

Agenda

Planning and regulatory committee

Date: **Wednesday 28 September 2022**

Time: **10.00 am**

Place: **Herefordshire Council Offices, Plough Lane, Hereford,
HR4 0LE**

Notes: Please note the time, date and venue of the meeting. Please access the following link for the live webcast of the meeting:
[Planning and regulatory committee - Wednesday 28 September 2022 10.00 am - YouTube](#)

For any further information please contact:

Matthew Evans, Democratic Services Officer

Tel: 01432 383690

Email: matthew.evans@herefordshire.gov.uk

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Agenda for the meeting of the Planning and regulatory committee

Membership

Chairperson	Councillor Terry James
Vice-chairperson	Councillor Paul Rone
	Councillor Paul Andrews
	Councillor Polly Andrews
	Councillor Dave Boulter
	Councillor Sebastian Bowen
	Councillor Clare Davies
	Councillor Elizabeth Foxton
	Councillor John Hardwick
	Councillor Tony Johnson
	Councillor Mark Millmore
	Councillor Jeremy Milln
	Councillor Felicity Norman
	Councillor Ann-Marie Probert
	Councillor Yolande Watson

Agenda

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PUBLIC INFORMATION	
GUIDE TO THE COMMITTEE	
NOLAN PRINCIPLES	
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY)	
To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.	
3. DECLARATIONS OF INTEREST	
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.	
4. MINUTES	13 - 28
To approve the minutes of the meeting held on 31 August 2022.	
5. CHAIRPERSON'S ANNOUNCEMENTS	
To receive any announcements from the Chairperson.	
6. 193042 - LAND NORTH AND SOUTH OF GRAFTON LANE, HEREFORD, HR2 8BJ	29 - 108
Outline application for residential development (with all matters reserved except for access), footway/cycleway and vehicle turning head, stopping up and re-routing of a short section of Grafton Lane, near the A49, public open space, landscaping and associated infrastructure works (AMENDED PLANS and ADDITIONAL SUPPORTING DOCUMENTS).	
7. 214270 - LAND SOUTH WEST OF ROMAN BYRE, HEREFORDSHIRE	109 - 134
Proposed single storey dwelling ('Pippin Grange') and ancillary outbuildings. To include renewable technologies, reinstatement of heritage orchard and biodiversity enhancements.	
8. 214073 - LAND ADJACENT TO ARROW LEA, EARDISLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9BU	135 - 162
6 no. dwellings with garages.	
9. DATE OF NEXT MEETING	
Date of next site inspection – 26 October 2022	
Date of next meeting – 25 October 2022	

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- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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- 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.
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<http://www.herefordshire.gov.uk/downloads/file/1597/hereford-city-bus-map-local-services>,

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 Terry James (Chairperson)	Liberal Democrat
Councillor Paul Rone (Vice Chairperson)	Conservative
Councillor Paul Andrews	Independents for Herefordshire
Councillor Polly Andrews	Liberal Democrat
Councillor Dave Boulter	Independents for Herefordshire
Councillor Sebastian Bowen	True Independents
Councillor Clare Davies	True Independents
Councillor Elizabeth Foxton	Independents for Herefordshire
Councillor John Hardwick	Independents for Herefordshire
Councillor Tony Johnson	Conservative
Councillor Mark Millmore	Conservative
Councillor Jeremy Milln	The Green Party
Councillor Felicity Norman	The Green Party
Councillor Ann-Marie Probert	Conservative
Councillor Yolande Watson	Independents for Herefordshire

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 service director, regulatory, raises issues around the consistency of the proposal, if approved, with the adopted development plan
- (f) the application, in the reasonable opinion of the service director, regulatory, 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 service director, regulatory, 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 chairperson'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 chairperson 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: Those registered to speak in accordance with the public speaking procedure are able to attend the meeting in person to speak or participate in the following ways:

- *by making a written submission (to be read aloud at the meeting)*
- *by submitting an audio recording (to be played at the meeting)*
- *by submitting a video recording (to be played at the meeting)*
- *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.

**The Seven Principles of Public Life
(Nolan Principles)**

1. Selflessness

Holders of public office should act solely in terms of the public interest.

2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. Honesty

Holders of public office should be truthful.

7. Leadership

Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

Minutes of the meeting of Planning and regulatory committee held at The Conference Room, Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Wednesday 31 August 2022 at 10.00 am

Present: Councillor Terry James (chairperson)
Councillor Paul Rone (vice-chairperson)

Councillors: Polly Andrews, Dave Boulter, Sebastian Bowen, Barry Durkin, Toni Fagan, John Hardwick, Ann-Marie Probert and Yolande Watson

In attendance: Councillors William Wilding

Officers: Senior Lawyer, Lead Development Manager and Area Engineer

26. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Paul Andrews, Clare Davies, Elizabeth Foxton, Tony Johnson and Jeremy Milln.

27. NAMED SUBSTITUTES (IF ANY)

Councillor Toni Fagan acted as a substitute for Councillor Jeremy Milln
Councillor Barry Durkin acted as a substitute for Councillor Tony Johnson.

