

# AGENDA

## Planning Committee

Date: **Wednesday 24 August 2016**

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Time: **10.00 am**

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

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

For any further information please contact:

**Tim Brown, Democratic Services Officer**

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

# Agenda for the meeting of the Planning Committee

## Membership

<b>Chairman</b>	<b>Councillor PGH Cutter</b>
<b>Vice-Chairman</b>	<b>Councillor J Hardwick</b>
	<b>Councillor BA Baker</b>
	<b>Councillor CR Butler</b>
	<b>Councillor PJ Edwards</b>
	<b>Councillor DW Greenow</b>
	<b>Councillor KS Guthrie</b>
	<b>Councillor EL Holton</b>
	<b>Councillor JA Hyde</b>
	<b>Councillor TM James</b>
	<b>Councillor FM Norman</b>
	<b>Councillor AJW Powers</b>
	<b>Councillor A Seldon</b>
	<b>Councillor WC Skelton</b>
	<b>Councillor D Summers</b>
	<b>Councillor EJ Swinglehurst</b>
	<b>Councillor LC Tawn</b>

## 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 meeting held on 3 August 2016.</p>	7 - 30
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>	31 - 32
7.	<p><b>152041 - LAND TO THE NORTH OF ASHPERTON VILLAGE HALL, ASHPERTON, HEREFORDSHIRE</b></p> <p>Proposed residential development of 10 dwellings (amendment to original application).</p>	33 - 68
8.	<p><b>161486 - LAND AT PINFARTHINGS, OFF NORTH MAPPENORS LANE, LEOMINSTER, HEREFORDSHIRE.</b></p> <p>Outline application for residential development of up to 21 dwellings with means of access.</p>	69 - 92
9.	<p><b>161638 - LAND AT 19 FERNDAL ROAD, HEREFORD.</b></p> <p>Proposed erection of a dwelling.</p>	93 - 100
10.	<p><b>DATE OF NEXT MEETING</b></p> <p>Date of next site inspection – 13 September 2016</p> <p>Date of next meeting – 14 September 2016</p>	



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

**MINUTES of the meeting of Planning Committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 3 August 2016 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, JA Hyde, TM James, FM Norman, AJW Powers, A Seldon, WC Skelton, D Summers, EJ Swinglehurst and LC Tawn

**In attendance:** Councillors JG Lester and RJ Phillips

**27. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**28. NAMED SUBSTITUTES**

There were no named substitutes.

**29. DECLARATIONS OF INTEREST**

**Agenda item 7: 161407 - Land adjacent to Colwall Village Hall, Mill Lane, Colwall**

Councillor EL Holton declared a non-pecuniary interest because she was a member of the Malvern Hills AONB Joint Advisory Committee and also knew one of the public speakers.

Councillor JA Hyde declared a non-pecuniary interest as cabinet support member – children's services.

**Agenda item 8: 150478 - Land to the North of the Roman Road and West of the A49, 'Holmer West', Hereford.**

Councillor DW Greenow declared a non-pecuniary interest because he rented land elsewhere from the applicant.

**30. MINUTES**

**RESOLVED:** That the minutes of the meeting held on 13 July 2016 be approved as a correct record and signed by the Chairman.

**31. CHAIRMAN'S ANNOUNCEMENTS**

There were no announcements.

**32. APPEALS**

The Planning Committee noted the report.

**33. 161407 - LAND ADJACENT TO COLWALL VILLAGE HALL, MILL LANE, COLWALL, HEREFORDSHIRE, WR13 6EQ**

*(Proposed 1 form entry primary school with nursery and parking provision.)*

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

He added that account had been taken of the duty respecting listed buildings under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering the application and it was compliant.

In accordance with the criteria for public speaking, Mr J Stock of Colwall Parish Council spoke in support of the Scheme. Reverend M Horton, a school governor, also spoke in support.

The Chairman read a statement by the local ward member, Councillor AW Johnson, who had been unable to attend the meeting.

In summary this stated that:

- Colwall is a vibrant and significant community. The school is popular and a vital asset in keeping young people in the general area and attracting new young families.
- He fully supported the application as did residents, school staff, the Parish Council and parents. The site and design were the result of considerable thought by the Parish Council, Herefordshire Council and consultation with the local community.
- Financing of the project was in place and all alternatives had been fully explored.
- He congratulated the planning officer and his team for their work.

Councillor JG Lester, cabinet member – young people and children’s wellbeing, spoke in support of the application which he said would provide a modern purpose built school to replace the current temporary buildings in the optimum location. He complimented the work of the community, officers and school governors in producing a good scheme, noting the work done to improve the proposal in response to the initial concerns expressed by the Parish Council. *(In accordance with the Constitution he then withdrew from the meeting.)*

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

- Many members spoke in support of the scheme and complimented the exemplary way in which consultation had been undertaken with the local community, and the Case Officer, Mr Close, had worked to address the Parish Council’s initial concerns.
- A Member suggested that lessons could be learned from this demonstration of the benefits of co-operative working and applied across the county.
- The scheme blended into the AONB.
- The site was the optimum site and met a demonstrable need.
- The ecological enhancements and sustainable measures such as the use of photovoltaic panels were welcomed.
- The possibility of a higher fence alongside the playground perhaps with noise absorbing qualities was raised. A contrary view as to the desirability of this was also expressed.



- Whilst the palette of material to be used in the development was welcomed a member questioned the use of deep purple.

In response to questions the Principal Planning Officer commented:

- Consideration had been given to highway issues in consultation with the Parish Council. The option of a 20mph speed limit had been discounted because the Parish Council had been concerned to avoid excessive control measures and signs giving an appearance of urbanisation. The imposition of such limits also had only a modest effect in reducing vehicle speeds. The options for a safe road crossing had also been considered and it had been concluded that a “puffin crossing” was the safest.
- The width of the public right of way (CW29) beside the Thai restaurant was narrow but a footway/pedestrian refuge and suitable guard rail or barrier would be provided where the public right of way emerged.
- The developer would provide and maintain the village gateway.
- There would be sufficient car parking at the village hall for parents transporting children to and from school. There would only be a handful of occasions upon which events at the village hall would limit the availability of parking spaces.
- The cycleway was separate from the highway and there would be no conflict between cyclists and vehicles.
- He confirmed the external lighting would be LED and designed to have the minimum impact.
- The height and direction of slope of the roof had been considered. It had been designed to reduce impact on neighbouring properties.
- The entirety of land marked in red on the site map accompanying the agenda papers was not owned by the school but was marked to control and secure the replacement agricultural access.

**RESOLVED: That full Planning Permission be granted subject to the following conditions:**

1. **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

**Reason: Required to be imposed by Section 91 of the Town and County Planning Act 1990.**

2. **The development hereby permitted shall be carried out in strict accordance with the following approved plans and documents, except where otherwise stipulated by conditions attached to this permission:-**

- **Landscape and Ecological Management Plan (June 2016);**
- **Proposed Site Block Plan – Drawing number 5326/P/110 Rev. B;**
- **Proposed Site Layout & Hard Landscaping – Drawing number 5326/P/120 Rev.B;**
- **Proposed Planting Layout – Drawing number 5326/P/125 Rev.B;**
- **Detailed Planting Area: Orchard, Top of Bank 1 & Waterfall feature – Drawing number 5326/P/126 Rev.A;**
- **Detailed Planting Area – Top of Bank 2 – Drawing number 5326/P/127 Rev.A;**

- Detailed planting area – Retained East side bank – Drawing number 5326/P128 Rev. A;
- Detailed planting area – Front entrance – Drawing number 5326/P/129 Rev.A;
- Proposed Floor Plan – Drawing number 5326-P-200 Rev.A;
- Proposed Elevations – Drawing number 5326-P-700 Rev. B;
- Proposed Roof Plan – Drawing number 5326-P-900A;
- North Fence Facing Car Park – Drawing number 5326/P/1300 Rev.A;
- Palisade Fencing to Early Years Area – Drawing number 5326/P/1301 Rev.A;
- Proposed Bin Store – Drawing number 5326/P/1302 Rev.A;
- Proposed Retaining Structure – Drawing number 5326/P/1303 Rev.A;
- Typical section through swale – Drawing number 5326/P/1304 Rev.A;
- Pond – Long Section B-B – Drawing number 5326/P/1305 Rev.A;
- Typical tree pit detail for new single stem trees – Drawing number 5326-P-1306 Rev.A;
- Written Schedule of Materials – Project reference 5326-P-3200C received 14th July 2016;
- Planting Schedule – Project reference 5326-P-3700 Rev.A 16/06/16;
- Proposed Site Access Junction Visibility Splays – Drawing number SK13 Revision C;
- Proposed Field Access and Mill Lane Gateway Feature – Drawing number SK11 Revision D;
- Off Site Highways Works Mill Lane / Walwyn Road – Drawing number SK10 Revision C;
- Proposed Pedestrian Improvements in Vicinity of Thai Rama – Drawing number SK09 Revision C;
- Proposed Off Site Highway Works – Drawing number SK02 Revision I;
- Lighting Plan (Scale 1:200) – Drawing number 165835/ES/EXT/01 Revision PL3;
- Site Location Plan – Drawing number 5326-P-001;
- Thorlux lighting detail received 28/6/16;
- Light / luminaire detail dated 28/6/16;

- Further detail re: external lighting received 15th July 2015;
- Sustainability Appraisal received 28/6/16;
- PV Detail received 28/6/16;
- Tree Protection Plans 01, 02 and 03 received 27/6/16;
- Root Protection Areas received 27/6/16;
- Amended Arboricultural Statement received 27/6/16;
- Transport Assessment May 2016 AND Transport Assessment addendum dated June 2016;
- Amended School Travel Plan dated June 2016;
- Structural Aspects of Works in Relation to Highway works near 'Carpenters Cottage' dated 05/05/16;
- Method Statement for Protection of Trees 5326-P-3710;
- E-mail dated 18th July 2016 explaining fixing of the eternit equitone fibre cement boarding/ cladding'

and thereafter maintained as such to the satisfaction of the Local Planning Authority;

Reasons:

- a) To ensure a satisfactory appearance to the development within the landscape which hereabouts is designated as an Area of Outstanding Natural Beauty;
  - b) In the interests of ecology / bio-diversity;
  - c) To safeguard the amenities of the occupiers of dwellinghouses that adjoin the site; and
  - d) To retain and safeguard those trees on site that are to be retained and to safeguard those off-site trees that adjoin the site.
3. Notwithstanding condition 2) above, the development hereby permitted shall not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The approved scheme shall be fully implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding risk and to minimise the risk of pollution.

4. Notwithstanding condition 2) above, prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:-
- A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water

**flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;**

- **Confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels;**
- **Evidence the Applicant has sought and agreed permissions to discharge foul and surface water runoff from the site with the relevant authorities (including allowable discharge rates);**
- **Evidence that the Applicant has discussed sewer flooding with Severn Trent Water and confirmed there will be no increased risk of sewer flooding, on site or elsewhere, as a result of development;**
- **Demonstration of the management of surface water during extreme events that overwhelm the surface water drainage system and/or occur as a result of blockage;**
- **Confirmation of the proposed authority responsible for the adoption and maintenance of the proposed drainage systems;**
- **Details of the proposed outfall.**

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

**Reason: To ensure satisfactory drainage arrangements.**

5. **If during the course of the development unexpected contamination not previously identified is found to be present at the site then the work shall be stopped and no further development shall be carried out unless or until the developer has submitted a written method statement to be approved in writing by the local planning authority. The method statement shall include details about how the unexpected contamination shall be dealt with. Thereafter the development of the site will be carried out in accordance with the appropriate method statement.**

**Reason: In the interests of human health.**

6. **The development is to be completed in strict accordance with the protected species safeguarding measures and biodiversity enhancement proposals as presented in the Great Crested Newt Survey (Keystone Ecology, June 2016) as amended by e-mail and accompanying plan from Keystone Ecology dated Fri 22/07/2016 09:06, the Ecological Appraisal Rev 2 (Keystone Ecology, June 2016); and the Landscape and Ecology Management Plan (Quattro and Keystone Ecology, June 2016) and thereafter maintained as such. Furthermore any minor changes detailed in any issued EPS license shall be adhered to in full;**

**Reason: To conserve, restore and enhance the biodiversity assets of Herefordshire in compliance with Core Strategy Policy LD2 Biodiversity**

and Geodiversity and to meet the requirements of the NPPF and the NERC Act;

7. Prior to the first use of the School hereby permitted all of the columns supporting luminaires/ lamps together with the encasements of the luminaires/lamps and all street signage columns to be provided as part of the off-site highway works shall be painted a matt Anthracite RAL7016 colour and thereafter shall be maintained as such.

Reason: To ensure a satisfactory appearance to the development within the Malvern Hills Areas of Outstanding Natural Beauty.

8. Unless otherwise agreed in writing by the Local Planning Authority all of the external luminaires /lamps shall be mounted parallel to the ground with a 0 degree angle of tilt.

Reason: To ensure that there is no undue light pollution harmful to the character and appearance of the Malvern Hills Area of Outstanding Natural Beauty.

9. All of the external lighting shall be controlled via a timeclock such that they are normally switched off outside the hours of 7:00 hours and 18:30 hours on school days and on all non-school operational days. In addition, there shall be photocell control to prevent the operation of the lighting within the normally permissible time period where not required by ambient daylight levels.

Reason: To ensure that there is no undue light pollution harmful to the character and appearance of the Malvern Hills Area of Outstanding Natural Beauty.

10. The colour temperature of all the luminaires / lamps shall not exceed 3000 degrees kelvin unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that there is no undue light pollution harmful to the character and appearance of the Malvern Hills Area of Outstanding Natural Beauty.

11. Notwithstanding the provisions of condition 2) above, prior to their installation/provision the following matters shall be submitted to the Local Planning Authority for their written approval:-

- Written details of material and precise product to be used for any kerbing / edging;
- Full details of all on-site signage (location, design, materials and colour);
- Full written details as to the internal colour scheme / finishes to the School. This must be informed by the Environmental Colour Assessment;
- Full details as to the precise location of all off-site highway signage;
- Full details of the precise photovoltaic panels to be installed / attached;
- Full details of the “gateway” feature to be provided along Mill Lane;
- Full details of the new surfacing material(s) and colour to be provided along Mill Lane;

- Full details of the new surfacing material(s) and colour to be provided upon the raised carriageway at the Mill Lane / Walwyn Road junction;
- Full details of the design of the guard rail / barrier to be provided at the point where the Public Right of Way CW29 emerges onto Walwyn Road; and
- Full detail as to the precise height and gradient of the raised carriageway to be provided at the Mill Lane / Walwyn Road junction;

None of these aspects of the development shall be carried out prior to the written approval of the Local Planning Authority having been obtained. Thereafter the development shall be carried out in full accordance with the approved detail and thereafter maintained as such;

Reason: To ensure a satisfactory appearance to the development within the Malvern Hills Area of Outstanding Natural Beauty and to ensure legibility for users of the facility.

12. Prior to its installation or within one month of its installation the guard rail/barrier to be provided at the point where the Public Right of Way CW29 emerges onto Walwyn Road shall be painted a matt Anthracite RAL7016 colour and thereafter shall be maintained as such.

Reason: To ensure a satisfactory appearance to the development within the Malvern Hills Areas of Outstanding Natural Beauty;

13. The access, vehicle parking and turning / manoeuvring areas shown upon the approved plans shall be fully implemented in accordance with the approved plans prior to the first use of the School, hereby permitted. Thereafter these areas shall be kept permanently kept available for the parking and manoeuvring of motor vehicles in accordance with the approved detail and be kept free from obstruction.

Reason: In the interests of highway safety.

14. Prior to the first use of the School hereby permitted the refuse storage area(s) and cycle parking provision detailed upon the approved plans shall be fully implemented. Thereafter these facilities shall be kept available for use and maintained to the satisfaction of the Local Planning Authority.

Reason: To ensure satisfactory refuse storage facilities and to ensure adequate cycle parking facilities encouraging modes of transport other than the private motor vehicle;

15. No plant or any other form of equipment, other than the photovoltaic panels hereby permitted, shall be installed or placed on the roof of the school without the express consent of the Local Planning Authority.

Reason: To respect the architectural integrity of the building and to ensure a satisfactory appearance to the development within the Malvern Hills Area of Outstanding Natural Beauty.

16. Prior to commencement of the development hereby permitted all the trees to be retained including those that adjoin/overhang the eastern boundary together with the hedgerow along Mill Lane and the hedgerow adjacent to the eastern boundary of the site shall be protected by fencing erected in accordance with BS5837:2012. Once these protective measures have been

erected but prior to commencement of the development, a suitably qualified arboricultural consultant or landscape architect shall inspect the site and write to the Local Planning Authority to confirm that the protective measures are in-situ. Upon confirmation of receipt of that letter by the Local Planning Authority the development may commence but the tree / hedgerow protection measures must remain in-situ until completion of the development;

Reason: To ensure that there is no undue damage to trees and hedgerows to be retained during the construction phase that would prejudice their health and future retention.

17. All planting, seeding and turfing shown upon the approved documents referred to in condition 2) above, shall be carried out in the first planting and seeding season following completion of the development or first use of the development (whichever is the sooner). Any trees of plants which within a period of ten years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure that the development is satisfactorily integrated into the landscape.

18. Prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:-

- A scheme for the provision and management of parking for construction workers and site operatives during the construction to minimise parking on the public highway

Development shall not commence until the written consent of the Local Planning Authority has been obtained. The development shall be carried out in full accordance with the approved detail.

Reason: To minimise disruption caused by on-street parking during the construction phase.

19. Prior to the first use of the building hereby permitted the new vehicular access onto Mill Lane hereby permitted to serve the School car park shall be provided with a visibility splay of 2.4 metres x 47 metres in a north-westerly direction and 2.4 metres x 54 metres in a south-easterly direction kept free of obstruction above a height of 0.6m from ground level. The approved splay shall be maintained and permanently be kept free of obstruction above a height of 0.6 m from ground level.

Reason: In the interests of highway safety.

20. Any new access gates to the school car park hereby permitted and the new agricultural access shall be set back a minimum of 5.5 metres from the carriageway of Mill Lane.

Reason: In the interests of highway safety.

21. The development hereby permitted shall not be brought into use until the off-site highway works that form part of the approval have been full implemented.

Reason: In the interests of highway safety.

22. CAT (H21 wheel washing)

23. Prior to the first occupation of the development hereby permitted written evidence/certification demonstrating that water conservation and efficiency measures to achieve the equivalent of BREEAM 3 credit(s) (i.e. Wat 01 – Water consumption) 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.

24. Other than fencing, gates, walls or other means of enclosure permitted by virtue of this permission, no development normally permitted by Class A, Part 2, Schedule 2, Article 3 of the Town and Country Planning General Permitted Development (England) Order 2015 (as amended) (or any revoking and re-enacting that Order with or without modification) shall be carried out without the express consent of the Local Planning authority;

Reason: - To ensure a satisfactory appearance to the development within the Malvern Hills area of Outstanding Natural beauty;

25. I16 Restriction of hours during construction

26. No external lighting whatsoever, other than approved under the auspices of this planning permission shall be installed upon the site (including upon the buildings) without the express consent of the Local planning authority;

Reason: - to prevent light pollution and to safeguard the character of the Malvern Hills Area of Outstanding Natural Beauty.

#### **Informatives**

- 1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2 Severn Trent Water advise that there may be a public sewer located within the application site and encourage the applicant / developer to investigate this. Note that public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. If there are sewers



which will come into close proximity of the works, the applicant/developer is advised to contact Severn Trent Water to discuss the proposals and they would seek to assist with obtaining a solution which protects both the public sewer and the development.

