

Agenda

Planning and regulatory committee

Date: **Wednesday 26 August 2020**

Time: **10.30 am**

Place: **Online meeting only**

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

For any further information please contact:

Tim Brown, Democratic Services Officer

Tel: 01432 260239

Email: tbrown@herefordshire.gov.uk

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 in advance of the meeting.

Agenda for the meeting of the Planning and regulatory committee

Membership

Chairperson **Councillor John Hardwick**
Vice-Chairperson **Councillor Alan Seldon**

Councillor Graham Andrews
Councillor Paul Andrews
Councillor Polly Andrews
Councillor Toni Fagan
Councillor Elizabeth Foxton
Councillor Bernard Hunt
Councillor Terry James
Councillor Tony Johnson
Councillor Mark Millmore
Councillor Jeremy Milln
Councillor Paul Rone
Councillor John Stone
Councillor William Wilding

Agenda

		Pages
1.	<p>APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
2.	<p>NAMED SUBSTITUTES (IF ANY)</p> <p>To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.</p>	
3.	<p>DECLARATIONS OF INTEREST</p> <p>To receive declarations of interests in respect of Schedule 1, Schedule 2 or Other Interests from members of the committee in respect of items on the agenda.</p>	
4.	<p>MINUTES</p> <p>To approve and sign the minutes of the meeting held on 5 August 2020.</p>	11 - 28
5.	<p>CHAIRPERSON'S ANNOUNCEMENTS</p> <p>To receive any announcements from the Chairperson.</p>	
6.	<p>191187 - LAND BETWEEN LEEWARD HOUSE AND THE MILLENNIUM HALL, CROW HILL, UPTON BISHOP, ROSS ON WYE, HR9 7TU</p> <p>Outline application for the erection of 9 houses and the improvement of existing access to serve the development.</p>	29 - 66
7.	<p>193747 - LAND TO THE NORTH OF THE B4348, MUCH DEWCHURCH VILLAGE, HEREFORDSHIRE</p> <p>Outline application for a residential development of up to 4 dwellinghouses (all matters reserved).</p>	67 - 88
8.	<p>202191 - WYESIDE PLAYING FIELDS, BELVEDERE LANE, HEREFORD, HEREFORDSHIRE, HR4 0PH</p> <p>Proposed additional balcony areas to increase entrances into the building. East facing elevation moved forward to increase clubhouse floor area and remove area that is vandalised.</p>	89 - 96
9.	<p>DATE OF NEXT MEETING</p> <p>Date of next meeting – Tuesday 8 September 2020</p>	

The Public's Rights to Information and Attendance at Meetings

Herefordshire Council is currently conducting its public committees, including the Planning and Regulatory Committee, as "virtual" meetings. These meetings will be video streamed live on the internet and a video recording maintained on the council's website after the meeting. This is in response to a recent change in legislation as a result of COVID-19. This arrangement will be adopted while public health emergency measures including, for example, social distancing, remain in place.

Meetings will be streamed live on the Herefordshire Council YouTube Channel at

<https://www.youtube.com/HerefordshireCouncil>

The recording of the meeting will be available shortly after the meeting has concluded through the Planning and Regulatory Committee meeting page on the council's web-site.

<http://councillors.herefordshire.gov.uk/ieListMeetings.aspx?CId=264&Year=0>

YOU HAVE A RIGHT TO: -

- Observe all "virtual" Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting. (These will be published on the Planning and Regulatory Committee meeting page on the council's web-site. See link above).
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting. (These will be published on the Planning and Regulatory Committee meeting page on the council's web-site. See link above).
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Access to this summary of your rights as members of the public to observe "virtual" meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect documents.

Guide to Planning and Regulatory Committee

The Planning and Regulatory Committee consists of 15 Councillors. The membership reflects the balance of political groups on the council.

Councillor John Hardwick (Chairperson)	Herefordshire Independents
Councillor Alan Seldon (Vice-Chairperson)	It's Our County
Councillor Graham Andrews	Herefordshire Independents
Councillor Paul Andrews	Herefordshire Independents
Councillor Polly Andrews	Liberal Democrat
Councillor Toni Fagan	The Green Party
Councillor Elizabeth Foxtan	It's our County
Councillor Bernard Hunt	True Independents
Councillor Terry James	Liberal Democrat
Councillor Tony Johnson	Conservative
Councillor Mark Millmore	Conservative
Councillor Jeremy Milln	The Green Party
Councillor Paul Rone	Conservative
Councillor John Stone	Conservative
Councillor William Wilding	Herefordshire Independents

The Committee determines applications for planning permission and listed building consent in those cases where:

- (a) the application has been called in for committee determination by the relevant ward member in accordance with the redirection procedure
- (b) the application is submitted by the council, by others on council land or by or on behalf of an organisation or other partnership of which the council is a member or has a material interest, and where objections on material planning considerations have been received, or where the proposal is contrary to adopted planning policy
- (c) the application is submitted by a council member or a close family member such that a council member has a material interest in the application
- (d) the application is submitted by a council officer who is employed in the planning service or works closely with it, or is a senior manager as defined in the council's pay policy statement, or by a close family member such that the council officer has a material interest in the application
- (e) the application, in the view of the assistant director environment and place, raises issues around the consistency of the proposal, if approved, with the adopted development plan
- (f) the application, in the reasonable opinion of the assistant director environment and place, raises issues of a significant and/or strategic nature that a planning committee determination of the matter would represent the most appropriate course of action, or
- (g) in any other circumstances where the assistant director environment and place believes the application is such that it requires a decision by the planning and regulatory committee.

The regulatory functions of the authority as a licensing authority are undertaken by the Committee's licensing sub-committee.

Who attends planning and regulatory committee meetings?

The following attend the committee:

- Members of the committee, including the chairperson and vice chairperson.
- Officers of the council – to present reports and give technical advice to the committee
- Ward members – The Constitution provides that the ward member will have the right to start and close the member debate on an application.

(Other councillors - may attend as observers but are only entitled to speak at the discretion of the chairman.)

How an application is considered by the Committee

The Chairperson will announce the agenda item/application to be considered. The case officer will then give a presentation on the report.

The registered public speakers will then be invited to speak in turn (Parish Council, objector, supporter). (see further information on public speaking below.)

The local ward member will be invited to start the debate (see further information on the role of the local ward member below.)

The Committee will then debate the matter.

Officers are invited to comment if they wish and respond to any outstanding questions.

The local ward member is then invited to close the debate.

The Committee then votes on whatever recommendations are proposed.

Public Speaking

The Council's Constitution provides that the public will be permitted to speak at meetings of the Committee when the following criteria are met:

- a) the application on which they wish to speak is for decision at the planning and regulatory committee
- b) the person wishing to speak has already submitted written representations within the time allowed for comment
- c) once an item is on an agenda for planning and regulatory committee all those who have submitted representations will be notified and any person wishing to speak must then register that intention with the monitoring officer at least 48 hours before the meeting of the planning and regulatory committee
- d) if consideration of the application is deferred at the meeting, only those who registered to speak at the meeting will be permitted to do so when the deferred item is considered at a subsequent or later meeting
- e) at the meeting a maximum of three minutes (at the chairman's discretion) will be allocated to each speaker from a parish council, objectors and supporters and only nine minutes will be allowed for public speaking
- f) speakers may not distribute any written or other material of any kind at the meeting (see note below)

- g) speakers' comments must be restricted to the application under consideration and must relate to planning issues
- h) on completion of public speaking, councillors will proceed to determine the application
- i) the chairman will in exceptional circumstances allow additional speakers and/or time for public speaking for major applications and may hold special meetings at local venues if appropriate.

(Note: The public speaking provisions have been modified to reflect the “virtual” meeting format the Council has adopted in response to a recent change in legislation as a result of COVID-19. Those registered to speak in accordance with the public speaking procedure are able to participate in the following ways:

- *by making a written submission*
- *by submitting an audio recording*
- *by submitting a video recording*
- *by speaking as a virtual attendee.)*

Role of the local ward member

The ward member will have an automatic right to start and close the member debate on the application concerned, subject to the provisions on the declaration of interests as reflected in the Planning Code of Conduct in the Council's Constitution (Part 5 section 6).

In the case of the ward member being a member of the Committee they will be invited to address the Committee for that item and act as the ward member as set out above. They will not have a vote on that item.

To this extent all members have the opportunity of expressing their own views, and those of their constituents as they see fit, outside the regulatory controls of the Committee concerned.

Minutes of the meeting of Planning and regulatory committee held online on Wednesday 5 August 2020 at 10.30 am

Present: Councillor Alan Seldon (vice-chairperson)

Councillors: Paul Andrews, Sebastian Bowen, Barry Durkin, Toni Fagan, Elizabeth Foxton, Bernard Hunt, Tony Johnson, Mark Millmore, Jeremy Milln, John Stone, Kevin Tillett and Yolande Watson

138. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Polly Andrews, Hardwick, James and Rone.

139. NAMED SUBSTITUTES

Councillor Bowen substituted for Councillor Hardwick, Councillor Durkin for Councillor Rone and Councillor Tillett for Councillor Polly Andrews.

140. DECLARATIONS OF INTEREST

Agenda item 6: 200299 – Land adjacent Garnom, Birch Hill, Clehonger

Councillor Milln declared an other declarable interest because he knew one of the objectors.

Agenda item 7: 200755 - Land Opposite Mill House Farm Fownhope

It was noted that most Councillors knew Councillor Hardwick, the applicant.

141. MINUTES

RESOLVED: That the minutes of the meeting held on 15 July 2020 be approved as a correct record and signed by the Chairman.

142. CHAIRPERSON'S ANNOUNCEMENTS

The Chairperson highlighted the imminent announcement of Government proposals to reform the planning system.

143. 200299 - LAND ADJACENT GARNOM, BIRCH HILL, CLEHONGER, HEREFORDSHIRE

(Proposed erection of two dwelling houses with shared vehicle access.)

The Senior Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking for virtual meetings, Mrs A Davies of Clehonger Parish Council spoke in objection to the application, as a virtual attendee. Mr K Hastings spoke in objection to the application, as a virtual attendee. Mr D Baume, the applicant's agent had submitted a written submission in support of the application. This was read to the meeting by the legal adviser to the Committee.

In accordance with the Council's Constitution, the local ward member, Councillor Hitchiner, spoke on the application. He outlined a number of locally held concerns about the application.

A member questioned why there was not comment from the landscape officer. The SPO commented that there had been no requirement to consult the landscape officer on this application and there had appeared to be no need to do so.

A motion that the application be deferred was carried.

RESOLVED: That the application be deferred to allow comment to be sought from the landscape officer.

144. 200755 - LAND OPPOSITE MILL HOUSE FARM, FOWNHOPE, HEREFORDSHIRE

(Proposed attenuation pond as part of the proposed surface water management strategy for extent planning permission ref 163707 for 15 houses on adjoining land.)

(Councillor Bowen fulfilled the role of local ward member and accordingly had no vote on this application.)

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 for virtual meetings Mr P Daines, a local resident, submitted a written submission in objection to the application on behalf of himself and his neighbours. This was read to the meeting by the legal adviser to the Committee. Mr J Spreckley, the applicant's agent, spoke in support of the application as a virtual attendee.

Councillor Bowen fulfilled the role of local ward member for this application. In accordance with the Council's Constitution, he spoke on the application. He supported it.

The Committee indicated its broad support for the application noting the technical nature of the application and that professional advice supported it.

Councillor Bowen was given the opportunity to close the debate. He reiterated his support for the application.

RESOLVED: That planning permission be granted subject to the following conditions and any further conditions considered necessary by officers named in the scheme of delegation to officers:

1. **C01 - Time limit for commencement (full permission)**
2. **C06 - Development in accordance with the approved plans**

The development shall be carried out strictly in accordance with the approved plans (drawing nos.1536.12, Dry Basin Cross Section, Dry Basin

Site Plan, S649/02 Rev C (Proposed Surface Water Drainage Strategy), except where otherwise stipulated by conditions attached to this permission.

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy, policies FW1, FW2 and FW16 of the Fownhope Neighbourhood Development Plan and the National Planning Policy Framework.

Pre-commencement conditions

- 3. Before any work, including any site clearance begins, equipment or materials moved on to site, a fully detailed Construction Environmental Management Plan (CEMP), with detailed ecological working methods, a fully detailed Tree and Hedgerow protection plan (based on BS5837:2012 – minimum 2 metre Root Protection Area for hedgerows), and clearly named ‘responsible person(s)’ shall be supplied to the local planning authority for written approval. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have finally been removed.**

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), Wildlife & Countryside Act (1981), the National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy (2015) policies SS6, LD2 and LD3 and Fownhope Neighbourhood Development Plan policies FW2 and FW5.

- 4. No development shall commence until a final version of the surface water drainage strategy, including details of additional gullies (above the 100 year + 40% climate change pond flood level) to intercept the water before it discharges onto the highway and confirmation of either Welsh Water’s adoption agreement or details of the future management arrangements for the approved surface water drainage scheme has been submitted to and approved in writing by the local planning authority, in liaison with Dwr Cymru Welsh Water’s Network Development Consultant. The work shall be carried out in accordance with the approved scheme and shall be completed and ready for use prior to the first occupation of any of the approved dwellings (planning permission reference 163707/F).**

Reason: In order to ensure that satisfactory drainage arrangements are provided for the proposed development, without an adverse impact to the environment, so as to comply with Policies SS6, LD2, SD3 and SD4 of the Herefordshire Local Plan – Core Strategy, policy FW3 of the Fownhope Neighbourhood Development Plan and the National Planning Policy Framework.

Pre-occupancy or other stage conditions

- 5. CK5 - Maintenance Plan**

Before the development is first occupied or brought into use a schedule of landscape maintenance for a period of 3 years shall be submitted to and approved in writing by the local planning authority. Maintenance shall be carried out in accordance with this approved schedule.

Reason: To ensure the future establishment of the approved scheme, in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy, policies FW2 and FW16 of the Fownhope Neighbourhood Development Plan and the National Planning Policy Framework.

Conditions relating to post occupancy monitoring and management

6. CAD - Access gates

Any new access gates/doors shall be set back 5 metres from the adjoining carriageway edge and shall be made to open inwards only.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, policy FW27 of the Fownhope Neighbourhood Development Plan and the National Planning Policy Framework.

INFORMATIVES:

1. IP2 - Application Approved Following Revisions

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. I06 - Public rights of way affected

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.

3. I11 - Mud on highway

It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

4. I12 - Adjoining property rights

This permission does not imply any rights of entry to any adjoining property.

5. The applicant/developer's attention is drawn to the siting of Dwr Cymru Welsh Water's assets (public watermains – operational and non-

operational) within the site (consultation response dated 6.7.2020 – plan included). These should be accurately located and a 3 metre easement either side of the centre line of each watermain shall be maintained. No land, highway or surface water shall communicate to the public sewer network.

6. Any waste produced as part of this development must be disposed of in accordance with all relevant waste management legislation. Where possible the production of waste from the development should be minimised and options for the reuse or recycling of any waste produced should be utilised.

145. 193665 AND 193666 - ST MICHAELS CHURCH, BRAMPTON ABBOTTS, ROSS-ON-WYE, HR9 7JE

(Change of use from a place of worship to community space including artisan bakery, cafe and social space with occasional worship. Proposed various internal works including mezzanine & installation of an artisan bakery and change of use to the vestry and nave. To include all associated works and new services connections.)

(Councillor Johnson left the meeting during consideration of this item. Councillor Durkin fulfilled the role of local ward member and accordingly had no vote on this application.)

The Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking for virtual meetings, Mr R Lewis of Brampton Abbots and Foy Parish Council submitted a written submission in opposition to the scheme. This was read to the meeting by the legal adviser to the Committee. Mr D Teague, a local resident, spoke in opposition to the scheme, as a virtual attendee. A written submission by the Venerable D Chedzey on behalf of the applicant was read to the meeting.

In accordance with the Council's Constitution, the local ward member, Councillor Durkin, spoke on the application. He expressed a number of reservations.

The Committee discussed the application.

It was proposed that conditions should be added relating to securing and managing car parking and noise attenuation measures relating to the proposed extractor fan.

The local ward member was given the opportunity to close the debate. He reiterated a number of reservations. However, he commented that the community was broadly supportive subject to car parking provision in particular being satisfactorily resolved.

It was proposed in relation to the accompanying listed building consent application (193666 below) that the local ward member should be consulted on the proposals for repurposing the internal fixtures, noting concerns he had expressed about the Caroe pews.

Application 193665

RESOLVED: That planning permission be granted subject to the following conditions, with additional conditions relating to noise attenuation from the proposed extraction fan and car parking, and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

1. **Time limit for commencement (full permission)**

2. **Development in accordance with the approved plans and materials**
3. **Nature Conservation – Ecology Protection, Mitigation**

The ecological protection, mitigation, compensation and working methods, as recommended in the ecology report by Swift Ecology dated September 2019 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any boundary feature, adjacent habitat or area around the church.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Habitats & Species Regulations 2017 (as amended), Policy LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006

4. **Nature Conservation – Biodiversity and Habitat Enhancement**

Prior to first use of works approved under this decision, a detailed scheme and plan for proposed biodiversity net gain enhancement features including provision for bat roosting and hibernation, bird nesting, hedgehog homes and pollinating insect ‘nesting’ should be supplied to and acknowledged by the local authority and then implemented in full. The approved scheme shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No external lighting should illuminate any biodiversity net gain feature or adjacent habitat.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), Habitat Regulations 2017, Core Strategy SS6, LD2, National Planning Policy Framework (2019), NERC Act 2006 and Dark Skies Guidance Defra/NPPF 2013/2019.

5. **Habitat Regulations (River Wye SAC) – Foul- and Surface Water**

All foul water shall discharge through a connection to the local Mains Sewer network; and all surface water managed through on site soakaway-infiltration; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Habitat Regulations (2017), National Planning Policy Framework (2019), NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies SS6, LD2, SD3 and SD4.

6. **CAB - Visibility Splays**
7. **CAD - Access Gates**
8. **CAI - Parking – shared drives**
9. **CAT - Construction Management Plan**
10. **CB2 - Secure covered cycle parking provision**
11. **CB3 - Travel plan**

12. **No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network**

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

13. **CBK - Restriction of hours during construction**

14. **C54 - Restriction on hours of opening**

The A3 – Restaurant and café use hereby permitted shall not be open to customers outside the hours of 9:00 and 18:00 Sunday – Thursday and the hours of 9:00 and 22:00 Friday – Saturday, and the bakery use hereby permitted shall not be open outside the hours of 4:00 and 17:00 on Monday to Saturday.

Reason: In the interests of the amenities of existing residential property in the locality and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

15. **C56 - Restriction on hours of use (industrial)**

No deliveries shall be taken at or despatched from the site outside the following times [6:00 and 16:00] nor at any time on Sundays, Bank or Public Holidays

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

16. **C57 - Restriction on Use**

The light industrial element of the premises hereby approved shall be restricted to use as a bakery and for no other purpose in Class B1(c) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: The local planning authority wish to control the specific use of the premises, in the interest of local amenity and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

1. **IP2 - Application Approved Following Revisions**
2. **I11 - Mud on highway**
3. **I09 - Private apparatus within the highway**
4. **I05 - No drainage to discharge to highway**
5. **I47 - Drainage other than via highway system**

6. I41 - Travel plans
7. I35 - Highways Design Guide and Specification

Application 193666

RESOLVED: That Listed Building Consent be granted subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers, with the local ward member to be consulted on the proposals for repurposing the internal fixtures:

1. CE7 - Time Period
2. C07 - Development in accordance with approved plans and materials

2407.02P(0)303 Rev C, 2407.02P(1)300 Rev G, 2407.02P(0)301 Rev F, 2407.02P(0)305 Rev E, 2407.02(0)401, 2407.02(0)402 & Design & Access Statement and Heritage Impact Assessment.

3. CE8 Expert Supervision

Before work begins the details of appointment of an appropriately qualified professional specialising in conservation work who will supervise the hereby approved works of alteration or demolition shall submitted to and agreed in writing with the Local Planning Authority. Any proposed changes to the agreed supervision arrangements shall be subject to the prior written agreement of the local planning authority.

Reason: To ensure that special regard is paid to specific architectural features or fixtures and to ensure the fabric is protected from damage during the course of works in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. CF1 Protection: Specific

Before work begins in relation to any of the specified features, details of measures to protect the following interior features from damage shall be submitted to and approved in writing with the Local Planning Authority. The work shall be carried out in accordance with the approved details and shall remain in place for the duration of the construction/ alteration work hereby permitted. No such features shall be disturbed or removed temporarily or permanently except as indicated on the approved drawings or without the prior approval in writing of the Local Planning Authority:

- West Tower Structural Timberwork
- Communion Rail
- Chancel Screen
- Panelling
- Doors
- Memorials
- Historic Window Glass

Reason: To ensure that special regard is paid to specific architectural features or fixtures and to ensure the fabric is protected from damage

during the course of works in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. CF4 Features

Before work begins in relation to any of the specified features, a schedule showing their retention/re-use shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

- West Tower Structural Timberwork
- Communion Rail
- Chancel Screen
- Panelling
- Doors
- Memorials
- Historic Window Glass

Reason: To ensure that special regard is paid to specific architectural features or fixtures and to ensure the fabric is protected from damage during the course of works under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

6. CF5 Misc Details

Before work begins in relation to the specified features drawings to a scale of 1:20 and 1:5 fully detailing the following new, replacement or altered features shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

- Vestry Wall & Floor Lining (to include means of ventilation)
- New staircase and Mezzanine structure (to include methods of attachment to historic fabric)

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

7. CG1 Recording – Standing Structures

No development approved by this permission shall commence until a Level 3 drawn and photographic survey of church fabric to be altered or removed has been submitted to and approved in writing by the Local Planning Authority – Level 3 Survey requirements as defined in Historic England's guidance 'Understanding Historic Buildings: A Guide to Good Recording Practice'.