28. DECLARATIONS OF INTEREST

Councillor Yolande Watson declared an interest in respect of item no. 8, application 202258 - Sapness Farm, Woolhope: as a member of the Wye Valley AONB Joint Advisory Committee. Councillor Yolande Watson declared an interest in respect of item no.6, application 213836 – Land at Warmhill and Hengrove Woodland, Deepdean – as her partner worked for the Woodland Trust and was a volunteer speaker for ancient woodlands and had been supportive of representatives of the residents.

Councillor Sebastian Bowen declared previous involvement in the racing industry as a jockey and a trainer and sought confirmation from the senior lawyer that this would not mean he was debarred from speaking and voting on application 202258 - Sapness Farm, Woolhope. The senior lawyer advised that as long as Councillor Bowen had no connection with the applicant or landowner it would be fine. Councillor Bowen confirmed that he had no connection to the applicant or land owner.

Councillor Barry Durkin declared an interest in respect of item no. 8, application 202258 - Sapness Farm, Woolhope: as a member of the Wye Valley AONB Joint Advisory Committee.

Councillor John Hardwick declared an interest in respect of item no. 8, application 202258 - Sapness Farm, Woolhope: as a member of the Wye Valley AONB Joint Advisory Committee.

Councillor Felicity Norman declared sporadic voluntary work for the Woodland Trust, but stated that her work had no direct connection to any of the applications.

29. MINUTES

Councillor John Hardwick stated he had sent an email highlighting an inaccuracy in the minutes regarding the reasons for rejecting application 204443 – Land Adjacent to the Old Kilns, Church Lane, Howle Hill. The minutes recorded a reference to WALF1, but during the meeting of the 10th it was policy WALF4 that was referred to. A request to amend this was noted.

RESOLVED: That the minutes of the meeting held on 10 August 2022 be approved with the amendment.

30. CHAIRPERSON'S ANNOUNCEMENTS

The Chairman announced a change of application running order, Item 8 would be the first application to be heard.

31. 202258 - SAPNESS FARM, WOOLHOPE, HEREFORD, HEREFORDSHIRE, HR1 4RJ (Pages 13 - 14)

(Councillor Barry Durkin left the committee to act as local ward member for the next application.)

The planning officer gave a presentation on the application and the updates/representations received following the publication of the agenda as provided in the update sheet and appended to these minutes.

In accordance with the criteria for public speaking Mr Slocombe, Chair of Woolhope Parish Council, spoke in support of the application and Mr Loyd, local resident, spoke in objection.

In accordance with the council's constitution the local ward member spoke on the application. He believed that the application represented further over development of an already over developed site in a rural location. The application would cause detrimental damage to the environment and lives of local residents including those beyond the parish of Woolhope. It was pointed out that these were National Hunt stables and that when the season commenced the amount of work, traffic and disruption would increase. The ward member stated he was generally supportive of businesses in rural areas, however as an objective of the core strategy they should not cause unacceptable adverse impact to the amenity of nearby residents with regard to traffic management, environment/ecology and biodiversity. Risks to nearby wildlife, including various breeds of bat, were identified and the increased number of horses on the site would potentially have an adverse impact on water supplies to local residents. More detail on the manure management plan would also be a reasonable expectation.

The Committee debated the application. A motion that the application be deferred was proposed by Councillor Yolande Watson and seconded by Councillor Fagan. The deferral involved requests for a full ecological report, manure management plan, hydrogeological survey and a landscape officer assessment to be submitted. The motion was put to the vote and was carried by a simple majority.

RESOLVED: That the planning application be deferred until a full ecological report, manure management plan, hrdrogeological survey and landscpae officer assessment have been submitted.

(There was an adjournment at 11:05 a.m.; the meeting reconvened at 11:15 a.m.)

(Councillor Barry Durkin resumed his seat on the committee)

32. 213836 - LAND AT WARMHILL AND HENGROVE WOODLAND, DEEPDEAN, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5SQ

(Councillor Watson left the meeting at 11:16 a.m.)

The planning officer gave a presentation on the application

In accordance with the criteria for public speaking Ms Mckenna, local resident, spoke on behalf of local residents in objection to the application, and Mr Hamilton, agent, spoke on behalf of the applicant, to support the application.

In accordance with the council's constitution the proxy for the local ward member spoke on the application. In summary he commented that the application would potentially impact surrounding tourist-based businesses and that noise pollution from windows and doors be left open would disturb the tranquillity of the area and be difficult to police. The development was contrary to the National Planning Policy Framework (paragraph 180) which sought to restrict development resulting in the deterioration of irreplaceable habitats such as ancient woodland unless there are wholly exceptional reasons for doing so. The application would increase human activity in the area, disturbing and displace mammals and birds, and causing damage to the woodland ecosystems.