- 3 Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent water and advise them of any proposals located over or within 3 metres of a public sewer. In many cases under the provisions of the Building Regulations 2000 Part H4, Severn Trent can direct building control officers to refuse building regulations approval.
- 4 Any discharge of surface water to an ordinary watercourse will require Ordinary Watercourse Consent from Herefordshire Council prior to construction.
- 5 Japanese Knotweed, a Schedule 9 invasive plant species, is present on the periphery of the application site. The landowner/developer should seek the advice of an invasive species specialist to prescribe the most appropriate control measures. The applicant / developer are advised to prepare an Invasive Species Control Scheme in line with standard Environment Agency guidance and to implement accordingly. The responsibility to deal with this matter rests with the landowner/developer.
- 6 The Parish Council wish the applicant/developer and Highway Authority to continue to liaise with them with respect the detailed highway design work required in relation to the requisite Section 278 Agreement. In particular they wish consideration to be given to see if the ramps can be softened sufficiently to avoid the Hump signs and limit the extension of the urban area along Mill Lane with the 30 mph and school sign.
- 7 I11 - HN01 Mud on highway
- 8 I09 - HN04 Private apparatus within highway
- 9 I45 - HN05 Works within the highway
- 10 I08 - HN07 Section 278 Agreement
- 11 I05 - HN10 No drainage to discharge to highway
- 12 I51 - HN22 Works adjoining highway
- 13 I47 - HN24 Drainage other than via highway system
- 14 I41 - HN25 Travel Plans
- 15 I35 - HN28 Highways Design Guide and Specification
- 16 The Travel Plan submitted as part of the approved planning application submitted separately to the Council's Travel Plan Co-Ordinator and reviewed on a two yearly basis

*(The meeting adjourned between 11.05 -11.15 am.)*

**34. 150478 - LAND TO THE NORTH OF THE ROMAN ROAD AND WEST OF THE A49, 'HOLMER WEST', HEREFORD.**

*(Proposed erection of up to 460 dwellings including affordable housing, public open space, a park & choose facility, with associated landscaping access, drainage and other 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 B Bloxsome spoke on behalf of Holmer and Shelwick Parish Council and Pipe and Lyde Parish Council in opposition to the Scheme. Mr N Rawlings, on behalf of the applicant, spoke in support.

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

**Highways issues**

- Concern was expressed about the potential for the development to lead to increased traffic congestion and that the proposed road through the development site would become a rat run. It was observed that chicanes had been provided to address a problem of rat running in other areas with some success
- The possibility of imposing a width restriction to prevent the road through the development being used by farm vehicles in particular was raised. However, it was observed that this could present a difficulty for emergency vehicles and refuse and removal lorries.
- Regard should be had to the city council's request that a comprehensive transport plan should be produced before development commenced.
- The impact of the development on congestion should be assessed as each phase was completed.
- The absence of bus stops which permitted buses to stop without causing a queue behind them needed to be addressed.
- A replacement for the single carriageway bridge over the railway on the Roman Road was required.

In response the Principal Planning Officer commented that the principal road through the development was designed to take some of the weight of the traffic off the Starting Gate roundabout which was at capacity. The highways modelling was dependent upon this plan. The need for provision for bus transport was recognised.

**Other matters**

- Some support was expressed for the concerns of the city council and parish councils.
- The capacity of water and power infrastructure in the county to support the level of development proposed within the Core Strategy was questioned. The Principal Planning Officer commented in response that there was some disappointment with Welsh Water's approach to its duty to provide a water supply, with Welsh Water suggesting that developers should have to pay for new provision. The Lead Development Manager added that Welsh Water had been informed of the Core Strategy in order that need could be identified and funding considered to secure supply.
- It was also questioned whether sufficient account was being taken of health provision needs through consultation with the NHS and the Clinical Commissioning Group.

The Principal Planning Officer drew attention to the response from the NHS at paragraph 4.16 of the report. The Lead Development Manager added that discussions were taking place about provision required across the city as a whole with the pooling of S106 contributions to support provision.

- In relation to phosphate levels a Member commented that the River Wye upstream of the River Lugg had the capacity to accept additional development. Phosphates in the River Lugg exceeded permitted levels but that was not relevant to the development. The Principal Planning Officer confirmed that there was a phosphate stripper at the Eign waste water treatment site. Appendix 5 of the Core Strategy – necessary infrastructure for strategic sites, confirmed that there was capacity to accept the additional development.
- Some surprise was expressed at the Conservation Manager (Historic Buildings) conclusion that the development was considered to represent low/medium harm having regard to the National Planning Policy Framework. It was requested that everything possible would be done to reduce the harm through planting and other measures. The Principal Planning Officer commented that in his view the Conservation Manager's assessment was robust.
- The energy efficiency standards of the buildings and the associated reduced utility costs were welcomed.
- Clarification was sought as to how resources generated from this and proposed neighbouring developments could be pooled to facilitate the provision of sport and health facilities.
- In response to concerns expressed in representations that the scheme might be a source of crime and disorder it was requested that at the reserved matters stage discussions were held with West Mercia Police about design options for addressing this fear.
- Weight needed to be given to the benefit of providing additional housing including much needed affordable housing.
- There was a risk that sites would become unsustainable unless there was careful phasing of jobs and infrastructure alongside the housing construction. It was questioned whether housing could be constructed and sold ahead of the provision of additional infrastructure and whether the purchasers would be from a demographic that could sustain the county.

In response to questions the principal planning officer commented:

- The section 106 agreement would deliver considerable benefits and include bus stop provision.
- It was not proposed to place a new Primary School in the location. The current proposal was to provide a larger primary school at Three Elms.
- The need for an Environmental Impact Assessment had been assessed but one had not been required having regard to the advice of Natural England.

The Lead Development Manager commented that the developer was keen to proceed with the development and he was confident that they would listen to the views of the city and parish councils in developing the reserved matters application. Approval of the application as the first of the strategic sites in the county would represent a significant step.

**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 published as a supplement to the agenda papers, 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 commencement (outline permission)**
2. **A03 Time limit for commencement (outline permission)**
3. **A04 Approval of Reserved Matters**
4. **No development shall commence until a plan has been submitted to and approved in writing by the local planning authority identifying the phasing for the development. The development shall be constructed in accordance with the agreed phasing plan.**

**Reason: To ensure the acceptable phasing of the construction so as to ensure no detriment to the safe operation of the highway network, water supply, foul sewerage system and the timely provision of necessary infrastructure. This is to ensure compliance with Herefordshire Local Plan – Core Strategy Policies MT1, SD3 and SD4.**

5. **C47 Site Investigation (archaeology)**
6. **Environment Agency conditions**

**Finished floor levels shall be set no lower than the levels indicated in Figure 3.1 of the FRA and Table 4.1 of the Hydraulic Modelling Technical Note unless otherwise agreed in writing by the LPA.**

**Reason: To protect the proposed dwellings from flood risk for the lifetime of the development including culvert blockages.**

7. **The proposed access crossings must be designed to ensure that access and egress is available to all dwellings above the 1 in 100 year plus climate change modelled flood levels provided in Table 4.1 of the Hydraulic Modelling Technical Note without increasing flood risk elsewhere.**

**Reason: To ensure all residents have safe vehicular and pedestrian access to and from the development during flood events and that flood risk to third parties is not increased.**

**Highways England / Highway Authority conditions**

8. **No development shall commence on the site until such time as a Highways Study for the Eign Street junction (A438 / A49 junction) has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Highways Authority for the A49. The Highways Study shall demonstrate the impact of the submitted scheme on the Eign Street junction and identify any necessary mitigation measures required and a timetable for their provision. The Highways Study shall include, as a minimum the following elements:**

- **An assessment of trip generation and trip distribution associated with full occupation of the development hereby approved;**
- **An assessment of trip generation and trip distribution associated with full occupation of other development sites within Hereford, to be agreed with the Local Planning Authority and the Highways Authority for the A49;**

- An assessment of traffic impacts at the Eign Street junction on the A49;
- Identification of any requirements for highways mitigation associated with the development in order to make it acceptable;
- The mechanisms which will be used to deliver any requirements for highways mitigation;
- The timeframes for implementation of the requisite highways mitigation; and
- The identification of appropriate contributions from the development sites considered within the Study to the requisite highways mitigation.

The measures identified within the Highways Study approved under this condition shall be agreed with the Local Planning Authority and Highways Authority for the A49 and implemented in accordance with the agreed provisions.

9. No part of the development hereby permitted shall be occupied until such time as the highways scheme at the A49 Newtown Road / Mortimer Road junction, as detailed in Phil Jones Associates drawing no. 668 – 313 Rev has been provided in full and is available for use by vehicular traffic.

Reason: To ensure no adverse impact on the operation of the highway network.

10. No part of the development hereby permitted shall be occupied until such as a time as the highways scheme at the A49 Newtown Road / Farriers Way / A49 Edgar Street roundabout, as prescribed in the Phil Jones Associates drawing no 668 – 313 Rev, is provided in full and is available for use by vehicular traffic.

Reasons for the above conditions: To ensure the safe and free flow of traffic on the A49 and that it continues to serve its purpose as part of the national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 and to satisfy the reasonable requirements of road safety on that road.

11. Construction and Traffic Management Plan
12. CAP
13. CAS
14. CAT
15. CAZ
16. CB3
17. Other conditions regulation the planning permission

The submission of reserved matters in respect of layout, scale, appearance and landscaping and the implementation of the development shall be carried out in substantial accordance with the Design and Access Statement (Nash Partnership) and Illustrative Masterplan 13005(L) 002 Rev O.

**Reason: To define the terms of the permission and to conform to Herefordshire Local Plan - Core Strategy Policies HD4, LD1, LD2, LD3, LD4 and MT1.**

- 18. G04 Protection of trees/hedgerows that are to be retained**
- 19. G10 Landscaping scheme**
- 20. G11 Landscaping scheme - implementation**
- 21. G14 Landscape management plan**
- 22. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:**
  - a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice**
  - b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors**
  - c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.**

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

- 23. The Remediation Scheme, as approved pursuant to condition no.22 above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.**

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

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

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

**Welsh Water conditions**

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

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

- 26. No more than 150 of the dwellings hereby approved shall be occupied until essential improvements to the public water supply system have been completed by Dwr Cymru Welsh Water and the Local Planning Authority have been informed in writing of its completion. This work is scheduled for completion by 31st March 2020.**

**Reason: To ensure satisfactory mains water supply is available to properties at all times.**

- 27. CE6 – Efficient use of water**
- 28. CD1 – Nature Conservation**

**INFORMATIVES:**

- 1. Statement of positive and proactive working**
- 2. N02 Section 106 obligation**
- 3. The drainage scheme for the site shall have regard to the requirements expressed at the conclusion of the Land Drainage consultant's response to the application (reported at section 4.8 of the report to Committee dated 3rd August 2016).**
- 4. I11 Mud on highway**
- 5. I09 Private apparatus within the highway**
- 6. I45 Works within the highway**
- 7. I08 Section 278 agreement**
- 8. N11C**

### 35. 152779 - LAND ADJOINING ORCHARD FARM, EARDISLAND, HEREFORDSHIRE

*(Proposed construction of 5 no dwellings with garages. Formation of new access and private drive and close existing. Demolition of outbuilding, steel framed barn, wind tunnel and greenhouse.)*

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr R Kirby, of Eardisland Parish Council spoke in opposition to the Scheme. Ms C Marsden, a local resident, also spoke in objection.

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

He made the following principal comments:

- Whilst mindful of the presumption in favour of development, he supported the Parish Council's case. He noted in particular the representations made about flooding and the inadequacy of the proposed evacuation route for residents of the proposed development.
- Whilst the proposed houses themselves were now to be situated in flood zone 1 flooding was still a risk to those parts of the site in flood zones 2 and 3.
- The proposal was contrary to the general development principles of the Neighbourhood Development Plan (NDP) set out at policy E1.
- The Land Drainage Manager had no objection to the application, subject to further drainage details being provided prior to construction. The critical nature of the drainage provision to the development meant that the application was premature and planning permission should not be granted until drainage matters had been resolved.
- Welsh Water's response of no objection was predicated on the fact that a private treatment plant was to be provided. Concerns remained about the risk of flooding and raw effluent being discharged and running through people's houses.
- The proposal should be refused on the grounds that it did not comply with policies SD3 and SD4 and was contrary to policy E1 of the NDP.

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

- It was important that appropriate weight was given to neighbourhood development plans.
- The concerns expressed about the risk of flooding were significant.
- It was proposed that the application should be refused on the following grounds: SS1, SS6, SS7, SD3, SD4, RA2, LD1, LD2, MT1 and H3.

The Lead Development Manager commented that the issues raised were capable of being resolved subject to standard conditions. The NDP had to be considered as a whole and on that basis the proposal was compliant with the NDP. If the Committee was minded to refuse the application policies E1 and E9 of the NDP and relevant paragraphs of the NPPF were relevant to that decision in addition to policies already identified in the debate.

**RESOLVED: That planning permission be refused and 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**



proposal was contrary to Core Strategy policies SS1, SS6, SS7, SD3, SD4, RA2, LD1, LD2, MT1 and H3, policies E1 and E9 of the NDP and relevant paragraphs of the NPPF.

**36. DATE OF NEXT MEETING**

The Planning Committee noted the date of the next meeting.

**Appendix 1 - Schedule of Updates**

The meeting ended at 1.17 pm

**CHAIRMAN**



# **PLANNING COMMITTEE**

**Date: 3 August 2016**

## **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**

**161407 - PROPOSED 1 FORM ENTRY PRIMARY SCHOOL WITH NURSERY AND PARKING PROVISION AT LAND ADJACENT TO COLWALL VILLAGE HALL, MILL LANE, COLWALL, HEREFORDSHIRE, WR13 6EQ**

**For: Herefordshire Council per Quattro Design Architects Ltd, Matthews Warehouse, High Orchard Street, Gloucester Quays, Gloucester GL2 5QY**

### **ADDITIONAL REPRESENTATIONS**

The Colwall Village Hall Trustees have written to state that they withdraw their objection to the application as the amended plans and associated documents address their previously expressed concerns.

Four local residents have written objecting to the amended plans and associated documents. In summary their objections to the amended plans are:-

- Mill Lane is unsuitable;
- The altered Mill Lane would be too narrow;
- The Mill Lane / Walwyn Road junction will become an accident black spot;
- The footway on the northern side of Mill Lane serves little purpose;
- Unnecessary urbanisation of rural area;
- Hazards to highway safety including the access of the public right of way onto Walwyn Road; and
- No safe parking routes within the village hall car park

No other objections to the amended plans and documentation have been received.

### **OFFICER COMMENTS**

The width of the carriageway (minimum of 5 metres) in Mill Lane would be sufficient for a car and lorry to pass.

The footway on the northern side of Mill Lane allows for access to the bus stop on the western side of Walwyn Road and allows pedestrians from the south to access the school by limiting the number of highway crossings that they would need to undertake.

The car parking arrangement is considered to be safe for pedestrians. Such car parks have low speeds.

### **NO CHANGE TO RECOMMENDATION**

**150478 - PROPOSED ERECTION OF UP TO 460 DWELLINGS INCLUDING AFFORDABLE HOUSING, PUBLIC OPEN SPACE, A PARK & CHOOSE FACILITY, WITH ASSOCIATED LANDSCAPING ACCESS, DRAINAGE AND OTHER ASSOCIATED WORKS ON LAND TO THE NORTH OF THE ROMAN ROAD AND WEST OF THE A49, 'HOLMER WEST', HEREFORD.**

**For: The Bloor Homes Ltd per Mr Guy Wakefield, Thornbury House, 18 High Street, Cheltenham, Gloucestershire, GL50 1DZ**

**OFFICER COMMENTS**

The description of development given in the draft Heads of Terms should refer to "Park and Choose" instead of "Park and Ride."

**NO CHANGE TO RECOMMENDATION**



<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>24 AUGUST 2016</b>
<b>TITLE OF REPORT:</b>	<b>APPEALS</b>

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**CLASSIFICATION:** Open

## **Wards Affected**

Countywide

## **Purpose**

To note the progress in respect of the following appeals.

## **Key Decision**

This is not an executive decision

## **Recommendation**

**That the report be noted.**

## ***APPEALS DETERMINED***

### **Application 152534**

- The appeal was received on 3 March 2016
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Planning Conditions
- The appeal was brought by Mr Ivan Lucas
- The site is located at Orde House, Whitchurch, Ross-On-Wye, Herefordshire, HR9 6DQ
- The development proposed was Proposed erection of stable block, including tack room and change of use of land to equine.
- The main issue was whether the conditions are necessary having regard to highway safety.

### **Decision:**

- The application was Approved under Delegated Powers on 26 November 2015
- The appeal was Allowed on 22 July 2016

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

### **Application 143792**

- The appeal was received on 4 March 2016
- 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 Mrs Myra Thomson

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

- The site is located at Kingcup Cottage, Wellington, Hereford, Herefordshire, HR4 8DT
- The development proposed was Proposed residential development and alteration for existing access.
- The main issues were:
  - Whether the proposal would conflict with policies for residential development which seek to achieve a sustainable pattern of development, and
  - The effect of the proposal on the character and appearance of the area.

**Decision:**

- The application was Refused under Delegated Powers on 8 October 2015
- The appeal was Dismissed on 5 August 2016

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

**Application 152547**

- The appeal was received on 13 May 2016
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Planning Conditions
- The appeal was brought by Miss Lucy Gardner
- The site is located at Woods Of Whitchurch, Whitchurch, Ross-On-Wye, Herefordshire, HR9 6DJ
- The development proposed was Proposed change of use of part residential first floor flat to coffee shop and associated wc.
- The main issue was:
  - Whether the disputed condition is reasonable and necessary with regard to the effect of the development on the living conditions of occupiers of neighbouring properties, with particular regard to the existing residential accommodation within the host building.

**Decision:**

- The application was Refused under Delegated Powers on 14 October 2015
- The appeal was Allowed on 10 August 2016

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

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>24 AUGUST 2016</b>
<b>TITLE OF REPORT:</b>	<b>152041 - PROPOSED RESIDENTIAL DEVELOPMENT OF 10 DWELLINGS (AMENDMENT TO ORIGINAL APPLICATION) AT LAND TO THE NORTH OF ASHPERTON VILLAGE HALL, ASHPERTON, HEREFORDSHIRE,</b>  <b>For: Mr Davies per Twyford Barn, Upper Twyford, Hereford, Herefordshire HR2 8AD</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=152041&amp;search=152041">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=152041&amp;search=152041</a>
<b>Reason Application submitted to Committee – Re-direction</b>	

**Date Received: 13 July 2015**

**Ward: Three Crosses**

**Grid Ref: 364355,241955**

**Expiry Date: 15 June 2016**

Local Member: Councillor JG Lester

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

- 1.1 The application site features an undeveloped agricultural field located adjacent to the main built core of Ashperton, a settlement designated under Core Strategy policy RA2 as a sustainable location for residential development outside Hereford city and the market towns.
- 1.2 Ashperton is located in east Herefordshire 7 miles from the market town of Ledbury, 15 miles from Leominster and 11 miles from Hereford. There are a number of services and facilities in and around the village, furthermore Ashperton has good proximity and road connectivity to other local settlements and their facilities. There is a (albeit) limited bus service, a primary school, church and village hall in Ashperton and a pub just outside of the main village to the south about half a mile from the site.
- 1.3 The site is an agricultural field which is currently part of Walsophorne Farm, it is located at the northern edge of the village immediately to the North of the Village Hall and east of the A417. The site is predominantly surrounded by agricultural land and existing development.
- 1.4 Existing developments in close proximity of the site are varied in size, age, design and orientation and include a number of Grade II listed dwellings. The site is undulating in character with high and low points along the main road, with the land plateauing and levelling out and falling away to the East. The site is higher in topography than the adjoining road, the A417 and existing adjacent dwellings opposite, however the village hall sits at a higher and more prominent level on the crest of the rising land.
- 1.5 There is a wide hedgerow around the site which currently provides visual screening between the site and the highway. The A417 is recognised as a significant strategic and busy road used as a main route by HGVs as it connects the A49, A4103 routes with road links to Gloucester,

Further information on the subject of this report is available from Mr C Brace on 01432 261947

the M50 and wider national strategic road network. The speed limit adjacent to the site forms a 30 & 40 mph zones.

- 1.6 The proposal is an outline application for the erection of ten dwellings with all matters reserved for a future Reserved Matters application other than the site access and site layout.

## 2. Policies

### 2.1 Herefordshire Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
SS7	-	Addressing Climate Change
RA1	-	Rural Housing Strategy
RA2	-	Herefordshire's Villages
OS1	-	Requirement for Open Space, Sport and Recreation Facilities
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

### 2.2 Neighbourhood Plan

Ashperton Neighbourhood Plan Area was designated on 3<sup>rd</sup> June 2015. Whilst it is a material consideration it is not sufficiently advanced to attract weight for the purposes of determining planning applications.

- 2.3 The following sections of the National Planning Policy Framework (NPPF) are particularly relevant:-

Ministerial foreward

Introduction

Achieving Sustainable Development

Delivering Sustainable Development

Section 6 - Delivering a Wide Choice of High Quality Homes

Section 7 - Requiring Good Design

Section 8 - Promoting Healthy Communities

Section 10 - Meeting the Challenge of Climate Change

Section 11 - Conserving and Enhancing the Natural Environment

Section 12 - Conserving and Enhancing the Historic Environment

- 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 None

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Welsh Water has no objection, commenting no problems are envisaged with the provision of water supply for this development.

