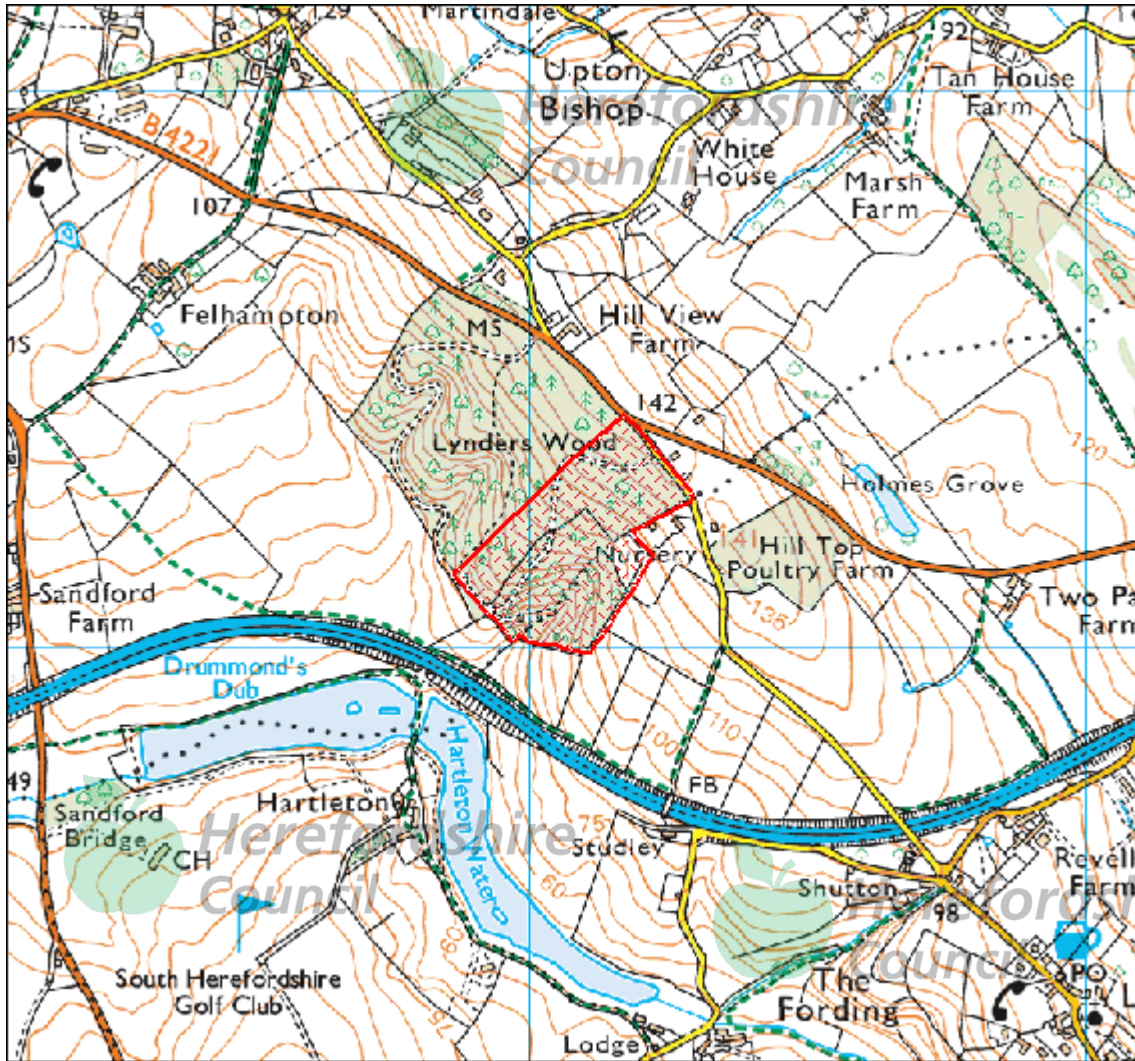
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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

**APPLICATION NO:** 151354

**SITE ADDRESS :** LYNDERS WOOD, UPTON BISHOP, HEREFORDSHIRE

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005



<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>13 JANUARY 2016</b>
<b>TITLE OF REPORT:</b>	<b>152036 - SITE FOR PROPOSED ERECTION OF 27 DWELLINGS INCLUDING AFFORDABLE HOUSING AT LAND ADJACENT TO FARADAY HOUSE, MADLEY, HEREFORDSHIRE, HR2 9PJ</b>  <b>For: Bage Developments Ltd per Mr Bernard Eacock, 1 Fine Street, Peterchurch, Herefordshire, HR2 0SN</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=152036&amp;search=152036">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=152036&amp;search=152036</a>
<b>Reason Application submitted to Committee - Re-direction</b>	

**Date Received: 9 July 2015**

**Ward: Stoney Street**

**Grid Ref: 341743,239047**

**Expiry Date: 20 October 2015**

Local Member: Councillor SD Williams

## 1. Site Description and Proposal

- 1.1 The application site lies to the north of the settlement of Madley approximately 9km due west of Hereford City. The site lies in a position to the west of the C1098 (towards Lulham / Bridge Sollers), and immediately adjacent to the site that obtained planning permission for residential development in 2013 that include the site of the unoccupied bungalow known as Faraday House. The site comprises a 1.18 hectare (2.93 acre site) and is defined by hedges to the east along the roadside the and west alongside the Public Right of Way but is not defined by existing boundaries to the south or north. The site is currently in agricultural use.
- 1.2 The application seeks outline planning permission of the erection of 27 dwellings, including 9 affordable units, with all matters reserved for future consideration. The application is supported by a Design and Access Statement, Planning Statement, Flood Risk Assessment and Ecology Report as well as an illustrative layout plan that also details the access to the site as being through the adjacent development site utilising the previously agreed access point onto the C1098. Alongside these and illustrative 3D plan and document relating to the provision of the landscape buffer and drainage arrangements to the north of the site are provided.