Walford's NDP supports proposals which result in a net gain of biodiversity. The proxy for the local ward member proposed the development was contrary to RA5 as it was not compatible with neighbouring uses and will cause undue environmental impacts and RA6 because of its scale. Furthermore the application did not comply with LD2 in relation to the retention and protection of nature conservation sites and LD3 protection and retention of existing green infrastructure due to increased personnel and traffic.

It was also stated that the application was contrary to E4 as it doesn't utilize or enhance the County's unique environmental heritage assets and SS1 as it doesn't serve and enhance environmental assets.

The Committee debated the application.

The proxy for the local ward member was given the opportunity to close the debate and urged that the conditions of the "beefed up" in relation to hours of operation, soundproofing of the unit and work being carried out internally with all doors and windows closed.

The lead development manager stated that these requested alterations were already covered off within condition 4 of the paper.

A motion to approve the application consistent with the case officer's recommendation was proposed by Councillor Polly Andrews and seconded by Councillor Paul Rone. The motion was put to the vote and carried by a simple majority.

RESOLVED – That subject to the receipt of a positive response from Natural England in relation to the Habitat Regulations Appropriate Assessment, planning permission be granted subject to the following conditions and any other further conditions/amendments considered necessary by officers named in the scheme of delegation to officers:

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

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

- 2. The development shall be carried out strictly in accordance with the approved plans (Location Plan 1:10000; Site Plan 1:500; and Drainage Plan 1:500), 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 Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 3. The mixed use of the existing shed, lean-to and hardstanding hereby permitted (excluding existing forestry operations) shall be limited to forestry-related light industry and/or timber-based craft workshops falling within Class E (g) (iii) and Class F1; and for no other purpose (including any other purpose in Classes E and F1 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 wishes to control the use of the site, in the interests of safeguarding residential amenity and the tranquil quality of the surrounding woodland, in line with Policies SS6 and SD1 of the Herefordshire Local Plan – Core Strategy and advice found in Section 15 of the National Planning Policy Framework.

- 4. The use of noise generating plant and equipment in association with the uses hereby permitted (excluding existing forestry operations) shall be restricted to 0800 to 1800 hours Monday to Saturday; and this noise-generating activity shall only take place within a fully enclosed part of the building(s). There shall be no such working on Sundays, Bank or Public Holidays.**

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

- 5. Prior to initiating the mixed use hereby permitted, an annotated location plan and supporting images or an ecologist's report confirming the installation of appropriately located 'fixed' habitat features, such as habitat boxes supporting a range of bird species and bat roosting features, on land under the applicant's control shall be supplied for the written approval by the local planning authority. The approved scheme shall hereafter maintained as approved unless otherwise agreed in writing by the local planning authority.**

Reason: To ensure that all protected species are considered and habitats enhanced having regard to the Conservation of Habitats and Species Regulations 2017 (as amended), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act 2006 and Herefordshire Local Plan - Core Strategy policies SS1, SS6 LD1, LD2 and LD3.

- 6. At no time shall any external lighting except in relation to safe use of the existing buildings be installed or operated in association with the approved development and no permanently illuminated external lighting shall be operated at any time, without the written approval of this local planning authority. No external lighting should illuminate any biodiversity enhancement, boundary feature, highway corridors or adjacent habitats. All lighting installed shall demonstrate compliance with latest best practice guidance relating to lighting and protected species, available from the Institution of Lighting Professionals.**

Reason: To ensure that all species and Dark Skies are protected having regard to the Wildlife and Countryside Act 1981, the Conservation of Habitats and Species Regulations 2017 (as amended), National Planning Policy Framework, NERC Act 2006, Herefordshire Local Plan - Core Strategy policies SS6, LD1, LD2 and LD3 and the Dark Skies initiative (DEFRA, 2013).

- 7. Unless otherwise approved in writing by the local planning authority, all foul water shall discharge through connection to the existing septic tank discharging to a new soakaway drainage field as identified in the drainage report prepared by H+H Drainage and dated June 2022.**

Reason: In order to comply with the Conservation of Habitats and Species Regulations 2017 (as amended), National Planning Policy Framework, NERC Act 2006 and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD4.

- 8. Prior to initiating the mixed use hereby permitted, a scheme for the provision of storage, prior to disposal, of refuse and waste materials, and an associated timetable for implementation, shall be submitted to and be approved in writing by the local planning authority. The approved scheme shall thereafter be implemented in accordance with the approved timetable.**

Reason: In the interests of amenity and avoiding contamination of the woodland setting, in accordance with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. 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 application site lies within a Development Low Risk Area, as defined by The Coal Authority. The Low Risk Area is where past coal mining activity has taken place at sufficient depth that it is likely to pose a low risk to new development. To minimise the risks to public health and safety, and related liabilities, it is important that wherever your site is located, you make appropriate consideration of the risks posed by coal mining features.**
- 3. In respect of condition 5, it is recommended that the biodiversity enhancement measures outlined in the ecological assessment report are adopted.**
- 4. The Authority would advise the applicant and 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, with enhanced protection for special “protected species” such as all Bat species, 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. It is noted that a Working Method Statement is included in the submitted ecological assessment and these recommendations should be adopted.