### Internal Council Consultations

- 4.2 Transportation Manager is satisfied the proposal satisfies Core Strategy policies SS4 and MT1 and also offers opportunities for connectivity between the development and village. Technical standards regarding the internal roadway, turning and parking areas are secured through condition. A number of conditions and informatives requested are added to the recommendation.
- 4.3 Conservation Manager (Landscape) - I have read the amended landscape planting plan in conjunction with the landscape materials plan as part of the amended drainage strategy.
- 4.4 As stated I am satisfied that having walked the site on two occasions with both the architects and the planning officer that whilst accepting that the site is sensitive as a result of its undulating landform the impact upon the landscape and visual receptors will not be substantially harmful:
- 4.5 In terms of landscape character, the proposed layout does not unduly conflict with the settlement pattern of the village of Ashperton which has clusters of dwellings radiating outwards from the village green and the historic core. The chosen layout enables the proposal to be situated on the lower contours of the land located between two high points and some 5m below that of the core of the existing settlement.
- 4.6 Whilst it is readily acknowledged that the undulations of the land render it sensitive in character, the visual impact of the proposal is confined to near distant views. Road users, particularly of a road such as the A417, are considered low sensitivity receptors (GLVIA3) as they experience transient views.
- 4.7 Views from existing properties have been taken into consideration as well as the setting of nearby listed buildings, as demonstrated within the Village Analysis Study, with built form set back from the roadside in order to retain vistas of the village hall and avoid overshadowing of existing dwellings. Extensive mitigation is proposed inline with the landscape character type; Principal Settled Farmlands, which can be secured at the reserved matters stage.
- 4.8 Conservation Manager (Ecology) - as a general comment notes the application site is currently under agricultural management as pasture and so of fairly low ecological value overall. The landscaping, biodiversity mitigation and enhancements that will come as part of the development will provide a significant enhancement of habitat value above current for local wildlife and protected species.
- 4.9 The contents of the additional 'Phase 2' detailed ecological surveys and report by Europaeus Land Management Services dated December 2015 are noted and I am happy that these address the concerns and request for further information made previously [by my colleague Rob Widdicombe]. I note in particular that they recommend that a European Protected Species Licence is required in respect of the local potential for Great Crested Newts. This licence will require a detailed protection, mitigation and enhancement plan, and should include the proposed off-site attenuation pond in the proposals. In addition the creation of new hedgerows and copse/woodland will provide additional habitat. The inclusion of bird nesting and bat roosting opportunities (eg. bird boxes, sparrow terraces, bat bricks and tiles) within the construction of the new houses would further enhance the habitat.

- 4.10 To ensure that the required ecological protection, mitigation and enhancements are included numerous conditions are recommended. These are attached to the recommendation, below.
- 4.11 PROW Manager notes Public footpath AP28 has been shown on plans, and would not appear to be obstructed by the development. The path has a historic width of at least 4m which must not be encroached upon.
- 4.12 Waste Services Manager comments throughout the design and access statement there is reference to the Homezone standards and verge planting to reduce speed of movement through the development. The area is serviced by an 18 tonne refuse collection vehicle (RCV) which will need clearance space for width, height and manoeuvring across the development as well as adequate turning circles. This vehicle will access the site every week.
- 4.13 The County Land Agent has no objection, considering there will be no impact on the village green.
- 4.14 Conservation Manager (Archaeology) - has no objection, making the following comments:
- There is certainly some interest in relation to Roman-period archaeology in the broader landscape context. The existing road forming the western edge of the development in all probability traces the alignment of the former Roman road that ran southwards from the forts and settlements at Stretton Grandison in the north, towards [ultimately] the Roman city of Gloucester to the south.
  - However, both in regard to Roman-period remains, and indeed to remains of other periods, it would seem that the application site itself does not have great archaeological potential. It has plainly been subject to a degree of comparatively recent disturbance, which would have damaged pre-existing deposit profiles, and there are no traces of the kind of medieval earthworks that are present (for instance and n.b.) in some of the fields to the south of the village hall.
  - In the circumstances, in relation to this particular case, I have no objections and no requirements to advise.
- 4.15 Conservation Manager (Heritage) makes the following comments:

I believe that there will be some impact on the listed buildings because the general setting is one of open farmland, and if this were developed the character of the area would be changed particularly as the housing has been grouped in a somewhat sub-urban form. However I do not think that there would be substantial impact and on this consideration alone it would not be sufficient reason to refuse the application.

## 5. Representations

- 5.1 Ashperton Parish Council objects to the proposal. Ashperton Parish Council is of the opinion that the revised application for 10 dwellings would result in some reduction to the harm to the character and appearance of the landscape and visual setting of the village, and other harm, it remains of the opinion that the detriment would remain severe and would outweigh any benefit in terms of additional housing. Furthermore, whilst the removal of the northern “cluster” of dwellings would mean that there would be reduced detriment to the living conditions of those residents opposite that part of the site, there would remain significant harm to the living conditions of occupiers of properties to the west of the A417 with regard to outlook.
- 5.2 **The Parish Council’s full objection and further comments are appended to this Report**
- 5.3 Ashperton Neighbourhood Plan steering group advises they have for the last 12 months been gathering information and have began the process of creating a draft plan using data provided by public consultation. The response rate to our first questionnaire was 74%.

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Further information on the subject of this report is available from Mr C Brace on 01432 261947

5.4 Some of the questions asked that are perhaps pertinent to the above application are:

- What do you like about the Parish? : 48% chose the rural views and unspoilt and peaceful location of the village.
- The Herefordshire Core Strategy states that Ashperton Parish must have at least 15 new houses by 2031. How would you like to see these distributed? : 71 %> responded that there should be less than 3 dwellings on any one site.
- Should this development take place gradually until 2031 or take place all at once? : 90% want gradual development within the Parish.
- Are there any locations where houses should not be built? : 57% responded that houses should not be built on greenfield sites including this land but 36%) specifically not on the land as proposed in this application.
- When asked if the Neighbourhood Plan should protect natural features and the landscape within the Parish (Q5.2), 56% answered yes.
- How important are heritage features of the village to you? : 93%) responded important or very important.

5.5 The intention is for public consultation on the draft plan to begin in August / September 2016. The proposed development does not fit in any way and clearly shows that despite having gone out to public consultation last year, the applicant has not taken on board the thoughts and feelings of the current residents.

5.5 Forty eight letters of objection have been received from local residents. Comments are summarised as :-

- Criticism over number of amendments allowed to be considered
- Concern over surface water and foul drainage
- Safety issue regarding attenuation basin
- Concern regarding pollution of watercourses
- Concern over highway safety
- The illustrative layout and landscape is only indicative and might not happen
- Substantial increase in number of dwellings in the village
- Impact on listed buildings
- The layout is inappropriate and out of character and context with this rural setting
- Proposal is not rural in concept
- Detrimental impact on the character and setting of the village
- Landscape harm
- Impact on existing residential amenity and privacy
- Impact on wildlife and biodiversity
- This is not a small scale development
- The landscape assessment and the Council's assessment of landscape impact is wrong
- Noise and pollution from extra traffic
- Lack of services and infrastructure in the village
- Inadequate consultation has taken place
- Proposal will have an overbearing impact on the village
- Loss of views from properties
- Loss of views from PROW/ countryside
- Shadowing and loss of light
- Loss of dog walking/ recreation facility
- Proposal is not in accordance with the Neighbourhood Plan
- If approved could lead to development of the rest of the field
- Unsustainable development
- Conflicts with local and national planning policies

- 5.7 Herefordshire Ramblers object, their objection is summarised as:
- Concern regarding the impact on PROW AP28
  - Impact on the pleasant aspect and views from the local PROW network
  - Potential impact on tourism
- 5.8 The Open Spaces Society:- nowhere on the plans are PROW AP28 annotated. The proposed Attenuation Basin, appears near the route of FP AP28, also consider must be suitably fenced for H & S reasons, also the registered path must be kept free of obstructions/works during the proposed development.
- 5.9 Ledbury and District Civic Society:- The development would add to existing problems associated with the road through the village. There are no jobs available, no shops, few facilities and hardly any bus services for Ashperton; the village is already not self sufficient and many additional car journeys to and from would be generated to reach such facilities. There are very real concerns about how to discharge rainwater and foul water from the site, given possible flooding of adjacent areas lower than the site and lack of capacity for sewage effluent.
- 5.10 Eight letters of support have been received, comments are summarised as:
- Proposal will meet local and county housing needs
  - Well considered proposal
  - Area lacks diversity of population, this will help address that
  - Rural feel to layout
  - Spacious development
  - Clear need for housing in the area
  - Villages such as Ashperton need to grow
  - Will help support existing local facilities
  - Views expressed at the public consultation have been considered
  - Will help me secure a house in the area
- 5.11 West Mercia Police comment 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.
- 5.12 Canon Frome cricket club supports the application as it welcomed the additional families that the proposed application would bring into the village. This, hopefully, would give it a greater pool of potential players for its senior and thriving junior section. Like all small clubs, playing numbers are always a problem, and so the club welcomes any opportunity to increase the pool of potential players.
- 5.13 Ledbury Area Cycling Forum :- In the light of the Government's *Cycling and Walking Investment Strategy* every opportunity to improve active travel infrastructure to encourage a reduction in car dependency and encourage people to walk and cycle. It is noted on the outline planning application that a shared cycle/pedestrian path runs through the development and terminates near the village hall, with a new pedestrian crossing at that point and a second new pedestrian crossing a short distance to the north. This shared use path should have priority where it crosses the southern vehicular access road to the site. The crossings over the A417 should accommodate pedestrians and cyclists and should be light controlled. An off-road shared-use cycle/pedestrian path connecting with the A417 should be provided, together with a road crossing, to connect with the proposed path running through the site. This will provide a safe link for local residents to access the new public amenity space and other village facilities. Each new

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Further information on the subject of this report is available from Mr C Brace on 01432 261947

residential unit should be provided with its own fully enclosed, secure cycle parking accommodation. By supplying the storage spaces with mains electricity, they can also be used for parking rechargeable e-bikes, thereby increasing the scope of cycle use to take advantage of the quiet lane network connecting Ashperton to Ledbury and other centres.

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

<https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=152041&search=152041>

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

### Background

- 6.1 Ashperton is designated under Core Strategy policy RA2 as a sustainable location for residential development outside Hereford city and the market towns. The village is within the Ledbury Housing Market Area and is one of ten villages that are the main focus of proportionate housing development.
- 6.2 Ashperton was designated under the previous local plan, the Herefordshire Unitary Development Plan policy H6 as a smaller settlement, however, from the adoption of that preceding plan to today's date the village has only provided planning permission for three new dwellings, all permitted under planning reference 143420/F at Planning Committee on 15<sup>th</sup> July 2015. This permission however has yet to commence. In summary, in over ten years Ashperton has delivered no new dwellings and has only advanced three units through extant planning permission despite its long standing identification as a sustainable location for residential development.
- 6.3 Discussions for development of the site considered here began prior to the adoption of the Core Strategy and developed during a period of the Council failing to demonstrate a five year supply of housing land against the knowledge Ashperton was a designated settlement for proportionate housing development.
- 6.4 Community consultation has been undertaken with the local community and stakeholders at events held on 28th January 2015 and 12th May 2015 by the applicants' agent. There have been three rounds of full formal public consultation as part of the application consultation and determination process.
- 6.5 A proposal of 27 dwellings of which 9 would be affordable, significant public open space and landscaping provision, along with a s106 agreement proposing financial contributions and a land donation providing a dedicated new car parking for the village hall adjoining the site was put forward in a formal planning application, registered and open to public consultation from 16<sup>th</sup> July 2015. The proposal was unanimously rejected by the local community and the offer of land and car parking for the village hall was rejected by the Parish Council on 13<sup>th</sup> August 2015, who commented *The application proposes an extension to the Village Green on the highest land next to the Village Hall. Not only is this land of no use to the applicant but it would serve no useful purpose as public space. It is land some 1.5-2m above Dognall Lane alongside the Hall and high above the road. It would demonstrably be an unsafe place for children to play. The Parish Council would not be prepared to take on responsibility for this land.*
- 6.6 Following this rebuttal from the local community, the applicant has worked with Officers to address the concerns raised and as such an amended reduced proposal of ten dwellings and associated landscaping replaced the original proposal and was reconsulted on from 16<sup>th</sup> March 2016. An amendment to the red line area to incorporate drainage strategies recommended and

to address the Council's drainage consultants comments led to a further full reconsultation process running from 16<sup>th</sup> May 2016.

### Proposal Summary

- 6.7 The proposed scheme is to develop the site to accommodate 10 new dwellings on an approximately 0.91ha site, the proposal includes the provision of areas of amenity space for the development. The site will contain varying sized residential units to create a mixed community, the whole development comprised of smaller sized properties as well as larger family homes.
- 6.8 10 dwellings are proposed in response to the rejection of the larger 27 unit development because it enables Ashperton to accommodate the level of housing likely to be required over the coming years, in a well planned rather than piecemeal fashion. Furthermore the proposal creates less housing on the site compared to a typical developer scheme and allows an appropriately 'rural' balance of housing and green space, responding to context.
- 6.9 The density of housing in the site is 12.5 d.p.h and has been informed by a study into neighbouring housing development. The Core Strategy recommends housing densities to be between 30 and 50 d.p.h across the county, although sets out that the density should be informed by the characteristics of the area.

### Policy Assessment

- 6.10 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires local planning authorities to determine applications in line with the provisions of the local development plan unless material circumstances dictate otherwise.
- 6.11 Paragraph 14 of the NPPF clearly defines 'presumption in favour of sustainable development' as the golden thread running through the NPPF. It goes on to state that for decision taking this means approving development proposals that accord with the development plan without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in the NPPF indicate development should be restricted.
- 6.12 The local authority is currently failing to provide a 5 year Housing Land Supply, plus a 20% buffer, which must be met by all local authorities in accordance with paragraph 47 of the NPPF. Paragraph 49 of the NPPF states that '*relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*'.
- 6.13 Where the existence of a five year land supply cannot be demonstrated, there is presumption in favour of granting planning permission for new housing unless the development can be shown to cause demonstrable harm to other factors that outweigh the need for new housing.
- 6.14 In reaching a decision upon new housing the housing land supply position will need to be balanced against other factors in the development plan and/or NPPF which could result in the refusal of planning permission. This site is therefore assessed and considered on its suitability as being sustainable as regards its location and material constraints and considerations.
- 6.15 This position has been crystalised following a recent Appeal Court Decision and the implications of this position following the *Suffolk Coastal DC v Hopkins Homes & SSCLG* and *Richborough Estates v Cheshire East BC & SSCLG*[2016] EWCA Civ 168 were described by the Court thus –

*We must emphasize here that the policies in paragraphs 14 and 49 of the NPPF do not make "out-of-date" policies for the supply of housing irrelevant in the determination of a planning*



*application or appeal. Nor do they prescribe how much weight should be given to such policies in the decision. Weight is, as ever, a matter for the decision-maker (as described the speech of Lord Hoffmann in Tesco Stores Ltd. v Secretary of State for the Environment [1995] 1 W.L.R. 759, at p.780F-H).*

*Neither of those paragraphs of the NPPF says that a development plan policy for the supply of housing that is "out-of-date" should be given no weight, or minimal weight, or, indeed, any specific amount of weight. They do not say that such a policy should simply be ignored or disapplied. That idea appears to have found favour in some of the first instance judgments where this question has arisen. It is incorrect.*

- 6.16 The NPPF sets out 12 core land-use planning principles in paragraph 17 which should underpin decision taking. These include the principle to *'proactively drive and support sustainable economic development to deliver homes, businesses and industrial units, infrastructure and thriving places that the country needs'*.
- 6.17 NPPF section 12 sets out the position regarding conserving and enhancing the natural environment. Specific principles and policies relating to the natural environment and its assets and development are found in paragraphs 109 – 125.

#### Herefordshire Core Strategy

- 6.18 Core Strategy Policy SS1 – *Presumption in favour of sustainable development*, in line with the NPPF, has a positive approach to such development. Furthermore, planning permission will be granted unless the adverse impact of the permission would significantly and demonstrably outweigh the benefits of the proposal.
- 6.19 Core Strategy Policy SS2 – *Delivering new homes* sets out Herefordshire is to deliver a minimum 16,500 dwellings during the plan period and that designated rural settlements play a key role in that delivery and support the rural economy, local services and facilities. Such settlements will deliver a minimum 5,600 dwellings.
- 6.20 Core Strategy policy SS7 – *Addressing climate change* describes how developments will be required to mitigate their impact on climate change, and strategically, this includes:
- focussing development to the most sustainable locations
  - delivering development that reduces the need to travel by private car and encourages sustainable travel options including walking, cycling and public transport
- 6.21 Core Strategy policy RA1 – *Rural housing distribution* sets out the strategic way housing is to be provided within rural Herefordshire delivering a minimum of 5,300 dwellings. Herefordshire is divided into seven Housing Market Areas (HMAs) in order to respond to the differing housing needs, requirements and spatial matters across the county.
- 6.22 Core Strategy policy RA2 – *Housing outside Hereford and the market towns* identifies the settlements in each HMA area where the main focus of proportionate housing development will be directed, along with other settlements where proportionate housing growth is appropriate.
- 6.23 Ashperton is within the Ledbury HMA and one of ten settlements designated to be the main focus of proportionate growth in that HMA. The Ledbury HMA is to provide a minimum 565 dwellings in the Plan period with an indicative housing growth target of 14%.
- 6.24 The application site is therefore sustainably located, being adjacent to the main built core of Ashperton, a settlement designated under Policy RA2. Development is therefore acceptable in principle on a locational basis. The Parish of Ashperton has 101 dwellings and the indicative

target within this HMA is 14% meaning an additional 15 dwellings, therefore the proposal for ten dwellings is considered to be proportionate housing growth and still below the stated target.

- 6.25 In principle and strategically, the proposal is acceptable as it represents sustainable and proportionate development, complying with Core Strategy policies SS1, SS2, SS7, RA1 and RA2 and the relevant requirements of the NPPF.

#### Assessment

- 6.26 Sustainable development and sustainability are more than a matter of location. The NPPF states that good design is a key aspect of sustainable development and indivisible from good planning. It is not just a matter of aesthetics. Amongst other things, it says that decisions should aim to ensure that developments function well and add to the overall quality of the area; and optimise the potential of the site to accommodate development. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 6.27 Section 7 (*Requiring good design*) of the NPPF requires developments should function well and add to the overall quality of an area, establishing a sense of place to create attractive places to live, work and visit through responding to local character and history and reflecting local identity, whilst at the same time not stifling innovation. This approach is reinforced through Core Strategy policies SS6, LD1 and SD1 and the criteria of policy RA2 which requires development should reflect the size, role and function of the settlement and be located within or adjoining its main built up area. Attention is required to be paid to the form, layout, character and setting of the site and its location, resulting in high quality sustainable development.
- 6.28 As such, given the sustainable location and in principle acceptability of the development on those terms, the decision making process turns to the assessment of material considerations.

#### Heritage

- 6.29 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states “*In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*”
- 6.30 NPPF section 12 sets out the position regarding conserving and enhancing the historic environment. Specific principles and policies relating to the historic environment and heritage assets and development are found in paragraphs 126 – 141.
- 6.31 The NPPF sets out in paragraph 126 that there should be a positive strategy for the conservation of the historic environment. It is recognised that heritage assets are an irreplaceable resource to be conserved in a manner appropriate to their significance taking into account:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
  - The wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring
  - The desirability of new development making a positive contribution to local character and distinctiveness
  - Opportunities to draw on the contribution made by the historic environment to the character of a place.