## 2. Policies

### 2.1 Herefordshire Local Plan – Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Ensuring Sufficient Housing Land Delivery
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness

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

RA1	-	Rural Housing Distribution
RA2	-	Housing in Settlements Outside Hereford and the Market Towns
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	-	Waste Water Treatment and River Water Quality
ID1	-	Infrastructure Delivery

## 2.2 National Planning Policy Framework, in particular chapters:

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

## 2.3 National Planning Practice Guidance 2014

2.4 Madley 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. There is no timescale for proposing/agreeing the content of the plan at this stage, but the plan must be in general conformity with the strategic content of the emerging Core Strategy. Whilst the Neighbourhood Plan is a material consideration it is not sufficiently advanced to attract weight for the purposes of determining planning applications.

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

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

## 3. Planning History

3.1 None on application site but the following applications relate to the adjoining site through which access is gained:

- 150897 - Site for proposed erection of 10 cottages – Approved 3<sup>rd</sup> July 2015
- 121332 - Demolition of existing dwelling (Faraday House) and redevelopment of site in conjunction with UDP housing allocation H5(g) with 19 dwellings – Approved 4<sup>th</sup> October 2013.

## 4. Consultation Summary

Statutory Consultations

4.1 Welsh Water has made the following comments:



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

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site

No problems are envisaged with the provision of water supply for this development

Internal Council Consultees

4.2 The Transportation Manager recommends that any permission which this Authority may wish to give include conditions and officers the following comments:

Any future layout should be to HC design guide. There are a number of issues concerning the submitted draft layout: -

- Parking spaces - when the formal layout is submitted, a full site plan showing the parking provision of each dwelling should be provided without landscape proposals.
- Parking provisions for the following dwellings need to be reviewed.
  - 004 - Clearer details for driveway access onto the highway
  - 005 - Clearer provision of actual parking spaces/turning areas
  - 013 - Concerns regarding the unusual layout of parking provision for 013/014 dwellings. Parking area of 013 could cause conflict if visitors parking in front of the associated parking provision for 013. This would result in the turning area provision for 014 being reduced or access being prevented. Parking provision for 013 should be reviewed to provide parking at the front of the property.
  - 014 - See 013
  - 020 - Provision should be shown that two full parking spaces can be achieved.
  - 021 - Clearer provision of actual parking spaces/turning areas
  - 027 - Provision should be shown that two full parking spaces can be achieved.
- Design speeds - design speeds for minor access roads states that there should be a maximum 40 m straight. How have the applicant designed the highway for the design speed of 20 mph.
- How does the development under this application connect to the previously approved application site 150897
- Provision should be made to connect the northern section of the development to the Public Right Of Way (PROW)

4.3 The Conservation Manager (Ecology) has made the following comments:

Please note that there are a number of ecological surveys the mitigation and enhancement requirements from Phase 1 which apply to this Phase 2 development. Appropriate ecological reports should be consulted in responding to the conditions recommended.

4.4 The Conservation Manager (Landscape) has made the following comments:

These are my landscape comments which reference to this application:

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'*

---

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

The site is an agricultural field outside the village settlement boundary with Grade 2 agricultural soils which are considered 'Very Good' soils. The proposed development will mean the loss of this very good agricultural soil.

The Herefordshire Local Plan Core Strategy 2011 – 2031, Dated October 2015, following policies state:

SS6. Environmental quality and local distinctiveness: *'Development proposals should conserve and enhance those environmental assets that contribute towards the county's distinctiveness, in particular its settlement pattern, landscape, biodiversity and heritage assets and especially those with specific environmental designations'*.

The landscape character of the proposed site is that of Principal Timbered Farmlands. This wooded character with hedgerows should be emphasized on the boundaries of the proposed site. The linear hedgerow pattern of the surrounding countryside should also be reflected on the Northern boundary. The area is also considered a dark sky area so night lighting proposals should take this into consideration.

SS7. Addressing climate change: *'Development proposals will be required to include measures which will mitigate their impact on climate change'*.

The site is in a Flood Zone 1 which is considered a low flood risk area. Future erratic weather caused by climate change however will increase the risk of surface water run-off from the site. On the North Eastern boundary of the site, the adjacent road has a 1:200 year shallow flood event. Sustainable drainage proposals should take this into consideration.

LD1. Landscape and townscape: *'Development proposals should'*

- *Demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas;*
- *Conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including Areas of Outstanding Natural Beauty, nationally and locally designated parks and gardens and conservation areas; through the protection of the area's character and by enabling appropriate uses, design and management;*
- *Incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings; and*
- *Maintain and extend tree cover where important to amenity, through the retention of important trees, appropriate replacement to trees lost through development and new planting to support green infrastructure.*

The landscape design should reflect the Landscape Character of this area and the local landscape character of the village. Green infrastructure proposals should tie into existing green infrastructure and emphasize any valued native flora species of this area. The footpath enhancement on the Western boundary should also conserve and enhance local biodiversity and visual amenity.

### *Recommendations*

The applicant is to provide the following information:

An amended Proposed Housing Layout Phase 1 plan, showing the Northern boundary with:

- A proposed native woodland running in an East West direction.

- Another proposed native hedgerow with a post and rail wooden fence running in an East West direction on the Northern boundary of the proposed woodland.
- Indicative native ground flora proposals for the woodland. and
- Within this proposed woodland the proposed water retention area is to show indicative native marginal planting.
- A cross section of the Western boundary showing the footpath, proposed boundary feature and gardens. The cross section is also to show an indicative adult human to give scale and context to this cross section.
- An Outline SUDs Landscape Plan.
- Information on any night lighting proposals. If any?

4.5 The Land Drainage Manager has made 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 covers an area of 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 submitted with this application that confirms the low fluvial flood risk at this 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 and impounded bodies of water have been assessed and considered to be of low risk. We concur with this assessment.