33. 212199 - CAERWENDY FARM, ST WEONARDS, HEREFORD, HEREFORDSHIRE, HR2 8QF (Pages 15 - 16)

(Councillor Toni Fagan left the committee to act as local ward member for the next application.)

(Councillor Watson resumed her seat on the committee.)

The planning officer gave a presentation on the application and the updates/representations received following the publication of the agenda as provided in the update sheet and appended to these minutes.

In accordance with the criteria for public speaking Mr Bothamley, local resident, spoke in objection to the application and Ms. Watkins, planning agent, spoke in support of the application.

In accordance with the council's constitution the local ward member spoke on the application. It was questioned whether the scale of the development was contrary to RA6. Concerns about the scale of the development and the impact on the local road network were raised. Those opposed to the development suggest it would create an unsustainable pattern of development, which would have a direct impact on the rural road network of narrow country lanes, which aligned with essential drainage ditches and very few passing places. The committee was asked to consider whether the application complied with paragraph 84 of the NPPF in relation to impact on local roads? Does the proposal comply with the core strategies of RA6 in relation to scale and is the harm to the rural countryside balanced by Policy E4, which encourages sustainable tourism that is not damaging to the character or quality of the environment.

The committee debated the application.

The Lead development manager suggested that the motion proposers delegate to the case officer the task of adding an extra condition relating to the inclusion of additional passing bays and water harvesting plans. The lead development manager confirmed that the alterations to the conditions would be implemented through the delegation to offices contained in the recommendation

The local ward member closed the debate and referred to the water harvesting and additional passing bays and welcomes these additions.

A motion to approve the application consistent with the case officer's recommendation and the alterations to the conditions, as listed above, was proposed by Councillor Boulter and seconded by Councillor John Stone. The motion was put to the vote and carried by simple majority.

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 approved plans**
3. **C13 - Samples of external materials**
4. **Before any other works hereby approved are commenced, visibility splays, and any associated set back splays at 45 degree angles shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 139.5 metres west and 104.6 metres east along the nearside edge of the adjoining carriageway (as shown on drawing no. 3167-23-902). Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.**

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

5. **The construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.**

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

6. **Prior to the first use of the buildings hereby approved an area shall be laid out within the curtilage of the property for the parking and turning of cars, as shown on drawing no. 21-900, which shall be properly consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority and that area shall not thereafter be used for any other purpose than the parking of vehicles.**

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

7. **Development shall not begin until details and location of the following have been submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved:**

- **A method for ensuring mud is not deposited onto the Public Highway**
- **Construction traffic access location**
- **Parking for site operatives**
- **Construction Traffic Management Plan**

The development shall be carried out in accordance with the approved details for the duration of the construction of the development.

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

8. **Prior to the first occupation of the development hereby permitted full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of each dwelling shall be submitted to the Local Planning Authority for their**

written approval.. The covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the first use of the development hereby permitted. Thereafter these facilities shall be maintained;

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

9. With the exception of site clearance and groundworks, no further development shall commence until a landscape scheme shall be submitted and approved in writing by the local planning authority. The scheme shall include a scaled plan identifying:
- a) Trees and hedgerow to be retained, setting out measures for their protection during construction, in accordance with BS5837:2012.
 - b) Trees and hedgerow to be removed.
 - c) All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.
 - d) All proposed hardstanding and boundary treatment.

Reason: To safeguard and enhance the character and amenity of the area in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

10. All planting, seeding or turf laying in the approved landscaping scheme (insert drawing no if appropriate) 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

11. Before the development is first occupied, a schedule of landscape management and maintenance for a period of 10 years shall be submitted to and approved in writing by the local planning authority. Maintenance shall be carried out in accordance with the approved schedule.

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

12. At no time shall any external lighting except in relation to safe use of the approved development and its stated use be installed or operated in association with the approved development and no permanently illuminated external lighting shall be operated at any time, without the written approval of this local planning authority.

All lighting installed shall demonstrate compliance with latest best practice guidance

relating to lighting and protected species-wildlife available from the Institution of Lighting Professionals.

Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3

13. Before any work 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.

Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3.

14. The ecological protection, mitigation, compensation and working methods scheme including recommended Biodiversity Enhancement and any required European Protected Species Licence (Bat), as recommended in the ecology report by Ecology Services dated September 2019 shall be implemented in full as stated, and hereafter maintained, unless otherwise approved in writing by the local planning authority and Natural England as relevant to the protected species licence.

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 (2015) policies LD1, LD2 and LD3.

15. Within 3 months of completion of the approved works evidence of the suitably placed installation within the site boundary including 4 Schwegler Bat boxes (or similar approved design) to be incorporated into the external fabric of the renovated barns (two per barn); 2 bird nesting boxes for a site appropriate range of bird species; 1 hedgehog home; and 4 insect hotels, should be supplied to the local authority and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority.

Reasons: To ensure Biodiversity Net Gain and 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.