- 6.32 Paragraphs 131 – 133 set out what LPAs should consider in determining planning applications featuring heritage assets and how. This includes:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - The desirability of new development making a positive contribution to local character and distinctiveness.
- 6.33 The Core Strategy sets out heritage policy under LD4. The historic environment is defined as all aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora. Those elements of significance with statutory protection are referred to as designated heritage assets. Policy LD4 is applicable to heritage assets throughout Herefordshire whether formally designated e.g. listed buildings and conservation areas, or not.
- 6.34 Policy LD4 – *Historic environment and heritage assets* requires that development proposals affecting heritage assets and the wider historic environment should:
- Protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design, in particular emphasising the original form and function where possible;
  - Where opportunities exist, contribute to the character and local distinctiveness of the townscape or wider environment, especially within conservation areas;
  - Use the retention, repair and sustainable use of heritage assets to provide a focus for wider regeneration schemes;
  - Record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) and to make this evidence or archive generated publicly accessible; and
  - where appropriate, improve the understanding of and public access to the heritage asset.
- 6.35 The application site as a whole has been assessed regarding its impact on all heritage assets hereabouts, with particular regard to the nearest five listed buildings. These are:
- a) No.47, a Grade II listed building South West of the application site
  - b) Chandlers, a Grade II listed building South West of the application site
  - c) No. 42/43, a Grade II listed building West of the application site
  - d) The Farmhouse, a Grade II listed building North West of the application site
  - e) The Green, a Grade II listed building South East of the application site
- These buildings are all Grade II listed and as such are afforded significant protection by legislation, local and national planning policies. The impact of the proposal on these assets and their setting is a significant material consideration and where substantial harm is identified, LPAs are directed to refuse the proposal.
- 6.36 It is noted listed buildings a) and b) are located immediately adjacent to the extant planning permission under reference 143420/F for the erection of three dwellings. This development immediately adjoins these listed buildings and is viewed as part of their setting and vista as viewed, in particular from the PROW adjoining the site and village hall, and on approaching the village from the North. Despite the direct proximity of that proposal, no explicit objection on the impact of that development on the setting of these adjoining listed cottages was received. That decision implies that close adjacent development resulted in harm that is less than substantial.
- 6.37 Regarding the proposal under consideration here, it is noted the siting of the proposed dwellings is both located and orientated to minimise impact on all dwellings on the West side of the A417,

and with further regard to listed buildings a), b) and c), a significant open space landscaping area provides a buffer between those listed buildings and the development. This protects and provides a long term guarantee to the protection of these buildings setting and in particular, views from the PROW, open space proposed and development itself. As such the setting of these listed buildings is widely protected and their historic context still appreciable from the PROW and application site itself. It is considered the harm is less than substantial.

- 6.38 Listed building d) is located 111 metres North West of the nearest dwelling within the application site on the opposite side of the A417. This building is set back and orientated at 90 degrees to the road. Having regard to context, topography, intervening buildings, the distance from the nearest proposed dwelling and landscaping proposed, it is considered the impact to its setting is harm that is less than substantial.
- 6.39 Listed building e), through its existing setting, topography, intervening buildings and layout and landscaping of the proposal, is similarly considered to suffer no demonstrable harm to its setting over that already existing. As such it is considered the harm that is less than substantial.
- 6.40 The proposal, as part of its wider landscaping and integration strategy, will reveal and re-emphasise an old village pump that adjoins the highway.
- 6.41 As such it is considered that there is no demonstrable, significant adverse impact upon these heritage assets or their setting that can be considered to represent substantial harm to justify refusal. Indeed the Conservation Manager (Historic Buildings) confirms there is less than significant harm and therefore paragraph 134 of the NPPF is engaged where the harm is weighed against the public benefits. In this respect the provision of housing and jobs through the construction period is considered to be of significant weight given the lack of a 5yr supply of housing. There is also positive consideration and strategy to ensure the setting of these assets is adequately protected and maintained in the longer term through landscaping, orientation and undeveloped areas. Quite simply, if it is considered the impact of the proposal would justify refusal on the basis of substantial harm upon the setting of these adjoining heritage assets, it would be reasonable to conclude no development could take place *anywhere* within or adjoining any listed building and its curtilage. Accordingly Core strategy policies SS6, RA2, LD1, LD4 and SD1 and the heritage aims and objectives of the NPPF are considered to be satisfied as the proposal results in harm that is considered to be less than substantial on adjoining heritage assets and their setting.

### Landscape

- 6.42 Paragraph 17 of the NPPF describes twelve core planning principles. This includes taking account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it, and contributing to conserving and enhancing the natural environment and reducing pollution.
- 6.43 Section 11 of the NPPF – *Conserving and enhancing the natural environment*, in its opening paragraph, 109, sets out :”*The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes*”.
- 6.44 Core Strategy policy SS6 states 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*”. Policy SS6 then states in its list of criteria that development proposals should be shaped through an integrated approach and based upon sufficient information to determine the effect upon landscape, townscape and local distinctiveness, especially in Areas of Outstanding Natural Beauty.

- 6.45 Core Strategy Policy LD1 – *Landscape and townscape* states, “*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 of trees lost through development and new planting to support green infrastructure.”*
- 6.46 There are no formal landscape designations applicable to the site or its location and the site does not form part of the visual setting of an Area of Outstanding Natural Beauty, however the Public Right of Way AP28 Dognall Lane runs past the Village Hall in close proximity to the site.
- 6.47 The landscape character type in which the site falls is *Principal Settled Farmlands* described as settled agricultural landscapes of dispersed scattered farms relic commons and small villages and hamlets. The Landscape Character Assessment (updated 2009) states additional housing in hamlets and villages should be modest in size in order to preserve the character of the original settlement.
- 6.48 The development site relates well to the existing settlement in terms of proximity and the proposed number of units now reduced to 10 is not considered to substantially adversely affect the character of the village which has several small clusters of houses located to the west of the A417.
- 6.49 Significant concern has been raised regarding the impact that the proposals would have on the visual and landscape character of the village, its setting and views into and from Ashperton. The proposal has been designed and informed with regard to this concern with the dwellings being set back from the road, and located at a low point of the site with a landscape strategy which aims to soften the impact of the proposal on the village.
- 6.50 The development will be visible from views along the A417 travelling in both northerly and southerly directions, however, this is minimised through the design layout and further softened by landscape planting.
- 6.51 It is acknowledged the views through the village will be altered, particularly when approaching the village from the north, as the view range is wider and longer. The proposed development has been designed to maintain views to the village when approaching from the north, in particular the recognisable Village Hall building, and the open countryside where development has been kept to a minimum area upon the lowest topography. Consideration has been given to the high point of the field adjacent to the village hall where no development is proposed.
- 6.52 Viewing the site when travelling through the village from the south the views to the open countryside have been altered however filtered views of the open countryside will remain. Planting strategies which include trees and hedges aim to give a soft screening edge to the development in order to preserve the rural aesthetic and mitigate significant negative change to views.
- 6.53 The Strategy advanced by the proposal regarding the overall layout is fully responsive to assessment and consideration of the context and landscape character hereabouts. The proposal creates one distinct area of housing arranged to follow the contours of the site, with a

cohesive landscaping strategy. Development is avoided on the highest parts of the site and conditions restricting the heights to ridge are proposed on certain plots to further minimise and mitigate impact, both in landscape terms and in respect of maintaining and enhancing the setting of the village and heritage assets (as outlined above). Significant areas of amenity space with pedestrian links, that tie into the grain of the existing village create connectivity both functionally and visually. The use of Green corridors of landscaping and swales accommodate informal play and social space for the site and enhancements to the biodiversity of the site.

- 6.54 The layout of the proposed development integrates the proposal into the village by locating the dwellings close to existing developed parts of the Ashperton, and by being immediately adjacent to one of the key local facilities, the Village Hall. Rather than replicate the broadly linear development pattern on the West, opposite of the A417, the proposal replicates and is informed by a 'cluster' layout, concentrating development into one area. Ten new units is considered to be a moderate addition to the built fabric of Ashperton and therefore the proposal has been designed sensitively to sit as far as possible in the lower point of the site with predominantly building gables, rather than main elevations facing the A417 road and adjacent houses. The dwellings have been orientated in this way to allow filtered views through the development to the wider landscape and to present a low density proposal, with the intention that from the main road the proposal appears to be smaller than it is. The orientation also allows the possibility that Passivhaus standard dwellings could be designed as part of any Reserved Matters application.
- 6.55 This layout strategy is further reinforced by a landscape design strategy which takes reference from the local landscape with swales, an orchard and informal play spaces, with native tree and plant species, all contributing towards providing landscape amenity. Landscaping is to comprise:
- Orchard areas.
  - Ecological enhancements and habitat creation
  - Homezone access with pedestrian priority
  - A focus on native planting and orchard planting
  - Woodland screening planting and hedgerow planting
- 6.56 The proposals present a community orchard space, and woodland buffer and hedgerow planting to the boundary. These areas provide opportunity for community use, informal recreation and children's play and overall amenity opportunities to all residents and the local community. The planting proposals are focused on creating natural habitats through native species planting and enhancing the overall biodiversity of the site and also helping to alleviate surface water runoff.
- 6.57 The proposed planting will enhance ecological value and diversity. The planting character reflects the rural nature of the site, the dynamic SUDS functions of the landscape, and significantly contributes to the amenity value of the proposals. The variety of planting types includes:
- Proposed fruit tree planting
  - Grass and wildflower verges
  - Native mixed hedgerows and woodland screening planting to the boundaries
  - Native marginal planting to the swales.
  - Amenity lawn planting is proposed within private gardens and public open spaces
- 6.58 There are no existing trees within the site boundary. Existing hedgerow borders the south, west and north of the site. The majority of the existing hedgerow is to be retained and protected during construction. Some hedgerow will be removed to enable pedestrian and vehicular access into the site. The proposed quantity of mixed native hedgerow is 210 linear metres equating to 245 sqm area, which outweighs the loss of 165 sqm area of existing hedgerow. The proposed hedgerow also provides enhancement to the diversity of species in the existing species poor hedgerow.

6.59 Whilst the development, like any, will have a 'landscape impact' through its very presence over the current situation (undeveloped agricultural land), it is noted the location is not a protected landscape and the site adjoins and relates to the existing built form of Ashperton, a village identified for growth. The density and layout responds to the landscape context and further mitigates its impact through landscaping design. As such it is considered the landscape harm is acceptable when balanced against this position, conditions that can be imposed and requirement to deliver housing, both in the village and Herefordshire generally. As such Core Strategy policies SS6, RA2, LD1 and SD1 and the relevant aims and objectives of the NPPF are satisfied regarding landscape character and design.

#### Amenity

6.60 A core planning principle of the NPPF is that planning should seek to ensure high quality design and a good standard of amenity for existing and future occupants of land and buildings. This is reinforced in Core Strategy policy SD1 which requires development to safeguard residential amenity for existing and future residents.

6.61 The most sensitive views are considered to be those from the closest neighbouring properties. The proposed dwellings will be particularly visible from the upper floors. In order to reduce this impact the proposed dwellings have been well set back from the road, accommodated in the lowest possible points of the site and broken up in massing. Orchard 'buffer' planting adjacent to the road is intended to mitigate some direct views to the closest dwellings, and reinforces a rural aesthetic. The highest point adjacent to the village hall has been left clear from development.

6.62 The eleven existing dwellings to the application site and proposed dwellings range in distance as follows (distance from nearest part of existing dwellinghouse to nearest part of nearest proposed dwelling):

- 42 Ashperton Road – 80 metres
- 43 Ashperton Road – 102 metres
- 47 Ashperton Road – 71.6 metres
- 52 Ashperton Road – 60 metres
- Chandlers – 51.9 metres
- Goshen Cottage – 75 metres
- Green House (obscured from site by Village Hall) 62 metres
- Orchard Leaze – 131 metres
- The Ditch/ 44 Ashperton Road – 45.8 metres
- The Farm – 111 metres
- Westward – 138 metres

6.63 Green House and 52 Ashperton Road are located East of the village hall. Given the context, orientation of properties, existing and proposed landscaping and intervening distances it is considered there is no adverse impact on their amenity.

6.64 Chandlers and 47 Ashperton Road (both Grade II listed) front the A417 and face the open space area formed around the highest part of the site adjoining the village hall. The nearest proposed dwellings are at an oblique angle to these dwellings and set on land sloping away from them. Given the context, distances and intervening distances, their amenity is adequately protected and will be further safeguarded at the detailed design stage.

6.65 42 and 43 Ashperton Road (Grade II listed), Goshen Cottage and The Ditch are sited at a significantly lower level than the application site. Having regard to the application site, The Ditch has always been recognised as the dwelling which risks the most impact upon it. To that end, the access is positioned so it is not directly opposite the dwelling and, landscape planting is proposed inbetween it and the nearest proposed dwellings, which also in turn are orientated so

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Further information on the subject of this report is available from Mr C Brace on 01432 261947

not to directly face The Ditch and furthermore a condition is recommended restricting the height to ridge of these nearest proposed units. Having regard to this and intervening distance, it is considered the amenity of The Ditch is adequately protected and will be further safeguarded at the detailed design stage. Given the orientation and existing context regarding 42 and 43 Ashperton Road, it is considered there is no adverse impact upon these dwellings from the proposal.

- 6.66 Orchard Leaze, The Farm and Westward are all at a distance of over 100 metres from the nearest proposed dwelling, which will have a height to ridge restriction enforced by condition. Furthermore having regard to their orientation and that of the proposed dwellings, landscaping and topography, it is considered there is no adverse impact upon their amenity from the proposal.
- 6.67 Regarding concerns over noise and lighting, it is considered the existing noise from the A417 provides significant background noise levels. Given there are already over ten dwellings hereabouts, a further ten dwellings is not considered to create such additional disturbance above that existing to justify refusal. Similarly the light from the proposed development and associated vehicular movements would not be so detrimental or out of context, given this is a village with post War estate and primary school, located on an A road and opposite linear ribbon development and adjacent to a well used village hall (one located in an elevated position with hardstanding providing vehicular parking adjoining the road and dwellings opposite) to justify refusal or demonstrate an unacceptable impact on the character and appearance of the area.
- 6.68 As such having regard to the proposed layout and proposed conditions regarding landscaping and specific height to ridge, the context of existing dwellings in the vicinity and adjoining the site and ability at the Reserved Matters stage to further safeguard amenity, it is considered there is no adverse impact on existing adjoining residential amenity. Furthermore it is considered the proposal will ensure future occupiers of the dwellings will also have suitable and significant levels of amenity.

#### Surface Water, Drainage and Flooding

- 6.69 Flood risk and drainage aspects have been assessed, with information obtained from the following sources:
- Environment Agency (EA) indicative flood maps available through the EA website;
  - EA groundwater maps available through the EA website;
  - Ordnance Survey mapping;
  - Strategic Flood Risk Assessment for Herefordshire;
  - Core Strategy 2011 - 2031.
- 6.70 Furthermore Officers have discussed the proposal in regards surface water, drainage and flooding with the Council's and applicants' drainage consultants in detail.
- 6.71 The application site is a greenfield site. The site area is stated to measure 0.8 hectares (ha). The site is located within the catchment of the River Frome, located approximately 1.4km north of the site.
- 6.72 Fluvial Flood Risk – 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). A FRA has been submitted and confirms the low risk to the site from fluvial flood risk. Officers concur with this assessment.
- 6.73 Other Considerations and Sources of Flood Risk – The submitted FRA considers the risk of flooding to the development from off-site overland flows, groundwater, reservoirs and sewers to be minimal. Again, Officers concur with this assessment.



- 6.74 A revised outline surface water drainage strategy, showing how surface water from the development will be disposed of was provided following comments and discussion with the Council's Drainage consultants. The drainage strategy demonstrates how discharge from the site are restricted to no greater than green field rates (with climate change allowance) between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change.
- 6.75 A sustainable drainage solution is considered to be demonstrated and deliverable at this site, complying with relevant planning and legislative criteria. The most important function of this drainage strategy is to demonstrate that the development will not increase flood risk elsewhere.
- 6.76 The amended FRA and supporting Technical Note demonstrates infiltration is not viable. As such attenuation and controlled discharge to a watercourse is the preferred option of surface water management in the hierarchy set out in the NPPF consisting of controlled discharge to an existing watercourse. As such the surface water drainage strategy for the site utilises an attenuation basin and control chamber, such as a Hydrobrake, along with other surface water conveyance features (swales) to ensure that water quality parameters are met. Surface water runoff will be discharged to a local watercourse (the disused canal) to the north east of the development. Discharging all surface water runoff from impermeable areas to the north east does change the hydrology of the site slightly, however this involves a slight decrease of runoff onto the adjacent highway.
- 6.77 Controlled discharge to 2 l/s will ensure flood risk downstream of the site is not increased. In order to achieve this runoff rate attenuation is required. Calculations carried out on MicroDrainage demonstrate that a volume of 121m<sup>3</sup> is required for the proposed development. Attenuation can be provided in a number of forms including ponds, basins, tanks, swales, permeable paving etc. however due to the varying levels at the site, and for water quality purposes, above ground storage in a basin is proposed.
- 6.78 Due to the levels on and around the site, the basin will be positioned to the north east of the proposed dwellings, between the development and the disused canal. This will also allow surface water conveyance downstream of the basin in a swale ensuring that with the basin and swale there are two treatment stages in the SuDS train. The number of stages of treatment that are considered to be acceptable depend on what treatment structure was being proposed at each stage. However, if the treatment train includes permeable paving, two stages are typically considered acceptable for a residential development. For a development of the size proposed here, the use of SUDS to provide natural treatment of runoff is welcomed and supported.
- 6.79 Roadside swales have also been included within the development, primarily as an aesthetic feature, however, they will add small amounts of attenuation and will act as an additional treatment stage to aid water quality. Furthermore the significant landscape planting will further add attenuation and aid water quality. During the detailed design stage, it is possible that other attenuation features are utilised in the surface water drainage of the site, however it is considered that a minimum two treatment stages should be present for all runoff from any trafficked areas as proposed (and agreed by the Council's Drainage consultant).
- 6.80 Regarding climate change allowance, the Flood Risk Assessment discusses a 30% allowance for climate change. As this document predates the new EA guidance the Council's Drainage consultants consider a 30% allowance to be acceptable. During events more extreme than the design storm (Q100 plus climate change) surface water flows will follow the topography of the site. This will result in runoff to the north east which would likely be captured within the basin's spare capacity, or overflow to the local watercourse network. There would also be some runoff to the highway to the west of the site, replicating the existing conditions, though it is worth noting that this would occur far less frequently than under the current conditions and also does not factor in the landscape planting proposed and other potential attenuation measures possible.

## Ecology

- 6.81 A Phase 2 protected species survey and assessment has been undertaken to support the application and following original comments from the Council's Conservation Manager (Ecology). A great crested newt presence was identified in several of the off-site ponds including breeding. Some bat activity associated with foraging and commuting was identified at the site and these results are herewith presented. No signs of a hazel dormouse presence were identified via the survey methodology at the survey site. No signs of other protected species groups were identified and no further dedicated surveys for other protected species were undertaken, nor are deemed necessary.
- 6.82 The site with current proposals for change and nearby habitat components was considered relatively easy to access leaving negligible potential for oversight of ecological matters within the assessment. No other protected species or habitats issues were identified other than the possibility of nesting birds in due season.
- 6.83 Great crested newts are present within a metapopulation, and dispersal and terrestrial use of the open grassland cannot be ruled out albeit to a limited extent. It is the Council's position that appropriate mitigation and habitat enhancement is possible within the development proposals to minimise any negative effects on this population and its favourable conservation status. A mitigation package will need to be devised and a European Protected Species Mitigation licence acquired prior to any potentially disturbing works. This is likely to involve fencing off from the development site during works and habitat creation for dispersal and terrestrial habitat connectivity. Appropriate conditions are recommended to secure this, as is standard practice.
- 6.84 The use of the site by bats is limited and it is considered that diversification of the habitat via the proposals contained within the development will positively enhance the potential for use of the location by the commoner bat species. A lighting strategy will need to be adopted.
- 6.85 The site has low ecological value in itself, comprising agricultural pasture/ grazing land. The Council's Conservation Manager (Ecology) has found the relevant ecological assessments satisfactory and notes the significant opportunities of ecological and biodiversity enhancement. The significant planting strategy is also welcomed as part of this.
- 6.86 The proposal is therefore considered to conserve and enhance the biodiversity of the area and create new biodiversity features and wildlife habitat over and beyond the existing situation. As such Core Strategy Policy LD2 – *Biodiversity and geodiversity* is satisfied, along with the relevant aims and objectives of the NPPF.

## Highways

- 6.87 The applicant proposes visibility splays of 2.4m x 120m, this is acceptable in this location, the hedge will need to be set back to allow growth. There will need to be a footpath linking to a suitably located crossing with similar splay to accommodate safe crossing.
- 6.88 The development would benefit from a footway cycle link to the village hall to the south and the internal layout needs to be to adoptable standards including turning head, parking, cycle parking, easement strips, etc. The proposal needs to be amended but this can be conditioned.
- 6.89 The Transportation Manager is satisfied the proposal satisfies Core Strategy policies SS4 and MT1 and also offers opportunities for connectivity between the development and village. Technical standards regarding the internal roadway, turning and parking areas are secured through condition.