A copy of the approved record survey shall be submitted to the Herefordshire Historic Environment Record within 3 months of approval.

Reason: This information is required before development commences to record the historic fabric of the building prior to development in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8. CG2 Matching existing work and samples – General

All new external and internal works of making good to the retained fabric, shall match the existing original work adjacent in respect of methods, detailed execution and finished appearance unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

9. CG4 Roofing details

Before any works in relation to the features specified below begins, details and drawings (1:20 & 1:5) of construction methods shall be submitted to and approved in writing by the Local Planning Authority:

- **Roof ventilation and valley gutter treatment (Vestry Roof);**
- **Flues, vents or other pipework piercing the building (and decorative finish)**
- **Leadwork details (in accordance with LDA good practice);**

The works shall be carried out in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

10. CH7 Damp proof course

Before work begins, a detailed justification for, and methodology for inserting, a damp proof course shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

11. CH8 Joinery works

No joinery works shall commence until precise details of all internal joinery and glazing have been submitted to and approved in writing by the Local Planning Authority. These shall include:

- Full size or 1:2 sections, and 1:20 elevations of each joinery item cross referenced to the details and indexed on elevations on the approved drawings.
- Method and type of glazing
- Colour scheme/surface finish

The development shall be carried out in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

12. CI7 Repairs in situ

Unless otherwise agreed beforehand in writing by the local planning authority the existing fabric of the building shall be stabilised, maintained, repaired and adapted as approved in situ and the approved conversion scheme shall be carried out without dismantling timber elements (including the roof) or rebuilding brickwork or masonry.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

13. CJ2 M&E Services

All routes for mechanical and electrical services and drainage shall be arranged to be visually unobtrusive and cause the minimum disturbance to historic fabric. Details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant sections of works. These shall include types, sizes and positions of soil and vent pipes, waste pipes, rainwater pipes, boiler flues and ventilation terminals, meter boxes, exterior cabling etc. and interior fittings such as radiators, electrical socket outlets and switch-plates. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the listed building, in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy , the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

14. CJ5 Ornamental Mouldings

All new partitions and other elements of construction shall be scribed around historic and architectural features and shall not cut through such features.

Reason: To safeguard the architectural and historic interest and character of the listed building, in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy , the National Planning Policy Framework and

under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

15. CJ6 Making Good – Submit Details

Full details of ‘making good’ exposed areas revealed by demolitions are to be submitted and approved in writing by the Local Planning Authority prior to commencement of works.

Reason: To safeguard the architectural and historic interest and character of the listed building, in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy , the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

16. CJ9 Schedule of works

A schedule of works shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing. No work shall be carried out other than in accordance with the approved schedule. All existing original features shall be retained in situ unless it is specifically shown on the approved plans that they are to be removed.

Reason: To safeguard the architectural and historic interest and character of the listed building, in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy , the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

17. CK1 Insulation

Details including a specification and scale drawings of new sound and heat insulation is to be submitted to and approved in writing prior to the commencement of the relevant section of works. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the listed building, in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy , the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

18. CK2 Fire Proofing

Details including a specification and scale drawings of new fire proofing measures are to be submitted to and approved in writing prior to the commencement of the relevant section of works. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the listed building, in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy , the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

INFORMATIVES:

1. I66- Extent Of Permission

146. DATE OF NEXT MEETING

Noted.

Appendix - Schedule of Updates

The meeting ended at 1.30 pm

Chairperson

PLANNING COMMITTEE

Date: 5 August 2020

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

200755 - PROPOSED ATTENUATION POND AS PART OF THE PROPOSED SURFACE WATER MANAGEMENT STRATEGY FOR EXTENT PLANNING PERMISSION REF 163707 FOR 15 HOUSES ON ADJOINING LAND. AT LAND OPPOSITE MILL HOUSE FARM, FOWNHOPE, HEREFORDSHIRE.

For: S C Hardwick & Sons per James Spreckley MRICS, Brinsop House, Brinsop, Hereford, Herefordshire HR4 7AS

ADDITIONAL REPRESENTATIONS

Welsh Water have provided a further consultation response, which confirms the previous amended comments included in the Report at paragraph 4.2.1. The latest comments are as follows:

We have reviewed the information submitted as part of this application and note that the public watermain has been annotated on the drawing along with its associated easement. To our knowledge to the applicant has not commissioned an asset location through ourselves and so the exact position might not be accurate. We also note that the non-operational watermain is not shown and this will also require a protection zone. Secondly, we note that a surface water pipe is proposed to cross over the watermain and we encourage the developer to exercise caution around such assets and to contact us for further assistance. Notwithstanding the above we are content to support the re-consultation application

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwcymru.com. Please quote our reference number in all communications and correspondence.

Two further letters of objection have been received. In summary the additional points raised are:

- Existing land drain has been damaged and has not been examined – a camera is needed to do so. Who will this be arranged by?
- Maintain position that the pipe is not fit for purpose
- Request a meeting to discuss how the attenuation pond would work
- Outfall from drain at Mill House Farm would create a large pond at the bottom of the field, not flow to the river as suggested
- Concern that surface water from access to housing site would flow down the drive to Mill House Farm, as there are no surface drains on this part of the road
- Sure it is possible for other options to resolve the drainage problems without any impact on neighbours/objectors

A further comments has been received from a member of Fownhope Parish Council (Frank Hemming). This states as follows:

Fownhope Parish Council approved the application. Implicit to the approval was that the proposed development, of which the attenuation pond is a part, conformed to the Fownhope Neighbourhood Plan.

As a member of Fownhope Parish Council, I would like to make explicit that the proposed new development of 15 houses needs to conform to the Fownhope Neighbourhood Plan Policy FW16. "Development proposals should contain a co-ordinated package of design measures which, in addition to regulatory requirements, include:

b) "Utilising physical sustainability measures associated with buildings that include.....the provision of energy and water conservation measures....." This implies provision of water storage to each building, such as water butts to each rainwater downpipe. (my emphasis)

I would be very grateful if this information was considered by Herefordshire Council before any granting of approval.

The full content of these representations can be viewed on the website at:

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=200755&search-term=200755

OFFICER COMMENTS

Welsh Water's comments do not raise any new issues. This matter is reviewed at paragraph 6.12 of the Officer's Appraisal. The recommended Informative Note (no. 5) addresses this matter.

The concerns raised in the two additional objections are addressed in the *Drainage/flood risk* section (paragraphs 6.6 - 6.13) of the Report. The Land Drainage Consultant has met with the objectors during the consideration of this application and has no objection to the proposal, subject to conditions.

With regards the comments from the Parish Council Member, it is advised that planning permission has already been granted for the residential development (reference 163707/F). That application was made in full and permission granted subject to conditions. It is not within the remit of this application to reconsider the details of the approved housing scheme, however condition 21 of that permission requires submission and approval of the foul and surface water drainage scheme, so will provide an opportunity at the application for approval of details reserved by conditions stage to review options for water conservation measures. In addition condition 24 requires that prior to first occupation written evidence / certification demonstrating that water conservation and efficiency measures to achieve the 'Housing – Optional Technical Standards – Water efficiency standards' (i.e. currently a maximum of 110 litres per person per day) for water consumption as a minimum have been installed.

NO CHANGE TO RECOMMENDATION

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	26 AUGUST 2020
TITLE OF REPORT:	<p>191187 - OUTLINE APPLICATION FOR THE ERECTION OF 9 HOUSES AND THE IMPROVEMENT OF EXISTING ACCESS TO SERVE THE DEVELOPMENT. AT LAND BETWEEN LEEWARD HOUSE AND THE MILLENNIUM HALL, CROW HILL, UPTON BISHOP, ROSS ON WYE, HR9 7TU</p> <p>For: Mr David Greer and Mrs Montgomery per Mrs Nicola Inchbald, The Estate Office, Holdfast Manor, Holdfast, Upton Upon Severn, WR8 0RA</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=191187&search-term=191187
Reason Application submitted to Committee – Redirection	

Date Received: 2 April 2019

Ward: Old Gore

Grid Ref: 364124,226927

Expiry Date: 28 August 2020

Local Member: Councillor Barry Durkin

1. Site Description and Proposal

- 1.1 The application site is located within the village of Crow Hill in Upton Bishop two miles to the West of Ross on Wye in South East Herefordshire. The site is located between the village hall and existing residential development. The village is situated in a rural location, with a wide array of properties nearby including modern properties, listed buildings, a public house, church and village hall. The site is located within the main built form of Upton Bishop/Crow Hill, a settlement designated under Core Strategy policy RA2 for appropriate growth and is a greenfield site used for grazing. The site covers an area of approx. 0.43ha and the topography of the site slopes down towards the south.
- 1.2 Access into the site is via a short track fronting the B4211 with an existing field gate and fencing set back from the road. The boundaries of the site are marked by hedgerows and there are two semi mature trees located on the northern boundary of the site. It is noted that on the eastern boundary of the site are overhead power cables. To the west of the site is Leeward House (with planted conifer hedge) and the Millennium Village Hall (and its associated grassland) is situated to the east of the site. The heart of the village is located beyond Leeward House to the west and this is where the public house is located. Residential properties are located to the north as well as a junction between the Upton Crows Road and the B4221. To the south of the site is agricultural land.

Further information on the subject of this report is available from Ms Heather Carlisle on 01432 260453

- 1.3 The village hall, church, public house are all located within walking distance. The site is located within a 30mph zone. The roads within the area are generally single carriageway and there is a bus stop located in close proximity to the application site (on the B4211) and a bus service providing a service to Ross, Ledbury and Hereford.



Figure 1 and 2: Extract of illustrative Block Plan and Location Plan

- 1.4 There are no landscape or heritage designations on or immediately adjoining the site (demarcated by red star). The closest heritage assets being the property known as Felhampton Farm and adjacent Dovecote over 300m to the South East. These are amongst the cluster of buildings and are hatched in blue on the plan below. The listings can be seen on the Historic England website at:
Felhampton: <https://historicengland.org.uk/listing/the-list/list-entry/1301198>
Dovecote: <https://historicengland.org.uk/listing/the-list/list-entry/1099247>



- 1.5 The application is made in outline with all matters reserved (except for access) and seeks permission for the erection of 9 dwellings. The application has sought to resolve technical details in regards to highways and drainage during the application process.

- 1.6 As defined within The Town and Country Planning (Development Management Procedure) (England) Order 2015: “reserved matters” in relation to an outline planning permission, or an application for such permission, means any of the following matters in respect of which details have not been given in the application.

Access (included in this application): In relation to reserved matters, means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where “site” means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made;

Appearance: Means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;

Landscaping: In relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes —

- (a) screening by fences, walls or other means;
- (b) the planting of trees, hedges, shrubs or grass;
- (c) the formation of banks, terraces or other earthworks;
- (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
- (e) the provision of other amenity features;

Layout: Means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;

Scale: Except in the term ‘identified scale’, means the height, width and length of each building proposed within the development in relation to its surroundings;

- 1.7 This application has been supported by supporting documents in the form of:

- Amended site plan showing application area outlined in red
- Updated Transport assessment prepared by Cotswold Transport Planning dated November 2019
- Cotswold Transport Planning Plan reference CTP-18-644 Dwg SK01 Rev D. showing proposed access
- Cotswold Transport Planning Drawing reference CTP-18-644 SK06 showing Vertical Visibility Splays
- Cotswold Transport Planning Potential Traffic Calming drawing CTP-18-644 SK04 Rev A
- Planning Statement,
- Phase I Ecology report
- Drainage Strategy.

Revised drawings have been submitted during the application process in regards to additional clarification sought by the Local Highway Authority and Drainage Team.

- 1.8 No indicative layout plan has been submitted as part of the application, although it is evident that the site can adequately accommodate 9 dwellings. No proposed housing mix has been included on a plan. Although, it is acknowledged that within the planning statement the proposal seeks to provide a range and mix of houses. It is suggested that the site could potentially provide 2 bungalows, 4 starter homes and 3 family homes.

1.9 Access to the site is via a single access point off the B4211 and is considered in more detail in the officers appraisal below.

2. Policies

2.1 The following policies are considered to be relevant to this application:

Herefordshire Local Plan Core Strategy

SS1	–	Presumption in Favour of Sustainable Development
SS2	–	Delivering New Homes
SS3	–	Releasing Land for Residential Development
SS4	–	Movement and Transportation
SS6	–	Environmental Quality and Local Distinctiveness
SS7	–	Addressing Climate Change
RA1	–	Rural Housing Distribution
RA2	–	Herefordshire's Villages
RA3	–	Herefordshire Countryside
H1	–	Affordable Housing – Thresholds and Targets
H3	–	Ensuring an Appropriate Range and Mix of Housing
OS1	–	Requirement for Open Space, Sport and Recreation
OS2	–	Meeting Open Space, Sport and Recreation Needs
MT1	–	Traffic Management, Highway Safety and Promoting Active Travel
LD1	–	Landscape and Townscape
LD2	–	Biodiversity and Geodiversity
LD3	–	Green Infrastructure
LD4	–	Historic Environments 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 The National Planning Policy Framework (NPPF) has been considered in the assessment of this application. The following sections are considered particularly relevant:

- Chapter 2. Achieving Sustainable Development
- Chapter 5. Delivering a Sufficient Supply of Homes
- Chapter 8. Promoting Healthy and Safe Communities
- Chapter 9. Promoting Sustainable Transport
- Chapter 11. Making Effective Use of Land
- Chapter 12. Achieving Well-Designed Places
- Chapter 14. Meeting the challenge of climate change, flooding and coastal change
- Chapter 15. Conserving and Enhancing the Natural Environment

2.3 The Neighbourhood Development Plan is at the drafting stage. A Neighbourhood area application was received on the 5th January 2013. The NDP has no weight at this stage.

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/info/200185/local_plan/137/adopted_core_strategy

3. Planning History

3.1 SE2000/0262/O – outline application for two new dwellings. Refused 22nd March 2000. Dismissed at appeal by decision notice dated 2nd November 2000.

- 3.2 SE2001/0385/O – outline application for the erection of one dwelling dated 15th February 2001. Refused to determine as within 2 years appeal decision and no material change in circumstances since that time- Decision issued 13th February 2001.

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water (July 2020) – No objection

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

We acknowledge the amended details submitted regarding the proposed drainage strategy and note that there are various options to effectively drain foul water from the site, however it is not clear which option will be preferred, if a connection to the public sewer will be required and the exact point in which it will connect to the existing public sewerage network.

Therefore, if you are minded to grant planning permission we request that the following Conditions and Advisory Notes are included within any subsequent consent.

Conditions

No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate how the site will be effectively drained; the means of disposal of surface water and indicate how foul flows will communicate to the public sewerage system. Thereafter, the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further surface water or 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.

Advisory Notes

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 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. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

4.2 Natural England – No objection

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Notwithstanding the above, your authority should be aware of a recent Ruling made by the Court of Justice of the European Union (the CJEU) on the interpretation of the Habitats Directive in the case of Cooperatie Mobilisatie (AKA the Dutch Case) (Joined Cases C-293/17 and C-294/17).

The Cooperatie Mobilisation case relates to strategic approaches to dealing with nitrogen. It considers the approach to take when new plans/projects may adversely affect the ecological situation where a European site is already in 'unfavourable' conservation status, and it considers the acceptability of mitigating measures whose benefits are not certain at the time of that assessment.

Competent authorities undertaking HRA should be mindful of this case and should seek their own legal advice on the implications of these recent ruling for their decisions.

Natural England's advice on other natural environment issues is set out below.

Internationally and nationally designated sites

The application site is within the catchment of the River Wye which is part of the River Wye Special Area of Conservation (SAC) which is a European designated site, and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended), the 'Habitats Regulations'. The SAC is notified at a national level as the River Wye Site of Scientific Interest (SSSI) Please see the subsequent sections of this letter for our advice relating to SSSI features. In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have^ The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

European site - River Wye SAC - No objection

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal. Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

River Wye SSSI - No objection

Based on the plans submitted. Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Internal Council Consultations

4.3 Principal Natural Environment Officer (Trees) – No objection

After viewing the available plans I have the following comments regarding the outline planning application for the erection of 9 houses and the improvement of existing access to serve the development.

At the frontage of the site there are two semi mature lime trees which appear to be either side of the proposed access point. At this stage it is unclear if these trees are to be retained but my preference is that they are. My understanding is that the total width of the access and footways will amount to 6m, the distance between the two lime trees is a minimum of 16m. In my opinion this should provide sufficient buffers to avoid damage and allow the access.

Both are set back from the highway and with appropriate remedial pruning can be maintain so that they don't block any views of the highway.

There are also a small number of boundary trees within the site or on adjacent land. I request that the layout plan avoids placing plots, hard standing or infrastructure within the rooting areas of any retained tree.

As part of reserved matters a BS5837:2012 report will be required to detail the quality of the trees and the potential impacts they will have on development above and below ground. The report should contain the following:

- Tree Survey
- Tree Constraints Plan
- Arboricultural Impact Assessment
- Tree Protection Plan.

4.4 Public Rights of Way Manager - No objection

There are no rights of way within the proposed site.

4.5 Team Leader Area Engineer – (January 2020) No objection

As previously stated there are concerns regarding the 85th%ile speed along the B4221. During discussions regarding these concerns, a number of traffic management proposals were submitted for review. Herefordshire Council has undertaken gateway features and implemented additional traffic management features through the county therefore It was the view that the proposals which have been implemented in Bosbury would change the environment coming into the village and reduce vehicle speed.

Whilst the visibility splay does not meet the 85th%ile speed, with the addition of the proposed traffic management provision will look to reduce the recorded 85th%ile to meet the signed speed limit. The proposed visibility splays are in excess of the signed speed limit of 30 mph.

Please condition as follows: -

- CAB - Visibility Splays – Eastbound 2.4 x 74m, Westbound 2.4 x 73m
- CAE - Vehicular access construction
- CAH - Driveway gradient
- CAJ - Parking - Estates
- CAP - Highways Improvement/off site works
- CAQ - On site roads - Submission of Details
- CAR - On site roads – phasing
- CAT - Construction Management Plan
- CAX - Direction of proposed lighting
- CB2 - Secure covered cycle parking provision
- I11 – Mud on highway
- I09 – Private apparatus within the highway
- I45 – Works within the highway
- I07 – Section 38 Agreement & Drainage details
- I05 – No drainage to discharge to highway
- I35 – Highways Design Guide and Specification

Previous comments June 2019:

Recommend refusal on the following grounds (quoting relevant paras. From NPPF and Core Strategy):-

The site is located within a 30 mph speed limit, however as shown from the submitted speed survey this is not being adhered to. The recorded 85th%ile speeds of 38.4 mph eastbound and 37.7 mph westbound are significantly higher than the signed speed.

As the recorded 85th%ile speeds are over 60kph and are significantly higher than the signed speed limit, the visibility splays should equate to 95m eastbound and 92m westbound meeting the Mfs2 desirable distances. The submitted proposals for the access cannot achieve these distances without requiring 3rd party land.

Therefore without the site meeting the required visibility splays shown above HC cannot look to support this application.

4.6 Land Drainage – No objection (July 2020)

Previous comments from the Land drainage consultant (April 2020 and July 2019) can be viewed via the following link:

24th April 2020:

<https://myaccount.herefordshire.gov.uk/documents?id=903d2d07-8883-11ea-9394-0050569f00ae>

3rd July 2019:

<https://myaccount.herefordshire.gov.uk/documents?id=defd278e-9ef9-11e9-8be4-0050569f00ad>

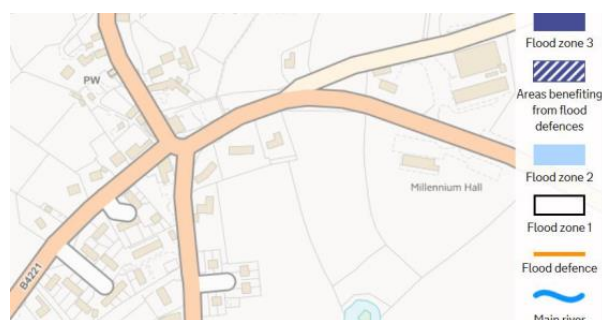
July 2020:

Overview of the Proposal

The Applicant proposes the construction of 9 dwellings. The site covers an area of approx. 0.43ha and is currently a Greenfield site. The topography of the site slopes down towards the south.

Site Location

Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), June 2019



Under our advice in July 2019 we advised that the following information should be provided within suitably worded planning conditions:

- Provision of a detailed drainage strategy that demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features;
- 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;
- Evidence that the Applicant is providing sufficient on-site attenuation storage to ensure that site-generated surface water runoff is controlled and limited to agreed discharge rates for all storm events up to and including the 1 in 100 year rainfall event, with an appropriate increase in rainfall intensity to allow for the effects of future climate change and evidence that the Applicant is providing sufficient storage and appropriate flow controls to manage additional runoff volume from the development, demonstrated for the 1 in 100 year event (6 hour storm) with an appropriate increase in rainfall intensity to allow for the effects of future climate change;

- Results of infiltration testing undertaken in accordance with BRE365 and 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 in accordance with Standing Advice;
- A detailed foul water drainage strategy showing how foul water from the development will be disposed of;
- Evidence that the Applicant has sought and agreed permissions to discharge foul water from the site with the relevant authorities;
- Demonstration that appropriate pollution control measures are in place prior to discharge;
- Confirmation of the proposed authority responsible for the adoption and maintenance of the proposed drainage systems.

In response to the above comments, the applicant has provided a Flood Risk and Drainage Statement (dated March 2020). A review of this additional information is provided below:

Development Description

The Applicant proposes the construction of 9 dwellings. The site covers an area of approx. 0.43ha and is currently a Greenfield site. The topography of the site slopes down towards the south.