16. The ecological protection, mitigation and compensation methods including Biodiversity Enhancements, as recommended in the Preliminary Ecological Appraisal by Pure Ecology dated April 2021 shall be implemented and hereafter maintained 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, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policy LD2.

17. **None of the units shall be occupied until the following drainage details have been provided:**
- **Confirmation of the proposed drainage mound size using a Vp rate established during testing at 600mm bgl**
 - **Detailed drainage plans/construction drawings of the proposed surface water and foul water drainage infrastructure**
 - **Confirmation that an EA permit for a discharge of treated foul water drainage to ground has been granted**

Details shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first use of any of the buildings hereby permitted.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policy SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. 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. **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.**
3. **This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800), shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works.**

Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.

4. **It is the responsibility of the developer to arrange for a suitable outfall or**

discharge point. It cannot be assumed that the highway drainage system can be used for such purposes.

5. The applicant's attention is drawn to the requirement for design to conform to Herefordshire Council's 'Highways Design Guide for New Developments' and 'Highways Specification for New Developments'.
6. 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) and the Habitats and Species Regulations (2019 as amended), with enhanced protection for special “high status protected species” such as all Bat species, 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. If any protected species or other wildlife is found or disturbed during works then all works should stop and the site made safe until professional ecology advice and any required ‘licences’ have been obtained. Any additional lighting should fully respect locally dark landscapes and associated public amenity and nature conservation interests.

(Councillor Toni Fagan resumed her seat on the committee)

34. DATE OF NEXT MEETING

28th September 2022

Chairperson

SCHEDULE OF COMMITTEE UPDATES

**202258 - RETROSPECTIVE ERECTION OF NEW STABLES AND
TURN OUT PADDOCKS, WITH ASSOCIATED WORKS AT
SAPNESS FARM, WOOLHOPE, HEREFORD, HR1 4RJ**

**For: Mr Lacey per Mr Ian Pople, 30 The Causeway,
Chippenham, SN15 3DB**

ADDITIONAL REPRESENTATIONS

The committee report covers the HCPRE representation at 5.2 of the report, however, it is also noted that in closing HCPRE provided the following statement;

We, HCPRE, strive to protect the open countryside and sensitive rural areas from inappropriate developments. We trust that you will consider the points raised in this objection when a decision is made on this retrospective application.

The Committee report notes that the Ramblers Association submitted representation of no objection; however, a further representation of **objection** was received.

Objection is in respect of detrimental impact/views from public footpath when walking north easterly along footpath towards Glowson Wood.

The Committee report notes that 15 letters of objections were received, on further scrutiny it is noted that 16 letters of objection were received.

A further representation from a local resident has been received stating that the site plan is not a true representation of the proposal in respect of the turnout pens. The location of the turnout pens has been assessed via further site visits and it is the considered opinion that the location of the L shaped turnout pens are as identified on the submitted site plan.

Finally the applicant's agent has submitted the following further information

1. This is a retrospective application for additional stables and turn out areas in connection with the existing racing stables, which were approved here in 2014. Cottage Farm Stables is a significant local employer with 14 staff, all living locally. The enterprise is an important part of the local economy.
2. The additional stables and turn-out area have been in existence for about four years, which has allowed plenty of time to assess their impact. It is clear that there is no significant impact on traffic generation or impact of neighbouring properties sufficient to warrant refusal of this application.
3. On the matter of foul drainage, this is unrelated to the existing application. The additional stables and turn-out area will not result in any change to the foul drainage arrangements, which have worked well for some years without incident. The work to discharge the outstanding planning condition is in hand.
4. Manure from the stables is spread on the applicants land and also spread on land belonging to farmers in the locality, to improve the quality of their land.
5. In terms of highways and access, the applicant has prepared a Traffic Management Plan which has been found by the County Highways Officer to be satisfactory. There are no reasonable grounds to refuse this application in terms of the impact on the local road network.
6. In terms of water consumption, the applicant has a borehole licenced by the Environment Agency. We do not anticipate any significant increase in water consumption as a result of this development.

However, this is a matter for the Environment Agency, not the local planning authority and would not be reasonable to refuse this planning application on the basis of its water consumption.

OFFICER COMMENTS

All of the above have been reviewed and are not considered to raise any new planning considerations, which are not otherwise considered in the report.

CHANGE TO RECOMMENDATION

No change to recommendation.

SCHEDULE OF COMMITTEE UPDATES

212199 - PROPOSED RURAL TOURISM VENTURE, TO INCLUDE: CONVERSION OF TWO BARNs TO PROVIDE 2 NO. HOLIDAY LETS, PROPOSED 3 NO. NEW HOLIDAY LET UNITS, PROPOSED RECREATION BARN WITH INDOOR SWIMMING POOL AND SEPARATE PROPOSED BBQ PAVILION, USE OF EXISTING BUNGALOW AS HOLIDAY LET, CAR PARKING AND LANDSCAPING AT CAERWENDY FARM, ST WEONARDS, HEREFORD, HR2 8QF

For: Mr Sheppard per Miss Eleanor Watkins, No2 Questmoor Farm, Eardisley, Hereford, Herefordshire HR3 6LN

ADDITIONAL REPRESENTATIONS

OFFICER COMMENTS

In order to secure the proposed use as holiday accommodation, the Committee Report should include recommended condition as following:

The units hereby approved shall not be occupied other than for holiday purposes and shall not be used as residential dwellings, including any use within Class C3 of the Town and Country Planning(Use Classes) Order 1987 (as amended).