## Summary

- 6.90 The proposal represents sustainable, proportionate residential development in a settlement designated for such growth. In weighing the planning balance, the delivery of ten dwellings in such a location, having regard to the Council's housing land supply position and no detrimental impact regarding highway safety, heritage assets, drainage and ecology (indeed there are material benefits), outweighs any landscape impact or harm, which is mitigated through sensitive locating and orientation of the proposed units, and a comprehensive landscaping strategy which can be enforced and protected through conditions.
- 6.91 There is a lack of housing delivery hereabouts historically and an absence of any other sites coming forward to deliver housing growth in the locality. Furthermore it is also highlighted that the Neighbourhood Plan is a significant distance away from having any weight.
- 6.92 As such, when assessed against local and national planning policies, approval is recommended.

## **RECOMMENDATION**

**That planning permission be granted subject to the following conditions and any additional conditions considered necessary by officers:**

- 1. C02 – Time limit for submission of reserved matters (outline permission)**
- 2. C03 – Time limit for commencement (outline permission)**
- 3. C04 – Approval of reserved matters**
- 4. C06 – Development in accordance with the approved plans**
- 5. Drainage and surface water mitigation details and implementation**
- 6. C62 – Restriction on height of building**
- 7. C63 – Restriction on number of dwellings**
- 8. C87 – Earthworks**
- 9. C90 – Protection of trees/hedgerows that are to be retained**
- 10. C95 – Details of Boundary treatments**
- 11. C96 – Landscaping scheme**
- 12. C97 – Landscaping scheme – implementation**
- 13. CA1 – Landscape management plan**
- 14. CA4 – Provision of open space areas (outline permissions)**
- 15. Nature Conservation – site protection**
- 16. Habitat Enhancement Scheme – Approval and implementation**
- 17. CAB – Visibility splays**

18. CAE – Vehicular access construction
19. CAL – Access, turning area and parking
20. CAR – On site roads – phasing
21. CB2 – Covered and secure cycle parking provision
22. CAH – Driveway gradient
23. CAG – Access closure
24. CAJ – Parking – estate development
25. CAP – Junction improvement/off site works
26. CAS – Road completion in 2 years
27. CAT – Wheel washing
28. CAZ – Parking for site operatives

**INFORMATIVES:**

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. N11A – Wildlife and Countryside Act 1981 (as amended) – Birds
3. N11C – Wildlife – General
4. I42 – European Protected Species Licence
5. I06 – Public rights of way
6. The applicant is encouraged to consider utilising the new off-site attenuation pond as part of the Great Crested Newt mitigation/enhancement plan and EPS Licence
7. External lighting and ecology
8. I11 – Mud on highway
9. I45 – Works within the highway (Compliance with the Highways Act 1980 and the Traffic Management Act 2004)
10. I08 – Section 278 Agreement
11. I07 – Section 38 Agreement & Drainage details
12. I35 – Highways Design Guide and Specification

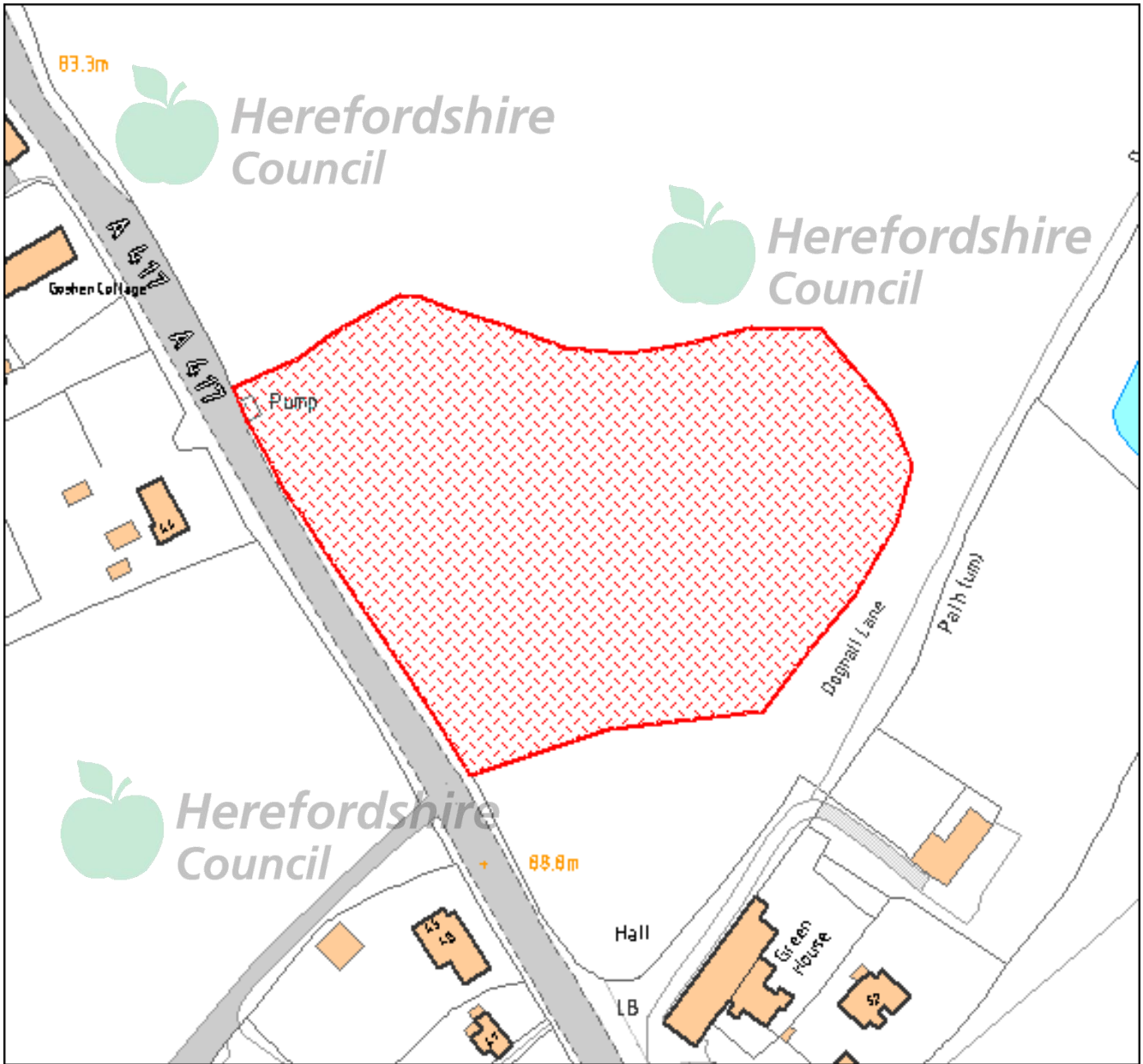
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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

**APPLICATION NO:** 152041

**SITE ADDRESS :** LAND TO THE NORTH OF ASHPERTON VILLAGE HALL, ASHPERTON, HEREFORDSHIRE

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Further information on the subject of this report is available from Mr C Brace on 01432 261947

# Annex

## Ashperton Parish Council

Mapleside  
Ashperton  
Ledbury  
Herefordshire  
HR8 2RZ

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HR1 2ZB  
Email: [cbrace@herefordshire.gov.uk](mailto:cbrace@herefordshire.gov.uk)

Dear Carl

**Ref: Planning application 152041 as amended.**  
**Land North of Ashperton Village Hall - Proposed residential development of 10 dwellings**

Although Ashperton Parish Council is of the opinion that the revised application for 10 dwellings would result in some reduction to the harm to the character and appearance of the landscape and visual setting of the village, and other harm, it remains of the opinion that the detriment would remain severe and would outweigh any benefit in terms of additional housing. Furthermore, whilst the removal of the northern "cluster" of dwellings would mean that there would be reduced detriment to the living conditions of those residents opposite that part of the site, there would remain significant harm to the living conditions of occupiers of properties to the west of the A417 with regard to outlook.

**The Parish Council therefore strongly OBJECTS to the proposed development and this objection replaces that dated 13<sup>th</sup> August.** It is divided into three main sections, the objections, elaboration of objections 1 & 2 and a critique of the Amended Design and Access Statement (DAS), and in particular the Indicative Views.

**SECTION 1 The objections**

- 1) The application site forms a key element defining the rural character of Ashperton being continuously visible as an open green hillside in views along the approaching A417 from a point outside the 40MPH speed limit. The development would introduce visually intrusive development of a suburban appearance into the prominent elevated location compromising its essential contribution to the character, appearance and landscape setting of the small rural village of Ashperton.
- 2) A significant aspect of the character of Ashperton results from it having developed in a piecemeal manner to provide a variety of house sizes and styles but with common threads. Although the proposal has been reduced to one "cluster" of 10 dwellings, this would, nevertheless result in a significant influx of population in one tranche to a village with a central core of around 61 dwellings. The DAS describes the access and layout of the proposal as resulting in a "community" and, given that there would be no pedestrian interconnection with the village, the Parish Council is of the view that the proposal would result in an enclave of uncharacteristic dwellings standing apart from the remainder of the village.
- 3) Although the applicant now proposes fewer dwellings than in the original scheme, he maintains the original approach to drainage and has not addressed the concerns expressed by local residents and the results of the Council's own internal consultation as to the suitability of the surface water drainage strategy and the (existing) risk of flooding of adjacent low lying properties. The Parish Council therefore considers that an acceptable form of surface water drainage has not been demonstrated. The ground does not drain naturally as can frequently be seen "on the ground" and as demonstrated by the applicant's own percolation tests.

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Further information on the subject of this report is available from Mr C Brace on 01432 261947

- 4) The proposed dwellings would be set considerably higher than the properties to the opposite side of the A417, some of which are lower than the road level. Whilst it is acknowledged that there is no “right to a view”, and that the indicative plan shows the properties nearest the road removed from the scheme, the proposed dwellings would be set up high above the level of the road such that they would appear overbearing and potentially intimidating, to the significant detriment of the living conditions of the occupiers of those dwellings, with particular regard to outlook.
- 5) Three of the buildings to the opposite side of the road, No. 42/43, No. 45/46 (Chandlers) and No. 47 [Note: NOT Pound House as indicated in the Village Analysis] are Grade II listed as is No. 52 (Walnut Cottage) on the Village Green. The applicant has provided no description of the significance of these heritage assets as required by paragraph 128 of the National Planning Policy Framework and, given the fundamental errors in the descriptions of listed buildings in the Amended Village Analysis it appears unlikely that any basic analysis can have been undertaken. (In addition to the error described above, the diagram of “Site Analysis – Historical Buildings” describes all listed buildings in the village, with the exception of the former Box Bush Inn, as being “timber frame with sandstone plinth, thatched”, including the Church!).  
 Whilst it may be that a proper assessment concludes that there is not substantial harm to the significance of these heritage assets and their setting, the effect on the setting, including that on views of No. 52 in views from the north, together with views from footpath AP33 where the roofscape would probably be visible in the background, is a matter which falls to be taken into account in determining the application as is the effect on listed buildings to the opposite side of the A417.  
 Without any evidence of proper consideration or evidence to the contrary, the Planning Committee is invited to agree that there would be an adverse effect on listed buildings and their setting and attribute appropriate weight to that harm.
- 6) The public right of way along the southern boundary of the application site (Footpath AP28) follows the route of Saxon lane from the village of Ashperton, itself Saxon or earlier in origin, to a long abandoned group of dwellings, known as Dognall End, and beyond. Land to the immediate south of the application site, behind the Village Hall, shows signs of potentially having been terraced. In the view of the Parish Council there is potential for archaeological remains on the application site and therefore any grant of planning permission should be subject to appropriate conditions.

The Parish Council acknowledges that the provision of additional housing is at the core of Government Policy and that the Framework has a presumption in favour of sustainable development. However the Parish Council, having received the unanimous views of residents of the village at a special meeting of the Council on 30 March, consider that the proposal is environmentally unsustainable with the adverse effects significantly and demonstrably outweighing any benefit accruing from the provision of 10 additional dwellings.

Given the level of local opposition to the proposed development, and the potential impact on the landscape, the Parish Council requests that the application be determined by the Planning Committee and that a site visit takes place in advance. It is important that members are clear as to the actual impact and do not rely on sketch visualisations which may be misleading.

### **Section 2 Elaboration on objections 1 & 2**

The applicant contends that the proposed development would be substantially screened by the roadside hedge and by the existing landform. This is blatantly not so as a site visit would clearly show. The “cluster” of 10 dwellings would be located either side of a “Homezone” access snaking up from the A417 in a shallow “S” shape from a point just outside the 30MPH speed limit towards the clearly visible Oak tree, with the uppermost property being located in the foreground of that tree in views from the north and from the access. The proposed dwellings would be in full view on rising land in many views above the hedgerow and through the gap in the hedgerow to provide highway visibility.

Furthermore, whilst the applicant states, in the Landscape Baseline Study, that the site is not visible from Footpath AP33 the Council consider that this claim has not been substantiated and that the roofscape would probably indeed be visible between hedgerow trees, extending back from the main road.

The applicant describes the site layout as being along a “Homezone” access. The concept of Homezones, as described by the Institute of Incorporated Highway Engineers in their Design Guidelines, is more applicable to larger suburban schemes where they provide access for vehicles, pedestrians and cyclists into and through residential development of generally larger scale. The proposal does not follow the Guidelines and the Parish Council suspect that this term may have been used loosely by the applicant to describe a shared surface access which, even so, would still appear suburban in nature and out of character in its elevated location on the edge of a rural village.

The application site is currently an elevated hillside open pasture which is a defining feature of the character, appearance and landscape setting of the village and its existing buildings. The development would be prominent and obtrusive and



would result in a degradation or total loss of this crucial landscape feature. Its replacement with built development of a suburban nature would hijack views from the north when entering Ashperton. The suggested landscape planting, which is not included in the outline application and which no longer includes the "Community Orchard" proposed in the original scheme, would do little to screen these views, even after several years, and would, in itself be incongruous in its setting. The development would NOT be in keeping with the linear nature of the existing village but would introduce in-depth development on rising ground in the form of a HIGHLY VISIBLE and OBTRUSIVE development of a suburban character into a small rural village and hence be ENVIRONMENTALLY UNSUSTAINABLE. The Parish Council contend that the development would cause severe permanent detriment to the character and appearance of Ashperton and its landscape setting, contrary to Herefordshire Core Strategy Policy SS6 and the aims of the National Planning Policy Framework regarding protection of the built and natural environment.

### **Section 3 the Design and Access Statement**

The Parish Council considers that the Statement aims merely to justify the scheme by stating, without justification, that it has been designed with careful consideration of the local context and vernacular. Given the many errors and shortcomings in the statement it is difficult to accept this claim. The text that follows does not attempt to identify all the errors and omissions in the Statement.

The Statement explains that the "vision" is new housing in Ashperton that is distinctively site specific, rural and "Herefordshire" in the design of housing, layout, orientation and landscape. The application is in outline with only access and layout for determination.

Whilst the application has been amended, unfortunately the Statement has been hastily edited and does not always reflect the amendments to the application, such as repeated references to the "northern cluster", the screening provided by the community orchard planting, the provision of the new village green area and the additional parking for the Village Hall, none of which form part of the current application.

Strangely, the Statement also refers to the proposal continuing the linear pattern of development in the village and repeatedly claims that it is located on lower ground, whereas the reality is that the proposal is for development in depth on rising ground to a ground level almost 5m above the road level at the access, at an approximately 45° angle to the main road, to a point around 100m from the A417. The depth of the development can be seen in the views that follow. Similarly reference is made to analysis of the village context including listed buildings and village character. Given that no details of such analysis have been provided other than in a Village Analysis Study that refers to all the listed buildings, with the exception of the former Box Bush, as being timber framed and thatched (including the Church) and one of the listed buildings being incorrectly identified, very little faith can be given to this "study" or the claim that listed buildings have been taken into account in the development of the scheme.

The Statement suggests that the density of housing proposed is 12.5 d.p.h. as opposed to 30 d.p.h. in the Herefordshire UDP. The Core Strategy refers to an average NET density across the County with local variation. The figure of 12.5 is a gross figure which does not take into the landscaping area (which it is inferred would be public open space) or the access (See Proposed Adoption Plan). A realistic net figure would be more near to 25 d.p.h. The diagram in the Statement clearly shows that the density proposed is higher than that prevailing in the village. Note that the diagram also shows existing outbuildings, barns etc. which gives a distorted impression of residential density.

The Statement claims that the proposal has been designed with sensitively (sic) with gables rather than main elevations facing the road. Such an arrangement would be generally uncharacteristic of Ashperton but, in any event, the layout clearly shows the dwellings aligned alongside either side of the access which runs at approximately 45° to the A417.

In the pages that follow each of the indicative views included in the Statement is compared with a Google Streetview image from, as near as possible, the same viewpoint. It can be clearly seen that the claims as to the scheme continuing the linear development of the village, avoiding higher ground and maintaining views are without foundation.

Yours Sincerely

*J L Chester*

Janet Chester

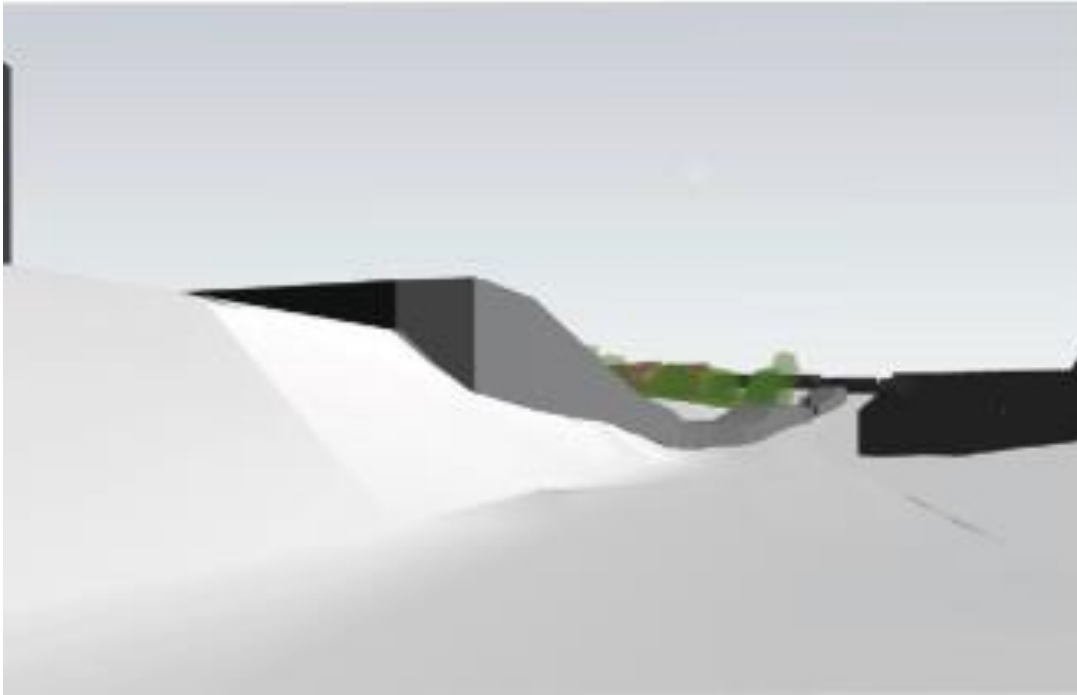
Clerk to Ashperton Parish Council



Indicative view from north 1. This view cannot be reproduced. As soon as buildings to the right side of the road come into view the “Old Police House” on the left cannot be seen. As with all the indicative views the existing buildings are shown in solid black/grey which exaggerates their bulk and mass whilst the proposed dwellings are shown in pastel orange which lessens their apparent impact. Compare with Google Streetview image from the same point on the road.



Note the dwellings on the right hand side of the road are screened from view and do not have the same appearance as indicated in the indicative view. The proposed dwellings would extend back from the road from a point in front of the Village Hall (indicated by blue arrow) across the view of No 52 (grade II listed) (indicated by orange arrow). Approximate extent of development indicated by the black line. Most of the iconic green sward would be lost.



Indicative view from north 2. Again massing and colouring of existing dwellings is deceptive. Effect of hedge exaggerated.



Same viewpoint as indicative view 2. Note existing buildings on right not visible let alone dominant in the view. Proposed dwellings would be highly visible extending back in depth from the main road.



Indicative view from north 3. The accompanying text suggests that “The orchard planting screens the southern (*sic*) cluster”. The orchard planting no longer forms part of the application. Colouring again deceptive.



Looking south from the same viewpoint. The most easterly dwelling would be in front of the oak indicated by the green arrow not the one indicated by the red arrow which is in the field beyond. Note lack of screening by hedge and the depth of the proposed development. The proposed development would appear to cover most of the width of the sward.