Surface Water Management Strategy

A surface water management strategy should be submitted that includes the following information:

✓ Information provided is considered sufficient

✗ Information provided is not considered sufficient and further information will be required

Information required	Reviewer comments	✓ ✗
Strategy		
Summary of likely ground conditions including permeability and contamination risks	Review of desk based sources (BGS and Soilsmap) indicates that soils underlying the site are freely draining. The applicant has also undertaken infiltration testing onsite in accordance with BRE365 guidance. This testing indicates that while the infiltration rates onsite where relatively low (1.49×10^{-6} m/s) they are sufficient to allow management of surface water discharge via infiltration. We agree with the tests in principle although note that these were not undertaken at the location of the proposed infiltration basin. We also note that the size of the test pit was very small compared to the size recommended by BRE365. <u>We therefore accept the tests for the purpose of outline planning, but advise that additional tests at the location and depth of the infiltration basin will be required to inform the detailed design (with information submitted to support the reserved matters application).</u> This must also demonstrate that the invert level of the infiltration basin is located a minimum of 1m above groundwater levels.	✓ (with note)
Confirmation of whether the site is located in a Source Protection Zone or Principal Aquifer	The site is not located in a source protection zone or principal aquifer.	✓
Summary of proposed surface water management strategy with supporting illustration, including location of proposed outfalls,	The applicant proposes to manage surface water runoff via porous paving and an infiltration basin. The infiltration basin will be located at the south of the site. Infiltration rates are relatively low however this has been considered by the applicant (discussed below). The provided drainage plan does not make it immediately clear how flow will be	✓ (with note)

Information required	Reviewer comments	✓ ✘
attenuation structures and/or infiltration features	directed to the infiltration basin. It is expected that this will be via the permeable paving and through the use of gullies and underground pipe systems. Given the size of the site and the proposed number of dwellings it is expected that it will not be difficult to fit a drainage system within the site. <u>As such, it is recommended that complete details of the drainage system and the positioning of gullies, pipes and areas of permeable paving in driveways and access roads is provided as part of the reserved matters application.</u>	
Demonstration that the SuDS hierarchy has been considered in accordance with NPPF and justification for the proposed method of surface water discharge	Infiltration to ground is proposed as the first solution to managing surface water drainage, demonstrating that the Suds hierarchy has been followed.	✓
Infiltration systems		
For infiltration to ground, summary of key design criteria, demonstrating sufficient space within the site to ensure no increased flood risk up to the 1 in 100 year event and allowing for climate change effects	Due to the low infiltration rate for the site the infiltration basin has been designed to accommodate the 1 in 1000 annual probability event. The applicant states that this has been done as the standard 24hr half drain time cannot be achieved. Information regarding the half drain time for smaller events (i.e. the standard 1 in 10 annual probability event) has not been provided. We agree with this approach although recommend that information regarding the drainage time for small events will need to be provided to inform the reserved matters application as these may indicate that further storage is required. Calculations for the 1 in 100 + 40% climate change annual probability event will also be required as this event may be more significant than the 1 in 1000 annual probability event.	✓ (with note)
Drawing to illustrate that attenuation structures are not located within an area at risk of fluvial flooding up to the 1 in 100 annual probability event and taking the effects of climate change into account, unless it can be demonstrated that the capacity of the drainage system will not be reduced and that any loss of fluvial flood storage can be compensated for elsewhere without increasing risk to people, property or infrastructure	The entirety of the site is situated in Flood Zone 1. As such it is not expected that the proposed infiltration basin will be affected by fluvial flooding.	✓
Exceedance		
Assessment of natural surface water flow paths through the site, noting that natural flow paths should be retained as far as practicable within a development layout, and demonstration that consideration has been given to the potential for overland flow to overwhelm the capacity of the proposed drainage system	The Flood Risk and Drainage Statement indicates that the EA's surface water flood risk maps show an area of flooding through the central-eastern area of the site generated by runoff from part of the B4211 and partly from the application site itself. This area of flooding is categorised as Low Risk with a flood depth below 300mm. The Flood Risk and Drainage Statement states that this risk will be mitigated by directing these flows along the proposed access road through the site. This may, however, overwhelm the capacity of the drainage system and infiltration basin that will only be sized to cater for surface water generated by the development. <u>As part of the reserved matters application the applicant must therefore demonstrate that this water</u>	✓ (with note)

Further information on the subject of this report is available from Ms Heather Carlisle on 01432 260453

Information required	Reviewer comments	✓ ✘
	<p><u>can be directed safely through the site to an area of low vulnerability without compromising the capacity of the site's drainage system and without posing flood risk to the development or elsewhere.</u></p> <p>The previous response by BBLP also noted that there was potential for highway gullies along the B4221 to discharge to this development site. This has not been identified by the applicant. <u>As part of the reserved matters application the applicant should investigate this potential source of flooding and demonstrate that this water can be directed safely through the site to an area of low vulnerability without compromising the capacity of the site's drainage system and without posing flood risk to the development or elsewhere.</u></p>	
Access, adoption and maintenance		
Confirmation if access or works to third party land will be required and, if so, confirmation of the party with which agreement will be required	It is not expected that third party land will need to be crossed. The proposed infiltration basin sits outside the proposed development boundary. It is however indicated that this land also belongs to the applicant.	✓
Confirmation of proposed adoption and maintenance arrangements for the surface water drainage system	The applicant has not provided details of the proposed adoption arrangements for the surface water management system. It is however expected that the system will be managed by a third-party management company. This point can be clarified as part of the reserved matters application, noting that an operation and maintenance plan will need to be submitted that also demonstrates that appropriate vehicular access to the infiltration basin will be provided.	✓

We note that a highway drain discharges into the site. The site would need to be developed to facilitate positive drainage from the adjacent highway without causing a nuisance to future landowners

Foul Water Management Strategy

The applicant has presented a revised foul drainage strategy. A connection to the public foul sewerage system is proposed. The exact connection point has not yet been identified, but Welsh Water have confirmed that there is capacity at Lower Cleeve Treatment Works.

Summary

We hold no objection to the proposed development. Should the Council be minded to grant planning permission, the following information should be provided within suitably worded planning conditions:

- Provision of a detailed drainage strategy that demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features. Additional soakaway testing to BRE 365 will be required to refine the design of the proposed soakaway basin
- 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;
- A detailed foul water drainage strategy showing how foul water from the development will be disposed of;
- 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;

4.7 Principal Natural Environment Officer (Ecology) – No objection

As identified by Natural England and this LPA this application triggers a Habitat Regulations Assessment process. Subject to Natural England approving the appropriate assessment submitted to them by this LPA a condition to secure agreed mitigation is requested on any planning consent granted.

Habitat Regulations (River Wye SAC) – Foul- and Surface Water

All foul water shall discharge through a connection to the local Mains Sewer network; and all surface water managed through on site Sustainable Drainage Scheme (SuDS); unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Habitat Regulations (2018), National Planning Policy Framework (2019), NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2, SD3 and SD4.

The supplied ecology report is noted. The ecological working methods should be secured through a relevant condition:

Nature Conservation – Ecology Protection, Mitigation

The ecological protection, mitigation, compensation and working methods scheme, as recommended in the ecology report by Worcestershire Wildlife Consultancy dated October 2018 shall be implemented in full as stated unless otherwise approved in writing by the local planning authority

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Habitats & Species Regulations 2018 (as amended), Policy LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006

As identified in the NPPF, NERC Act and Core Strategy all developments should clearly demonstrate how they are going to achieve a net gain in local biodiversity. To secure this a relevant pre-commencement condition is requested.

Nature Conservation – Biodiversity net gain- enhancement

Prior to commencement of any construction works a detailed plan of proposed biodiversity enhancement- 'net gain' features, including significant provision for bat roosting, bird nesting, pollinating insect homes and hedgehogs, has been submitted to the local planning authority for written approval. The approved scheme shall be implemented in full and hereafter maintained unless otherwise approved in writing by the local planning No external lighting shall illuminate any new ecological feature or adjacent habitat or boundary feature; and all lighting shall support the Dark Skies principles.

Reason: To ensure that all protected species are considered and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Habitat Regulations 2018 (as amended), Policy LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006.

4.8 Environmental Health Service Manager (Noise) - No objection

Our department has been re- consulted with regard to an Addendum to Planning Statement regarding this outline proposal for 9 dwellings. Our department responds to this application with regard to noise and nuisance. I have seen the objections raised by the Millennium Village Hall Committee and other residents that the use of land in close proximity to the village hall could lead to complaints regarding noise for weddings in particular. Looking at the history of applications for

temporary event notices held by our department I can see that 13 temporary event notices have been requested in the last 4 years. In other words the weddings occur on average 3 times a year. I would have no issue regarding the proposal to develop the western half of this site for residential developments but I do acknowledge the risk that a noisy wedding could be audible for the proposed housing on the eastern side. That said, there are a minimal number of noisy events taking place each year. On balance I am not of the opinion that the land should not be subject to residential development just because of this and take the view that any refusal made by the planning authority on noise grounds would be unlikely to be upheld on appeal. Careful design and layout of the proposed housing could help to mitigate against any noise generated from a noisy event at the village hall (placing bedrooms upstairs for example with windows facing westwards)

4.9 Principal Natural Environment Officer (Landscape) – Qualified Comments/Objection

The site falls within landscape character type Principle Settled Farmlands. The site itself is an open field with hedgerow boundaries which include occasional trees. The field slopes gently from the northern boundary with the main road down towards a small pond in the adjacent field to the south. Historic maps (1919 – 1943) show that built form within Crow Hill was based around the cross roads and stretching slightly north along the B4224. Post war development has seen the village expand to the south west. In landscape terms the site provides a green open gap on the east edge of the village providing a transition to open countryside. The Millennium Hall is adjacent to the east boundary of the site but it is a unique building set well back from the road and in a large plot surrounded by open space (including car park).

Residential development is proposed for the site. This would have the negative landscape impact of extending the urban character of the village to the east, where the character is currently a transition to rural. In particular the construction of a dense development of nine buildings with associated parking and infrastructure would appear completely out of character with this side of the village. This is contrary to Core Strategy Policy LD1 because a dense development does not demonstrate that the character of the landscape and townscape has influenced the scale and site selection.

If residential development is deemed to be required on this site then at Reserved Matters stage the design and scale should reflect the transition character of this eastern side of the village and should be of lower density which would allow for more open space and protection of existing trees and hedgerows. In accordance with Policy LD1 any reserved matters should include a new landscape scheme and management plan to ensure that the development integrates appropriately into its surroundings. It is important to maintain the boundary hedgerows and trees, in particular I agree with the Tree Officer that the two small lime trees on the northern boundary contribute positively to the landscape character of the site and should be retained.

4.10 Planning Obligations Manager – No Objection

The outline application proposes the erection of 9 dwellings. This falls below the threshold for affordable housing or financial contributions towards community infrastructure. A section 106 agreement is not required.

5. Representations

5.1 Upton Bishop Parish Council: Objection (January 2020)

Upton Bishop Parish Council consider that outline planning should not be granted without surety that there is a workable solution to the technical challenges of the planning application - particularly site access, foul and surface water treatment and disposal. Both these aspects require considerable expert design input to ascertain IF there is a feasible solution, devoid of unacceptable risk, and therefore these issues should not be left as conditions to be satisfied post

approval. Our position is that currently there is insufficient detail in the application to allow an approval and on that basis the application should be rejected.

Detailed objections are stated as follows:

The proposed amendments include a traffic calming proposal for the B4221. The Parish Council have recently submitted a Traffic Calming. Proposal for the whole of Upton Bishop, not just the one small section of road that meets the needs of the developer.

Traffic calming is an issue that needs to be addressed throughout the Parish as much of the problem stems from transient traffic using Crow Hill as a shortcut between the A40, M50 and A449, together with local users and others travelling between local communities. These are busy roads. The issue is primarily one of re-educating users that the roads form part of a large community of houses with children and elderly people walking, mostly without footpaths. Whilst Traffic Calming may be welcome, simply adding calming on one small section because it suits this development is pointless and will not resolve the greater problem in the community. This is a community issue that all parishioners should be involved in, and the Parish Council have undertaken to deal with this on a Parish wide basis and involve all Parishioners in any decisions.

Traffic calming itself, will not make the access and, more specifically the egress, from this proposed development sufficiently safe. Evidence has been submitted to Hereford Council by video showing that a vehicle traveling at 28 mph in an easterly direction (away from Crow Hill) would have to take evasive action to prevent colliding with a vehicle leaving the proposed junction (this is 4.5 mph below the average speed identified in the Speed Survey). In addition, HC's own Transport Dept are declining to support the proposal and there has been no obvious change to this decision. It is unclear how the proposed changes will mitigate this issue. Having theoretical discussions about splays and surveys will have little credence and bring small comfort to anyone involved in an accident.

A further survey has challenged the data in the original road survey and vehicle speed along this section is far higher than previously thought.

The Parish Council are in discussion with Balfour Beatty and West Mercia Police about the wider issues.

The document claims this is not 'a visibility splay issue but one of speed enforcement'. This is demonstrably not the case.

The amended site plan appears to show the acquisition of land in front of Leeward House that the developer claims is in their ownership (marked in red). Has this been confirmed? Is the current owner of Leeward House aware that access to their property is across land that someone else claims to own?

The statement about a 'covenant' relating to noise being placed on all future residents is unrealistic and possibly not supportable in law. The Government's website states it is the Local Council who must issue an 'enforcement notice' if there is a complaint. Given the subjective nature of peoples' perception of noise, it is unclear how HC can prevent people from complaining as they will simply argue the noise level and time of day is not as they were led to believe. HC will not be able to simply ignore a noise complaint which is alleged to be 'Normal' as suggested.

Noise insulation is being suggested but this is irrelevant as noise will effect people in their gardens and when their windows are open. The definition of statutory noise nuisance is; "a legal term which has been developed over many years and has come to mean something which is stopping you from enjoying your property". Therefore, if the noise, in the owner's opinion, is preventing this he has the right to complain regardless of any covenant and HC have a duty to react. This could

lead to restrictions on the bookings the hall takes, use of the outdoor space at the hall, a loss of revenue and potentially a loss of the only community facility we enjoy.

In the proposals for dealing with wastewater, it is now accepted that there is no mains sewer and a Waste Water Treatment Plant is proposed within the land already owned. This would be privately owned and there is no guarantee it would be properly maintained.

If this system were to fall into disrepair, this takes no account of the adjacent landowner's pond that could become polluted as a result of any failure of this plant. What measures are proposed to ensure no contamination of this pond? In a conversation with Welsh Water, they confirmed that this would be a private Waste Water Treatment facility and not their responsibility. As such, the proposal should be referred to the Environment Agency to determine the suitability of such a scheme so close to a pond and the watercourse flowing through the site.

Given the current high levels of water across the site following prolonged rainfall, what guarantee will there be that surface water running from this site will not flood neighbouring land once it has been developed and the addition of wastewater discharge is added?

The report concludes that the benefits to the community will be environmental, social and economic. There are:

- a) No environmental benefits, in fact hedgerows and some mature trees will be lost and good RA2 land lost to development
- b) No social benefits as none of the properties are designated 'affordable' for local people that need them
- c) No economic benefits as this development will not provide any work opportunities for local people, will increase traffic in the community travelling to and from work outside of the Parish, and potentially reduce the income for the village hall.

The conclusion claims this is a sustainable development but as it is only an outline application, there is no evidence that this will be the case.

The claim in the conclusion that traffic calming is for the 'benefit of the wider community' is insulting to Crow Hill residents. It is for the purpose of trying to get this development approved and nothing else.

There is now much concern about the removal of trees and hedgerows as part of this development. It should be noted that the HC Landscape Officer has stated that this development would have a negative effect on the current rural character of the village. She also states the development 'would appear completely out of character with this side of the village'. Other Parishioners have raised similar concerns.

The conclusion is still stating that this is a development of 9 properties despite clear evidence in Map 2 on Page 20 of the Preliminary Ecological Appraisal to show there is the intention to 'add' a bungalow when it suits to increase this to 10. Ms Inchbald states that 'there is no illustrative layout to accompany the application' but on Page 1 of the original Planning Statement it clearly states; 'The proposed development is for 0.43 ha of land and attached is an illustrative layout'. No such layout was made available, but it clearly exists as it is in the Ecological Appraisal and shows 10 properties.

It is noted that the developer has expressed 'disappointment' at the lack of engagement with the Parish Council. Can we point out that since May 2019, there has been an almost entirely new Parish Council, and at no time have we been approached to discuss any of the matters relating to this development proposal (her only emails were to the Clerk back in early 2018 but nothing since).

Nicola Inchbald wrote to the NDP Chair on March 2019 (not mid-2018 as stated) and was written to by the NDP Chair on 23 April 2019 pointing out these changes. She has made no contact since

so it is hardly reasonable to state that we have not engaged with her. She would have been very welcome to attend a Parish Council Meeting and make her case to the Parishioners, an option she chose not to pursue.

We would also point out that the objections raised by the Parish Council, are those raised during public meetings attended by many parishioners and do not just reflect the thoughts of any individual on the Parish Council nor the NDP Panel as suggested. This comment is inflammatory, untrue and should be withdrawn. An appropriate apology from Ms Inchbald would also be appreciated.

This Parish Council objection is further borne out by the volume and varied objections from across the entire community. There is not a single submission of support for this development as people are all to aware of the damage it could cause our community.

This addition to our previous comments supports the community and Parish objection to this development.

5.2 Upton Bishop Parish Council: Objection (June 2019)

Objections have previously been raised to any development on this land for a variety of reasons including detracting from the rural character and appearance of the surrounding area – nothing has changed since this ruling.

The land is designated as RA3 and is currently in use and has been for many years as grazing land. The tenant would need to be served notice to quit good quality agricultural land to allow this development. A call for sites later this year as part of the NDP is hoped to yield more appropriate sites.

In the rejection of the last appeal HC cited problems associated with noise from the adjacent village hall as follows:

Numerous local people and the Parish Council have objected to the development. In addition to the main issues, they are concerned that the development, if allowed, would prejudice the full use of the village hall, the siting of which was deliberately chosen away from housing. Excessive noise and disturbance from activities associated with the use of the hall could be controlled by other legislation. But nevertheless, I agree that the location of the proposed dwellings in close proximity to the village hall, could give rise to complaints from the future occupiers of the development concerning noise and general disturbance arising from activities associated with its use.

Anything, the hall is now more frequently used for parties and weddings utilising the outdoor space, especially at weekends and during the evenings. It would inevitably lead to complaints from the new residents which will cause conflict and division in the Parish.

Although this application does not contain a drawing showing the proposed layout the ecological section shows potentially 10 properties, not 9 a clear difference with the application. 6 of these could have their rear gardens facing towards the Hall and this will inevitably cause problems associated with noise.

The proposed housing layout shows the 9 properties requested in the planning application but an additional bungalow is also located on the land which is not mentioned elsewhere. Clearly if this is a development of 10 properties, provision is required for affordable housing. It appears that the development is being engineered in such a way as to avoid this but still build 10 properties.

The piece of land is smaller than the footprint occupied by seven of the new houses/bungalows at Pomona Grove. It is unclear how ten properties, including 2/3 detached 4 bedroom houses and

a detached bungalow can fit comfortably on this site. If this is a serious application it would be reasonable to see a proper layout of the proposal.

Although the Parish NDP is still in progress, feedback from the Open Day in November (which is available on the Parish Website) indicates that developments of this size are not the preference of the Parish. A further questionnaire has been postponed to September, but this will be a chance for Parishioners to say more about how they want to see the Parish develop. This planning application pre-empts the chance the parishioners to state their preferences.

The proposal will impact on the privacy and outlook of Leeward House. The NDP steering group is keen to avoid development that impacts on existing residents in this way.

There is a huge concern that this is a part development of the field in question with only 1/3 of it being used. If the remainder were to be developed in the same way, up to 30 houses could be built. The PC does not believe that the evidence from the Open Day would justify this, but it is hard to imagine that this is not likely to happen.

Upton Bishop as a Parish is comprised of a variety of properties, many of a distinctly individual style. The addition of 4 smaller housing developments has contributed to a change of balance in Crow Hill but not detracted from its character. The oldest of these is Powell Croft with 22 properties, The Pastures is 9 properties, Spring Meadow 8 and Pomona Grove 10 including 2 flats. The addition of a large estate of ultimately up to 30 properties (25% increase) would be completely alien to the village structure and would change the visual impact completely. It also conflicts with the recent introduction of smaller developments and the desire of parishioners to see smaller 4/5 property developments in the Parish.

The land in question falls between Crow Hill and Upton Crews, the two settlement areas identified in the Core Strategy. A map showing these has been sent to the PC for ratification for inclusion with the questionnaire. The steering group is of the view that Crow Hill and Upton Crews should be clearly kept separate and this development is a step towards reducing the independent nature of the settlements and their separate identities.

The steering group was also of the opinion that open space should be maintained around the Millennium Hall and this development will encroach on this desire to be incorporating into the NDP.

None of the properties appear to have garages only parking spaces. This appears to be a way of forcing more properties into a relatively small area.

The transport report suggests there is ample opportunity for walking and cycling around the Parish. This takes no account of the hilly nature of the locale and the lack of footpaths and is a view that cannot be supported.

Egress from the site will be up a steeply ramped road exiting onto a bend that gives poor visibility in both directions. The traffic survey talks about average speeds of 32mph but takes no account of buses and cars that often travel at 40mph past this new exit.

Representations

5.3 To date a total of 33 representations have been received from local residents over a number of consultations (including comments from the village hall committee).

The contents of the objecting representations are summarised below:

- Stretch of road unsuitable and dangerous visibility. Highway safety concerns. Close to busy junction.