The submitted FRA states that the risk of flooding from groundwater and sewers is considered to be low as the finished floor levels of the new dwellings will be elevated above the existing ground levels which would provide protection against potential overland flooding from sewers and groundwater.

#### Surface Water Drainage

The submitted FRA has calculated the greenfield peak flow rate and runoff volume for a range of storm durations up to 6hrs. The rates have been calculated using the Wallingford method as the Applicant suggests that the IH124 method is not suitable for a site of this size. Whilst we appreciate that the IH124 method is not ideal for small catchments, we believe that this is the most appropriate method currently available as recommended within the Defra/EA document 'Preliminary Rainfall Runoff Management for Developments' (Revision E, January 2012) that provides guidance on calculating greenfield runoff rates and volumes. We therefore recommend that these calculations are revisited as the current rates provided within the FRA appear too high for events with a storm duration of less than 6 hours.

The submitted FRA considers the SUDS management train to manage surface water runoff from the site. The report considers that underlying ground conditions may not be suitable to support infiltration techniques but recommends that soil infiltration rates and groundwater levels are investigated at the site to confirm whether infiltration techniques are feasible. We concur with this recommendation and require the results of infiltration testing (undertaken in accordance with BRE365 at the approximate location of proposed infiltration features) and the calculated depth to the groundwater table to be submitted to the Council for review prior to construction. If infiltration is feasible we require the Applicant to maximise infiltration within the proposed drainage strategy – noting that we also support the use of combined attenuation and infiltration features that can provide some infiltration of runoff during smaller rainfall events.

The submitted FRA proposes to attenuate surface water generated on the site in off-site pond prior to discharge to a local watercourse located to the north of the site. We approve of this

approach (subject to review of ground conditions) and assume that the location of the pond 'off-site' and route of the proposed discharge has been agreed with the relevant riparian owner. The Applicant may also need to obtain Ordinary Watercourse Consent for the proposed outfall to the watercourse and recommend that this is discussed directly with the Council's Land Drainage Officer.

The FRA suggests that discharge to the 'local drainage network' may also be considered but it is unclear if this refers to a piped system (i.e. public sewerage network) or the local field drainage system in the area. We would like to remind the Applicant that discharge to the public sewerage network would only be considered acceptable if infiltration to ground or discharge to a watercourse were not feasible, and subject to agreement with the relevant sewerage authority.

The FRA states that discharge to the adjacent watercourse will be limited to the current greenfield runoff rate. However, it is unclear if this just refers to the 1 in 100 year greenfield peak flow rate. In accordance Defra's Non-statutory Technical Standards for SUDS (March 2015) the Applicant is required to ensure that:

- The peak runoff rate from the development 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 (i.e. limiting runoff just to the 1 in 100 year rate is not acceptable); and
- Where reasonably practicable, the runoff volume from the development in the 1 in 100 year, 6 hour rainfall event should never exceed the greenfield runoff volume for the same event.

The submitted FRA provides preliminary calculation of the required storage volume and states that the storage volume was calculated for the 6 hour 1 in 100 year storm event, including a 30% increase in rainfall intensity due to climate change effects. We agree with this approach, but require the applicant to ensure that the requirements above are satisfied and that an appropriate greenfield runoff rates are calculated and adhered to.

The Applicant must consider the management of surface water during extreme events that overwhelm the surface water drainage system and/or occur as a result of blockage. Surface water should either be managed within the site boundary or directed to an area of low vulnerability. Guidance for managing extreme events can be found within CIRIA C635: Designing for exceedance in urban drainage: Good practice.

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

The submitted Planning Statement states that foul water from the development will be discharged to the existing sewer system. It also states that Welsh Water, during pre-application consultation, has confirmed that there is sufficient capacity within the existing drainage system to manage additional flows from the new development. We have no further comment on this matter.

### Overall Comment

Overall, for outline planning permission, we do not object to the proposed development on flood risk and drainage grounds as it appears that a suitable method for managing surface water runoff is available, subject to further consideration of the submitted calculations and confirmation that the location of surface water drainage features outside of the site boundary is acceptable.

However, all new drainage systems for new developments within Herefordshire must meet the new Non-Statutory Technical Standards for Sustainable Drainage Systems and we are concerned with the current methods used to calculate proposed discharge rates and attenuation volumes. Therefore, should the Council be minded to grant outline planning permission, we recommend that the submission and approval of detailed proposals for the disposal of foul water and surface water runoff from the development is included within any reserved matters associated with the permission.

The detailed drainage proposals should include:

- Provision of a detailed drainage strategy that demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features;
- Provision of appropriate calculations demonstrating proposed discharge rates and attenuation volumes between the 1 in 1 year and 1 in 100 year events, allowing for the potential effects of climate change;
- Evidence that the Applicant has sought and agreed permissions to construct an attenuation pond and overflow for surface water runoff through third party land;
- Demonstration that the Applicant has considered designing for exceedance of the surface water management system;
- Demonstration that appropriate pollution control measures are in place prior to discharge.

Prior to construction we will require results of on-site infiltration testing undertaken in accordance with BRE365 and, if infiltration or unlined storage structures are proposed, evidence that the base of any features are 1m above the groundwater table.

The Applicant may need to obtain Ordinary Watercourse Consent for the proposed outfall to the watercourse and recommend that this is discussed directly with the Council's Land Drainage Officer.

4.6 The Public Rights of Way Manager comments that the Public footpath MY3A is shown on plans, and is not obstructed by the development. The path must be given at least a 2m width to ensure it does not become too enclosed.

4.7 The Housing Manager supports the outline application for 27 dwellings of which nine are to be made available as affordable housing. The tenure and bed sizes are also supported but further discussions will need to take place with regards to the siting of the dwellings on the site as they will be expected to be pepper potted within the open market. All affordable are to be allocated to those in Housing need with a local connect to Madley in the first instance.