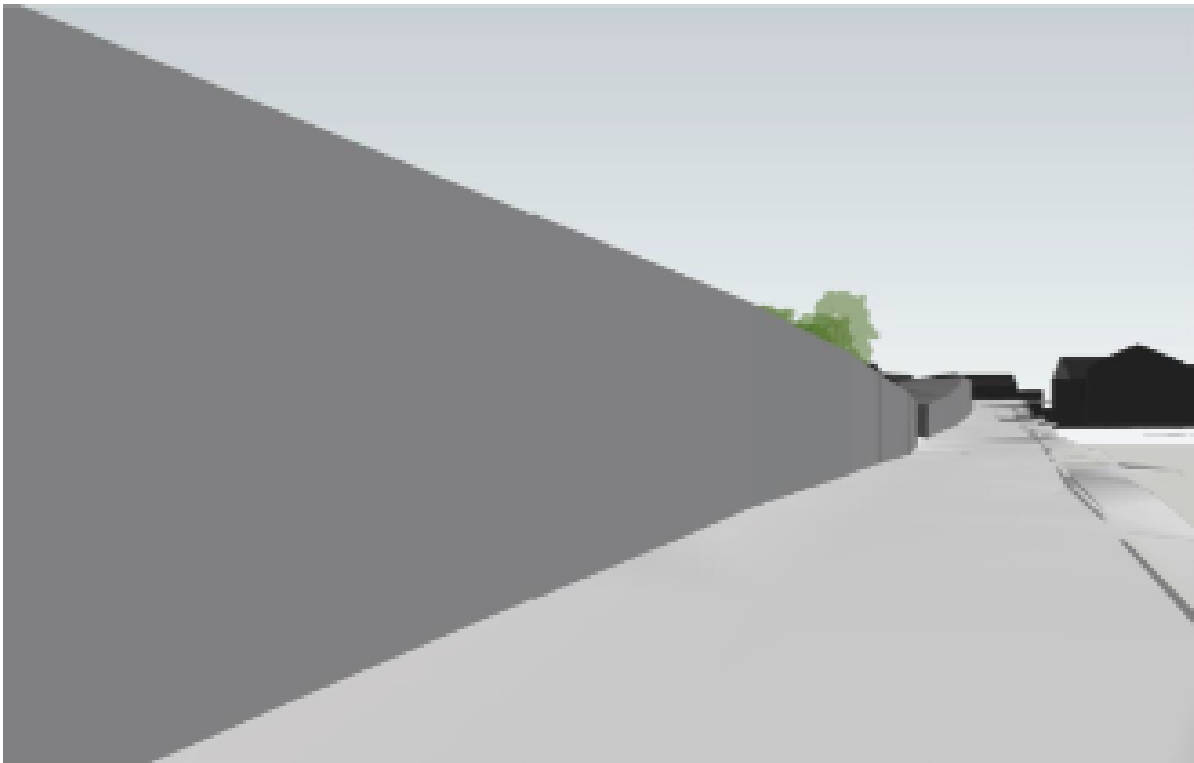




Indicative view from north 4. Compare with Streetview.



Whilst the floor level of some of the houses would be obscured by the highest ground, the highest point is only around 2m above the floor level of the most easterly of the dwellings and around the same level as the highest of the dwellings.



Indicative view from the north 5. Screening by hedge grossly exaggerated. Reference in text to the orchard being visible behind the hedge.



Development would be clearly visible behind/above hedge. Hedge would be cut back to provide visibility for the entrance in the approximate location of the car.



Indicative view from the north 6. Screening from hedge exaggerated. Text refers to the additional village green area which no longer forms part of the application.



Similar viewpoint. Note level of hedge and lack of prominence of existing buildings.



Indicative view from north 7. Cut back of hedge for visibility not shown and screening effect of proposed trees (in full leaf) appears exaggerated. Compare with view below which looks slightly more to the left.



The access “Homezone” driveway would climb to a point approximately as indicated by the red arrow, almost 5m above the road at this point, with dwellings on either side. The most easterly dwelling would be located in front of the oak tree indicated by the green arrow.

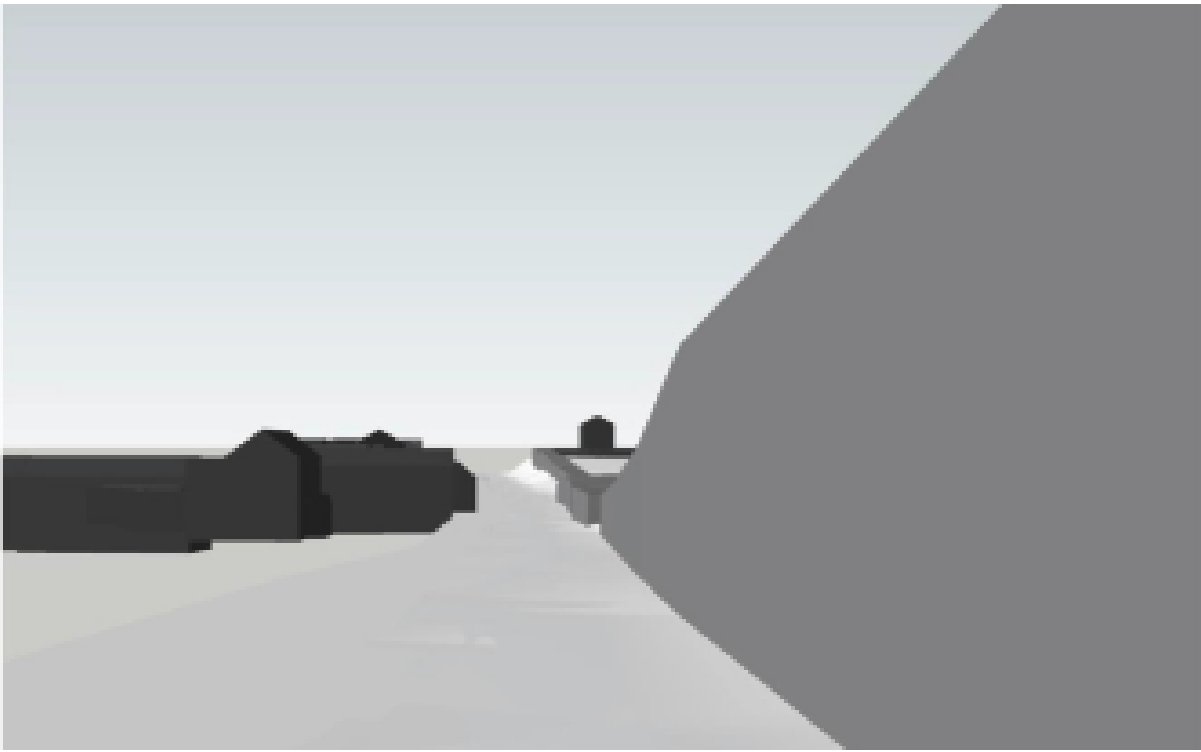




Indicative view from the south 1



Similar viewpoint but northbound lane.



Indicative view from the south 2. Text refers to the northern cluster. Screening of hedge again exaggerated as is the massing of properties to the opposite side of the road.





Indicative view from the south 3. Visibility splay not shown. Text refers to elevations of buildings being visible but these are not shown.







<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>24 AUGUST 2016</b>
<b>TITLE OF REPORT:</b>	<p><b>161486 - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 21 DWELLINGS WITH MEANS OF ACCESS AT LAND AT PINFARTHINGS, OFF NORTH MAPPENORS LANE, LEOMINSTER, HEREFORDSHIRE.</b></p> <p><b>For: Cabot Trustees per Mr David Jones, Albany House, High Street, Hindon, SP3 6DP</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=161486&amp;search=161486">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=161486&amp;search=161486</a>
<b>Reason Application submitted to Committee - Redirection</b>	

**Date Received: 13 May 2016**

**Ward: Leominster  
West**

**Grid Ref: 348989,259358**

**Expiry Date: 16 August 2016**

Local Member: Councillor FM Norman

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

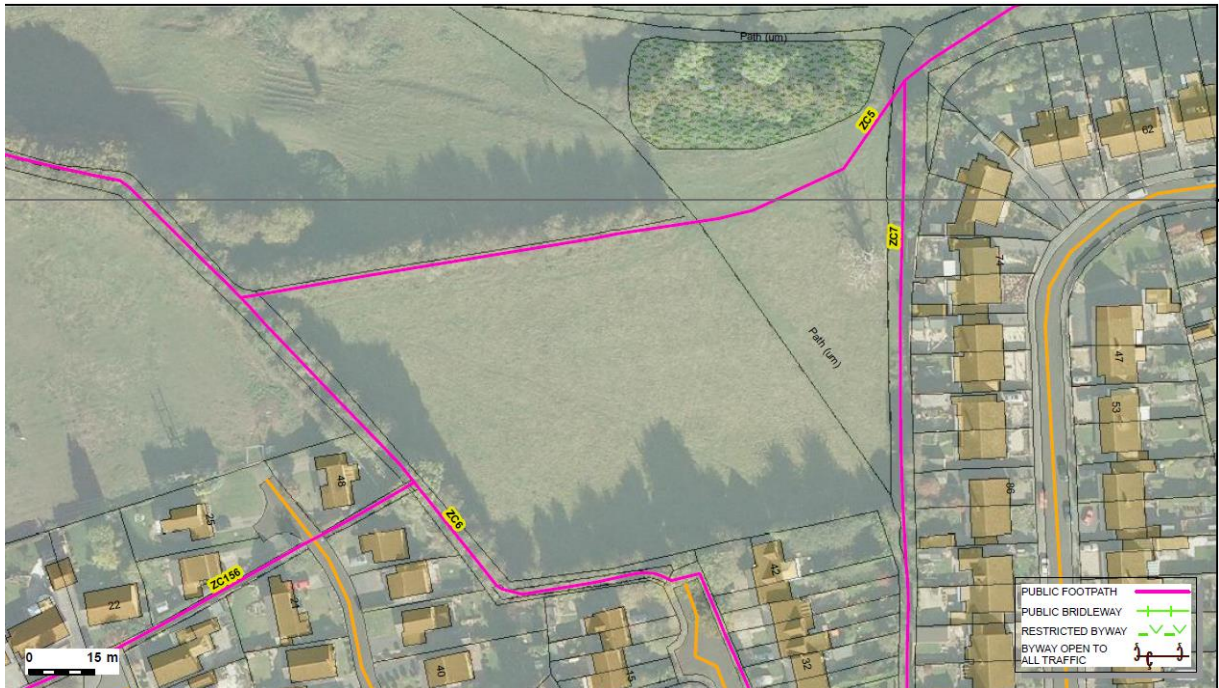
- 1.1 The application relates to an irregularly shaped site measuring approximately 0.86 hectares in area. It is currently used for rough grazing. It is crossed by two separate public footpaths; one running north/south along the eastern boundary and the second east/west along the northern boundary. A third footpath runs along the western boundary, but is outside of the site. Their definitive routes are shown on Figure 1 below.
- 1.2 The site slopes from south to north with a drop of approximately 9 metres from the respective boundaries. The topography continues to drop beyond the site to the Kenwater approximately 40 metres beyond the northern boundary. Another public footpath runs along its southern bank, with the Bridge Street playing fields to the north. These can be accessed via a pedestrian footbridge a short distance to the north east.
- 1.3 The site is surrounded on three sides by existing residential development; Mappenors Lane to the south, The Meadows to the east and The Rugg to the west. The boundaries are a mix of native hedgerow and trees to the north, south and west, whilst remaining open to the east. This means that the site is readily visible from the properties bounding on The Meadows.
- 1.4 The application is for outline planning permission for the erection of up to 21 dwellings, with all matters apart from access reserved for future consideration. The plans propose to utilise the location of an existing field gate on Mappenors Lane as the means of access.

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



**Figure 1: Definitive routes of public footpaths**



1.5 The application is accompanied by a number of supporting documents which are listed as follows:

- Design & Access Statement
- Planning Statement
- Transport Statement
- Ecological Assessment
- Landscape & Visual Character Evaluation

1.6 During the course of the assessment of the application officers have sought to agree Heads of Terms with the applicant's agent for the completion of a Section 106 Agreement. These are appended to the report. In summary they include contributions towards highway and cycleway improvements on Green Lane, improvements in off site play facilities, improvements in sports facilities and a mechanism to ensure the delivery of 25% affordable housing in accordance with Policy H1 of the Herefordshire Local Plan – Core Strategy.

## 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

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

SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
LO1	-	Development in Leominster
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
OS1	-	Requirement for Open Space, Sports and Recreation Facilities
OS2	-	Meeting Open Space, Sports and Recreation Needs
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	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 – With regards to the Leominster Area Neighbourhood Plan and in line with para 216 of the NPPF, material weight will be dependent on the following:

- Progress of the plan - The Neighbourhood Area was designated on 27<sup>th</sup> July 2012. The plan has reached submission in January 2016 and the consultation was undertaken under Regulation 16 between 20 January and 2 March 2016. However that plan was not progressed to examination (15 March 2016) due to concerns regarding conformity with the adopted Core Strategy and the NPPF which would result in the plan not meeting the required 'Basic Conditions' to be successful at examination . A revised Leominster Area NDP has yet to be submitted to the Council.
- Outstanding objections to policies – 6 external and 5 Herefordshire Council internal comments were received during the consultation period. A number of these (both internal and external) expressed concerns regarding the Leominster Area NDP's compliance with both the NPPF and the adopted Core Strategy.
- Conformity with Core Strategy and NPPF - there are a number of policy concerns regarding the submission plan. The following issues are relevant to this application;
  - No further allocations to meet the requirements of policy LO1
  - Settlement boundary has not been revised since that designated in 2007, therefore difficult to see how only infill growth can occur in line with policy LO1
  - Settlement boundary does not acknowledge the urban extension area
  - Requirements on energy efficiency on all new development over and above that within national policy – contrary to NPPF, building regulations and viability testing
  - Open countryside policy does not conform with policy RA3
  - Designation of a large area of green space in conflict with the strategic urban expansion area – contrary to policy LO1 LO2 and the NPPF
  - Designation of open space on land with existing planning permission

With the requirements of para 216 in mind, at this stage only limited weight can be attributed to the Leominster Area Neighbourhood Plan.

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 None identified

### **4. Consultation Summary**

#### Statutory Consultations

4.1 Welsh Water – No objection subject to the imposition of a condition requiring details of foul, surface and land water drainage to be submitted prior to the commencement of development. The response also confirms that no problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges associated with the site and that there are no objections in terms of the adequacy of water supply.

#### Internal Council Consultations

4.2 Transportation Manager – Comments as follows:

#### **Traffic Generation**

The applicant has stated in section 5.2 of their transport assessment that 4.5 vehicle trips per house will be generated by this development. Vehicle trip generations during the morning and evening peak times are 5 and 9 vehicles respectively. In addition, this development generates some service vehicles trip as well. Approximately 200 person trips per day will be generated by the development.

#### **Highway Capacity**

Highway capacity is not an issue for this application. However, the applicant should demonstrate that the 'give way' junction of Green Lane with Radnor View will not be affected by during the morning and evening peak times.

#### **Accessibility by Other Modes of Transport**

There are bus services 400 m from the application site. The frequency of the bus services is low and there are no services on Sunday and very low services on Saturday as well. Therefore, the public transport accessibility level is low. The railway station provides frequent service to long distance travel such as Manchester, Picadilly and Carmarthen.

The applicant has proposed similar widths of foot path to the adjacent housing development. The proposed footpath should be continued right throughout the development. There are public rights of way around the development. Therefore, these public rights of way should be linked to the proposed foot ways of the development.

There is a lack of cycle infrastructure near the development. Therefore, the applicant should contribute to improve this.

The applicant has used the existing access from Mappenors Lane. The carriageway and footpath width are similar to the existing access road and it narrows down to 4.5 m within the proposed development. The applicant has stated in the transport assessment that they are proposed to provide 5.5 m wide carriage way - this is acceptable.



## **Road Safety**

Only one accident was reported within the vicinity of the application site over the last five years. This accident was a slight accident. There were no major road safety implications for this application site.

Vehicle visibility splays are good. There are substandard pedestrian visibility splays for the proposed access as there are trees adjacent to proposed access. Pedestrian visibility of 2m x 2m should be provided. Pedestrian and driver can see each other.

## **Design**

The applicant has proposed a 5.5 metre wide carriageway and 2 metre wide footway which is acceptable. The applicant should provide a drawing showing swept path envelopes for refuse vehicle and a fire engine right throughout the development. The applicant has proposed continuous crossover access to parking spaces which is not acceptable from pedestrian safety point of view.

## **Vehicle Parking Provision**

Parking standard specifies less than one parking space per one bedroom flat, 2 car parking spaces for two bed room and three bed room units. The applicant has proposed 47 car parking spaces. Without classification of the housing units, it is difficult to ascertain the required parking spaces for the development. The applicant should provide only a maximum number of parking spaces. Transport has some concerns about the proposed five car parking spaces on the proposed street. These concerns are no footway, difficult to maintain and residents from outside the development could be able to park.

There is a haphazard parking on Mappenors Lane which leads to the proposed development. Residents have complained that there are instances refuse vehicle couldn't reach their properties. Therefore, some waiting restrictions are required on Mappenors Lane to access emergency service vehicles and refuse vehicle. .

The applicant should carry out a parking survey on the adjacent housing estate and make sure that there is no displaced parking onto this development.

## **Cycle Parking Provision**

Herefordshire Highways Design Guide for New Developments 2006 specifies a minimum one long stay cycle space is required per bed room and a short stay cycle parking space is required for each unit, therefore the required short stay cycle bays are 21. The required long stay parking depend on the number bedrooms, which will be proposed for each proposed house.

In a further response following the submission of further information, the following additional comments have been received:

- Curtins have stated that a number of the issues raised by my predecessor should be considered at the reserved matters stage. I agree with this.
- I second the initial evaluation that the "highway capacity is not an issue for this application" and as such support the submitted access to the site in principal.

- Section 106 agreement contributions to be linked to the junction improvement /updating of the junction at Ginhall Lane and Green Lane and associated Cycle Path facility/public right of way surfacing in line with the Rights of Way officer's request.
- Reserved matter stage must include that, should planning permission be granted and the development be taken forward, that a condition will need to be made to evaluate the present condition of Mappenors Lane and the impact of the construction traffic will have on the condition/deterioration of the road and footpaths
- As discussed, Clarity on the drainage proposals for the development will be needed. Welsh water do not currently permit discharge of new developments surface water to their network, but the Outline planning app states it will discharge to Welsh Water.

#### 4.3 Conservation Manager

Landscape - I have visited the site and have read the submitted Evaluation of Landscape and Visual Character (dated April 2016). I am satisfied that the site is well contained visually by an extensive landscape buffer extending along the western and northern boundary. The proposal will not extend northwards beyond the existing dwellings and any views of the development will be seen in the context of what is already in existence.

I note that a number of PROW circumnavigate the site which are addressed within the indicative conceptual landscape strategy plan within the report and it is recommended when the landscaping is addressed at the reserved matters stage this is adhered to.

Detailing of the trees and vegetation to be preserved indicating RPAs and appropriate methods of protection should be provided in conjunction with a landscape plan and management strategy at the reserved matters stage.

Ecology - Having read the ecological report I am happy that subject to appropriate surface water management to avoid pollution of the Kenwater (and hence downstream the River Lugg SSSI/SAC) then with appropriate mitigation and the opportunities for the enhancement of bat roosting, bird nesting and hedgehogs within the new build the development is unlikely to have a negative impact on the local Biodiversity. The important features of the sites are the boundary features/hedgerows as these are key elements in the local network of green corridors used by wildlife and these should be subject to a detailed assessment when preparing the detailed landscaping plan and where being retained should have appropriate protection in place during the build

- 4.4 Public Rights of Way Manager - The design and access statement states that rights of way will be unaffected by the development, however, public footpath ZC5 has not been marked on plans. This footpath would be affected by the new hedge. PROW object until this can be resolved.
- 4.5 Environmental Health & Trading Standards Manager - According to our records, a portion of the proposed development site seems to fall within 250 metres of Leominster closed landfill site which will require consideration by the applicant. As such I would recommend the imposition of conditions should planning permission be granted, in order to consider this risk.
- 4.6 Education - The educational facilities provided for this development site are Leominster Primary School and Earl Mortimer High School.

Leominster Primary School has a planned admission number of 90. As at the schools Spring census 2016 all year groups have spare capacity and therefore no contribution is requested.

Earl Mortimer Secondary School has a planned admission number of 140. As at the schools Spring census 2016 all year groups have spare capacity and therefore no contribution is requested.

- 4.7 Housing Manager - Supports the application. I can confirm that there is a need for affordable housing in the market town of Leominster. The developer is proposing to provide 5 units which meets the requirements of the Core Strategy.