- No mains sewage in Upton Bishop. Sewage/drainage could affect neighbouring sites
- Drainage from the site is very poor
- Ditch at the front of site and run off for surface water
- The properties will not be in keeping with the area
- Illustrative masterplan misleading (10 not 9 listed)
- Noise from village hall, concerned about complaints to the village hall
- Village hall deliberately located away from neighbouring dwellings.
- Another application will come forward on neighbouring field
- This application is too large for the village
- Sewage will run into private pond and pollute it
- 2 houses rather than 9. Over development. Out of context. No need for the housing
- Other more suitable sites for development available
- Electricity pylons/lines over the site. Health risk.
- Village already had 10 dwellings approved. No more jobs, so site not sustainable.
- Site not sustainable. No drs surgery, shop, post office, school
- Decline in local wildlife population, ecology damage
- Houses should be built in Ledbury and Ross not villages. No need for properties
- Transport statement is factual incorrect.
- Site Lines. Forward visibility is not achievable.
- Impact on Felhampton Farm pond
- Errors in planning application form
- Leeward House – privacy concerns
- Lack of affordable housing
- Vis splay will involve loss of habitat
- Loss of privacy (Rose Cottage)
- Massing not in keeping, does not respect local context scale and proportions
- Concerns about the transport statement. Timing of survey. Where the ATC was located.

Following revised drawings/submission: new areas of concerns raised:

- Applicant will have to maintain beech hedge. If not maintained visibility will become restricted. Conditions and covenants are easily broken
- BioDisc's klargesters problems are expensive and problematic
- Concerns that the traffic speed reduction scheme will resolve the site access concerns issue. Strongly object
- No parallels can be drawn between Bosbury and Upton Bishop traffic calming No evidence this has worked at Bosbury
- Two trees roots will be disrupted
- Developers make profits and run
- 28% reduction in speed is disputed
- Poor deign implementation and ill-conceived junction
- Don't believe noise/impact from the hall can be mitigated by a condition or covenant.
- Noise spills comes also from people leaving the hall, cars arriving/leaving, children playing and marquees get erected
- The visibility splay puts 3 well established trees at risk. Attractive and add significant beautification in the approach and exit of the village. In context with area.
- Procedures have not been followed when looking at the Flood risk
- foul and surface water design considerations for the development are fundamental and have not been adequately dealt and should not be dealt with as reserved matters.

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=191187&search-term=191187

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>

Further information on the subject of this report is available from Ms Heather Carlisle on 01432 260453

6. Officer's Appraisal

Policy context and Principle of Development

- 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 adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The NDP is only at drafting stage and as such no weight can be given to this document. The National Planning Policy Framework (NPPF) is also a significant material consideration.
- 6.3 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.
- 6.4 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.
- 6.5 Core Strategy policy SS6 describes 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.
- 6.6 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
- 6.7 Core Strategy policy RA1 – Rural housing distribution sets out the strategic way housing is to be provided within rural Herefordshire and to deliver a minimum 5,600 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. Upton Bishop lies within the Ross HMA. The figures from April 2020 indicates Upton Bishop has a deficit of 22 dwellings.
- 6.8 Core Strategy policy RA2 – Housing outside Hereford and the market towns identifies the settlements in each HMA area where both the main focus of proportionate housing development will be directed, along with other settlements where proportionate housing growth is appropriate. Upton Bishop is one of these settlements and is within the Ross HMA.

Core Strategy Policy RA2 – Housing in settlements outside Hereford and the market towns.

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

Market Area will be used to inform the level of housing development to be delivered in the various settlements set out in Figures 4.14 and 4.15.

Neighbourhood Development Plans will allocate land for new housing or otherwise demonstrate delivery to provide levels of housing to meet the various targets, by indicating levels of suitable and available capacity.

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

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

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

6.9 As detailed above the Neighbourhood Development Plan is the mechanism for setting growth as it allocates land for new housing or otherwise demonstrates delivery to provide levels of housing to meet the various targets, by indicating levels of suitable and available capacity. Upton Bishop Parish does not have a progressed Neighbourhood Development Plan.

6.10 Core Strategy Policy MT1 – Traffic management, highway safety and promoting active travel states development proposals should incorporate the following principal requirements covering movement and transportation:

1. Demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development;
2. Promote and, where possible, incorporate integrated transport connections and supporting infrastructure (depending on the nature and location of the site), including access to services by means other than private motorised transport;
3. Encourage active travel behaviour to reduce numbers of short distance car journeys through the use of travel plans and other promotional and awareness raising activities;
4. Ensure that developments are designed and laid out to achieve safe entrance and exit, have appropriate operational and manoeuvring space, accommodate provision for all modes of transport, the needs of people with disabilities and provide safe access for the emergency services;

5. Protect existing local and long distance footways, cycleways and bridleways unless an alternative route of at least equal utility value can be used, and facilitate improvements to existing or provide new connections to these routes, especially where such schemes have been identified in the Local Transport Plan and/or Infrastructure Delivery Plan; and
6. Have regard to with both the council's Highways Development Design Guide and cycle and vehicle parking standards as prescribed in the Local Transport Plan - having regard to the location of the site and need to promote sustainable travel choices.

6.11 Core Strategy policy LD1 criteria require that new development should:

- Demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, including 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, through the protection of the area's character and by enabling appropriate uses, design and management.

National Planning Policy Framework

- 6.12 The NPPF has 'sustainable development' central to planning's remit and objectives. The NPPF also seeks positive improvements in the quality of the built, natural and historic environment and in regards people's quality of life.
- 6.13 Paragraphs 7 and 8 set out and define sustainable development and of the three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways, the social objective requires planning to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.
- 6.14 Paragraph 11 of the Framework sets out the presumption in favour of sustainable development. For decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies of the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or 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.
- 6.15 Footnote 7 to Paragraph 11 states that, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73). The local authority is currently failing to provide a 5 year Housing Land Supply, plus a buffer and as such Paragraph 11 is engaged due to conflict with the relevant requirements of NPPF chapter 5 'Delivering a sufficient supply of homes'.
- 6.16 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. 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 in regards its location and material constraints and considerations.

- 6.17 Accordingly, the Council's housing land supply position regarding the NPPF does not result in the proposal being acceptable when there are both material considerations demonstrating the development should be refused or where, locally, housing supply targets can be demonstrated.
- 6.18 Paragraph 103 states: The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
- 6.19 Paragraph 109 states: Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.20 NPPF Paragraph 124 states: The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.21 Paragraph 127 outlines that planning decisions should ensure that developments:
- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 6.22 This is an application in outline form; it therefore only seeks to establish the principle of residential development for nine dwellings and the access thereto. Access as set out in the NPPG, means - the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
- 6.23 Whilst 'layout', is a reserved matter, officer's opinion is that the site can accommodate a development of 9 dwellings with an appropriate layout. Layout means - the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- 6.24 With this in mind, the application is to be considered against its compliance with policy in respect of the principle of the development and the matter of access.

- 6.25 This development will help to boost the housing supply in the locality, assisting the area in meeting their growth targets in the immediate area as well as wider county requirements.
- 6.26 Spatially when looking at the site it is appropriate to undertake an assessment against policy RA2. The site is located adjacent to the main built up part of the settlement. The pattern of development is largely linear along this part of the road but there are examples of dwellings being set further back from the roadside and it is therefore not wholly wayside. The site is closely located to the existing built form and a robust landscape boundary would be expected as part of any reserved matters application. This will be covered more in the sections below.
- 6.27 The site's location is one that is considered to be acceptable, the development of the site must be considered having regard to the other policies of the Core Strategy, and the NPPF taking into account any material considerations as appropriate

Impact upon the character and appearance of the settlement

- 6.28 The requirements of policy RA2 are underpinned by Policy LD1 Landscape and Townscape. Development proposals need to demonstrate that features such as scale and site selection have been positively influenced by the character of the landscape and townscape, and that regard has also been had to the protection and enhancement of the setting of settlements. Development proposals should also conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including locally designated parks and gardens; and should incorporate new landscape schemes and their management to ensure development integrates appropriately, through the retention of important trees, appropriate replacement of trees lost through development, and new planting to support green infrastructure. Paragraph 127 of the NPPF reinforces this further by stating that development should be sympathetic to local character including the landscape setting. Green infrastructure is also covered by Policy LD3, which requires development proposals to protect, manage and plan for the preservation of existing and delivery of new green infrastructure; and to protect valued landscapes, trees and hedgerows. Proposals will be supported where the provision of green infrastructure enhances the network and integrates with, and connects to the surrounding green infrastructure network.
- 6.29 Whilst layout is a matter for future consideration, a layout coming forward can accommodate an appropriate character and pattern of development of the immediate area and vicinity. Officers would therefore conclude that this scale of development is capable of compliance with the requirements of this policy although acknowledge that the matter of layout is one for future consideration.
- 6.30 In terms of landscape impact the site falls within a landscape character type 'Principle Settled Farmlands' and it is currently an open field with hedgerow boundaries which include occasional trees. There are no landscape or heritage designations on or immediately adjoining the site which is located between the village hall, residential development and has a road frontage.
- 6.31 Whilst it is noted and confirmed by the landscape officer the village has expanded to the south west the site does currently form a gap to the east. The landscape officer within their comments have advised the proposed residential scheme would have a 'negative landscape impact' of extending the urban character of the village to the east and has raised concerns in regards to the density of the scheme. Albeit, the officer acknowledges that at Reserved Matters stage the design and scale can reflect the transition character of this eastern side of the village.
- 6.32 Officers would consider the proposal is a relatively small scheme and this infill development can be deemed to be appropriate for this edge of settlement location. When considering the degree of adverse impact upon the landscape the land is low lying and essentially flat in character; this in conjunction with the field hedgerows and the landscape buffer along the road will reduce the visual effects of the scheme substantially. Hedgerow loss will be for the access only, and this is the case as the visibility can be achieved in front of this. Landscape and tree colleagues reference

the two small lime trees on the northern boundary contribute positively to the landscape character of the site and should be retained. However, the fence (and trees) on the northern boundary of the site are not with the applicant's ownership.

- 6.33 It is referenced in the planning statement an area of the site is under power lines and the intention is this area will be undeveloped. It is apparent there are views from the road edge across the application site to open countryside. Officers recognise the previous decisions on the site and the subsequent dismissed appeal (back in 2000), which concluded development would have the undesirable effect of extending the settlement eastwards by creating a ribbon of development south of the B4221 and would detract significantly from the rural character and appearance of the area, and would be exacerbated by the prominence of the site in views from the south. However, critically it was evident back in 2000 the site was looked at as being within 'open countryside' and outside of the defined settlement boundary of Upton Bishop and the plan policies at this time looked to restrict such development.
- 6.34 The site does conform with current plan policy RA2 and would appear to form a natural extension to the settlement. As such it is considered that it is a naturally contained site and will not have wider implications in regards to projecting, in an unrestrained inappropriate manner, into open countryside. Landscaping is a matter reserved for future consideration.
- 6.35 In conclusion, officers are satisfied that the development lies in a position that relates well to the existing built form, is contiguous and can be achieved without causing unacceptable landscape impacts. The detail of the landscaping should form part of the reserved matters submissions and can be secured via a condition and it will be necessary to give careful consideration to any reserved matter application to ensure that the landscape character is taken into account at design stage.
- 6.36 Officers are satisfied that, on the basis of the information provided, a scheme can be delivered that accords with Policies LD1 and LD3 of the Core Strategy.

Highways (Access and parking)

- 6.37 Core Strategy policy MT1 of the Herefordshire Local Plan, requires development proposals to demonstrate that the strategic and local highway networks can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce or mitigate any adverse impact from the development. Developments should also ensure that proposals are designed and laid to achieve safe entrance and exit, and have appropriate operational and manoeuvring space. NPPF Policies require development proposals to give genuine choice as regards movement. Core Strategy policy SS4 requires developments to minimise the impacts on the transport network. NPPF 103 requires Local Planning Authorities to facilitate the use of sustainable modes of transport and paragraph 108 refers to the need to ensure developments generating significant amount of movements should take into account whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken on the transport network or impact on highway safety can be mitigated. Development should only be prevented or refused on transport grounds where the 'residual cumulative impacts of development are severe.' (NPPF para 109).
- 6.38 The site is currently accessed by an existing gated field access via a vehicle crossover and off the B4221.

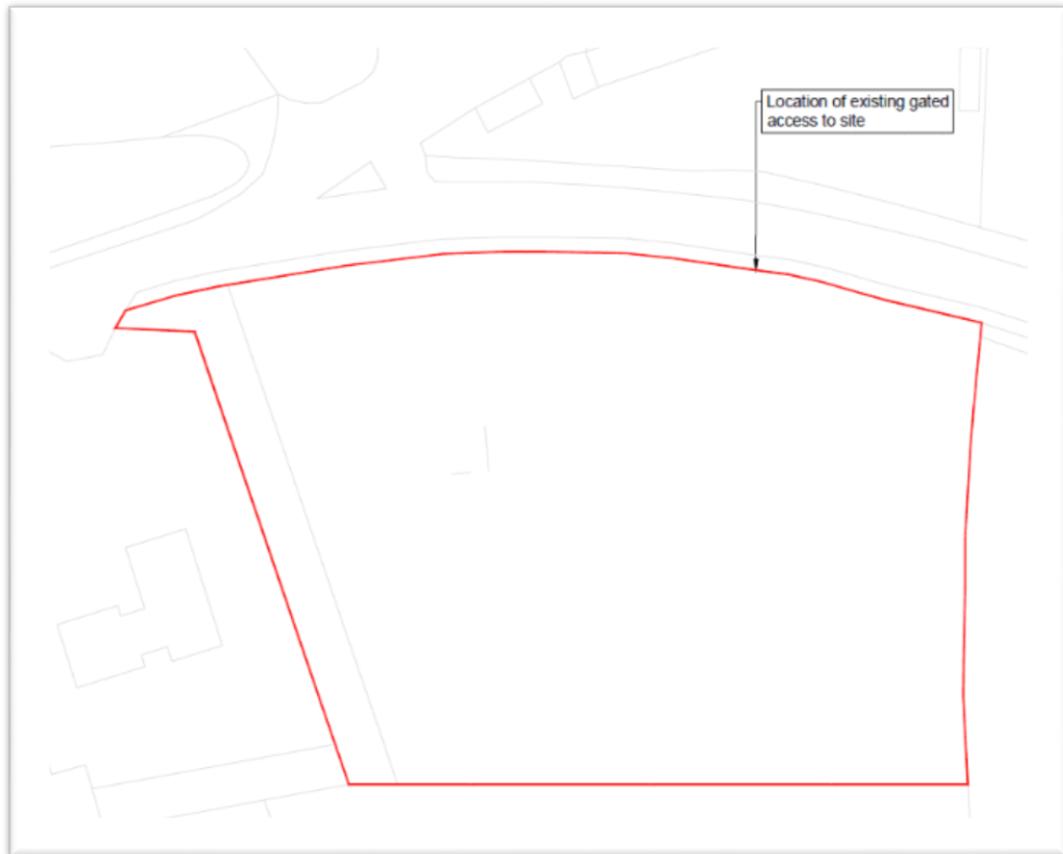
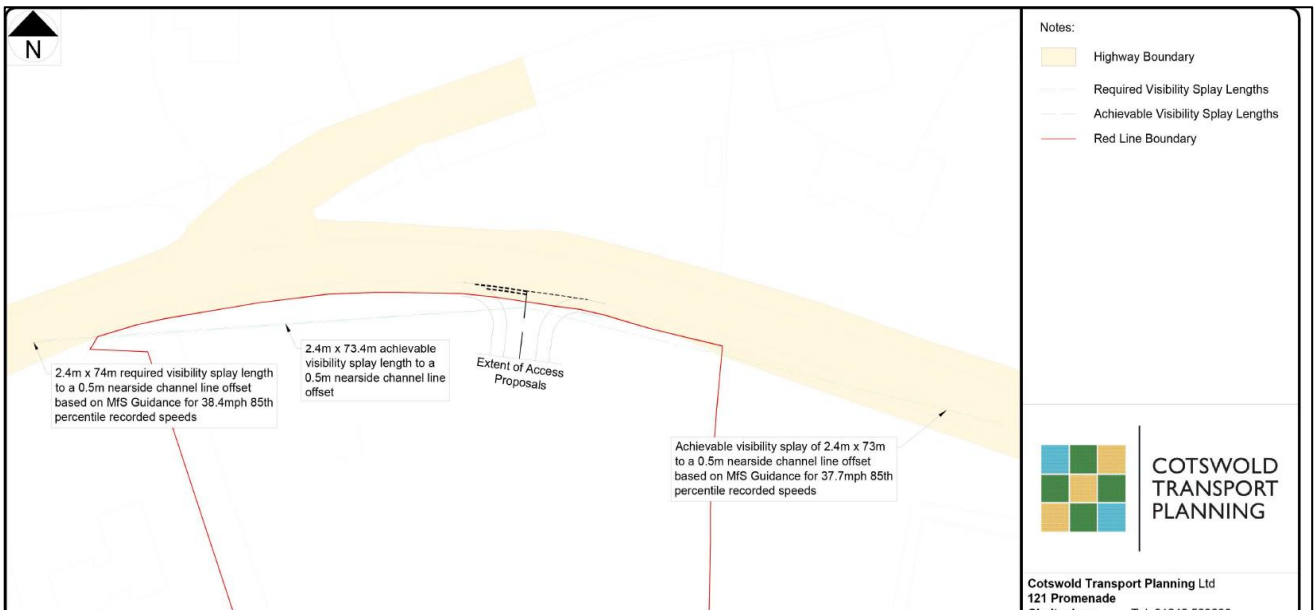


Figure 3: Existing access point. Dwg SK03

The application is supported by a transport statement (including an update). This statement provided additional data and information as requested by the Local Highway Authority and included the following:

- Review of the site location
 - Analysis of local highway safety data
 - Critique of proximity of local services and amenities
 - Review of transport policy
 - Description of the development proposals, access arrangements, pedestrian connections, parking, refuse, emergency access
 - Trip generation
- Within the submitted details the proposed access as shown below (See below).



Proposed site access drawing
Drawing no SK01 rev D



Aerial photograph to help with site context

- 6.39 It is evident the highway engineer acknowledges the concerns about the speeds entering Upton Bishop, as can be seen from the original objection to the proposal as no mitigation of the traffic calming facilities was submitted or proposed. It is also apparent that across the county opportunities to slow vehicles down or keep the speeds near the signed speed limit through villages are encouraged.
- 6.40 The updated plans show a single point of access of the road frontage and in regards to the visibility issue and the MfS 2 visibility calculations are applicable at speeds at 60kph (37.3 mph). The recorded 85th percentile speeds on this application were eastbound 38.4mph and westbound 37.7mph. It is evident and not disputed that the proposed visibility splays are very close to this threshold. Highway colleagues have reviewed the data and drawings and have taken into account the character and usage of the B4221 and as such challenged the calculations and additional works have been proposed.

- 6.41 During discussions regarding these concerns, a number of traffic management proposals were submitted for review. Herefordshire Council has undertaken gateway features and implemented additional traffic management features through the county therefore it was the view that the proposals which have been implemented in Bosbury would change the environment coming into the village and reduce vehicle speed.
- 6.42 Whilst the visibility splay does not meet the 85th%ile speed, with the addition of the proposed traffic management provision will look to reduce the recorded 85th%ile to meet the signed speed limit. The proposed visibility splays are in excess of the signed speed limit of 30 mph.
- 6.43 To clarify the visibility requirements. The proposed enhancements of the existing 30mph speed limit only needs to reduce speeds on the B4221 by 1.1mph for eastbound traffic and 0.4mph for westbound traffic, then bringing the speeds into the MfS 2 envelope, making the splays acceptable based on the speeds supporting the transport statement. Further to this we consider the content of the Design Manual for Roads and Bridges (DMRB) for the site. This sets out that for a 30mph speed limit a splay of 90m is required, but there is also provision for a 70m splay to be found acceptable as 'one step below desirable minimum'. DMRB works a little differently to MfS.
- 6.44 The final consideration will be the change in character of the roadside environment which is also likely to influence vehicle speeds by expanding the 'built up' nature of the B4221 through Upton Bishop. The application site seeks to provide splays of 74m to the east and 73m to the west according to Cotswold Transport Planning drawing numbered SK01.
- 6.45 In balancing these facts the access strategy was found not to have a detrimental impact on highway safety and not resulting on a cumulative impact that could be classed as severe as demanded by the NPPF as judged by the Local Highway Authority (LHA). By extension this is also considered by the LHA to be in accordance with policy MT1 of the Core Strategy.
- 6.46 As with all applications, regardless of size the overall access strategy is considered. This is proportionate to the scale of the development and the key factor is the package of works to make the development acceptable in highways terms, paying regard to the posted speed limit and compliance of traffic with this legal requirement.
- 6.47 The required measures will be secured via a condition to ensure their deliverability. The condition seeks to ensure Visibility Splays of 74m Eastbound with a 2.4m set back and Westbound 73m with a 2.4m set back.
- 6.48 It is apparent the Parish and local residents do have concerns regarding the issue of speed and this could be a potential opportunity to have investment put in to the highway to help slow the speeds in the village. It is recognised local residents and the Parish Council have raised significant concerns in regards to the highway network, volume of traffic, and are concerned about the access and line of sight. The Council's Highway Engineers have assessed the proposed means of access, and particularly the visibility splays and are satisfied that adequate visibility can be provided and that the traffic movements associated with the proposed development can be absorbed without adversely affecting the safe and efficient flow of traffic on the highway network.
- 6.49 A construction management plan condition has been suggested below that will manage construction traffic. As highlighted above the comments from the Area engineer endorse the view that the access is acceptable and raise no objection to the scheme. On this basis, officers would therefore conclude that the proposal is compliant with Policies MT1 and SS4 of the Core Strategy.