The unit shall not be occupied for more than 28 consecutive days and shall not be re-occupied by the same occupier following the 28 days consecutive days stay.

Details of the name, permanent home address, vehicle registration shall be kept in a register a copy of which shall be made available to the Local Planning Authority for inspection at any time.

Reason: Having regard to Policy RA2 and RA3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework the local planning authority are not prepared to allow the introduction of a separate unit of residential accommodation in this rural location.

CHANGE TO RECOMMENDATION

Additional condition as recommended above.

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	28 SEPTEMBER 2022
TITLE OF REPORT:	<p>193042 - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS), FOOTWAY/CYCLEWAY AND VEHICLE TURNING HEAD, STOPPING UP AND RE-ROUTING OF A SHORT SECTION OF GRAFTON LANE, NEAR THE A49, PUBLIC OPEN SPACE, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE WORKS (AMENDED PLANS AND ADDITIONAL SUPPORTING AT LAND NORTH AND SOUTH OF GRAFTON LANE, HEREFORD, HR2 8BJ</p> <p>For: Anderson per Mr Rob Davies, Suite D, 1st Floor, 220 High Street, Swansea, SA1 1NW</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=193042&search-term=193042
Reason Application submitted to Committee – Redirection	

1. Site description and Proposal

- 1.1 Outline planning permission with all matters bar access reserved is sought for the erection of 230 dwellings within an area to the west of Ross Road (A49), north of Grafton Lane and at the south of the junction of Grafton Lane and Ross Road (A49). The application site also includes an area extending to the south and west of Grafton Lane associated with the drainage infrastructure and includes a dry pond, pumping station and an outfall into Withy Brook. The application site falls within the Parish of Hereford City. There are no local or national landscape or heritage designations either within the site or adjoining.
- 1.2 To the north lies the railway line which connects Hereford with Cardiff to the south and Birmingham to the north. To the east of the site lies the A49 Ross Road. There are four existing dwellings on the northern side of Grafton Lane; to the south lies Brandon Lodge hotel, a dwelling with small industrial units and a further hardstanding for parking and open fields. The application site is located to the south of Hereford area known as Redhill and the area or village known as Grafton is located to the west of the site. The site is agricultural land and the immediate environs of the site remain primarily agricultural in nature.
- 1.3 The application site area has been reduced in size during the application from 13.25 hectares (ha) to 10.09ha. The quantum of residential development land has also reduced from 300 to 230 dwellings. This equates to an average net density of up to 39 dwellings per hectare (dph). The reduction of the proposal was primarily to help reduce potential landscape and visual effects of the development on the surrounding landscape. The revised scheme has also been amended to

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

ensure the retention of veteran tree (T17) as well as amendments to the proposed footway along the A49 to ensure the Root Protection Area (RPAs) is avoided.

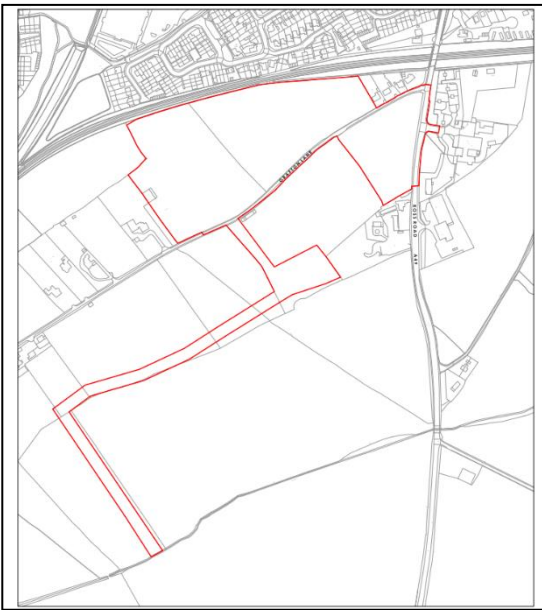


Fig 1: Site location plan (Amended)



Fig 2: Aerial shot

1.4 An Illustrative layout/framework plan (see fig 3) has been produced which demonstrates how the 230 homes can be delivered on the site along with car parking, LEAP, landscaping and associated infrastructure (pumping station and suds). The application is also accompanied by a range of supporting material as detailed below.