4.8 The Parks and Countryside Manager make the following comments:

In accordance with UPD Policy H19 schemes of 27 houses are required to provide a small children's play area and amenity space. However, these are small, costly to maintain and offer little in play value and it is noted that the proposed layout makes no provision for this on site. This is supported and in lieu of this an off-site contribution is requested towards improving existing provision. In accordance with the Play Facilities Study and Investment Plan the existing neighbourhood play area in Madley owned and managed by the Parish Council is old, in poor condition and in need of replacement. Better design and new equipment is required.

It is understood that access has already been considered as part of the adjacent application and given the size of development a suitable link through the village will be required to connect to other parts of the village including the play area via a controlled crossing point and footway

---

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

There are no draft heads of terms with this application and in their planning statement the applicant has agreed to resolve the s.106 requirements during the application process.

4.9 The Waste Management team have made the following observations:

The layout plan looks acceptable for collection of waste & recycling across the site. My only comment is with regards to plot number 25. Due to the absence of the footpath extending to the roadside, if there are 2 cars parked on the private drive then access to place a bin at the boundary of the property, or to move a wheelchair/pushchair from the road to their own door will be difficult. We do already have a problem with one location in the county which has the same layout.

Development will require 1 x 180 litre general rubbish bin and 1 x 240 litre green recycling bin for each property therefore a s.106 contribution of £2160 is requested

## 5. Representations

5.1 Madley Parish Council has made the following comments:

The application 152036 is phase 2 of a proposed development which would provide for a total of 37 dwellings. The application for Phase 1 has had approval for some considerable time but has not been developed to date and there is considerable consternation in the community that the impact of one development would not be properly addressed if a further development were to be linked on to it. Indeed many of the concerns raised below apply to the first development as well as being stressed in relation to application 152036.

Consequently the Council strongly oppose the application raising the following concerns:

- The impact of traffic on the village will be significant both in the development stage and the longer term. In particular the vehicle access of such a large development onto the Bridge Sollars Road which is unpaved and with poor access visibility is a major concern.
- The impact of such a large development on the physical infrastructure is a major concern. There have been on-going problems with the drainage and sewage systems of the village and the Council raise their concerns relating to the capacity of the systems.
- The development of 27 family designed dwellings will necessarily impact upon the social facilities of the village and in particular the school provision. Madley Primary school is currently over-subscribed and has no room for expansion and therefore residents moving into the village could be required to place their children in schools outside of the village.
- The application is for development on a greenfield site outside of the village settlement boundary and not in accordance with the preferred development sites that the Council have already proposed and submitted.
- This is a large proposed development which would account for a significant proportion of the village's Core Strategy commitment and thereby preclude the ability of the community to effectively manage its future sustainable expansion in line with the Core Strategy up to the year 2030.

The Ecological Survey was felt to be inadequate in as much as it was based on site surveys undertaken in November. The land surrounding the village is of particular importance to many migrating and hibernating birds and mammals and it is felt that there is a need for a far greater appreciation of the impact of the loss of the environment across the whole seasonal calendar year. Furthermore it is of major importance that the impact of the planned Phase 1 development

on the environment should be fully assessed and addressed over a significant period of time before any further development can be considered.

Additional comments were also received following a further Parish Council Meeting:

Madley Parish Council has already submitted its concerns regarding the material planning considerations for the planning application 152036. We would respectfully suggest that we would like to add that the weight to our objections for the planning application 152036 lies in the fact that it is a proposed Phase 2 development to a previous planning approval that attracted some considerable concerns at that time, and that the original approved development is yet to be started despite the initial approval having been granted some considerable time ago. The Parish Council would therefore like the opportunity to assess the impact of the approved Phase 1 development upon the village and incorporate this into its planning to address its Core Strategy requirements.

Consequently, it would seem incongruous in the light of the previous concerns relating to the impact of the Phase 1 development to allow this further development at this time.

5.2 West Mercia Police have made the following comments:

I do not wish to formally object to the proposals at this time. However there are opportunities to design out crime and/or the fear of crime and to promote community safety.

I note that this application does not make reference to crime reduction measures within the Design Access Statement. There is a clear opportunity within the development to achieve the Secured by Design award scheme. The development appears to have good access control and natural surveillance already built into the design. The principles and standards of the award give excellent guidance on crime prevention through the environmental design and also on the physical measures. The scheme has a proven track record in crime prevention and reduction which would enhance the community well being within this village

5.3 26 Letters (19 households) of representation have been received to this application that raises the following concerns and objections:

- Land Drainage and potential flood risk from surface water drainage on the site.
- Flash Flooding / flooding on the adjacent highway.
- Concern about adequacy of the drainage reports and contents.
- Slope of land conflicts with suggested drainage strategy.
- Inadequate mains drainage
- Bridge Sollars Road too narrow to cope with traffic.
- Bridge Sollars Road heavily used by large agricultural traffic and vehicles as well as an alternative route to Hereford at peak times. Often conflict of traffic movements meaning reversing along the lane.
- Speed of traffic on approach to the junction and in proximity to the proposed access.
- Road network not sufficient to accommodate the increase in traffic.
- Not safe for cycling / walking in the locality or to employment uses.
- School would struggle to cope with additional pupils and more cars blocking road would be dangerous.
- Public transport inadequate/infrequent – under threat from lack of expenditure.
- No demand for housing in Madley
- Phase 2 should not be considered until phase 1 complete
- Subdivision of applications
- Too much development in a short time not good for the village
- How many of the 18% growth have already been built?

- School at capacity and concern about how they would accommodate the children from this development and would the financial contribution be enough to address this?
- No employment opportunities in Madley
- Negative impact on the character and appearance of the locality
- landscape impact, detrimental visual impact on the locality
- Prime agricultural land should not be lost to development and brown field sites should be a priority
- Remaining field parcel would not be productive for agriculture

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

### ***Planning Policy***

6.1 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."*

6.2 In this instance the Development Plan for the area is the Herefordshire Local Plan - Core Strategy (CS). A range of CS policies, referred to at section 2.1, are relevant to development of this nature. The strategic Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the NPPF. SS1 confirms proposals that accord with the policies of the CS (and, where relevant other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.