Design and Amenity

- 6.50 Core Strategy policy SD1 (Sustainable Design and Energy Efficiency) seeks to secure high quality design and well planned development, that contributes positively to the character of the area and that development successfully integrates into the existing built, natural and historic environment. This policy also seeks the inclusion of physical sustainability measures, including orientation of buildings, provision of water conservation measures, storage for bicycles and waste, including provision for recycling and enabling renewable energy and energy conservation infrastructure. Policy SD1 also states that development should safeguard amenity of existing and proposed residents and ensures new development does not contribute to, or suffer from, adverse impact arising from noise, light or air contamination and therefore scale, and height need to be considerations.
- 6.51 The application submission is in outline form only, which reserves all details apart from access for further consideration. Many of the issues raised will need to be carefully considered at the Reserved Matters Stage, in particular the relationship with nearby dwellings opposite (north) and west of the site. However, given the size of the site and the number of properties proposed, officers are satisfied that a scheme could be developed that ensures that its residential amenity is secured. The policy also requires consideration in relation to matters of the amenity of residents / occupants of the new dwellings and this will again be a matter for consideration at a later stage.
- 6.52 SS7 is a strategic policy requiring focus on measures to address climate change. Policy SD1 also seeks to secure this. It is noted that whilst this is primarily a matter for Reserved Matters stages, it is expected that developers will consider matters such as the fabric first approach, and layout. Green energy measures, efficient use of resources and energy are covered by parallel legislation such as Building Regulations, however also by condition such as requirements for the demonstration of the development's efficient use of water and provision of electrical vehicle charging points. Further energy efficiency and green technology measures will be expected within any Reserved Matters proposals and assessed accordingly at that specific time.
- 6.53 Policy SS6 of the Core Strategy outlines that development proposals should support the local distinctiveness of an area. As such it is felt that the design of any housing should respond to the character of traditional buildings within the locality and the wider area. This element would be considered within any reserved matters application.
- 6.54 The site measures approximately 0.43 hectares and a development of 9 dwellings represents a relatively moderate density of approx. 20 dwellings per hectare that is entirely in keeping with the village and immediate vicinity.
- 6.55 It is noted that any proposed layout coming forward would need to respond to the local context, which is a rural village and should not be overtly urban in form and character. Officers would conclude that the proposal accords with the requirements of Policy SD1 of the Core Strategy.

Noise

- 6.56 The concerns raised by the Parish and local residents in respect to potential future residents of the proposed development making complaints in respect of the Millennium Hall have been noted. It is acknowledged the hall is an important local community facility used and can be booked for different events including weddings and classes. Officers have consulted and liaised with the Council's Environmental Health officer who confirms that there is no recent record of temporary event licence applications for sale of alcohol or Regulated Entertainment (Discos, live music, etc) nor is there any record of complaints from local residents. A planning condition has been added to ensure noise insulation measures for all future residential dwellings on the site. It is also noted the applicant has offered and is willing to place a restrictive covenant on the land preventing objections from future residents in respect of the normal operation of the Millennium Hall. In

regards to excessive noise and disturbance from activities associated with the use of the hall this can be controlled by other legislation.

- 6.57 Officers would conclude that the proposal accords with the requirements of Policies SD1 and SS6 of the Core Strategy.

Open Space Provision

- 6.58 Policy OS1 and OS2 of the Core Strategy require the provision of open space. Open space requirements from all new developments are to be considered on a site by site basis and in accordance with all applicable set standards. In this instance, the small scale development that provides private garden areas and is in close proximity to access to open countryside would not be expected to provide on-site play / open space provision and officers are satisfied that the site is capable of being developed in accordance with the requirements of policy OS1 and OS2 of the Core Strategy.

Drainage

- 6.59 Local Plan Policies SD3 and SD4 of the Core Strategy seek to ensure that matters of flood risk and drainage are considered.
- 6.60 The site is located within Flood Zone 1 (as defined by the Environment Agency), this is deemed to be: an area of low probability for fluvial flood. As part of the application a drainage strategy has been submitted and reviewed by officers.
- 6.61 During the application process, a revised foul drainage strategy was presented. This proposed a connection to the public foul sewerage system. It is noted that the exact connection point has not yet been identified, however Welsh Water have confirmed that there is capacity at Lower Cleeve Treatment Works. The sewerage infrastructure would need to be adopted by Welsh Water, but as private connections to the public system are not permitted the requirement to adopt is inferred.
- 6.62 In regards to surface water the proposal seeks to manage surface water runoff via permeable paving and through the use of gullies, underground pipe systems and an infiltrations basin. The drainage engineer is confident that due to the size of the site and the proposed number of dwellings it will not be difficult to fit a drainage system within the site. As such details of the drainage system including the positioning of gullies, pipes and areas of permeable paving in driveways and access roads can be provided as part of the reserved matters application.
- 6.63 Representations raise concerns about network capacity for the foul drainage. Welsh Water have jurisdiction over this element and are the statutory consultee. They have not raised any objection to the development in terms of capacity. In terms of surface water drainage, the Land Drainage Consultant has not raised an objection and has recommended conditions and informative notes and as such the requirements of policy SD3 and SD4 can be met.
- 6.64 Concerns have been raised regarding the review of the information and officers can confirm they are not aware of any deviations from our standard practice in reviewing this application. It is acknowledged that the application site is gently graded and although the surface water flood map shows flooding, the depth is likely to be shallow.
- 6.65 At this outline planning stage, the proposal demonstrates that the development can be suitably drained in principle ensuring the protection of adjoining land from flooding by surface water. The Land drainage consultant has accepted the soakaway tests for the purpose of outline planning, but have requested additional soakaway tests to support a reserved matters application. The developer is therefore proceeding at risk. If the soakaway basin can be designed and built according to the respective design standards then there will be a net volumetric reduction in surface water runoff from the site. In a large rainstorm it is possible that the additional flow from

the highway may cause the infiltration pond to overflow, but in this case there will be more water held on the site than in the pre-development scenario.

- 6.66 The recommended condition requires this detail to be submitted with the reserved matters application to ensure that the layout addresses the drainage strategy.

Heritage assets

- 6.67 The proposed development site does not lie within a Conservation Area. As noted at paragraph 1.4 above there are two listed buildings that lie over 300m away to the south east of the site. The landscape character is considered in detail above, and whilst acknowledging the indivisibility between the site and heritage asset, the intervening distance and context of the site on the edge of the settlement leads officers to the conclusion that the proposed development would not result in harm. However, as detailed above, the Reserved Matters application would be the appropriate point to consider the detailed matters and any associated impacts on the assets. As such officers would conclude that they are satisfied that a development in this location would protect and conserve the heritage assets and their settings and comply with the requirements of policy LD4 of the Herefordshire Local Plan – Core Strategy and with the guidance set out in the National Planning Policy Framework.

Ecology

- 6.68 Noting the nature of the site, both policies LD2 and LD3 are applicable. The application submission has been supported by a Phase 1 ecological survey and this report found that the ecological value of the site is currently low, and that the development proposals will improve the ecological value of the site beyond the current situation through the planting of native species, wildlife hedgerows and the provision of bat boxes, bird boxes and hedgehog habitat features within the site. Policy LD2 of the Core Strategy seeks to ensure that development proposals conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire. It is noted that the ecologist has raised no objection following the submission of an ecological assessment and is satisfied with the conditions suggested that require more detail to be submitted prior to work commencing before reserved matters stage that the proposal would comply with the requirements of the policy. A condition has been included below to ensure compliance with policy LD2 and the guidance contained within the NPPF.
- 6.69 The site is within the River Wye SAC catchment and a Habitat Regulation Assessment has been completed. The completed appropriate assessment concluded that there would be no likely effects upon the integrity of the SAC subject to appropriate mitigation conditions being attached to any approval and this was reviewed further by Natural England who have confirmed they have no objection to the appropriate assessment submitted to them that recommends a condition to secure the relevant mitigation measures is requested on any planning consent granted. The proposal would therefore accord with the requirements of the policy and legislation.

S106 and Affordable Housing/Housing Mix

- 6.70 Policy H1 of the Core Strategy sets the threshold for the delivery of affordable housing at sites of more than 10 dwellings. The proposal is only for 9; and therefore there is no requirement for its provision.
- 6.71 Policy H3 requires a range and mix of housing units to be provided. Whilst this makes specific reference to larger housing sites of 50 or more dwellings, appeal decisions have suggested that it is equally applicable to smaller sites. Open Market housing should include a mix of predominantly two and three bedroomed properties. The scheme adheres to this policy.
- 6.72 The planning statement submitted suggests that the site could accommodate a scheme of 9 houses showing a mix of 2 x 3 bedroomed bungalows, 4 x 2 bedroomed houses, 2 x 3 bedroomed

houses and 1 x 4 bedroom property. This is not considered to be an unreasonable mix and would achieve the stated aim of the policy. A condition to ensure that the housing mix is provided is not considered to be unreasonable and would ensure that any reserved matters submission is policy compliant.

Other Issues:

Climate change

- 6.73 Elements specifically relating to addressing and mitigating climate change in line with Core Strategy policies SD1 and SS7 will be covered at reserved matters stage.

Non material planning considerations

- 6.74 Issues such as loss of a view, or negative effect on the value and resale of properties are not material planning considerations.

Illustrative layout

- 6.75 As highlighted above no illustrative plan has been submitted. However, the original ecology report as submitted referenced 10 units with an illustrative plan. As such an updated Ecology Report (prepared by Worcestershire Wildlife) was submitted confirming the 9 unit scheme (with no plan) and to provide clarity and remove any confusion.
- 6.76 There is concern from local residents as to the intent of the retained land South of the proposed application area. As such further access to the field through the site and middle of the development would not be supported on amenity and safety grounds. Although, it is important to advise this is not being proposed at this stage but if it was brought at the reserved matters stage the Local Planning Authority would need to consider safety and amenity.

Planning Balance & Conclusion

- 6.77 In accordance with the statutory requirement, determination must be made in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF affirms at paragraph 12 that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 6.78 At this time the Development Plan comprises the Core Strategy. As set out in the foregoing paragraphs the development proposed is considered to accord with the Core Strategy. The site is well located within the main settlement of Upton Bishop with access to the public house and church and a bus service into Hereford, Ross and Gloucester. This proposal site constitutes an appropriately located site in this settlement identified for future growth in policy RA2 of the Core Strategy.
- 6.79 In principle the site is sustainably located and accords with Core Strategy policy RA2 as being suitable for development. The principle of development is considered to be acceptable with detailed design matters being considered in the Reserved Matters stage to ensure compliance, in particular, with Policies RA2, SD1, LD1, LD2 and LD3 of the Core Strategy.
- 6.80 Next it is necessary to turn to the material considerations, to ascertain if these indicate if a decision should be made other than in accordance with the Development Plan. A key material consideration is the NPPF. As the application is for the supply of housing, the current implications of the Local Planning Authority not being able to demonstrate a 5 year housing land supply, plus requisite buffer, as set out in the NPPF (footnote 7), must be considered. The current published position is a 4.05 year supply. At paragraph 11d the NPPF states that where policies which are most important for decision making are out-of-date, permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. 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.
- 6.81 This application is for housing, so the policies most important for determination of the application relate to housing. As per paragraph 11d, footnote 7, of the NPPF they must be considered as out of date by reason of the current housing land supply deficit. This does not mean that they attract no weight, but rather reduced weight that is determined by the decision maker.
- 6.82 Given the site's location and the proposal 11di is not engaged as there are not policies in the framework that provide a clear reason for refusal in this instance. Paragraph 11dii is, however, engaged, and the tilted balance adopted. The tilted planning balance, is generally assessed under the three overarching objectives of the planning system, namely the economic, social and environmental objectives. The proposal would positively contribute to the supply of housing at a time when at the county level the supply is not meeting targets and this would bring forward economic and social benefits. Furthermore it is noted that there is no NDP in place covering this area and so the local supply of housing land remains uncertain. There would be economic benefits during the construction phase to suppliers and trades and after occupation through increased expenditure of disposable incomes. The payment of the New Homes Bonus is also another benefit to take into account. There may be also some social benefits as a result of increased residents in the village and support for local facilities. These benefits are considered to cumulatively be moderate, given the scale of the proposal.
- 6.83 The application is made in outline with access to be determined. The proposals demonstrate that a means of access commensurate with the scale of development proposed (nine dwellings) can be provided and officers are of the opinion that the local road network can safely absorb the additional vehicular traffic, that the access to the site is considered to be safe and pedestrian movement generated from the development and note that the Highway officer has raised no objection to the proposed development. The concerns raised by the Parish Council and local residents have been carefully considered but the proposed works, with appropriate conditions and mitigation would ensure compliance with the requirements of policy MT1 of the Core Strategy and with the guidance contained within the National Planning Policy Framework
- 6.84 The Local Planning Authority (LPA) cannot demonstrate a 5 year supply of housing land with requisite buffer. The proposal delivers nine dwellings in a location identified as suitable for new residential development and officers consider a future layout can be achieved that respects and enhances the landscape character type. The 9 market dwellings in the context of an undersupply within the county are a factor to which significant weight should be attributed.
- 6.85 In the absence of an NDP with significant weight, the Council's housing land supply position, and ability to ensure an appropriate mix of dwellings by condition, there is no basis to resist the development on the basis of oversupply.
- 6.86 The relationship of the site to the host settlement lends itself to being acceptable and would support the required growth for the area. Technical matters relating to highways and drainage have been assessed as being addressed and where necessary, mitigated with conditions and meet local and national planning policy aims and objectives.
- 6.87 Having regard to the three indivisible dimensions of sustainable development as set out in the Core Strategy and NPPF, officers conclude that the scheme, when considered as a whole, is representative of sustainable development and that the presumption in favour of approval is therefore engaged. The contribution that the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged as fulfilment of the economic and social roles.

- 6.88 It is acknowledged that while there will be a degree of reliance on the private motor vehicle this is considered not to weigh against the proposal given the provision of sustainable transport methods and access to some services locally which exceeds many other RA2 settlements in the HMA. The scheme provides an opportunity to enhance biodiversity, so this does not weigh against the scheme in environmental terms.
- 6.89 The benefit of granting planning permission would be the provision of nine dwellings. The provision of housing in an area where there is a shortfall in housing sites is a significant benefit which carries significant weight. In terms of identified harm, there would be a degree of localised visual harm resulting to the construction of the dwellings and a temporary loss of habitats and wildlife connectivity until the mitigating planting is established. However, there would remain an adverse landscape impact associated with the disruption of a view into the south to the south. As such there is a moderate conflict with Policy LD1 which is attributed moderate weight. No other conflict has been identified with the more general provisions of Policy LD1 as a result of the scale of the dwellings, site layout and proposed landscaping.
- 6.90 Bringing all of the above together the proposal aligns with the development plan and is considered to represent a sustainable pattern of development. In light of the tilted balance the adverse effects of the proposal in relation to landscape change are not considered to significantly outweigh the identified benefits. The adverse effects identified are not sufficient to significantly or demonstrably outweigh the benefits when assessed against the NPPF as a whole.
- 6.91 Having regard to the above, officers recommend approval of the proposed outline planning permission, subject to the following conditions below.

RECOMMENDATION

That planning permission be granted subject to the following conditions and any further conditions considered necessary by officers named in the scheme of delegation to officers

- 1 C02 -Time limit for submission of reserved matters**
- 2 C03 - Time limit for commencement (outline permission)**
- 3 C04 - Approval of reserved matters**
- 4 C05 - Plans and particulars of reserved matters**
- 5 C06 - Development in accordance with the approved plans**
- 6 The reserved matters application submitted pursuant to Condition 1 shall be accompanied by a BS5837:2012 report to detail the quality of the trees and the potential impacts they will have on development above and below ground.
The report should contain the following:**
 - Tree Survey**
 - Tree Constraints Plan**
 - Arboricultural Impact Assessment**
 - Tree Protection Plan.**

Reason: In order to maintain the visual amenities of the area and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 7 The reserved matters application submitted pursuant to Condition 1 shall be accompanied by details of a scheme for the delivery of the open market housing. This scheme shall comprise a schedule outlining the number of 2, 3 and 4 (+) bed dwellings; the overall mix being in general accord with the Council's Local Housing Market Assessment (or any successor document, adopted for these purposes by the local planning authority).

Reason: To define the terms of the permission and to comply with Policies SS2, RA2 and H3 of the Herefordshire Local Plan – Core Strategy and the housing and social aims and objectives National Planning Policy Framework.

Pre-commencement Conditions

- 8 CAT - Construction management Plan
- 9 CAB - Visibility Splays – Eastbound 2.4 x 74m, Westbound 2.4 x 73m
- 10 CAE - Vehicular access construction
- 11 CAQ - On site roads - Submission of Details
- 12 No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall demonstrate how the site will be effectively drained; the means of disposal of surface and foul water and shall include:

- 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; detailed foul water drainage strategy showing how foul water from the development will be disposed of
 - 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;
 - Demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features. Additional soakaway testing to BRE 365 will be required to refine the design of the proposed soakaway basin;
 - Indicate how foul flows will communicate to the public sewerage system.
- Thereafter, the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further surface water or 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 and to manage flood risk in accordance with the requirements of policy SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework.

- 13 CCK - slab level plan

- 14 Prior to commencement of any construction works a detailed plan of proposed biodiversity enhancement- 'net gain' features, including significant provision for bat roosting, bird nesting, pollinating insect homes and hedgehogs, has been submitted to the local planning authority for written approval. The approved scheme shall be implemented in full and hereafter maintained unless otherwise approved in writing by the local planning No external lighting shall illuminate any new ecological feature or adjacent habitat or boundary feature; and all lighting shall support the Dark Skies principles.

Reason: To ensure that all protected species are considered and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Habitat Regulations 2018 (as amended), Policy LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006.

Pre-occupation Conditions

- 15 A scheme of noise insulation measures for all the residential accommodation shall be submitted to and be approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the first use of the development to which it relates commences and the measures shall be retained for the duration of the use.

Reason: To safeguard the amenity of the area in compliance with Policy SD1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 16 CAP - Highways Improvement/off site works

- 17 CB2 - Cycle parking

- 18 CE6 - Water efficiency

- 19 Prior to the first occupation of any dwelling a scheme to enable the charging of plug in and other ultra low emission vehicles (e.g. provision of outside electric sockets) to serve the occupants of the dwellings hereby approved shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior of the first occupation of each dwelling hereby approved.

Reason: To address the requirements policies in relation to climate change SS7 and SD1 of the Herefordshire Local Plan Core Strategy and the guidance contained within the National Planning Policy Framework.

- 20 CK8 - Landscape Management Strategy (following RM)

Compliance Conditions

- 21 All foul water shall discharge through a connection to the local Mains Sewer network; and all surface water managed through on site Sustainable Drainage Scheme (SuDS); unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Habitat Regulations (2018), National Planning Policy Framework (2019), NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2, SD3 and SD4.

- 22 The ecological protection, mitigation, compensation and working methods scheme, as recommended in the ecology report by Worcestershire Wildlife Consultancy dated October 2018 shall be implemented in full as stated unless otherwise approved in writing by the local planning authority.**

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Habitats & Species Regulations 2018 (as amended), Policy LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006.

- 23 CAX - Direction of proposed lighting**

INFORMATIVES:

- 1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

- 2 The 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**

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. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

- 3 I11 - Mud on highway**
- 4 I09 - Private apparatus within highway**
- 5 I45 - Works within the highway**
- 6 I07 - Section 38 agreement and drainage**
- 7 I05 - No drainage to discharge to highway**
- 8 I47 - Drainage other than via highway system**

9 I35 - Highways Design Guide and Specification

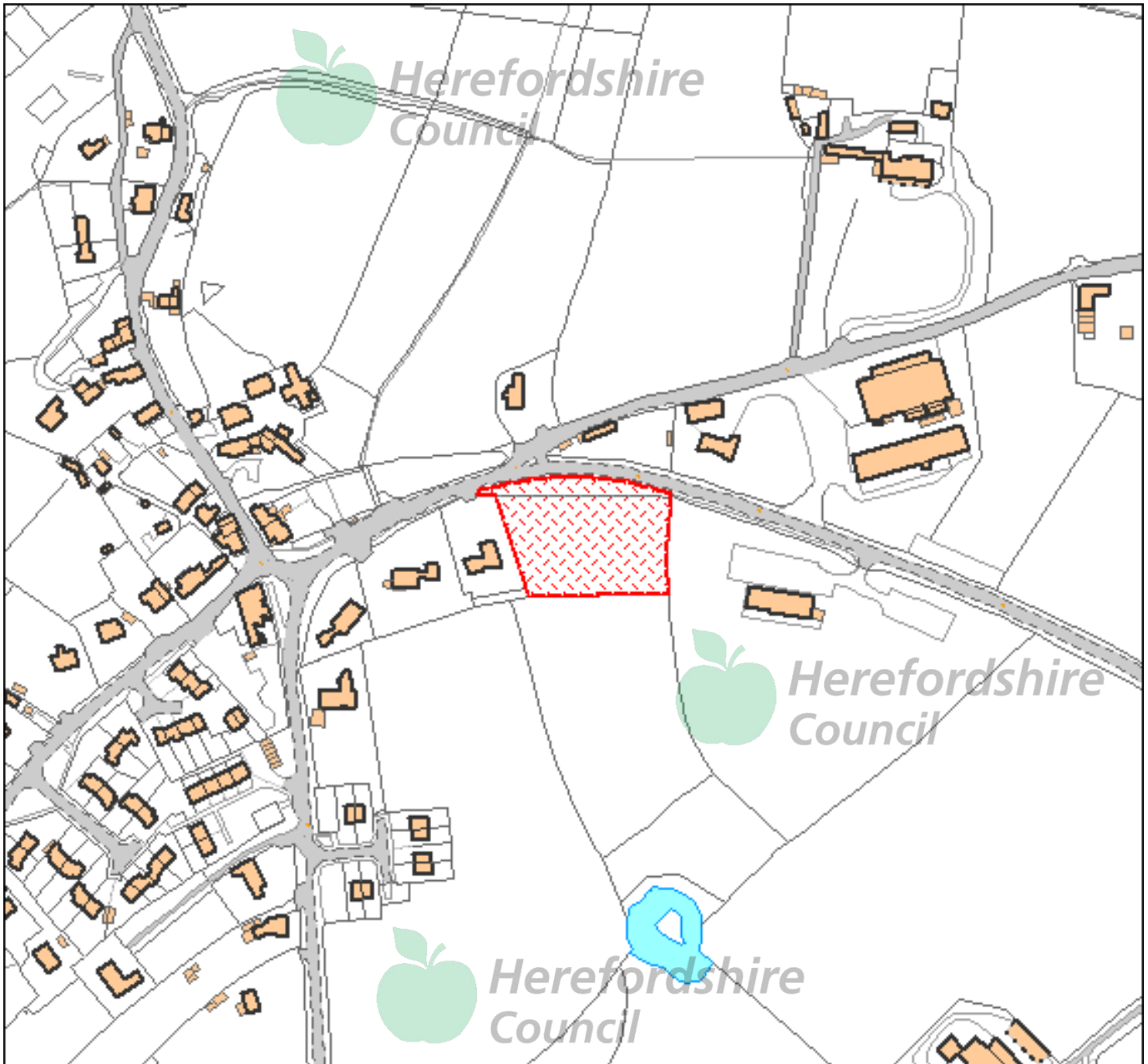
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: 191187

SITE ADDRESS : LAND BETWEEN LEEWARD HOUSE AND THE MILLENNIUM HALL, CROW HILL, UPTON BISHOP, ROSS ON WYE, HEREFORDSHIRE, HR9 7TU

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

Further information on the subject of this report is available from Ms Heather Carlisle on 01432 260453

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	26 AUGUST 2020
TITLE OF REPORT:	<p>193747 - OUTLINE APPLICATION FOR A RESIDENTIAL DEVELOPMENT OF UP TO 4 DWELLINGHOUSES (ALL MATTERS RESERVED) AT LAND TO THE NORTH OF THE B4348, MUCH DEWCHURCH VILLAGE, HEREFORDSHIRE.</p> <p>For: Hereford Diocesan Board of Finance per Mr Philip Staddon, 26 Lea Crescent, Longlevens, Gloucester, GL2 0DU</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=193747&search-term=193747
Reason Application submitted to Committee – Redirection	

Date Received: 25th October 2019
Expiry Date: 20 December 2019

Ward: Wormside

Grid Ref: 348341,231163

Local Member: Councillor Christy Bolderson

1. Site Description and Proposal

- 1.1 The application site is located within Much Dewchurch Parish and proximate to the settlement of the same name. The site is to the South East of Church View, a collection of 6 semi-detached properties, and to the North East of the B4348 which runs through Much Dewchurch. The application site fronts the road, forming its South Western boundary, and is bounded to the North West by the residential curtilage of No 6 Church View and to the South East by Worm Brook, to the North of the application site is agricultural land in the applicant's ownership.
- 1.2 The application is made in outline, with all matters reserved, for the erection of up to 4 dwellings.