The proposed two and three bed units would be acceptable, however, I would be looking for 2 x 2 bed houses, 2 x 3 bed houses and 1 x 3 unit to be built to wheelchair standard to meet the needs of people requiring a wheelchair adapted property.

With regards to the market housing, the greatest need in Leominster is for 3 bed houses, then 2 bed houses and finally 4 bed houses. When submitting the reserved matters in order to provide a mixed community that would meet the needs of Leominster the above mix would be desirable.

- 4.8 Parks & Countryside Manager – Comments as follows:

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. Where on-site provision is not appropriate off-site contributions may be sought on an equally beneficial basis for the local community. In this instance there is no “on-site” provision and given the size of development and location, this is supported. A contribution towards off-site provision in lieu of on-site facilities will therefore be required.

An off-site contribution is therefore requested which could be used towards any of the three play areas at Oldfields, Sydonia and the Grange or on improving the Public Rights of Way to allow greater access to the wider countryside and Bridge Street sports park. Priorities would be identified at the time of receiving the contribution and in consultation with the local community and the Town Council.

Based on market housing only and in accordance with the SPD on Planning Obligations a contribution is asked for as follows:

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

Based on evidence from the Playing Pitch Assessment for the Leominster Area 2012, the Outdoor Sports Investment Plan provides up to date information (2016) on existing facilities and clubs and has been prepared by a partnership of Herefordshire Council, the relevant National Governing Bodies for Sport, (NGBs) Sport England (SE) and the County Sports Partnership (CSP). The investment plan is considered to be robust providing details of both quantity and quality projects (football, and hockey) for Leominster which are considered to be sustainable and deliverable and required in support of improving existing outdoors sports facilities to meet the needs of the future populations up to 2031. Contributions are calculated as follows for market housing only. (Contributions sought from new housing will only contribute approximately 75% of the total investment required for the projects):

- £350,000: Total Outdoor Sports Investment project costs (costs calculated using Sport England's Facility Kitbag)
- 2,300 new houses (Core Strategy Leominster housing requirements)
- £152: Cost per market house: (Total investment costs divided by the number of houses required over the Plan Period)

- Note: all project costs include development costs, contingency and maintenance costs x 15 years and are based on Sport England's Facility Costs Kitbag as of 2012 and associated maintenance costs

## 5. Representations

### 5.1 Leominster Town Council - Recommend refusal for the following reasons:

- The proposal would create unacceptable traffic hazards in Green Lane and Bargates;
- The proposal would exacerbate the poor air quality at the Bargates junction;
- The number of traffic movements would be too great for the current low level of highway infrastructure, especially on Green Lane and Bargates;
- The junction of Green Lane and Ginhall Lane is unsuitable for any additional traffic movements.

### 5.2 West Mercia Police - 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 and by doing so address the new Approved Document Q requirements.

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 should enhance community safety for this development within its location in Leominster.

### 5.3 Leominster Civic Society - Object to this application. The land on which this development is proposed is an important part of the green corridor along Ginhall Lane. It provides a green space for walkers with two footpaths crossing it, one of which it would appear to be destroyed by the proposals despite it being an ancient route. It is also close to a site of special scientific interest which would be inevitably adversely affected.

Herefordshire Council have failed to address the issues of adverse air quality on the A44 at Bargates. The proposal will add to that problem.

There are still a number of brownfield sites for suitable housing. These should be developed before greenfield sites are considered.

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

#### Highway Impacts

- There would be an unacceptable increase in traffic on already congested roads; particularly Mappenors Lane, Green Lane and Pierrepoint Road.
- The increased levels of traffic will make it dangerous for children playing in the area.
- There will be an increased number of traffic movements along Green lane. It is already used as a 'rat run' and is not suitable for two lanes of traffic.
- Increased traffic movements on the local road network will be detrimental to pedestrian safety.
- In bad weather, Mappenors Lane is difficult to travel because of the incline.

#### Loss of Amenity Space/Field and Footpaths

- The proposal will result in the loss of public footpaths that cross the site.

- The scheme will result in the loss of an important green space. The field is used as an amenity area where people walk dogs and children play.
- Development would result in the loss of agricultural land.
- Social, health and wellbeing implications associated with the loss of an amenity area.
- The area has been identified as a green corridor and should be left as such.
- Loss of privacy for adjoining dwellings.

#### Landscape Impacts

- The scheme requires the loss of mature trees in order to provide access to the site.
- Development would have a huge visual impact and would result in the conspicuous loss of green space when the area is viewed from the northern approaches to Leominster.

#### Ecological Impacts

- The site is close to a SSSI and development will have an adverse effect upon it.
- Development will result in the loss of valuable habitats for wildlife.
- The loss of biodiversity conflicts with the principles of sustainable development
- Potential negative impact on water quality in the River Lugg which is already suffering high concentrations of nitrate pollution.

#### Sustainability

- The development would increase pressure on already overloaded services, particularly in relation to drainage and sewage.
- There are better sites available that are closer to local shops and other services such as the doctors surgery.
- There are not enough employment opportunities in the town.
- More suitable brownfield sites are available, particularly the site at Barons Cross, and should be used before development on a greenfield site is permitted.

#### Other Matters

- It is more logical to build new houses on the southern side of Leominster where employment sites are.
- The disruption caused during the construction phase will be detrimental to the amenity of local residents.
- Increased traffic will add to air pollution problems along Bargates.
- The scheme proposes too many dwellings on a small parcel of land.
- The scheme is an unnecessary development as there are already many unsold properties on the market in Leominster.
- Contradictory in respect of timescale for development shown in Herefordshire Council's SHLAA.
- The description of the site as 'infill' is misleading.
- If the application is approved it will undoubtedly bring about increased pressure for further development in the locality.

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

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

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

## 6. Officer's Appraisal

### Policy Context

6.1 Section 38 (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 Core Strategy (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 Core Strategy 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 Core Strategy 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 Core Strategy Appendix 4.

6.5 The matter of housing land supply has been the subject of particular scrutiny in a number of recent appeal inquiries and it has been consistently concluded that that the Council is not able to demonstrate a 5 year supply of housing land. Therefore, policies relevant to the supply of housing are, in accordance with paragraph 49 of the NPPF, out-of-date. However, this does not render such policies an irrelevance and they may still be afforded some weight. For the avoidance of doubt, Inspectors have determined that CS policies SS2 and SS3 are both relevant to the supply of housing. Although it has not been tested at appeal, Policy LO1 (Development in Leominster) is also relevant to the supply of housing. It sets out the requirement to deliver a minimum of 2,300 new homes in Leominster over the plan period. With a minimum of 1,500 of these to be provided by a strategic housing site, the remainder are envisaged to be provided by smaller sites within the existing built up area; either coming forward through the Leominster Neighbourhood Development Plan (the NDP), or sites that have been judged to have development potential through the Strategic Housing Land Availability Assessment (SHLAA).

6.6 Irrespective of the weight to be ascribed to the Core Strategy housing supply policies, it is useful to review the application in context. The site has been assessed for its suitability as a site for housing by the SHLAA. This identifies the site as greenfield and Grade 2 agricultural land. It is also considered to be suitable for development and available; the site having been promoted by the landowner. SHLAA also considers that development of the site is achievable. However, it places a 16-20 year timescale on development due to the considered high to medium sensitivity of the landscape and the highway implications for Green Lane resulting from intensification in its use by vehicular traffic.

- 6.7 This proposal would contribute to Leominster's growth. The site is immediately adjacent to the built environs of Leominster and has been assessed as being appropriate for development through the SHLAA. It would comply with the aims Policy LO1 and it is your officer's view that, notwithstanding the lack of a five year housing land supply, weight can continue to be attributed to the policy.
- 6.8 It is clear from the comments of the Council's Neighbourhood Planning Team Leader at paragraph 2.3 that; although the Leominster NDP had reached submission stage and consultation under Regulation 16 took place earlier in the year, there are concerns about its compliance with the Core Strategy and NPPF. At the time of writing, these concerns remain unresolved and it is therefore the view of your officers that it can be afforded very limited weight. Paragraph 184 of the NPPF is clear that neighbourhood plans must be in general conformity with strategic policies of a Local Plan if they are to progress.
- 6.9 In the absence of a five year housing land supply or a sufficiently advanced NDP, Policy LO1 of the Core Strategy advises that small non-strategic developments will be provided by sites which are identified in the SHLAA. The site meets this basic criterion and therefore it stands to be assessed in the context of paragraph 14 of the NPPF – that planning permission should be granted for sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of doing so when assessed against the policies of the NPPF when taken as a whole. The following paragraphs outline the potential impacts of granting planning permission and consider whether they outweigh the presumption in favour of sustainable development.

#### Highway Safety and Accessibility

- 6.10 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). The first criteria of Policy MT1 of the Core Strategy takes a similar approach, requiring that development can absorb traffic impacts without adversely affecting the safe and efficient flow of traffic on the network.
- 6.11 Access to the site is currently gained via a field gate onto Mappenors Lane. The application proposes to utilise this as the sole point of vehicular access and this is a matter to be determined at outline stage. The carriageway will measure 5.5 metres in width, which is compliant with Manual for Streets and the Council's Highway Design Guide. Mappenors Lane is a residential estate road and is subject to a 30mph speed limit. It connects with the surrounding road network via a priority T-junction with The Rugg, located some 150 metres south-west of the application site, and in turn with a priority T-junction with Green Lane.
- 6.12 The calculated trip generation of the proposed development indicates a defined peak in line with the traditional network peak times of 08:00–09:00 and 17:00–18:00. The Transport Statement supporting the application estimates that 12 weekday morning trips (3 inbound/9 outbound) would result from a development of up to 21 dwellings, with 14 weekday evening trips (9 inbound/5 outbound).
- 6.13 This equates to approximately one additional trip (arrival/ departure) every 5 minutes for the morning peak period and approximately one additional trip every 4 minutes in the evening peak period, on a weekday. The Council's Transportation Manager has assessed the impact of the

proposed development on the local highway network in this context and has concluded that there is sufficient capacity in the highway network to accommodate the proposed development.

- 6.14 Visibility at the junctions of Mappenors Lane/The Rugg, and The Rugg/Green Lane is considered to be acceptable. Whilst it is accepted that development will have some impact in terms of increased traffic movements, the cumulative impacts are not considered to be severe. The Transport Statement does demonstrate that traffic can be absorbed.
- 6.15 The plans indicate the provision of footways along either side of the extension of Mappenors Lane and will continue throughout the proposed development. As referred to earlier in this report, the site is served by a network of public rights of way. These offer the opportunity for good connectivity to nearby local services and amenities by non-car travel modes.
- 6.16 There are also opportunities to improve and encourage the local cycle network. An existing route along Green Lane/Ginhall Lane could be improved to foster links through to Buckfield Road and on to Morrisons Supermarket. The Council's Transportation Manager has identified this is a potential improvement to benefit from Section 106 contributions.
- 6.17 It is therefore concluded that the proposal is acceptable in terms of highway safety and accessibility. The supporting Transport Statement demonstrates that the impact of the development will not be severe, and that there are opportunities for improvements; particularly in terms of pedestrian and cycling connectivity, that would mitigate any impacts. The proposal is therefore considered to be compliant with policy MT1 of the Core Strategy and paragraph 32 of the NPPF.

#### Landscape and Ecological Impacts

- 6.18 The site is currently used as rough pasture and is set within a mature landscape with trees and hedgerows surrounding. It is at the fringe of Leominster's built form and its character is already influenced by the fact that it is bounded by residential development on three sides. It provides an attractive green space adjacent to dwellings but has no national or local designation either in terms of landscape or ecological significance.
- 6.19 The proposed development would have its most obvious impacts from the public footpaths that cross the site, and from those lying beyond to the north and west. The site is also visible from Bridge Street Leisure Centre. The landscape report that accompanies the application considers that the existing vegetation will filter views of the development. The report also considers that the introduction of infill planting will further ameliorate any visual impacts, particularly when the site is viewed from locations to the north. Notwithstanding this, the report also highlights the fact that the site is less sensitive due to the human influences over it – the fact that there is an assortment of domestic boundaries shared with the site.
- 6.20 No objections have been raised to the application by either the Council's Landscape Officer or Ecologist, subject to the imposition of conditions. Although in outline, the scheme offers the potential to include measures to mitigate the impacts of the development, including the retention of existing hedgerows and areas of new planting. The Landscape Officer has recommended the submission of further information in respect of Root Protection Areas (RPAs) around existing trees and this is a matter that can be dealt with through the imposition of an appropriately worded condition. Similarly the Council's Ecologist has recommended the imposition of conditions to ensure that development is carried out in accordance with the recommendations in the ecology report submitted with the application.
- 6.21 Development of any sort will inevitably have impacts both in terms of landscape and ecology. In both cases however it is considered that the impacts of the development can be mitigated. The site has no national or local designation in either regard and on this basis, the proposal is sustainable and considered to accord with policies LD1, LD2 and LD3 of the Core Strategy.



### Impacts on Public Rights of Way and Loss of Amenity Space

- 6.22 Many of the objections received have referenced the public footpaths that cross the site. They also refer to it as an 'amenity space' that is used by dog walkers and by local children as a play space. It should be pointed out that, whilst this might be the case, the land is privately owned and is not a public amenity area.
- 6.23 The footpaths that cross the site offer the public a right of passage across the site and, should planning permission be granted, the definitive lines of the footpaths would be protected through discussion with a developer in respect of a detailed layout. This would include ensuring that none of the footpaths are obstructed either by built development or by additional planting that might be proposed along the northern boundary; a matter which has been raised by the Council's Public Rights of Way Officer who has objected on the basis that footpath ZC5 would be obstructed by proposed hedgerow planting. Landscaping is a matter reserved for future consideration and the details shown are purely indicative. The concerns raised by the PROW Officer are not justification for the application to be refused and can be dealt with at reserved matters stage.
- 6.24 It is therefore concluded that the proposal accords with Policy MT1(5) which seeks to ensure that existing local and long distance footways, cycleways and bridleways are protected.

### Drainage

- 6.25 Some letters of objection have raised concerns about the impact of the development on existing infrastructure and local residents refer to recent events where heavy rainfall has caused the sewage system to overflow.
- 6.26 The application suggests that surface water created by the development would be drained to the mains sewer. This is contrary to the advice of Welsh Water who state that it should be dealt with separately. The reason for this is the evidence referred to by local residents that existing combined arrangements for foul and surface water drainage cause the system to become overloaded during periods of heavy rainfall.
- 6.27 By ensuring that surface water is dealt with through a sustainable urban drainage scheme this situation would not be exacerbated by the development and therefore is not considered to be justification for the refusal of the application. Notwithstanding the information contained on the application form, the imposition of conditions to advise that surface water should be dealt with separately and required detailed drainage arrangements to be submitted at a reserved matters stage is considered to address the concerns raised by local residents and reflects the advice given by Welsh Water. As the application is made in outline and is for up to 21 dwellings it can be reasonably concluded that SuDS can be accommodated within the site. The proposal is therefore considered to be compliant with Policy SD3 of the Core Strategy.

### Loss of Agricultural Land/Use of Brownfield Sites

- 6.28 The application site is acknowledged to be Grade 2 agricultural land. The NPPF advises that, where the development of agricultural land is necessary, area of poorer quality should be used in preference to that of a higher quality.
- 6.29 Some objections consider that brownfield sites should be used in the first instance, with many referencing the site at Barons Cross Camp.
- 6.30 Whilst the site at Barons Cross does have the potential to deliver around 400 dwellings, there remains a considerable shortfall in terms of the growth intended for Leominster over the plan period. Your officers are not aware of other large brownfield sites and it should be noted that

the strategic housing site, which will deliver around 1,500 homes, is located on similar grade agricultural land. Many of the sites identified through SHLAA are also currently agricultural land and it is inevitable that a market town, with few brownfield sites, will rely on agricultural land to meet its housing growth targets.

### Summary and Conclusions

- 6.31 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 on the urban fringe of Leominster and has been identified by the SHLAA as one that is appropriate for development. Notwithstanding the concerns raised, there are not considered to be matters of such weight to warrant the refusal of the application.
- 6.32 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.
- 6.33 The development will have some impacts in environmental terms as a field will be lost to development. The nature of the public footpaths that cross the site will also be changed and they would run through a residential area rather than an area of open countryside as they presently do. There will also be some impacts in terms of biodiversity through the loss of existing vegetation and habitats. Whilst these impacts can be mitigated through new planting and landscaping schemes they are not necessarily environmental benefits. However, the area is not afforded any national or local designation and your officers do not consider these impacts to outweigh the presumption in favour of sustainable development.
- 6.34 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 and as 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 by officers**

- 1. C02 - A02 Time limit for submission of reserved matters (outline permission)**
- 2. C03 - A03 Time limit for commencement (outline permission)**
- 3. C04 - A04 Approval of reserved matters**
- 4. No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following details:**
  - a. Wheel cleaning apparatus which shall be operated and maintained during**

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

- construction of the development hereby approved.
- b. Parking for site operatives and visitors which shall be retained and kept available during construction of the development.
- c. A noise management plan including a scheme for the monitoring of construction noise.
- d. Details of working hours and hours for deliveries
- e. A scheme for the control of dust arising from building and site works
- f. A scheme for the management of all waste arising from the site
- g. A travel plan for employees.

The agreed details of the CMP shall be implemented throughout the construction period.

Reason: In the interests of the residential amenity of properties within the locality and of highway safety in accordance with Policies SD1 and MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

**5. CAE - H06 – Vehicular access construction**

6. Prior to the first occupation of any of the dwellings hereby approved a scheme for the provision of covered and secure cycle parking within the curtilage of each dwelling shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. The cycle parking shall be installed and made available for use prior to occupation of the dwelling to which it relates and shall be retained for the purpose of cycle parking in perpetuity.

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform to the requirements of Policy MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

7. Prior to the first occupation of any of the dwellings hereby approved a Travel Plan which contains measures and targets to promote alternative sustainable means of transport for residents and visitors with respect to the development hereby permitted shall be submitted to and be approved in writing by the Local Planning Authority. The Travel Plan shall be implemented, in accordance with the approved details, on the first occupation of the development. A detailed written record shall be kept of the measures undertaken to promote sustainable transport initiatives and a review of the Travel Plan shall be undertaken annually. All relevant documentation shall be made available for inspection by the Local Planning Authority upon reasonable request.

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform to the requirements of Policy MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

8. In this condition ‘retained tree/hedgerow’ means an existing tree/hedgerow that is to be retained in accordance with the approved plans and particulars.

No development, including demolition works shall be commenced on site or site huts, machinery or materials brought onto the site, before adequate measures have been taken to prevent damage to retained trees/hedgerows. Measures to protect

retained trees/hedgerows must include:

a) Root Protection Areas for each retained tree/hedgerow must be defined in accordance with BS3998:2010 – Tree Work - Recommendations, shown on the site layout drawing and approved by the Local Planning Authority.

b) Temporary protective fencing, of a type and form agreed in writing with the Local Planning Authority must be erected around each retained tree/hedgerow. The fencing must be at least 1.25 metres high and erected to encompass the whole of the Root Protection Areas for each retained tree/hedgerow.

c) No excavations, site works or trenching shall take place, no soil, waste or deleterious materials shall be deposited and no site huts, vehicles, machinery, fuel, construction materials or equipment shall be sited within the Root Protection Areas for any retained tree/hedgerow without the prior written consent of the Local Planning Authority.

d) No burning of any materials shall take place within 10 metres of the furthest extent of any retained hedgerow or the crown spread of any retained tree.

e) There shall be no alteration of soil levels within the Root Protection Areas of any retained tree/hedgerow.