6.3 As per the NPPF, the delivery of sustainable housing development to meet objectively assessed needs is a central CS theme. Policy SS2 'Delivering new homes' confirms that Hereford, with the market towns in the tier below, is the main focus for new housing development. In the rural areas new housing development will be acceptable *"where it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community."*

6.4 Equally it is clear that failure to maintain a robust NPPF compliant supply of housing land will render the housing supply policies of the CS and by extension adopted NDPs out-of-date. Policy SS3 'Ensuring sufficient housing land delivery' thus imposes requirements on the Council in the event that completions fall below the trajectory set out in CS Appendix 4.

6.5 Madley is identified as one of the figure 4.14 rural settlements within the Hereford Housing Market Area (HMA). These settlements are to be the main focus of proportionate housing development in the rural areas. The strategy set out at CS Policy RA1 is to ascribe a minimum housing growth target for the settlements listed within each rural HMA. Within the Hereford rural HMA the indicative minimum housing growth is 18%. The position as at 1 April 2014 for Madley parish is set out in the table below.



Parish/Group	Number of households in parish	% growth in Local Plan Core Strategy	Number of new houses required to 2031	Housing Completions 2011 – 2014	Housing commitments as at 1 April 2014	Total housing remaining
Madley	492	18	89	2	36	51

- 6.6 This expresses a remaining minimum housing requirement to 2031 of 51. This takes into account the 19 dwellings that were approved in 2013 on the adjacent site. If the scheme for only 10 were implemented instead, then there would be a requirement for a further 9 to be found. There may also be other small-scale developments granted planning permission or have a resolution for approval since April 1<sup>st</sup> 2014 that would also need to be taken into account.
- 6.7 The preamble to RA2 – Housing in settlements outside Hereford and the market towns states: *“Within these [figure 4.14] settlements carefully considered development which is proportionate to the size of the community and its needs will be permitted.”* The proactive approach to neighbourhood planning in Herefordshire is also noted and that when adopted, Neighbourhood Development Plans (NDPs) will be the principal mechanism by which new rural housing will be identified, allocated and managed. Madley 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. Nonetheless, the proposed development of 27 would clearly be within the minimum target for growth for the parish over the plan period.
- 6.8 However, and particularly until NDPs are adopted, RA2 is positively expressed insofar as housing proposals will be permitted where the four criteria of the policy are met. Moreover, the Inspector’s Main Modification 038 confirms that in the period leading up to the definition of appropriate settlement boundaries i.e. until such time as NDPs define a settlement boundary, the Council will *“assess any applications for residential developments in Figure 4.14 and 4.15 against their relationship to the main built up form of the settlement.”* Thus with the NDP not yet attracting weight, policy RA2 is key to assessment of planning applications that deliver housing in the rural settlements.
- 6.9 Policy RA2 states that housing proposals will be permitted where the following criteria are met:
- *Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area. In relation to smaller settlements identified in fig 4.15, proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement; and/or result in development that contributes to or is essential to the social well-being of the settlement concerned.*
  - *Their locations make the best and full use of suitable brownfield sites wherever possible.*
  - *They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting.*
  - *They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in the particular settlement, reflecting local demand.*
- 6.10 Thus it can be seen that RA2 requires assessment of the development proposed against the size, role and function of the village, location relative to the main built form and that the scheme is high quality and sustainable, making a positive contribution to the surrounding environment and its landscape setting.

- 6.11 The relationship with the adjacent site, that has been the subject of recent planning permissions, is key to this assessment. This development extended beyond the natural perimeters of the 'Faraday House' site into the agricultural land and proposed the creation of a new boundary edge of the settlement. This site has been designed as an extension to this development, whether this site will be developed for the lower density, 10 dwelling scheme or for the 19 dwelling scheme has not yet been decided. The extended site that is now the subject of this application was assessed in the SHLAA in 2012 as being one that may be achievable in the later plan period by way of access through the UDP allocated site that has subsequently been the subject of the two approved schemes.
- 6.12 The connection with this site provides the ability to connect the site physically with the village and the services and facilities that this offers such as the school, pub and shop. Phase 1 secures the vehicular access, including the provision of the new footways and crossing points. As such, this phase of the development will be a natural extension to the approved site in terms of how it would relate and function with the built form. Whilst the concerns about this matter are noted, this site could not be developed independently of Phase 1 and a condition in respect of phasing of the development as a whole (phase 1 and phase 2) and how this would be progressed is suggested. At this time, both sites remain in the ownership of the applicant. Whilst this site is to be considered on its own merits, the plans do clearly show how these two sites integrate.
- 6.13 This is an application for outline planning permission that seeks agreement to the principle of development but it is important to establish whether the development would be compliant with the aims of policy RA2 detailed above. The site does lie on the edge of the settlement and will be visible on the approach from the north. It will extend into the open field and as such how this new edge of settlement is formed and appears will be important. The application does recognise the constraints here and acknowledges that the organic pattern of enclosure is important to the landscape character. The Council's Landscape Character Assessment states that a geometric pattern should not be superimposed by subdividing fields or enlarging others and employing straight fence or hedge lines. It also states that there is considerable scope for small-scale woodland planting which reflects the scale, shape and composition of the existing woodland character and favouring oak as the dominant species. Small scale field corner copses are encouraged as is new planting of hedgerow oaks to enhance the age structure. As such, the application proposes a landscape buffer to the north of the application site that would include:
- additional planting of hedgerow oak trees along the western boundary of Phases 1 and 2 as well as the northern boundary to the field north of Phase 2.
  - planting of small scale field corner copses which would serve to mitigate the impact of the housing boundary to the north of Phase 2.
  - native hedgerow with oak trees along northern edge of Phase 2.
  - incorporation of the route of a public footpath along the western boundary.
  - possible incorporation of a swale taking surface water runoff from the housing site to the existing ponds in a field north of the site (same ownership).
  - possible incorporation of an infiltration basin for surface water runoff from the housing site.
  - areas of grassland between and edging the proposed copses to be managed for wild flowers and enhanced biodiversity value.
- 6.14 It is considered that a properly considered and detailed landscape plan, that is accompanied by a long term management plan will offer a solution that will allow this development, and phase 1 to integrate successfully with the built form of the village and its landscape setting in accordance with policy RA2 of the Core Strategy.
- 6.15 Whilst a detailed indicative plan has been submitted with the application, the access, layout, scale, appearance and landscaping would form part of a Reserved Matters application. These submissions should seek to not only address some of the concerns raised by local residents,