2. Policies

2.1 Herefordshire Local Plan – Core Strategy (CS):

SS1	-	Presumption in favour of sustainable development
SS2	-	Delivering new homes
SS3	-	Releasing land for residential development
SS4	-	Movement and transportation
SS6	-	Environmental quality and local distinctiveness
SS7	-	Addressing climate change
RA1	-	Rural housing distribution
RA2	-	Housing in settlements outside Hereford and the market towns
MT1	-	Traffic Management, highway safety and promoting active travel
LD1	-	Landscape and townscape
LD2	-	Biodiversity and geodiversity

Further information on the subject of this report is available from Mr David Gosset on 01432 261588

- 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

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/info/200185/local_plan/137/adopted_core_strategy

2.2 **National Planning Policy Framework (NPPF)**

- Chapter 2 - Achieving sustainable development
- Chapter 4 - Decision-making
- Chapter 5 - Delivering a sufficient supply of homes
- Chapter 9 - Promoting sustainable transport
- Chapter 12 - Achieving well-designed places
- Chapter 14 - Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 - Conserving and enhancing the natural environment
- Chapter 16 - Conserving and enhancing the historic environment

3. **Planning History**

- 3.1 P191968/PIP - Application for permission in principle for a residential development of up to 4 dwelling houses - 04-Sep-2019 - Refused

4. **Consultation Summary**

Statutory Consultations

4.1 **Natural England – No Objection**

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

4.2 **Health and Safety Executive – No Objection**

Do not advice against.

4.3 **Cadent Gas**

No response.

Internal Council Consultations

4.4 **Local Highways Authority – Area Engineer – No Objection**

27th November 2019:

New Access - A full 7 day speed survey undertaken during term time should be provided. Visibility splays should meet the 85th%tile recorded speed in both directions. (Quote both Herefordshire Highways Design Guide 2006 based on DMRB and Mfs & Mfs2):- Speed and volume data should be submitted in an excel spreadsheet format or in a readable form with one day's data to a page. A plan showing the location of the survey should also be submitted.

Please also provide a 2m footway at the front of the site.

1st January 2020:

The application submitted is for an outline permission with all matters reserved, including access. As this is an all matters reserved the principle of “can an access be achieved” needs to be established. When visiting the site it was agreed that the principle of an access could be achieved as the visibility to and from the access had the benefit of the alignment of the highway and therefore had the view it could be achieved, subsequently the principle of the development could be achieved. If the permission is granted, then at the reserved matters stage, details and evidence including a speed and volume survey for a 7 full day period should be submitted to show that the access can meet national and local guidance. Further to the submission of the speed surveys, construction drawings on how the access can be achieved as there are a number of issues to cover in providing an access as there is a significant level difference and the requirement to meet HC guidance on access and driveway gradients.

Please condition the provision of a full 7 day speed and volume survey and construction details.

CAD - Access gates
CAE - Vehicular access construction
CAH - Driveway gradient
CAI - Parking – single/shared private drives
CAT - Construction Management Plan
CAX - Direction of proposed lighting
CB2 - Secure covered cycle parking provision

I11 – Mud on highway
I09 – Private apparatus within the highway
I45 – Works within the highway
I05 – No drainage to discharge to highway
I47 – Drainage other than via highway system
I35 – Highways Design Guide and Specification

4.5 Ecology – No Objection

Habitat Regs. Assessment

The site falls within the River Wye SSSI/SAC catchment and within the River Wye SAC Impact Risk Zone “any discharges of water or liquid including to mains sewer.” This application is subject to a formal Habitat Regulations Assessment (HRA) process by this local planning authority (LPA) as the competent body in consultation with Natural England.

The required Appropriate Assessment completed by the LPA must be submitted to and formally ‘approved’ by Natural England PRIOR to any grant of planning consent. The approved mitigation must be secured a condition on any consent granted;

The initial Habitat Regulations Screening Assessment identifies surface water and foul water as ‘likely significant adverse effects’. The applicant has indicated in their application that foul water will connect to mains sewer, and surface water will outfall to on site SuDs (including infiltration tanks and geo-cellular storage), prior to outfall to the Worm Brook.

Condition- Drainage - Mains Sewer and Surface Water to Sustainable Urban Drainage

All foul water shall discharge through a connection to the local Mains Sewer network and surface water shall be managed through a SuDs system (with infiltration tanks) within the development boundary; unless otherwise agreed in writing by the Local Planning Authority.

In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), and Herefordshire Core Strategy (2015) policies LD2, SD3 and SD4.

Further information on the subject of this report is available from Mr David Gosset on 01432 261588

Site ecology

In order to ensure site ecology, including the Worm Brook and bankside habitats are protected, the following conditions are recommended:

Condition Nature conservation protection - Ecological buffer zone

The details submitted pursuant to condition X [the reserved matters condition] shall include details of an ecological buffer zone and root protection area along the eastern site boundary adjacent to the Worm Brook. Such details shall include the retention of bankside vegetation, the erection of boundary fencing on the west (garden) side of the zone and measures to restrict illumination of the ecological buffer zone. Such measures as are agreed shall be maintained thereafter unless otherwise approved in writing by the LPA.

To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies LD1-3 and SS6, Dark Skies initiative (DEFRA-NPPF 2013/18).

Condition Nature Conservation protection – Construction Environmental Management Plan

Before any work, including any site clearance or demolition begin, equipment or materials moved on to site, a Construction Environmental Management Plan (CEMP) including a full Ecological Working Method Statement and a specified 'responsible person', shall be supplied to the local planning authority for written approval. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have finally been removed; unless otherwise agreed in writing by the local planning authority.

To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies LD1-3.

Condition – Nature Conservation Biodiversity Enhancement Plan (Net Gain)

Prior to commencement of development a fully detailed and specified Biodiversity Enhancement Plan including a relevant location plan that is appropriate with the scale, nature and location of the development including provision of fixed habitat features shall be provided to the planning authority for approval. The approved scheme shall be implemented in full and hereafter maintained unless otherwise agreed in writing by the planning authority.

Informative: Fixed habitat features include but are not restricted to features such as bat roosting opportunities, bird boxes, insect hotels/houses, hedgehog homes & hedgehog friendly boundary features and amphibian/reptile refugia. Green and blue infrastructure could include wildlife friendly SuDS, tree and shrub planting (usually locally characteristic or directly associated cultivars of native species), wildflower meadows and Traditional ('standard') Orchards. The applicant is advised to seek the advice of an ecological consultant when completing the Biodiversity Enhancement plan.

To ensure that all species and habitats are protected, conserved and enhanced (Biodiversity net gain) having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies SS6, LD1-3 and, Dark Skies initiative (DEFRA-NPPF 2013/18).

Condition– Nature Conservation protection – Lighting

No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation and biodiversity enhancement features.

To ensure that all species and Dark Skies are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies SS6, LD1-3 and, Dark Skies initiative (DEFRA-NPPF 2013/18).

4.6 Land Drainage – No Objection

19th December 2019:

Overall Comment

We recommend that the Council do not grant planning approval for this development until the concerns raised above have been addressed. The proposed development may be at risk of flooding from fluvial and other sources, noting that these risks could influence the design (or event viability) of the proposed development and potentially increase flood risk elsewhere. The applicant has also provided insufficient information regarding the proposed surface water and foul water drainage strategies.

It is recommended that the Applicant submits the following information prior to the Council granting planning permission:

- A Flood Risk Assessment that assesses the risk of flooding to the proposed development from all sources, and that demonstrates no unacceptable risk to the development or to people, property and infrastructure elsewhere.
- An outline surface water and foul water drainage strategy, supported by a plan of the drainage systems that demonstrates the proposed location of attenuation features and discharge points.
- Calculations to support the outline surface water drainage strategy, including greenfield runoff rates, proposed discharges rates a

12th March 2020:

Overall Comment

We recommend that the Council do not grant planning approval for this development until the concerns raised above have been addressed.

The proposed development may be at risk of flooding from fluvial and other sources, noting that these risks could influence the design (or even viability) of the proposed development and potentially increase flood risk elsewhere.

It is recommended that the Applicant submits the following information prior to the Council granting planning permission:

- A Flood Risk Assessment that assesses the risk of flooding to the proposed development from all sources, and that demonstrates no unacceptable risk to the development or to people, property and infrastructure elsewhere.
- A revised drainage strategy that demonstrates all SuDS features that serve more than one property are located in public open space or on land registered as jointly owned by the residents.
- Confirmation of who will be responsible for the maintenance of the proposed crate storage system and the outfall to the watercourse.

20th April 2020:

This response is in regard to flood risk and drainage aspects. In previous responses we have raised significant concerns regarding the potential risk of flooding from fluvial and other sources, and the opportunities for the sustainable management of surface water runoff. We highlighted that these risks could influence the design (or even viability) of the proposed development and potentially increase flood risk elsewhere.

The applicant has responded to the concerns raised in a note dated 16 April 2020 titled 'Applicant's Note to Planning Case Officer'.

Flood risk

The Applicant discusses the flood risk to the site and refers to this only as surface water flood risk. We stress that we have concerns that the site could also be at risk of fluvial flooding, and that the current indication of the site in Flood Zone 1 may be associated with the extent of mapped model extents rather than a reflection of the actual fluvial risk attributable to the Worm Brook. The Applicant states that a detailed assessment of flood risk will be undertaken to inform the reserved matters application and the detailed design of the scheme. We agree with this approach, however highlight that this assessment must consider the following:

- Fluvial flood risk associated with the Worm Brook and tributaries, noting that this must comprise a robust assessment and not be based only on the indicative EA flood maps, and take anecdotal flood records into account.
- The development must mitigate for any increase in flood risk elsewhere associated with impact to fluvial flood flow conveyance or loss of fluvial flood storage in accordance with the recommendations of the Herefordshire Level 1 SFRA and taking climate change effects into account.
- The development must be safe over its lifetime taking climate change effects into account.

We highlight that the need to provide appropriate mitigation may affect the layout of the development.

Surface water drainage

The Applicant's drainage strategy proposed the roof and driveways be drained to a crate storage system that will discharge at an attenuated rate to the Worm Brook on the eastern edge of the site. We noted that the crate storage system was drawn to span what appeared to be two property gardens. This approach was not considered acceptable as any shared SuDS feature must be located in public open space or on land registered as jointly owned by the residents.

The Applicant has since responded and stated that the ownership / future maintenance of the indicative SUDS features are not strictly planning matters, however we highlight that the submitted strategy is not viable and amending this strategy may require an amendment to the layout of the development. If the Applicant understands this risk and appreciates that an amendment to the layout of the development may be required to provide an acceptable drainage strategy, we agree that this information can be provided as part of the reserved matters application to inform the detailed design.

Overall Comment

On the understanding that the Applicant accepts that mitigating fluvial flood risk and providing an amended drainage strategy may affect the layout of the development, we have no further objections to the proposed development on flood risk and drainage grounds.

Should the Council be minded to grant planning permission, we recommend that the following information is requested as part of the reserved matters application:

- Detailed drawings of the proposed surface water drainage system and proposed features such as infiltration structures, attenuation features, and outfall structures;
- Results of infiltration testing undertaken in accordance with BRE Digest 365 methodology;
- 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;
- Calculations to demonstrate that the proposed surface water drainage system has been designed to prevent the surcharging of any below ground drainage network elements in all events up to an including the 1 in 2 annual probability storm event. FEH 2013 rainfall data is expected;
- Calculations to demonstrate that the proposed surface water management system will prevent any flooding of the site in all events up to an including the 1 in 30 annual probability storm event. FEH 2013 rainfall data is expected;

- Calculations that demonstrates that the proposed drainage system will have sufficient capacity to cater for up to the 1 in 100 year event and allowing for the potential effects of climate change. FEH 2013 rainfall data is expected;
- Calculations to inform the assessment of the risk of water backing up the surface water drainage system from the proposed outfall and how this risk will be managed without increasing flood risk to the site or to people, property and infrastructure elsewhere, noting that this also includes failure of flap valves;
- Demonstration that appropriate access is available to maintain drainage features;
- Operation and maintenance manual for all proposed drainage features that are to be adopted and maintained by a third party management company;
- Detailed drawings of the foul water drainage strategy showing how foul water from the development will be disposed of and illustrating the location of key drainage features;
- Confirmation that discharge to the public sewerage system has been agreed with the relevant authority. If the results of infiltration testing indicate that infiltration will provide a feasible means of managing surface water runoff, an alternative drainage strategy must be submitted to the Council for review and approval. Ordinary Watercourse Consent will be required for any proposed structures within an ordinary watercourse.

4.7 **Welsh Water – No Objection**

We have reviewed the information submitted as part of this application and note that the intention is to drain foul water to the mains sewer and surface water to a soakaway to which we offer no objection principle. Therefore, if you are minded to grant planning permission we request that the following Conditions and Advisory Notes are included within any subsequent consent.

Conditions

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

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.

5. **Representations**

5.1 Much Dewchurch Parish Council

21st November 2019:

The proposed site is on a flood plain. This field, including the area of the proposed site, is under water several times a year. The flood map in the planning application is out of date and is not a true picture of the flooding that occurs. The Parish Council requests that a flood/drainage survey is carried out and the flood map updated before any application can be considered. Unequivocal photographic evidence as to the flooding issue has been submitted by neighbouring properties.

The proposed site is 6-8ft below the B4348 and would therefore have to be raised. This would severely impact the flood zone 3 areas already identified immediately adjacent to site. The Strategic Flood Risk Assessment 2009 (SFRA) aims to ensure that planning policies and site allocations will not increase the risk of flooding both within the site itself and the surrounding area. The nearby Welsh Water sewage pumping station already floods and this development would exacerbate the problem. 18-20th November the pumping station experienced hydraulic overload with a large amount of discharge coming up through a manhole in the field of the proposed site and ultimately covering a proportion of the field and getting into the adjacent Worm Brook.

The proposed site lies within the River Wye Special Area of Conservation and as such is protected by European legislation. The site is well established grassland adjacent to a water course. Any development would have a massive impact on the wildlife and vegetation located in the brook and the meadow. There would be unavoidable run off from any development into Worm Brook due to its immediate location.

There are three proposed accesses onto the B4348; these are in a dip onto a very busy road and with very limited visibility in both directions. The proposed access arrangements are considered to be dangerous.

Much Dewchurch has very limited facilities i.e. one pub and next to no public transport links. Planning has already been granted for six houses and an application for nine is in progress. Therefore Much Dewchurch is providing towards the housing shortage but to put a further 4 houses on a location that clearly floods is considered unacceptable. Much Dewchurch Parish Council strongly opposes this application and request that it is refused.

5th March 2020:

MDPC still strongly objects to this application and the additional drainage survey in no way alleviates the serious concerns that were raised previously by the council.

The attenuation tank, no matter how low the flow, will still be releasing water into a watercourse which bursts its banks on a regular basis. Any raising of levels to stop these houses flooding will exacerbate an already serious flooding problem further downstream.

The architect for this development keeps re-iterating in his correspondence with the planning officer that the site is on a flood zone 1 area, defined as a 1 in 100 to a 1 in 1000 year risk of flooding, this is clearly not the case as photographic evidence shows. The EA map being used is out of date and the argument that the site is on a flood zone 1 site should no longer be used, It is noted that the architect is writing the conditions for the planning department to get this application passed, is it standard practice for architects to tell the planning department what to write?

The Parish Council still objects to this application on the basis that the site floods, the access is dangerous and any building will affect the ecology of well-established pasture land and the adjoining brook. The PC request that this application is refused.

5.2 To date a total of 19 objecting responses have been received. The comments are summarised below:

Objecting comments:

- Risk of flooding on the site
- Downstream effects of the development
- Overload of the sewage system
- Located in the River Wye Special Area of Conservation
- Access onto a busy section of the B4348 with poor visibility at the base of a small hill
- Access would have to cross footpath
- Lack of a regular bus service
- Limited services
- Impact on local wildlife and protected species
- Inadequate surface water drainage strategy
- Impact on the Welsh Water Treatment Works

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=193747&search-term=193747

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 adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). It is also noted that the site falls within the Much Dewchurch Neighbourhood Area, which has not begun drafting a Neighbourhood Development Plan and so no weight can be attributed to any draft document at this stage. The National Planning Policy Framework 2019 is a significant material consideration, but does not hold the statutory presumption of a development plan.

Principle of Development

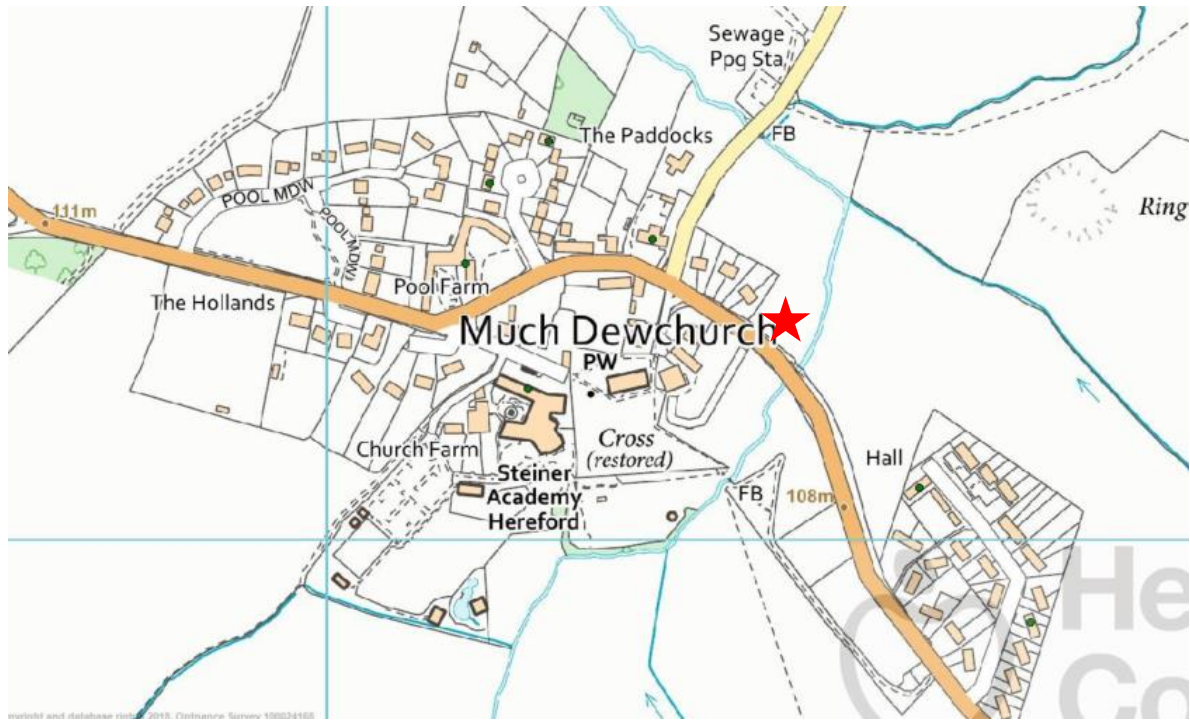
6.3 It is a matter of fact that currently the Council is unable to demonstrate a 5-year housing land supply. This leads to the policies for housing supply being considered out of date. As set out in paragraph 11 of the NPPF, in such circumstances where the policies most important for determining an application are considered to be out of date, permission should be granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole. As such this tilted balance in favour of development is adopted as directed by paragraph 11(d)(ii) of the NPPF.