Reason: To safeguard the amenity of the area and to ensure that the development conforms to Policies SD1, LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

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

a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice

b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors

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

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

10. The Remediation Scheme, as approved pursuant to condition no. 9 above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning

**Authority in advance of works being undertaken.**

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

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

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

- 12. No development shall commence until a detailed plan, showing the levels of the existing site, the proposed slab levels of the dwellings approved and a datum point outside of the site, has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

**Reason: In the absence of sufficient detailed information, the clarification of slab levels is a necessary initial requirement before any groundworks are undertaken so as to define the permission and ensure that the development is of a scale and height appropriate to the locality and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

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

**Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the national Planning Policy Framework.**

- 14. The work and construction methodologies and recommendations as set out in section 6 of the ecological report (Star Ecology 17<sup>th</sup> May 2016) should be followed in relation to the identified species unless otherwise agreed in writing by the local planning authority.**

**Reason: The proper consideration of potential impacts on protected species and biodiversity assets is a necessary initial requirement before any demolition and/or groundworks are undertaken in order to ensure that diversity is conserved and enhanced in accordance with the requirements of the NERC Act 2006 and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 15. No development shall commence on site until, based on the mitigation recommendations in the ecology report (Star Ecology 17<sup>th</sup> May 2016) with details of**

enhancements for bat roosting, bird nesting and hedgehog homes, a detailed habitat & biodiversity enhancement scheme, including type and location of bat roosting and bird nesting mitigation/enhancements, a lighting plan, landscape & planting proposal and an associated 5 year maintenance and replacement plan has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

#### **INFORMATIVES:**

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.
3. The landscaping/enhancement scheme should take in to account Chalara Ash Dieback Disease that is now endemic to the UK and widespread across Herefordshire. With a 95-98% ash mortality consideration should be given as to the management of existing ash trees on site and ensure appropriate additional mitigation planting of future standard hedgerow trees of alternative species (eg Oak, Small-leaved Lime and Hornbeam) is included in the scheme submitted for approval. With a much better take up by wildlife the enhancement scheme should also see the inclusion of bat roosting opportunities within the houses (see Bat Conservation Trust website for details of appropriate ‘bat bricks’ raised ridge tiles and bat boxes) and the use of woodcrete bird nesting boxes including sparrow terraces. The lighting plan is needed so as to ensure bats and other nocturnal animals and the wider landscape are not impacted by any additional lighting and support the objectives of the ‘dark skies initiative’.
4. A public right of way crosses the site of this permission. The permission does not authorise the stopping up or diversion of the right of way. The right of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990 provided that the Order is made before the development is carried out. If the right of way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed.
5. I 09 Private apparatus within the highway
6. I 11 Mud on the highway
7. I 35 Highways Design Guide
8. I 41 Travel Plans
9. I 45 Works within the highway

10. It is possible that unforeseen contamination may be present on the site as a result of its former agricultural/orchard use. Consideration should be given to the possibility of encountering contamination on the site as a result of its former uses and specialist advice be sought should there be any concern about the land.
  
11. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com).
  
12. The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

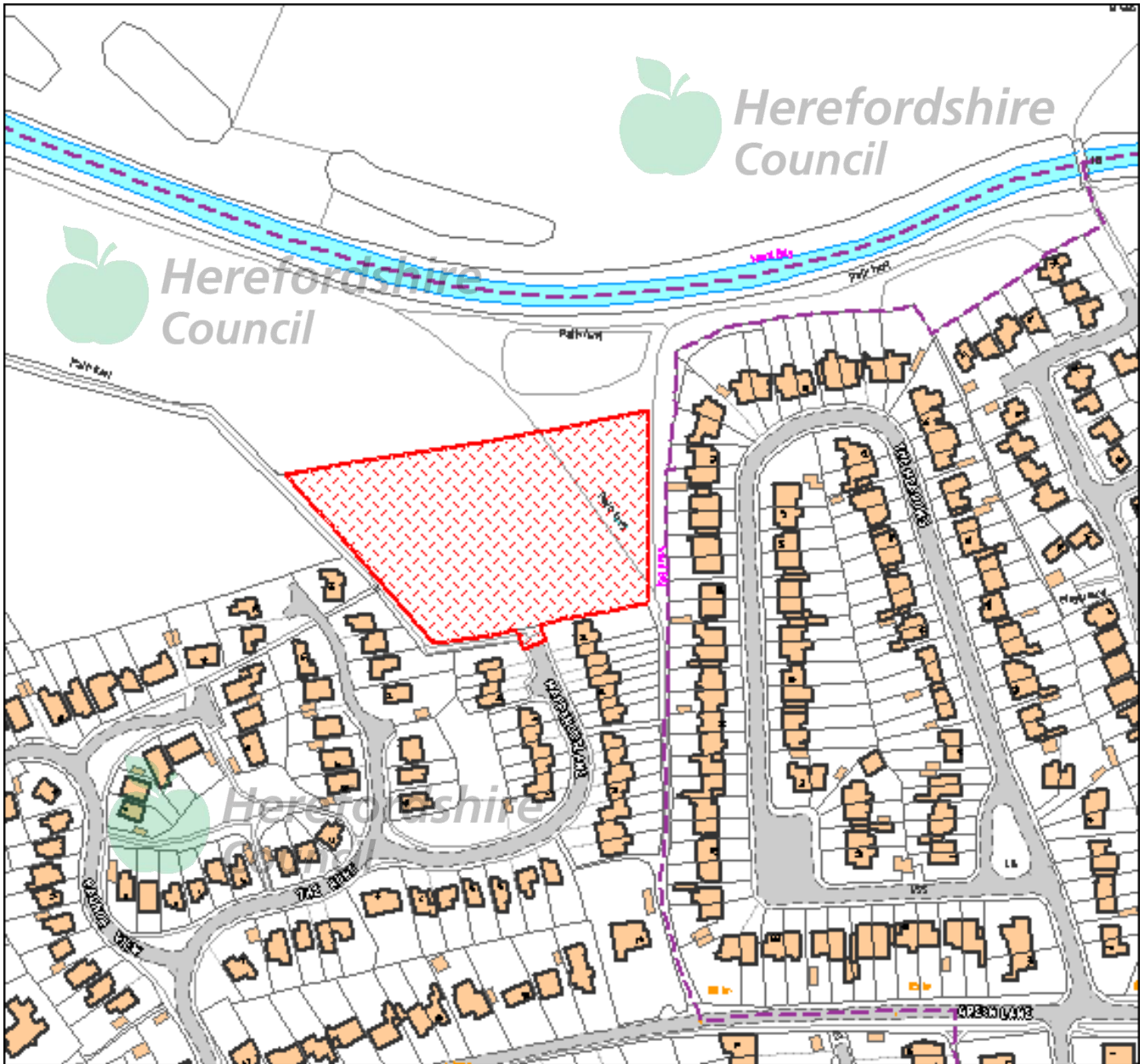
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 161486

**SITE ADDRESS :** LAND AT PINFARTHINGS, OFF NORTH MAPPENORS LANE, LEOMINSTER, HEREFORDSHIRE

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



# DRAFT

# HEADS OF TERMS

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

Planning Application – P161486/O

Site address:

**Land at Pinfarthings, off North Mappenors Lane, Leominster, Herefordshire**

Planning application for:

**Outline application for residential development of up to 21 dwellings with means of access.**

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 2 which applies to all new dwellings.

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

£ 1,720.00 (index linked) for a 2 bedroom open market unit

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

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

to provide 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, in consultation with the Parish Council, at its option for any or all of the following purposes:

- a) Junction improvement/updating of the junction at Ginhall Lane and Green Lane and associated cycle path facility at the junction

**NOTE: A Sec278 agreement may also be required depending on the advice of the local Highways Authority**

2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £80.00 (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 the commencement of the development

3. 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**

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

£ 965.00 (index linked) for a 2 bedroom open market dwelling

£ 1,640.00 (index linked) for a 3 bedroom open market dwelling

£ 2,219.00 (index linked) for a 4 bedroom open market dwelling

The contributions will be used for off site play at Oldfields, Sydonia and The Grange or on improving the Council's Public Rights of Way to allow greater access to the wider countryside and Bridge Street Sports Park. The priority for expenditure will be decided at the time of receiving the contribution and in consultation with the local parish council.

The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £152.00 (index linked) per open market dwelling towards off-site sports facilities. The contributions will be used for off site football and hockey provision at Bridge Street Sports Park or football provision at Earl Mortimer Cottage. The priority for expenditure will be decided at the time of receiving the contribution and in consultation with the local parish council.

The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

6. The developer covenants with Herefordshire Council that 25% (5) of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H1 of the Herefordshire Core Strategy or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.

**NOTE: the mix of tenure and unit size of the affordable units shall be agreed with Herefordshire Council:**

**NOTE: 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 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 9 & 10 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 Leominster;

9.2. in the event of there being no person with a local connection to Leominster 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

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

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 9.1 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
  - 10.1. is or in the past was normally resident there; or
  - 10.2. is employed there; or
  - 10.3. has a family association there; or
  - 10.4. a proven need to give support to or receive support from family members; or
  - 10.5. because of special circumstances;
11. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 4 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, 4 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.

**Yvonne Coleman**  
**Planning Obligations Manager**





<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>24 AUGUST 2016</b>
<b>TITLE OF REPORT:</b>	<b>161638 - PROPOSED ERECTION OF A DWELLING AT LAND AT 19 FERNDALE ROAD, HEREFORD.</b>  <b>For: Mr Knowles per Colin Goldsworthy, 85 St Owen Street, Hereford, Herefordshire, HR1 2JW</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=161638&amp;search=161638">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=161638&amp;search=161638</a>
<b>Reason Application submitted to Committee – Redirection</b>	

**Date Received: 25 May 2016**

**Ward: Kings Acre**

**Grid Ref: 348981,241101**

**Expiry Date: 8 August 2016**

Local Member: Councillor MN Mansell.

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

- 1.1 The site comprises the rear half of the garden at 19 Ferndale Road which backs onto the end of Tensing Way (a modern cul-de-sac) in the Kings Acre ward of Hereford city. This is bound by a high fence to perimeters.
- 1.2 To the south lies No 17 Ferndale Road (bungalow set back into plot), with No 21 to the north. Nos 21 and 18 Tensing Road are adjacent to the application site and are 2 storey red brick dwellings.
- 1.3 The proposal is an outline planning application for one dwelling with vehicular access off Tensing Road. All other matters are reserved for future consideration.
- 1.4 The applicant has served notice in the Herefordshire Times (under Certificate D) that ownership of part of the site is unidentified (grass strip on Tensing Road to the rear of the application site).

## **2. Policies**

### **2.1 Herefordshire Local Plan: Core Strategy Policies:**

- SS1 - Presumption in Favour of Sustainable Development
- SS2 - Delivering New Homes
- SS6 - Environmental Quality and Local Distinctiveness
- HD1 - Hereford
- MT1 - Traffic Management, Highway Safety and Promoting Active Travel
- LD1 - Landscape and Townscape
- LD2 - Bio-diversity and Geo-diversity

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Further information on the subject of this report is available from Mr Fernando Barber-Martinez on 01432 383674

- 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 Neighbourhood Plan

There is no Neighbourhood Development Plan for the area.

## 2.3 National Planning Policy Guidance:

- Chapter 6: Delivering a Wide Choice of High Quality Homes;
- Chapter 7: Requiring Good Design;
- Paragraph 14: Presumption in Favour of Sustainable Development;
- Paragraph 49: 5 Year Housing Land Supply;

## 2.4 National Planning Practice Guidance:

Use of Planning Conditions (ID21a);  
 Planning Obligations (ID23b);  
 Design (ID26): Form, Scale, Details, Materials.

## 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 091377 2 Bungalows: Refused.

HC/920403/PO/W One bungalow: Refused - Appeal Dismissed 18/05/1993.

HC/920192/PO/W Private dwelling (Off Tensing Close): Refused 16/07/1992.

## 4. Consultation Summary

### 4.1 Statutory Consultations:

None.

### 4.2 Internal Council Consultations:

Transportation Manager: The proposed dwelling is to be accessed from the cul-de-sac off Tensing Close. I would comment that our records indicate that the limit of adopted highway is the back of footway, leaving an area between footway and the boundary of 19 Ferndale Road that is not highway nor in the applicant's ownership. It is noted from the letters of objection that other property owners have maintained this area, but that attempts by the agent to identify the owner have been unsuccessful.

A satisfactory access could be achieved from Tensing Close, subject to the above, and it is likely that satisfactory parking and turning could be provided in curtilage. Secure covered cycle parking should be provided, and if in a garage, the garage should be suitably sized (6mx3m) to accommodate a car and cycles. Therefore I would have no objections.

## 5. Representations

5.1 Hereford City Council: No objection.

5.2 To date 16 objection letters (including a petition with six accompanying signatures) have been received - raising the following points (summarised):-

- Building work concerns;
- Access should be off Ferndale Road;
- Previous applications have been refused;
- Tensing Close is a narrow overcrowded road- further use would be hazardous to the elderly occupiers here, and is a crossing place for children going to nearby schools);
- The turning area on Tensing Close is needed;
- Quiet nature of Tensing Close;
- Occupant of No21 Tensing Close is seeking adverse possession of the unknown ownership land;
- The 'ransom strip' is tended to by the immediate neighbours on Tensing Close;
- Removal of mature trees on site.

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

<https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=161638&search=161638>

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

### General Principles

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 Here, the Herefordshire Local Plan ('HLP') is the development plan. The Core Strategy(CS) is a fundamental part of the HLP and sets the overall strategic planning framework for the county, shaping future development.

6.3 The strategic Policy SS1 sets out a presumption in favour of sustainable development as required by the NPPF and directs that proposals which accord with the policies of the CS shall be approved, unless material considerations indicate otherwise. One such consideration is the NPPF which advises at paragraph 47 that Local Authorities maintain a robust five year supply of housing land. At present, the Council cannot demonstrate a 5-year supply of housing land and as such the policies of the CS cannot be inherently relied upon, although still retain weight.

6.4 The delivery of sustainable housing development to meet objectively assessed needs is a central CS theme, reflecting the objectives of the NPPF. Policy SS2 'Delivering new homes' directs that Hereford and the market towns shall be the main focus for new housing development.

6.5 This is following recent appeal decisions at Leintwardine and Ledbury. A recent Court of Appeal judgment amongst other points came to the view that 'out of date' policies because of the

housing land supply being under 5 years do not become irrelevant, it is simply that the weight is for the decision maker. The decision overall is one of planning judgment and balance, which includes the weight properly attributable to the NPPF and the shortfall and all other relevant policies and facts.

- 6.6 The National Planning Policy Framework- with its three dimensions to sustainable development (namely economic, social and environmental roles) in paragraph 6 states that the purpose of the planning system is to contribute to the achievement of sustainable development, as defined in paragraphs 18 to 219 of the NPPF.
- 6.7 This is in an urban residential location and is considered to be a sustainable location in principle for new housing.

#### Accessibility

- 6.8 The proposed access point is at the end of a long linear cul-de-sac. This is considered acceptable in terms of highway safety.

#### Amenity

- 6.9 There would be satisfactory amenity space for a new dwelling, and a single storey dwelling would not give rise to any adverse loss of amenity to the immediate dwellings (through loss of privacy or overshadowing) due to it being ground level development. The daily comings and goings would not be detrimental to the amenities of Tensing Road. A condition is recommended to ensure single storey development only.

#### Ecology

- 6.10 On a site visit the Case Officer did not see any ecological potential or natural habitats that would be affected by the proposal. There are no apparent adverse ecological implications from the siting and construction of a dwelling and access at this location.

#### Waste Water

- 6.11 It is intended to connect the new dwelling to the existing sewerage network. This is acceptable.

#### Conclusion

- 6.12 As the Council has been found unable to demonstrate an NPPF compliant housing land supply at appeal, paragraph 49 thereof requires that applications are considered for their ability to represent sustainable development rather than for their inherent conformity with the Local Plan. However, and for the reasons explained within the report, the CS is considered to accord with the aims and objectives of the NPPF in this instance and the housing supply policies of the CS, Policy SS2 and the housing supply dimensions of HD1 in particular here, are considered to retain significant weight.
- 6.13 In principle residential development is supported at this urban residential location with its attendant infrastructure, nearby goods and services and recreation.
- 6.14 In light of Paragraph 14 of the National Planning Policy Framework) there is no harm to any acknowledged interests that would be an overriding material consideration that would lead to an alternative recommendation.



## **RECOMMENDATION**

That planning permission be granted subject to the following conditions and any additional conditions considered necessary by officers:

1. C02 (A02 Time limit for submission of reserved matters (outline permission))
2. C03 (A03 Time limit for commencement (outline permission))
3. C04 (A04 Approval of reserved matters)
4. C05 (A05 Plans and particulars of reserved matters)
5. C06 (B01 Development in accordance with the approved plans - drawings received 25 May 2016)
6. C98 (G12 Hedgerow planting)
7. CBK (I16 Restriction of hours during construction)
8. CD6 (L04 Comprehensive & Integrated draining of site)
9. CE6 (M17 Water Efficiency – Residential)
10. CAD (H05 Access gates)
11. CAE (H06 Vehicular access construction)
12. CAH (H09 Driveway gradient)
13. CA2 (G15 Landscape maintenance arrangements)
14. CB2 (H29 Secure covered cycle parking provision)
15. C62 (F11 Restriction on height of dwelling: “1 storey in height”)

## **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 Consideration should be given to the provision of a small footprint single storey dwelling at this location- so as to avoid potential amenity impacts on neighbouring dwellings through overlooking or loss of privacy (see planning condition 17 above).
- 3 I05 (No drainage to discharge to highway).
- 4 I45 (Works within the highway).

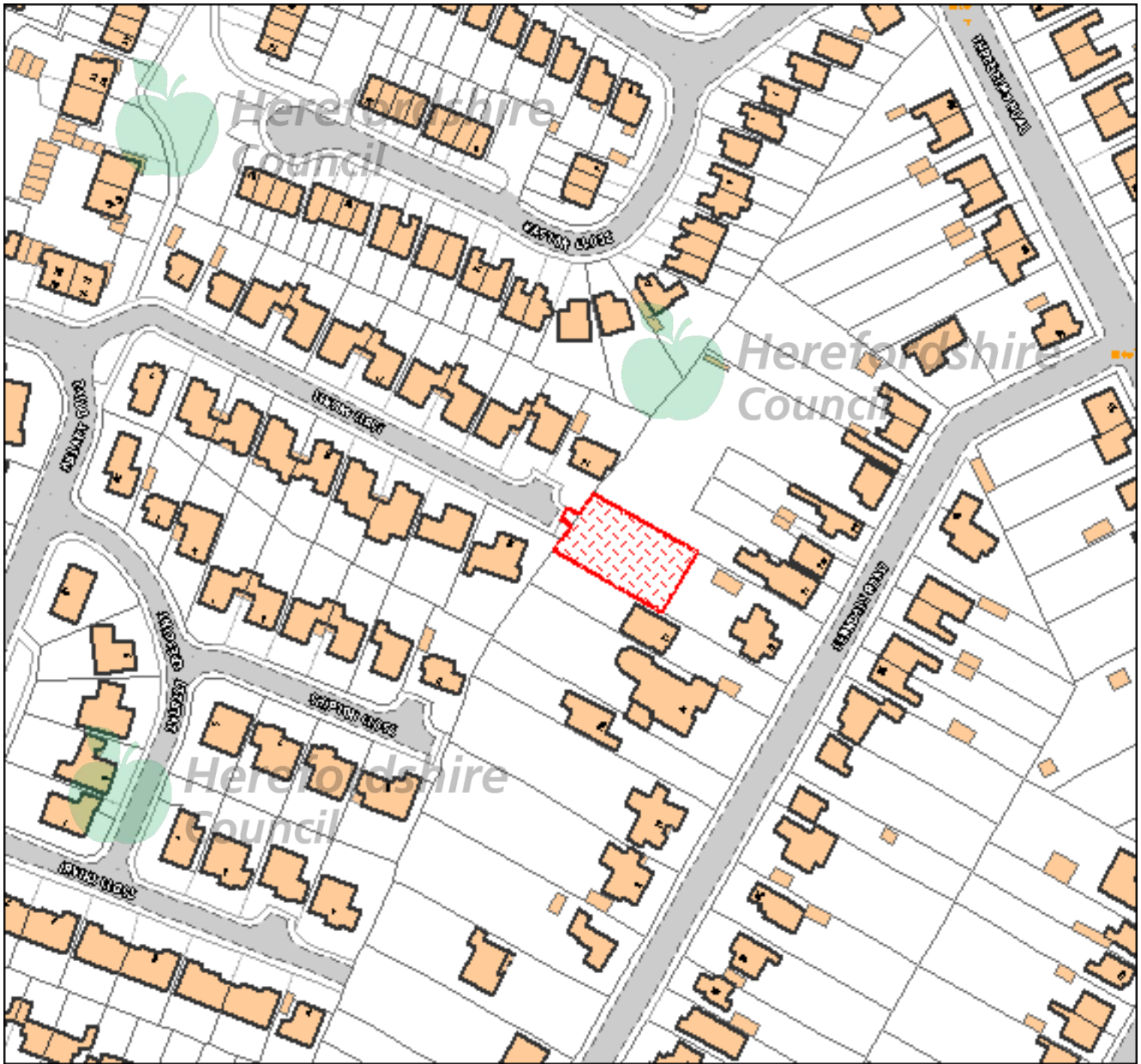
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 161638

**SITE ADDRESS :** LAND AT 19 FERNDALE ROAD, HEREFORD

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