but also the requirements of policy RA2 above. In addition to this Core Strategy policy SD1 (Sustainable Design and Energy Efficiency) seeks to secure high quality design and well planned development, that positively contribute to the character of the area and that development successfully integrates into the existing built, natural and historic environment. This policy also seeks in the inclusion of physical sustainability measures, including orientation of buildings, provision of water conservation measures, storage for bicycles and waste, including provision for recycling and enabling renewable energy and energy conservation infrastructure. Policy SD3 deals specifically with water consumption and a condition is recommended to address this requirement. The use of sustainable construction methods is also pursued in this policy. These requirements must be considered alongside those of residential amenity in the progression of any approval. Officers would also expect the landscape mitigation suggested above to also form part of this submission so that the impact of the proposed dwellings can be properly considered upon submission.

- 6.16 Officer are satisfied, that whilst this application is in Outline form only at this stage, this is a development of a scale that can be considered as growth that is proportionate to the size of the settlement and that can be, through careful design and consideration, assimilated successfully into the locality, whilst providing an important, number of dwellings to the parish that will count towards the minimum 18% increase in dwellings sought in the parish and Hereford Housing Market Areas by policy RA1 of the Core Strategy.

#### Sustainability of Location and Highway Safety

- 6.17 Policy SS4 of the Core Strategy seeks to ensure that new developments are designed and located to minimise impacts upon the transport network and where practicable, site development proposals are in accessible locations and facilitate a genuine choice of modes of travel, including walking, cycling and public transport. This site is well connected to the existing settlement and its services, offering a genuine opportunity to walk to the primary school, public house, shop and church. Whilst the local residents state that employment opportunities in Madley are scarce, there are some large employers in the locality that could be readily accessed via bus or short car journey. An increased settlement population will also support local businesses and services in the long term and has a clear social and economic benefit.
- 6.18 One of the key concerns raised locally is the potential impact of the development on the local highway network. The access to the site was agreed by the planning permissions for phase 1, the specification for which is sufficient to accommodate the numbers of dwellings proposed as a whole. The Council's Transportation Manager has no objections to this proposal subject to conditions to ensure the delivery of the access and visibility splays in accordance with the design guide and the proposal is considered to be compliant with the requirements of policy MT1 of the Core Strategy. The concerns of the local residents are acknowledged but officers consider that the relatively modest increase in traffic into the local network from this site could not be considered to have a severe impact on highway safety. As such, the National Planning Policy Framework (para 32) would not support refusal of this planning application on this ground. There may be some scope for the use of the Transportation Contribution to provide a village/parish gate that has some benefits in terms of traffic calming as they announce the entrance to the village.

#### School Traffic and School Capacity

- 6.19 The Council's Education Manager has acknowledged that Madley Primary School is at capacity in six year groups. The main concern locally seems to be the ability for the school to accept new children and the impact in terms of the parking and congestion problems caused in the locality by the school related traffic. Data for 2014 obtained from the Education Manager confirms that 99 of the 126 children that live in the catchment area for the school attend School at Madley Primary School (this equates to 46.7% of the school's pupils in spring 2014). In the reception intake, if you live in the catchment then the ongoing position / trend from this data is that they

will obtain a place in this school if this is their parental preference. New development in Madley may offer families that travel from nearby the opportunity to live locally to the school reducing the need for travel. Overtime, those moving to the area with younger children would move through the school from reception, and there would be an increase in 'catchment' children meaning a more sustainable position long term. Whilst this congestion is an existing and continuing issue locally it is not an issue that would be sufficient to refuse planning permission for this development. It should also be noted that the proposed development would attract financial contributions towards the primary school to address the capacity issues. This requirement is on a per unit basis (open Market units only) as follows:

<b>Contribution by No of Bedrooms</b>	<b>Primary</b>
<b>2+bedroom/apartment</b>	£1,084
<b>2/3 bedroom house/bungalow</b>	£1,899
<b>4+ bedroom</b>	£3,111

### Drainage

- 6.20 Policy SD3 of the Core Strategy seeks to ensure that the issues of water management and flood risk are addressed and ensure that developments take account of the measures required to ensure that the development itself is safe but that the developments include appropriate sustainable drainage systems (SuDS) to manage surface water appropriate to the hydrological setting of the site. Development should not result in an increase in run off and should aim to achieve a reduction in the existing run off rate and volumes where possible. Members attention is drawn to the comments of the land drainage manager above that provide a detailed overview of the drainage issues for the site and what will need to be included in any detailed reserved matters designs. The applicant has acknowledged the comments of the manager and confirmed an agreement to address these requirements by the submission of details. A condition is suggested to ensure that this matter is fully addressed and agreed prior to the commencement of any works. An Informative note advising any applicant of the requirements of the land drainage engineer is also suggested. The long term management and maintenance of the SuDS system will need to also be established and the Heads of Terms attached to this report ensures that this matter is agreed via a legal agreement. The comments in respect of the surface water run off onto the adjacent highway are also noted and this matter would need to also be addressed as part of the technical details to ensure that this development contains any surface water and does not discharge to the highway.
- 6.21 Having regard to the above. officers are satisfied that these matters can be concluded positively and that the issues of surface water and flood risk have been adequately dealt with in compliance with policy SD3 of the Core Strategy and with the guidance contained within the National Planning Policy Framework.
- 6.22 Some reference is made to the capacity of the Foul Sewerage system in the locality. Welsh Water, the Statutory provider in this area, has confirmed no objection to the proposed development subject to conditions in respect of the separation of foul and surface water drainage and the provision of a detailed land drainage plan. As such, this proposal would also conform with the requirements of policy SD4 of the Core Strategy.