6.4 The spatial strategy relating to housing distribution within the county is set out in the CS at Policy SS2. Hereford, as the largest settlement and service centre is the recipient of up to 6,500 of the required 16,500 homes, with the market towns identified in the second tier as recipients of approximately 4,700 dwellings. Housing in the rural parts of the County is delivered across the settlements identified at figures 4.14 and 4.15 of the Core Strategy. Here the identified settlements are arranged according to the seven identified housing market areas. Figure 4.14 identifies the settlements which will be the main focus of proportionate housing development. Figure 4.15 classifies the 'other' typically smaller settlements where proportionate housing will be appropriate. There are 119 'main' villages (figure 4.14) and 98 'other settlements' (figure 4.15), giving 217 rural settlements where proportionate growth will be acceptable in principle. Much Dewchurch is a settlement so defined by figure 4.14.

6.5 It is of note that the spatial strategy for the location of housing contained within the CS is considered to be sound and consistent with the framework; which itself seeks to avoid the development of isolated homes in the countryside through paragraph 79. It is therefore considered that Policies RA1 and RA2 of the CS continue to attract significant weight in the decision making process despite being considered out of date.

6.6 As set out in the preamble to Policy RA2, at paragraph 4.8.23, until such time as either the NDP or the Rural Areas Sites Allocation DPD defines settlement boundaries (or a reasonable alternative) any proposal has to be assessed against its relationship to the main built up form of the settlement.

6.7 With the foregoing paragraph in mind and considering the lack of an NDP, it is the relationship between the proposal site and the main built up part of the settlement which is to be assessed. The site is indicated on the plan below by the red star:



- 6.8 The pattern of development across Much Dewchurch comprises wayside development running along the roadside as well as examples of residential estates accessed off the B4348 there are also a number of converted farm buildings. The dwellings nearest the site (to the North West) comprise semi-detached properties which are set back from the roadside but accessed directly from the B4348. These dwellings are set out in a linear form following the road. The application site is immediately adjacent to these dwellings and the indicative site layout illustrates that it would be achievable to provide 4 dwellings on the site with a similar layout. Given the site lies at the edge of the settlement it is not considered to be a part of the main built form. However, it is considered to lie adjacent to the main built form of the settlement and would form a natural extension to it, up to Worm Brook.
- 6.9 The degree to which the site is considered to be sustainable is derived, in part, from the access to alternative modes of transport, beyond that of a private motor vehicle and the ability of future residents to access services without an undue reliance upon the private motor vehicle. However, the NPPF makes it clear at paragraph 103 that the opportunities to maximise sustainable transport solutions will naturally vary between urban and rural areas and this should be taken into account in decision-making.
- 6.10 There is a pedestrian footpath along the northern side of the B4348, which the application site will benefit from and provides access into the village. The village provides some basic services, including a public house, private school and church. There is a single bus stop in the village that provides limited services South to Monmouth and North to Hereford which provides a wider range of public transport connections including rail.
- 6.11 When having regard to the aforementioned policy provisions relating to the delivery of housing, the application site is adjacent to the main-built up part of the settlement in accordance with CS policy RA2. The principle of residential development is therefore considered acceptable, a point that is bolstered by the relative sustainability of the location with access to a range of services on foot or by public transport.

- 6.12 The following sections will go on to consider whether there are any other material considerations of such weight and magnitude that might lead to a conclusion that the proposal represents an unsustainable form of development.

Landscape Impact

- 6.13 While landscaping remains a reserved matter the impact of the principle of developing the site can be assessed in terms of its potential landscape impacts. The Core Strategy seeks, via policy LD1, to ensure development proposals demonstrate how the character of the landscape and townscape have positively influenced the nature and site selection of the proposal.

- 6.14 The application site lies adjacent to an established row of residential dwellings on the edge of the settlement. As such the site is well contained by this adjoining residential use and Worm Brook which runs along the Eastern site boundary. Furthermore the site fronts on the B4348 and so maintains a connection with it. The depth of the application site matches the adjacent residential dwellings plot depth which limits the incursion north into the open countryside. The application site gently slopes down towards Worm Brook but the surrounding topography is generally flat, as such the site is not widely visible.

- 6.15 The site does not lie within a designated landscape and is a well contained site adjacent to existing residential development. The proposal is clearly informed by the surround built form and landscape in terms of the proposed residential use and the depth and positioning of the application site, contained by existing features and development. As such it is considered that the proposal adheres to the requirements of CS LD1.

Amenity

- 6.16 Policy SD1 of the core strategy states that development should safeguard amenity of existing and proposed residents and ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination and therefore scale, height and proportion needs consideration.

- 6.17 While the appearance and scale remain reserved matters the principle of developing the site has some implications for the adjacent residential neighbours. There will be an increase in the activity on the site, in the short term as a result of construction and in the long term as a result of the ongoing residential use of the site. However, this change is not inherently contrary to SD1 which seeks a reasonable control over the preservation of residential amenity of existing residents. The temporary construction effects are not considered to be material and the long term change is unlikely to cause adverse effects beyond that which is considered acceptable. The site is large enough to accommodate up to 4 dwellings without being overdeveloped and provides ample room to position the dwellings in a manner that would preserve the residential amenity of the neighbouring dwellings.

- 6.18 Considering the above the principle of developing the site is not considered to be contrary to CS SD1 and a scheme could come forward at the reserved matters stage that adequately protects the amenity of the neighbouring dwellings.

Flooding and Drainage

- 6.19 Policy SD3 of the Core Strategy states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water. For waste water, policy SD4 states that in the first instance developments should

seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway).

- 6.20 The application site lies within Flood Zone 1 as defined by the Environment Agency and as such has a low probability of flooding. In accordance with Environment Agency standing advice, the planning application does not need to be supported by a Flood Risk Assessment (FRA), as shown by the table below.

	Within Flood Zone 3	Within Flood Zone 2	Within Flood Zone 1
Site area less than 1ha	FRA required	FRA required	FRA not required*
Site area greater than 1ha	FRA required	FRA required	FRA required

**except for changes of use to a more vulnerable class, or where they could be affected by other sources of flooding*

- 6.21 The site lies proximate to both Flood Zone 2 and 3, located to the North of the application site. Furthermore there are surface water flood hazards noted on the Environment Agency mapping, associated with Worm Brook, these include the 1% and 3.3% annual chance hazards which are limited to the South Western edge of the site, following the boundary as it adjoins Worm Brook. Furthermore there is a 0.1% hazard across a wider extent of the site. The Council's Land Drainage consultant suggested that these surface water hazards were likely associated with Worm Brook rather than being a result of surface water flooding. A range of public comments have supplied photographic evidence of flooding approximately on the application site.
- 6.22 While these flood hazards are acknowledged and will inform the layout of the application site they are not sufficient to trigger the need for a FRA. The application site remains in Flood Zone 1 and as such is considered, by the Environment Agency, as being at low risk of fluvial flooding. Nevertheless, adopting a cautious approach, given the range of public comments and, the concerns highlighted by the Council's Land Drainage consultant recommended condition 12 will require the submission of a FRA in support of the reserved matters application which would then inform layout and design.
- 6.23 The Council's Land Drainage consultant expressed concern that the result of the FRA might lead to changes in the proposed layout and drainage strategies. However, the application is all matters reserved and the submitted layout is indicative only, as such is liable to change. If the FRA does constrain the viable site area this will naturally impact upon the layout and ultimately upon the number of units that can come forward under the reserved matters application. This fact has been acknowledged by the planning agent acting on the applicant's behalf who confirmed the following, via email dated 07 May 2020:

I do think that it is really important to recognise that this is an outline application for 'up to 4 dwellings' and that all matters are reserved. As a result, we are fully aware that unit numbers are not guaranteed and that the design and layout will be influenced by constraints, whether that be drainage, ecology or other matters. Anything we have shown to date (the 4 plot layout and the drainage drawing) is purely indicative and subject to change.

- 6.24 The wording of recommended condition 12 was informed by the Council's Land Drainage consultant's latest comments, which clearly set out the details required in support of the reserved matters application:

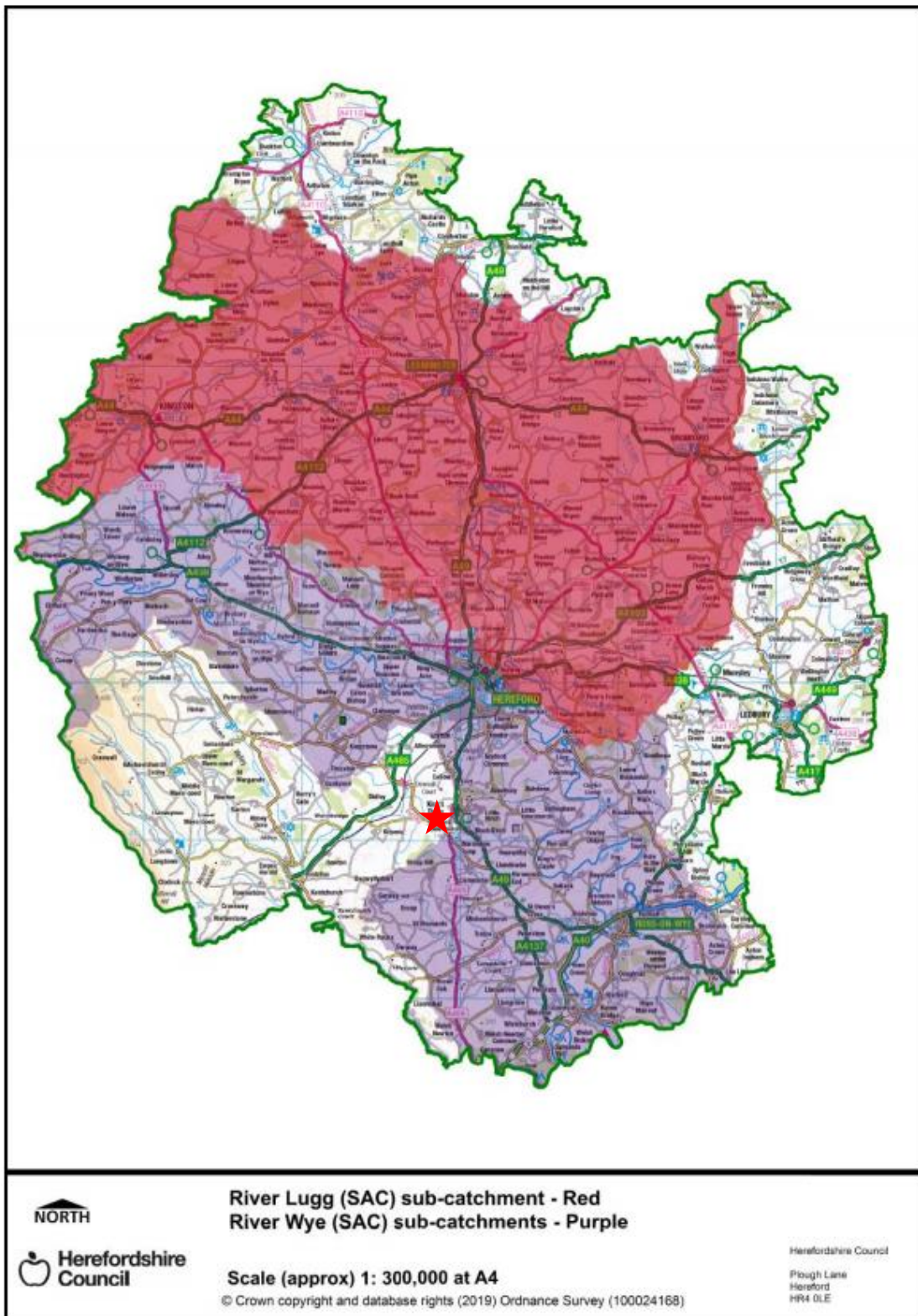
- *Fluvial flood risk associated with the Worm Brook and tributaries, noting that this must comprise a robust assessment and not be based only on the indicative EA flood maps, and take anecdotal flood records into account.*
- *The development must mitigate for any increase in flood risk elsewhere associated with impact to fluvial flood flow conveyance or loss of fluvial flood storage in accordance with the recommendations of the Herefordshire Level 1 SFRA and taking climate change effects into account.*
- *The development must be safe over its lifetime taking climate change effects into account.*

6.25 In regards to foul water the applicant proposes to connect to the mains sewer network. This has been reviewed by Welsh Water who have confirmed the viability of the scheme. This is secured via recommended condition 15.

6.26 The surface water drainage strategy is to utilise on site soakaways to manage any excess surface water. The design and layout of the soakaways will be confirmed at the reserved matters stage, after being informed by the FRA, and is secured via recommended condition 13.

Habitat Regulations Assessment

6.27 The application site lies in an area of the county that drains to the River Monnow and the Council's Ecologist has confirmed that the Welsh Water treatment works serving Much Dewchurch discharges to Worm Brook which connects into the River Monnow. As such the Habitat Regulations Assessment (HRA) process is not automatically triggered. However, the application site is close to the boundary marking the different catchment areas, as shown on the below map, and so the Council's Ecologist has nevertheless taken a precautionary approach and completed Appropriate Assessment (AA). The HRA AA concluded that subject to conditions there would be no likely significant effect upon the River Wye SAC. This assessment has been reviewed by Natural England who responded with no objection.



Ecology and Biodiversity

- 6.28 Policy LD2 of the CS seeks the conservation, restoration and enhancement of biodiversity and geodiversity assets. As such, development will not be permitted where it has the potential to harm these assets or reduce the effectiveness of the ecological network of sites. The introduction, restoration and enhancement of biodiversity and geodiversity features will be actively encouraged. This is directly supported by policy LD3 which ensures development proposals protect, manage and plan for the preservation of existing and delivery of new green infrastructure.

Further information on the subject of this report is available from Mr David Gosset on 01432 261588

This is achieved by identifying green corridors and linkages, provision of on-site infrastructure and integration into the wider network.

- 6.29 The application has been reviewed by the Council's Ecologist who confirmed that subject to appropriate conditions there was no objection to the proposal at the outline stage and that it would meet both policies LD2 and LD3 of the CS.
- 6.30 The first condition recommended seeks to ensure there is an ecological buffer zone along the Eastern site boundary to Worm Brook, see recommended condition 14. This allocation of an ecological buffer zone will ensure wildlife connectivity and chimes with the approach needed to ensure a reduced risk of flooding to future dwellings from Worm Brook as well as aligning the development with the specific requirements of LD2 and LD3.
- 6.31 A further three conditions are recommended, see conditions 10, 11 and 16, which in turn seek to secure a Construction Environmental Management Plan (CEMP), biodiversity net-gain enhancements and control over external lighting that may illuminate local habitats. These again ensure compliance of any future scheme under the reserved matters application with policies LD2 and LD3. Of the CS.

Heritage

- 6.32 There are a number of Grade II Listed heritage assets on the Eastern side of the village of Much Dewchurch. These are as follows: The Old Toll Cottage, Black Swan Public House, Stone House, Church of St David, Churchyard Cross, The Old Vicarage, Lychgate, Thomas Monument, a Water Pump and a Telephone Kiosk.
- 6.33 Policy LD4 states that development proposals should protect, conserve and enhance the heritage assets and wider historic environment that they affect. This includes emphasising the original form and function through the use of sympathetic design, contributing to the character and distinctiveness of the local townscape. The scope of the works required to protect, conserve and enhance heritage assets and their settings should be proportionate to their significance.
- 6.34 Special regard has to be given to the desirability of preserving and enhancing historic assets and their setting. Under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Herefordshire Council, as the local planning authority, is required, when considering development which affects a listed building or its setting:

"to have special regard for the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

- 6.35 The application site is well separated from all of the above heritage assets and the impact on these groups of assets will be assessed below:
- 6.36 The group of Grade II Listed heritage assets surrounding the Church of St David (including Church of St David itself, the Churchyard Cross, The Old Vicarage, Lychgate and Thomas Monument) are all over 70m from the application site with the B4348 further separating the site from these assets. There is mature vegetation along the southern side of the carriageway that removes any direct visual connection to these assets from the application site. The closest of the Grade II Listed buildings is The Old Vicarage which is further screened by the outbuilding located to the immediate north of it, while this outbuilding is considered to be curtilage listed it is not listed in its own right. Given the separation distance between the application site and these heritage assets the proposal for up to 4 dwellings on a site adjacent to existing dwellings is not considered to impact the character or setting.

- 6.37 The three Grade II Listed assets that lie on the Southern side of the B4348 in the centre of Much Dewchurch (Stone House, a Water Pump and a Telephone Kiosk) are all some distance, West from the application site at 90m, 96m and 56m respectively. There is no visual connection between the application site and these heritage assets. Given the separation distance and the lack of any visual connection it is not considered that the proposal could affect the character or setting of them.
- 6.38 Finally The Old Toll Cottage and Black Swan Public House, located to the North of the B4348 are approximately 68m and 80m, respectively, North, North West of the application site. The Old Toll Cottage is visible from the South Western site boundary of the application site but the Black Swan is entirely screened by intervening buildings (N^o 1 and 2 Church View and the Old Toll Cottage). Given the significant distance and the surrounding built form the proposal is not considered to affect the character or setting of these listed heritage assets.
- 6.39 Furthermore, the application site is adjacent to a row of 6 existing dwellings and would form a natural extension to this emerging pattern of development and so reduce any adverse impact upon the character of the area. The application is made in outline with all matters reserved and as such the effect upon the Listed Heritage assets and local development pattern will be further considered when scale, layout, appearance and landscaping are sought to be resolved.
- 6.40 The proposal is therefore not considered to have any effect upon the character or setting of the historic environment and as such no conflict with CS LD4 is identified and the statutory duty imposed by Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is discharged.

Highways and Transport

- 6.41 Policy SS7 requires proposals to focus development to the most sustainable locations and reduce the need to travel by private car. This aim is reflected by policies SS4 and MT1, which stipulate that proposals should facilitate a genuine choice of travel modes such as a walking, cycling and public transport. These policies are reflective of the National Planning Policy Framework objectives to guide development to sustainable locations.
- 6.42 Furthermore policy MT1 of the CS seeks to ensure that developments, among other things, are sited, designed and laid out in a manner which ensures the safe and efficient flow of traffic, safe entrance and exit and have the appropriate operation manoeuvring space to accommodate all modes of transport.
- 6.43 The Local Highways Authority Area Engineer has reviewed the proposal to develop up to 4 dwellings on the site. Given access is a reserved matter the Area Engineer has assessed the principle of gaining access to the site from the B4348. Following a site visit the Area Engineer confirmed that the principle of an access to the site could be achieved as the visibility from the site had the benefit of the alignment of the highway.
- 6.44 The reserved matters application will need to be supported by a full 7 day speed and volume survey to ensure the access visibility meets both national and local standards.
- 6.45 While a number of public comments raised this matter the only item under consideration is the principle of gaining access for up to 4 dwellings and not the technical details, including how it would cross the footpath. Full details will come forward under the reserved matters application and will be reviewed by the Local Highways Authority for compliance with current local and national guidance.

6.46 As covered above the application site has ready access to the local public transport network in Much Dewchurch and through the imposition of conditions bicycle storage will be secured in line with CS SS4, SS7 and MT1.

Conclusion and Balance

6.47 In accordance with the statutory requirement, determination must be made in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF affirms at paragraph 12 that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.

6.48 At this time the Development Plan comprises the CS. As set out in the foregoing paragraphs the development proposed is considered to accord with the CS. This is because the site lies adjacent to a main built up part of the settlement, in accordance with policy RA2 and no other conflict has been identified.

6.49 Next it is necessary to turn to the material considerations, to ascertain if these indicate if a decision should be made other than in accordance with the Development Plan. As detailed above there is not a Neighbourhood Development Plan that has reached a stage that can be attributed any weight.

6.50 A key material consideration is the NPPF. As the application is for the supply of housing, specifically up to three dwellings, the current implications of the Local Planning Authority not being able to demonstrate a 5 year housing land supply, plus requisite buffer, as set out in the NPPF (footnote 7), must be considered. The current published position is a 4.05 year supply. At paragraph 11d the NPPF states that where policies which are most important for decision making are out-of-date, permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. 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.

6.51 Given the proposal is for housing the policies most important for determination of the appeal relate to housing. As per paragraph 11d, footnote 7, of the NPPF they must be considered as out of date by reason of the current housing land supply deficit. This does not mean that they attract no weight, but rather reduced weight that is determined by the decision maker. There is a requirement, over the plan period (2011-2031) to provide a minimum of 40 new dwellings in the Parish of Much Dewchurch. As of April 1st 2020 those built and existing commitments amount to 25 dwellings. Leaving a residual requirement for 15 dwellings in the Parish. The current application would go some way to meeting the Parish's minimum growth target in a sustainable location.

6.52 Given 11(d)(i) does not apply to this application site and proposal it's necessary to apply the commonly referred to 'tilted' planning balance set out in paragraph 11(d)(ii). The tilted planning balance, is generally assessed under the three overarching objectives of the planning system, namely the economic, social and environmental objectives. The proposal would positively contribute to the supply of housing at a time when, at the county and local level, the supply is not meeting targets and this would bring forward economic and social benefits. There would be economic benefits during the construction phase to suppliers and trades and after occupation through increased expenditure of disposable incomes. The payment of the New Homes Bonus is also another benefit to take into account. There may be some social benefits as a result of increased residents in the village and support for local facilities. It is considered that these benefits of the scheme of up to 4 dwellings would be moderate.