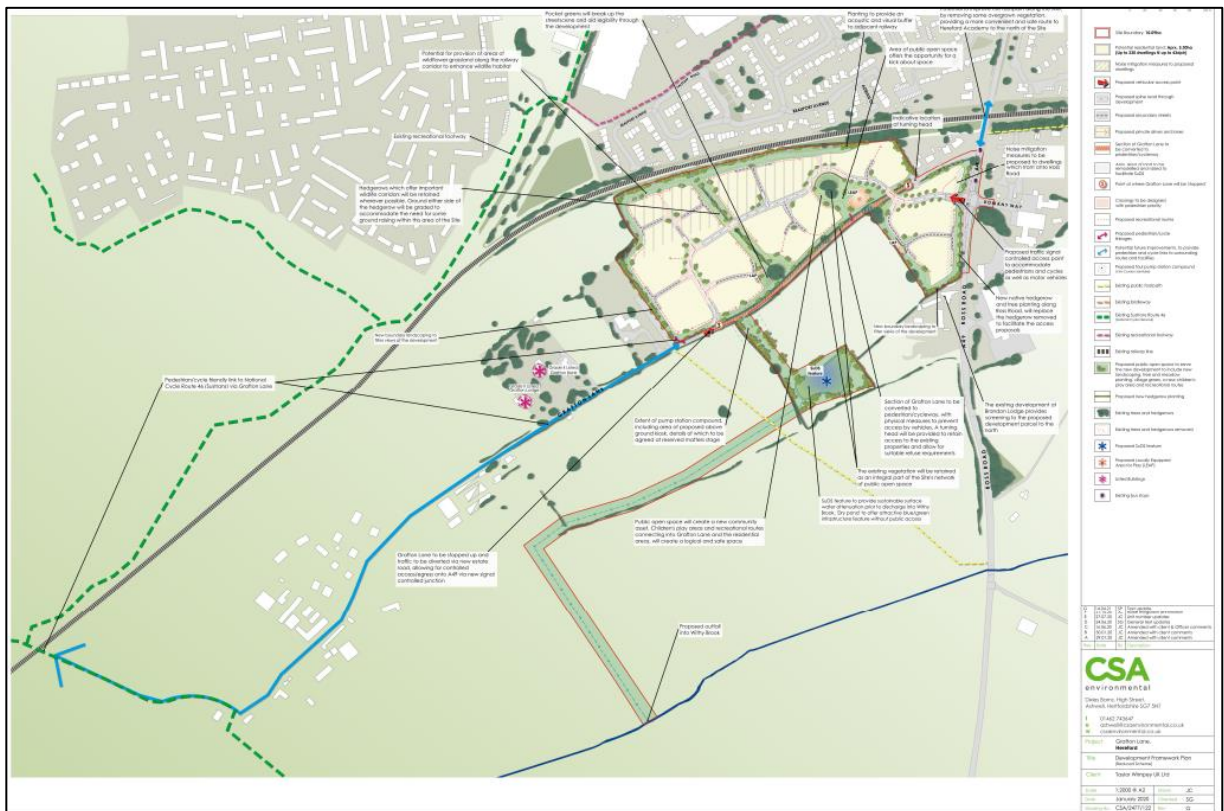


Fig 3: Illustrative Masterplan

- 1.5 Access is to be considered in this application with all other matters (Layout, Scale, Appearance and Landscaping) being reserved for future consideration. As defined in article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 'Access' 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.
- 1.6 The proposal entails the formation of a new 4-armed signal controlled junction on the A49 which will incorporate the existing priority junction with Romany Way, approx. 65m south of the existing Grafton Lane junction. Grafton Lane will be stopped up for vehicular traffic to the west of Newlands, approx. 280m from the A49/Grafton Lane junction. Pedestrians, cyclists and horses will still have access through the existing Grafton Lane and a turning head will be provided where Grafton Lane is proposed to be stopped up. This will continue to serve the existing four properties on the eastern end of Grafton Lane.
- 1.7 In respect of pedestrian and cycle movement, Grafton Lane is used by pedestrians and it forms part of the Sustrans cycle route 46 (Hereford – Abergavenny section). There is a footpath near to the site and this runs between Grafton Lane and Redhill bridge on the A49. Internal access arrangement would be fully considered at reserved matters stage.
- 1.8 The Council has adopted a Screening Opinion confirming it does not consider the scheme to be EIA development (application 193010)
- 1.9 The applications is supported by the following documents:
- Development Framework Plan (Ref: CSA/2477/122 rev E)
 - Planning Statement
 - Travel Plan
 - Transport Assessment
 - Noise and Vibration Impact Assessment
 - Landscape and Visual Impact Assessment
 - Historic Environment Desk Based Assessment
 - Ecological Appraisal
 - Design and Access statement and addendum
 - Arboricultural Impact Assessment
 - Minerals Resource Assessment
 - Statement of community Consultation
 - Walking, cycling and Horse Riding Assessment
 - Flood Risk Assessment
 - Flood Risk Assessment Addendum
 - Document to inform HRA assessment
 - Climate change checklist energy statement
 - Entrance feasibility report