### Ecology

- 6.23 Policy LD2 of the Core Strategy seeks to ensure that development proposals conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire. The Councils Ecologist has considered the reports and proposals submitted with the application and raises no objection to this proposal. There is significant scope to improve biodiversity through the 'landscape buffer' and associated SuDS proposals to the north of the site as well as the reinforcement of landscape boundaries and green infrastructure along the adjacent Public Right of Way. Conditions are recommended

### Affordable Housing

- 6.24 Policy H1 of the Core Strategy seeks to ensure the delivery of affordable housing with developments. This application will provide nine affordable units, secured via a section 106 agreement with occupation for those with local connection in the first instance. The proposal would therefore comply with the requirements of this policy.

### Section 106

- 6.25 Policy ID1 of the Core Strategy seeks to secure provision for new and / or enhancement of existing infrastructure, services and facilities to support development and sustainable communities. This can be secured through a section 106 agreement and a draft Heads of Terms is appended to this report that seeks contributions for transport infrastructure, open spaces / play, education. Subject to the completion of the Section 106 agreement, the proposed development would be compliant with the requirements of policy ID1 of the Core Strategy. Consultation with the Parish Council and Ward Councillor in how this can be best used is encouraged.

### Conclusion

- 6.26 Both Core Strategy policy SS1 and paragraph 14 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that development should be approved where they accord with the development plan. The sites location is well located to the main settlement of Madley and has good access to local services and facilities as well as public transport offering a genuine opportunity for alternative means of travel to its occupants for some journeys. The principle of development is considered to be acceptable, with detailed design matters being considered in the Reserved Matters stage to ensure compliance with, in particular Policies RA2, SD1 and LD1 of the Core Strategy.
- 6.27 Officers are of the opinion that the proposed access that would serve the development is sufficient to absorb the additional traffic generated from the development and that the additional traffic would not adversely affect the safe and efficient flow of traffic on the network. The concerns raised by the Parish Council and local residents have been carefully considered but officers are of the opinion that this development would comply with the requirements of policy MT1 of the Core Strategy and with the guidance contained within the National Planning Policy Framework.
- 6.28 Matters of land drainage and biodiversity have been resolved satisfactorily and the requirements of policies SD3, SD4 and LD2 are met. The recommendation below requires the completion of the section 106 agreement to ensure compliance with the requirements of policy ID1 having regard to the three indivisible dimensions of sustainable development as set out in the Core Strategy and NPPF, officers conclude that the scheme, when considered as a whole, is representative of sustainable development and that the presumption in favour of approval is therefore engaged. The contribution that the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged as fulfilment of the economic and social roles. Likewise S106 contributions should also be regarded as material considerations when making any decision.
- 6.29 The adoption of the Core Strategy confirms a five year housing land supply of 5.24 years (Published March 2015). The provision of a five year housing land supply is only feasible when the Local Planning Authority continue to grant planning permission for housing to meet its growth targets, including the current shortfall. Sites such as the one proposed are vital to support the growth required over the plan period and to ensure a continued five year housing land supply for the County.

6.30 This proposed development is considered to be sustainable development, for which there is a presumption in favour and as such, it is officers' recommendation that this is approved with the appropriate conditions, subject to the completion of the Section 106 agreement in accordance with the Heads of Terms attached to this report.

## **RECOMMENDATION**

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

1. **A02 Time limit for submission of reserved matters (outline permission)**
2. **A03 Time limit for commencement (outline permission)**
3. **A04 Approval of reserved matters**
4. **B01 Development in accordance with the approved plans**
5. **C01 Samples of external materials**
6. **I51 Details of slab levels**
7. **H03 Visibility splays**
8. **H07 Single access - outline consent**
9. **H13 Access, turning area and parking**
10. **H17 Junction improvement/off site works**
11. **H18 On site roads - submission of details**
12. **H19 On site roads - phasing**
13. **H20 Road completion in 2 years**
14. **H27 Parking for site operatives**
15. **H29 Secure covered cycle parking provision**
16. **I16 Restriction of hours during construction**
17. **G11 Landscaping scheme - implementation**
18. **G14 Landscape management plan**
19. **G15 Landscape maintenance arrangements**
20. **The recommendations set out in the ecologist's reports dated 27th June 2013 from Countryside Consultants and from Just Mammals Ecology dated November 2014 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of development a full working method statement to cover great crested newt mitigation shall be submitted to, and be approved in writing by, the local planning authority. The scheme shall be implemented as**

approved.

Prior to commencement of the development, a habitat enhancement and management scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

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

Reasons:

- 21. L01 Foul/surface water drainage
- 22. L02 No surface water to connect to public system
- 23. L03 No drainage run-off to public system
- 24. L04 Comprehensive & Integrated draining of site
- 27. M17 Water Efficiency - Residential

**INFORMATIVES:**

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2. Non Standard - Drainage advice
- 3. HN01 Mud on highway
- 4. HN04 Private apparatus within highway
- 5. HN05 Works within the highway
- 6. HN08 Section 38 Agreement & Drainage details
- 7. HN07 Section 278 Agreement
- 8. HN10 No drainage to discharge to highway
- 9. HN22 Works adjoining highway