Further information on the subject of this report is available from Mr David Gosset on 01432 261588

- 6.53 There is an opportunity to provide biodiversity net gain enhancements and an ecological corridor as part of the reserved matters application and so these aspects do not weigh against the scheme in environmental terms.
- 6.54 There was an elevated number of public comments regarding the potential for flooding on the application site as well as the downstream effect of bringing forward development on this site. However the Council's Land Drainage Consultant was satisfied that the provision of a FRA at the reserved matters stage would inform the layout of the scheme and be able to adequately avoid or mitigate any on site and downstream effects. The application site is wholly within Flood Zone 1 according to the Environment Agency and so it was determined that a FRA was not required at this stage. As such this does not weigh against the scheme in environmental terms and is considered neutral at this time.
- 6.55 In terms of the identified harm, there would be a degree of localised visual harm resulting from the need to create access to the site from the B4348 and the construction of the dwellings. However these are very limited aspects of the development and further details would come forward under the reserved matters application.
- 6.56 Bringing all of the above together and in light of the 'tilted balance' there is limited identifiable harm as a result of the scheme and a range of benefits from providing up to 4 dwellings, adjacent to a settlement, in a Parish that has yet to achieve the minimum growth target set out by the development plan. The adverse effects identified are not sufficient to significantly or demonstrably outweigh the benefits when assessed against the NPPF as a whole. It is therefore recommended that planning permission be granted subject to the below conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions and any further conditions considered necessary by officers named in the scheme of delegation to 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**
Drawing No: 761/ PL01 dated April 2019
5. **CAT - Construction Management Plan**
6. **CAE - Vehicular access construction**
7. **CAH - Driveway gradient**
8. **CAI - Parking – single/shared private drives**
9. **CB2 - Secure covered cycle parking provision**
10. **Before any work, including any site clearance or demolition begin, equipment or materials moved on to site, a Construction Environmental Management Plan (CEMP) including a full Ecological Working Method Statement and a specified 'responsible person', shall be supplied to the local planning authority for written approval. The**

Further information on the subject of this report is available from Mr David Gosset on 01432 261588

approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have finally been removed; unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies LD1-3.

11. Prior to commencement of development a fully detailed and specified Biodiversity Enhancement Plan including a relevant location plan that is appropriate with the scale, nature and location of the development including provision of fixed habitat features shall be provided to the planning authority for approval. The approved scheme shall be implemented in full and hereafter maintained unless otherwise agreed in writing by the planning authority.

Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3.

12. The details submitted pursuant to condition 3 shall be supported by a Flood Risk Assessment (FRA) that identifies local flood hazards, specifically those associated with Worm Brook. The FRA must also identify mitigation for any increase in flood risk elsewhere associated with the impact to fluvial flood flow conveyance or loss of fluvial flood storage in accordance with the recommendations of the Herefordshire Level 1 SFRA and taking climate change effects into account.

Reason: To protect the development from flooding and to prevent further downstream effects associated with the removal of fluvial flood storage and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

13. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first occupation of the dwellings hereby approved.

Reason: Required prior to commencement given the specific concerns highlighted by the Land Drainage Engineer. To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

14. The details submitted pursuant to condition 3 shall include details of an ecological buffer zone and root protection area along the eastern site boundary adjacent to the Worm Brook. Such details shall include the retention of bankside vegetation, the erection of boundary fencing on the west (garden) side of the zone and measures to restrict illumination of the ecological buffer zone. Such measures as are agreed shall be maintained thereafter unless otherwise approved in writing by the LPA.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act

(2006), Herefordshire Core Strategy (2015) policies LD1-3 and SS6, Dark Skies initiative (DEFRA-NPPF 2013/18).

15. All foul water shall discharge through a connection to the local Mains Sewer network and surface water shall be managed through a SuDs system (with infiltration tanks) within the development boundary; unless otherwise agreed in writing by the Local Planning Authority pursuant to condition 13.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), and Herefordshire Core Strategy (2015) policies LD2, SD3 and SD4.

16. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation and biodiversity enhancement features.

Reason: To ensure that all species and Dark Skies are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies SS6, LD1-3 and, Dark Skies initiative (DEFRA-NPPF 2013/18)

17. CAD - Access gates

18. CAX - Direction of proposed lighting

19. CBK - Restriction of hours during construction

20. CE6 - Efficient use of water

21. All planting, seeding or turf laying in the approved landscaping scheme (required by condition 3) shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner.

Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans.

Reason: To ensure implementation of the landscape scheme approved by local planning authority in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework

22. The details submitted pursuant to condition 3 shall include a full 7 day speed and volume survey undertaken in a suitable position proximate to the application site during term-time, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To fully inform the provision of an access(es) from the highway to the application site and to conform with Policy MT1 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework

INFORMATIVES:

1. IP1 Application Approved Without Amendment

2. I11 – Mud on highway
3. I09 – Private apparatus within the highway
4. I45 – Works within the highway
5. I05 – No drainage to discharge to highway
6. I47 – Drainage other than via highway system
7. I35 – Highways Design Guide and Specification
8. Fixed habitat features include but are not restricted to features such as bat roosting opportunities, bird boxes, insect hotels/houses, hedgehog homes & hedgehog friendly boundary features and amphibian/reptile refugia. Green and blue infrastructure could include wildlife friendly SuDS, tree and shrub planting (usually locally characteristic or directly associated cultivars of native species), wildflower meadows and Traditional ('standard') Orchards. The applicant is advised to seek the advice of an ecological consultant when completing the Biodiversity Enhancement plan.

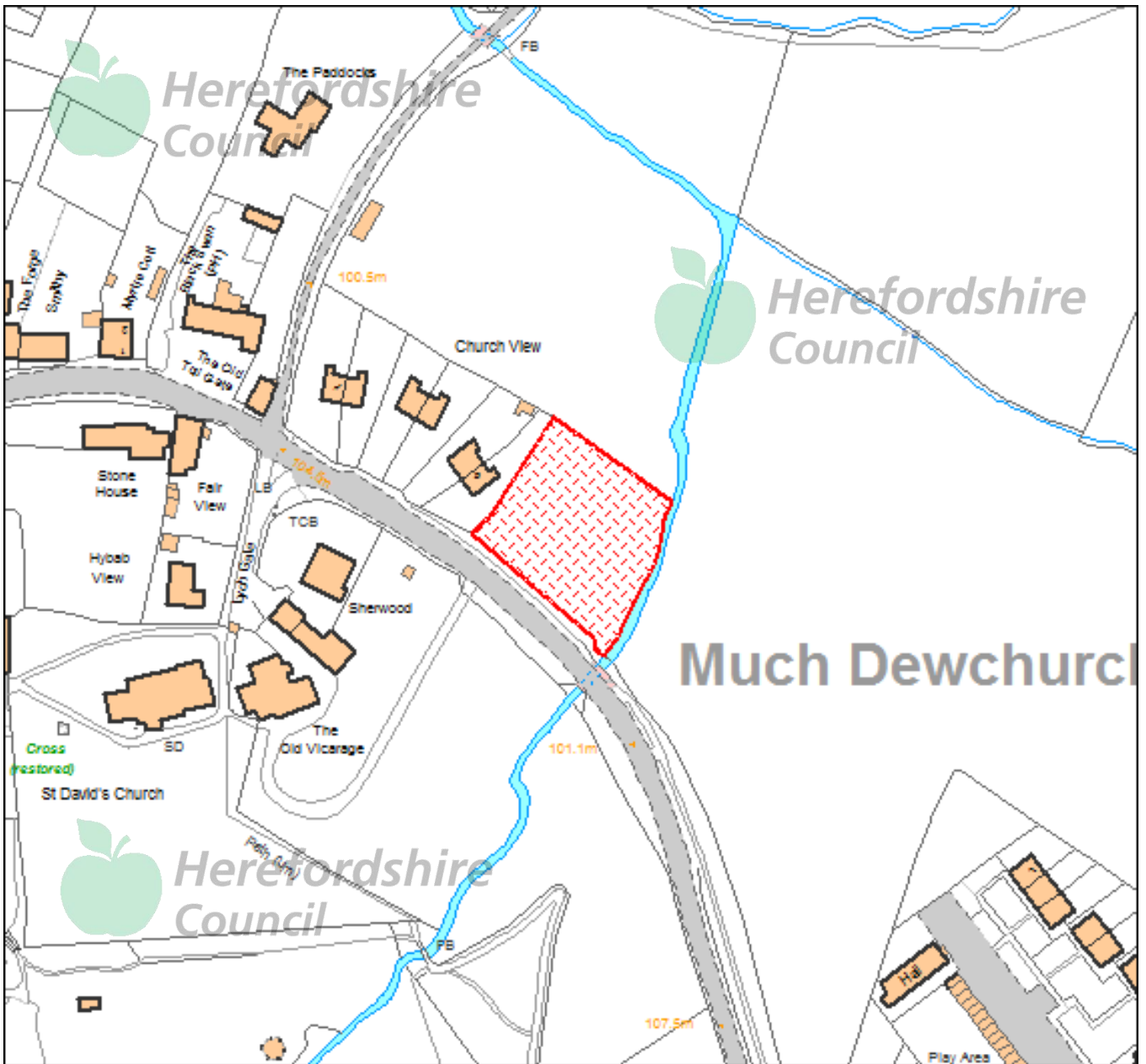
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: 193747

SITE ADDRESS: LAND TO THE NORTH OF THE B4348, MUCH DEWCHURCH VILLAGE, HEREFORDSHIRE

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

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	26 AUGUST 2020
TITLE OF REPORT:	<p>202191 - PROPOSED ADDITIONAL BALCONY AREAS TO INCREASE ENTRANCES INTO THE BUILDING. EAST FACING ELEVATION MOVED FORWARD TO INCREASE CLUBHOUSE FLOOR AREA AND REMOVE AREA THAT IS VANDALISED AT WYESIDE PLAYING FIELDS, BELVEDERE LANE, HEREFORD, HEREFORDSHIRE, HR4 0PH</p> <p>For: Mr Goodall per Mr Andrew Venables, 17 Pentoloe Close, Mordiford, Hereford, Herefordshire HR1 4LS</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=202191&search-term=202191
Reason Application submitted to Committee – Staff member	

Date Received: 10 July 2020

Ward: Greyfriars

Grid Ref: 350284,239461

Expiry Date: 14 September 2020

Local Member: Councillor Diana Toynbee

1. Site Description and Proposal

- 1.1 The application site comprises Wyese Playing Fields which is home to Hereford Rugby Football Club (HRFC) and is accessed off Belvedere Lane via its junction with Broomy Hill to the north-east.
- 1.2 The main part site lies within the Central Conservation Area with an overspill parking area to the west lying within the Broomy Hill Conservation Area, the boundary of which is defined by the Great Western Way embankment. The embankment and the land to the immediate west of it are designated as Sites of Interest for Nature Conservation (SINC)
- 1.3 The southern edge of the site is defined by a public right of way (HER20) beyond which is the River Wye, a Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI)
- 1.4 The site lies within Flood Zone 3 and unsurprisingly given the close physical relationship with the River Wye and local topography is at high risk of flooding. Indeed the clubhouse was subjected to significant damage during the February flood event.
- 1.5 Planning permission is sought for a number of external changes to the clubhouse which facilitate improvements to the internal layout. These include the forward extension of the front elevation of the building to increase the floor area of the clubhouse; provision of a balcony linking the covered seating area to a café seating area and an increase in the number of entrances to the building. The principal elevation of the proposed building extension is illustrated below:

Further information on the subject of this report is available from Mr Simon Withers on 01432 260612



2. Policies

2.1 The Herefordshire Local Plan Core Strategy (CS)

- SS1 - Presumption in Favour of Sustainable Development
- SS6 - Environmental Quality and Local Distinctiveness
- SC1 - Social and Community facilities
- LD1 - Landscape and Townscape
- LD2 - Biodiversity and Geodiversity
- LD4 - Historic Environments 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 The Hereford Area Plan is not currently at a stage where it can be afforded weight in decision making

2.3 NPPF

- 2. Achieving sustainable development
- 4. Decision making
- 8. Promoting healthy and safe communities
- 12. Achieving well designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

2.4 NPPG

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/info/200185/local_plan/137/adopted_core_strategy

3. Planning History

3.1 CW2001/2318/F – Refurbishment, alteration and extension forming new changing rooms and sports facilities. Approved

Various applications for telecommunications apparatus and subsequent upgrades

Further information on the subject of this report is available from Mr Simon Withers on 01432 260612

4. Consultation Summary

4.1 Statutory Consultations

None

4.2 Internal Council Consultations

Area Engineer

The local highway authority has no objection to the proposals

Ecologist

The site is within 70m of the banks of the River Wye SAC and a Habitat Regulations Assessment process is triggered for this application.

Based on available information for this specific application the following points in relation to the required Habitat Regulation Assessment process are noted.

- No changes are being made as part of this application to any part of the current foul water infrastructure.
- No additional use or occupation of the Clubhouse are being created by the proposed refurbishment and flood damage repairs.
- The current proposed works are very small scale with minimal ground works
- No change to any current flood attenuation is proposed
- No additional surface water will be created.
- No additional external lighting is identified on supplied plans.

Based on these notes there are no aspects of the current development that are identified as having a likely significant effect on the River Wye SAC and there are NO adverse effects on the integrity of the River Wye SAC (or any features of the designation). No HRA Appropriate Assessment process is triggered or required.

No specific effects or impacts on any protected species or other wildlife is identified from the works proposed under this specific application. As a general ecological comment it is suggested that a relevant advisory is included on any consent granted to remind the applicant (and their contractors) of their own legal duty of care towards general wildlife protection as afforded under the Wildlife & Countryside Act (1981)

Wildlife Protection Informative

The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special "protected species" such as all Bat species, Badgers, Great Crested Newts, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it is advised that advice from a local professional ecology consultant is obtained.

5. Representations

5.1 None received

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=202191&search-term=202191

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 and Principle of Development

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 adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration.

6.3 The NPPF is supportive of opportunities to enhance existing facilities that contribute positively to the promotion of healthy communities and this is underpinned by CS policy SC1 which is a broadly permissive policy that supports development proposals that can be demonstrated to enhance existing social and community facilities. In this regard the broad principle of the range of improvement proposed in relation to this application is supported.

Flood Risk/Drainage

6.4 The sites location within Flood Zone represents a significant constraint in relation to new development and the Flood Risk Assessment (FRA) submitted with the application acknowledges this.

6.5 The flood risk constraint notwithstanding, the proposed development falls within the definition of *minor development* and is an established recreational facility and as such does not require the application of a sequential test. The NPPG advises that minor developments are unlikely to raise significant flood risk issues unless:

- they would have an adverse effect on a watercourse, floodplain or its flood defences;
- they would impede access to flood defence and management facilities, or;
- where the cumulative impact of such developments would have a significant effect on local flood storage capacity or flood flows.

6.6 The site is used for outdoor sports and recreation and essential facilities such as changing rooms falls within the class of 'water compatible development' which are not excluded from being provided within Flood Zone 3. Furthermore the proposed development comprises the infilling of an existing building, extending forward on the existing footprint of the building that is already raised above ground level and would not impact upon existing flood storage capacity. The remodelling of the staircase involves the removal of the existing concrete staircase and replacement with open steel staircases. This is considered to represent a marginal change to the flood storage capacity, but continues to allow flood flow under and around the stilted building.

- 6.7 The proposed alteration will largely sit below the existing canopy of the clubhouse and as such there are no implications for existing surface water run-off. Additionally there are no changes to the existing foul drainage arrangement.
- 6.8 In relation to this assessment it is considered that the requirements of CS policy SD3 and the associated NPPF guidance are satisfied with regard to flood risk.

Biodiversity/Ecology

- 6.9 The Ecologist has advised that notwithstanding the close proximity of the site to the River Wye SAC/SSSI, the project does not trigger a requirement for a Habitat Regulation Assessment (HRA). This recommendation is reached based upon the limited scale of the proposal, the nature of which is non-intrusive such that the conclusion in this instance is that there will be no adverse effect on the integrity of the River Wye SAC.
- 6.10 Furthermore he advises that there are no identifiable effects or impacts on any protected species or other wildlife from the works proposed under this specific application, recommending an informative note referring to the applicant Duty of Care on separate legislation.
- 6.11 Based upon this technical advice, it is considered that the requirements of CS policies SS6, LD2 and SD4 have been appropriately addressed and there are no grounds for withholding permission in relation to biodiversity and water quality constraints.

Heritage Impacts

- 6.12 Sections 66 and 72 of the Town and Country Planning (Listed Buildings and Conservation Area) Act 1990 establish a legal obligation for any development that may affect a listed building or its setting or affect the character of a Conservation Area, to 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 and the character and appearance of the designated area. These principles are effectively addressed within CS policy LD4 which requires development proposals to protect, conserve and where possible enhance heritage assets and their settings in a manner appropriate to their significance
- 6.13 The clubhouse and associated playing pitches lies within the Central Conservation Area with the overflow car parking area within the Broomy Hill Conservation Area.
- 6.14 The proposed external changes to the clubhouse are of very limited visual consequence and will not increase the prominence of the building when viewed from public vantage points in the vicinity, which are in any case well screened by existing vegetation along the south and west boundaries of the site.
- 6.15 The combination of very modest changes and the well screened nature of the site are such that it is considered that the character and setting of the Conservation Areas will be preserved/conserved in accordance with the legal obligations identified above and the requirements of CS policy LD4 and the NPPF. In this regard there is no requirement to carry out an assessment of the public benefits of the proposal, although there are considered to be modest positive impacts in this regard.

Other Matters

6.16 The potential impact of the development proposal upon the residential amenity of local residents has been assessed and given the modest scale of the extension, it is not considered that there will be any adverse effects warranting any conditional control over the use of the site but a condition controlling when construction work can occur is considered appropriate to protect residents residing on Belvedere Lane in particular from undue disturbance.

Conclusion

6.17 The proposal will provide for enhanced facilities at the well-established base of HRFC. Despite the obvious heritage and biodiversity sensitivity of the site as well as the flood risk constraint, no adverse environmental impacts have been identified. There are modest social and economic benefits associated with this proposal, which in the absence of environmental harm is such that the proposal is representative of sustainable development and is recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

- 1. **C01 - Time limit for commencement (full permission)**
- 2. **C06 - Development in accordance with the approved plans**
- 3. **CBK - Restriction of hours during construction**

INFORMATIVES:

- 1. **IP1 - Application Approved Without Amendment**
- 2. **The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special “protected species” such as all Bat species, Badgers, Great Crested Newts, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained.**

Decision:

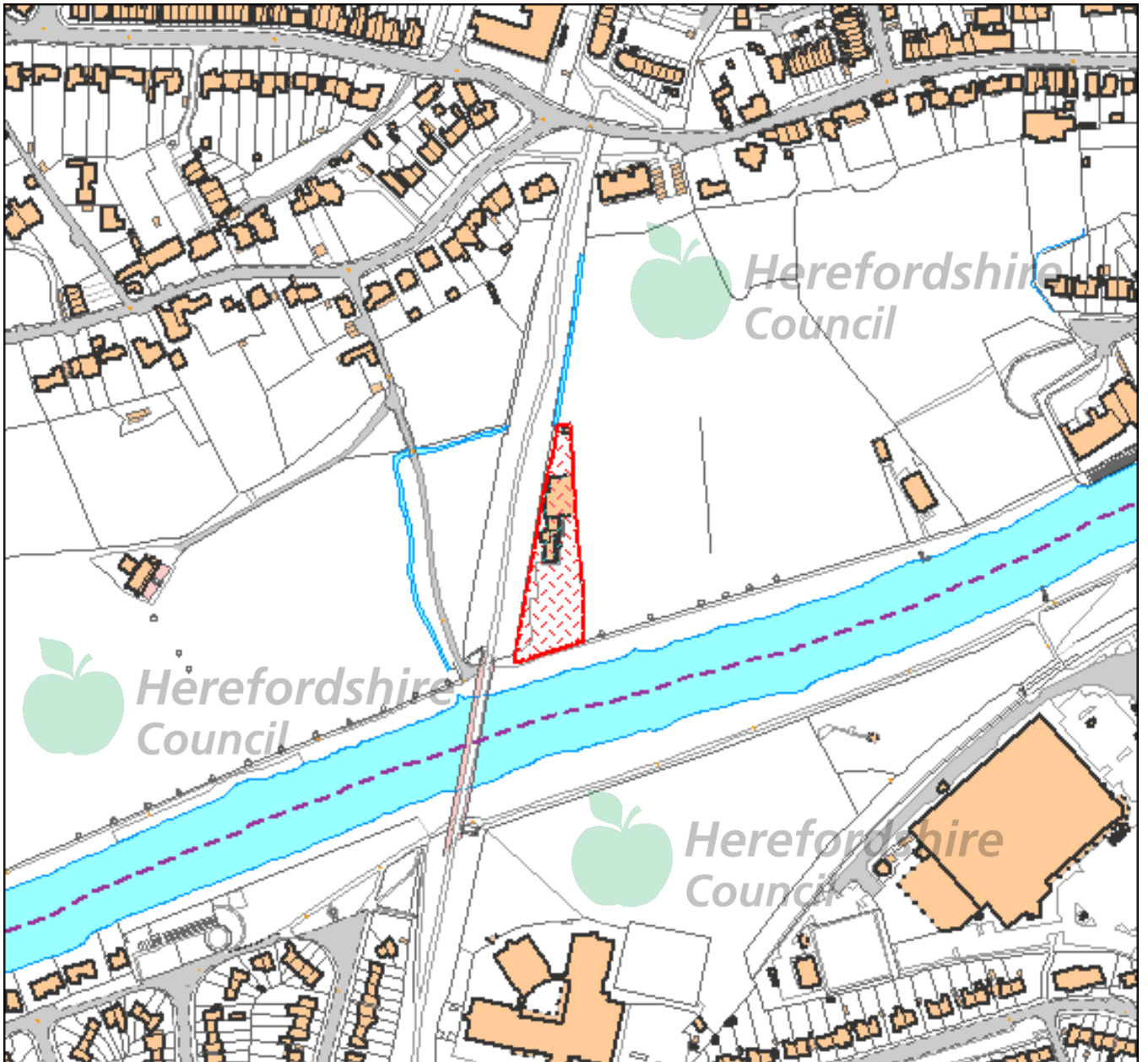
Notes:

.....

Background Papers

Internal departmental consultation replies.

Further information on the subject of this report is available from Mr Simon Withers on 01432 260612



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

APPLICATION NO: 202191

SITE ADDRESS : WYESIDE PLAYING FIELDS, BELVEDERE LANE, HEREFORD, HEREFORDSHIRE, HR4 0PH

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

Further information on the subject of this report is available from Mr Simon Withers on 01432 260612