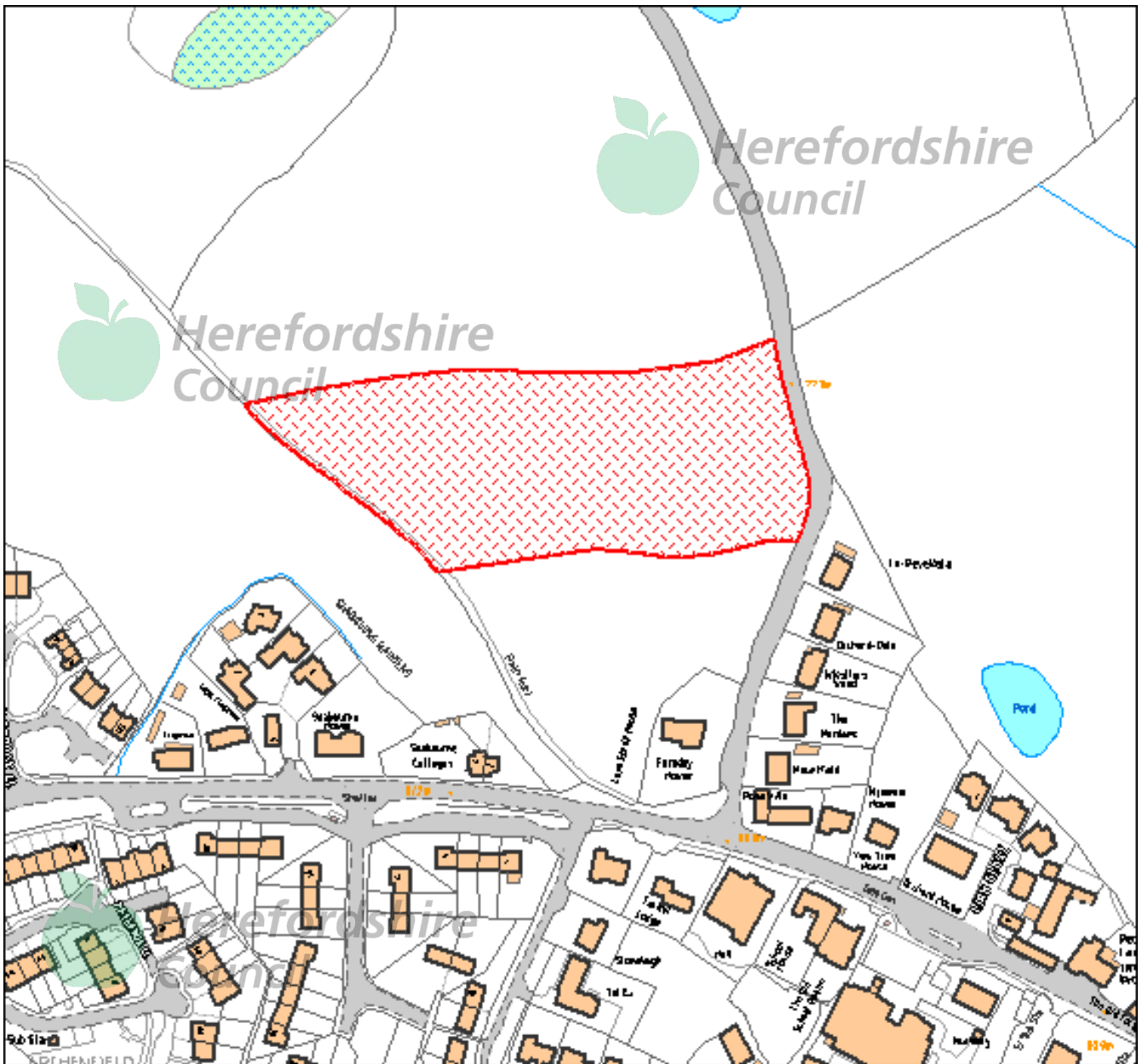
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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

**APPLICATION NO:** 152036

**SITE ADDRESS :** LAND ADJACENT TO, FARADAY HOUSE, MADLEY, HEREFORDSHIRE, HR2 9PJ

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005



# HEADS OF TERMS

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

### Planning Application – 152036

Site address:

**Land adjacent to Faraday House, Madley, Herefordshire, HR2 9PJ**

Planning application for:

### **Outline planning permission for the erection of 27 dwellings including affordable housing**

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.

#### **Education**

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

<b>£1,084.00</b>	(index linked) for a 2 bedroom apartment open market unit
<b>£1,899.00</b>	(index linked) for a 2/3 bedroom open market unit
<b>£3,111.00</b>	(index linked) for a 4+ bedroom open market unit

to provide enhanced educational infrastructure at Madley Primary 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.

#### **Transportation**

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

<b>£ 2,457.00</b>	(index linked) for a 2 bedroom open market unit
<b>£ 3,686.00</b>	(index linked) for a 3 bedroom open market unit
<b>£ 4,915.00</b>	(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 including parish gate feature
- 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

### Open Spaces / Play

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

<b>£ 965.00</b>	(index linked) for a 2 bedroom open market unit
<b>£ 1,640.00</b>	(index linked) for a 3 bedroom open market unit
<b>£ 2,219.00</b>	(index linked) for a 4+ bedroom open market unit

To be used to further develop the existing neighbourhood play area in Madley owned and managed by the Parish Council. 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.

4. The maintenance of any on-site Public Open Space (POS) (including any that may be needed for the SUDS Area) 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.*

### Waste / Recycling

5. 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.
6. The developer covenants with Herefordshire Council that 35% (9 on basis of a gross development of 27) of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H9 of the Herefordshire Unitary Development Plan or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.

Please note that the following tenures will be sought:

- Social Rent
- Intermediate tenure

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

7. 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.
8. 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

---

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

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 paragraphs 7 & 8 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 whom has:-

9.1. a local connection with the parish of Withington

9.2. 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.

10. 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:

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. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 3 and 5 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.

12. The sums referred to in paragraphs 1, 2, 3 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.

13. 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.

14. 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**  
**Dec 2015**

---

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