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

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

- SS6 - Environmental Quality and Local Distinctiveness
- SS7 - Addressing Climate Change
- HD1 - Hereford
- HD3 - Hereford Movement
- H1 - Affordable Housing – Thresholds and Targets
- H3 - Ensuring an Appropriate Range and Mix of Housing
- RA1 - Rural Housing Distribution
- RA2 - Housing in Settlements Outside Hereford and the Market Towns
- RA3 - Herefordshire’s Countryside
- OS1 - Requirement for Open Space, Sports and Recreation Facilities
- OS2 - Meeting Open Space, Sports and Recreation Needs
- MT1 - Traffic Management, Highway Safety and Promoting Active Travel
- LD1 - Landscape and Townscape
- LD2 - Biodiversity and Geodiversity
- LD3 - Green Infrastructure
- LD4 - Historic Environment and Heritage Assets
- SD1 - Sustainable Design and Energy Efficiency
- SD3 - Sustainable Water Management and Water Resources
- SD4 - Wastewater Treatment and River Water Quality
- ID1 - Infrastructure Delivery

2.2 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on the 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application.

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

2.3 National Planning Policy Framework 2021 (NPPF)

- Chapter 2: Achieving sustainable development
- Chapter 4: Decision making
- 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
- Chapter 16: Conserving and enhancing the historic environment

3. Planning History

193010: EIA screening opinion:

Request for screening Opinion for the proposed construction of up to 300 homes (with all matters reserved except for access), footway/cycleway and vehicle turning head, stopping up and re-routeing of a short section of Grafton Lane near the A49, public open space, landscaping and associated infrastructure works. Local Planning Authority concluded: An Environmental Statement will not be required. Date of decision: 18/9/2019

4. Consultation Summary

Statutory Consultations

4.1 **Welsh Water: Comments on amended proposal**

No objection subject to conditions

We understand that the development proposal has reduced the total number of dwellings from 300 to 240 and therefore we have no further comment to make following our previous response dated 19/09/2020

4.2 **Welsh Water - Previous comments:**

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 have had the opportunity to assess this development as the applicant engaged with us through a pre planning enquiry and at that time we concluded that the immediate water supply network did not have the required capacity to service the site and recommended a hydraulic modelling assessment be undertaken to identify a point of connection and to understand if any reinforcement works are required. To date we have not received any instruction to commence with this hydraulic assessment and we recommend that the applicant contacts us to discuss. In the absence of such an assessment on the potable water we are only able to provide a connection point to a point of adequacy circa 1000m away from the site boundary at grid ref 350680, 238680. With regards to foul drainage we have reviewed the information submitted as part of this application with particular focus on the Flood Risk Assessment ref 173077.

The report captures discussions held to date and we can confirm that adequate capacity exists in the public sewer network to accommodate 300 residential dwellings. We note that the intention is to drain surface water to the Withy Brook and offer no further comment on this aspect of the proposal. It is noted that an off-site connection point has been identified, however the on-site drainage network is only indicative.

Notwithstanding the above, 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 take place until a potable water scheme to serve the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary a scheme to upgrade the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any building. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.

Reason: To ensure the site is served by a suitable potable water supply.

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

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

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

4.3 **Environment Agency:**

I have received a consultation on a proposed development on land to the north and south of Grafton Lane (Ref: 193042). I would have no comments to offer on the application which falls within Flood Zone 1, the low risk Zone. I would recommend you seek the comments of your internal drainage team as the Lead Local Flood Authority. I note from the Planning Statement (para 6.32) that Welsh Water have confirmed that the public sewerage system can accommodate the proposed development. Liaison with Welsh Water should be maintained moving forward to ensure that they are satisfied with any proposed foul drainage details

4.4 **National Highways: Recommend that conditions should be attached**

Annex A: Reason for recommending that conditions should be attached to any planning permission that may be granted National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regards to planning application P193042 and has been prepared by Neil Hansen.

National Highways has previously issued a Holding Recommendation (HR) for this planning application on 9th February 2022. Since then we have reviewed the additional information submitted, liaised with the applicant on conditions and agreed outstanding issues.

In view of the above, National Highways recommends that planning conditions be attached to any planning permission that may be granted: These can be viewed in the full response and are included in the recommendation below:

<https://myaccount.herefordshire.gov.uk/documents?id=e84e140a-d75c-11ec-863e-0050569f00ad>

4.5 Previous National Highways responses:

National Highways (previously Highways England) have previously issued a Holding Recommendations to allow the reviewing of additional information which has been requested and subsequently submitted, also to allow liaising with the applicant and Local Planning Authority on conditions and agree outstanding issues.

The holding responses (x 9) can be viewed on line: Please see link below:

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=193042&search-term=193042

4.6 **Natural England: No Objection.**

Advise that a Habitat Regulations Assessment is required (Screening/and appropriate assessment). A Habitat Regulations Assessment – appropriate assessment (HRA AA) was sent to Natural England on the 1 October 2019

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.

Natural England's advice on other natural environment issues is set out in their response: <https://myaccount.herefordshire.gov.uk/documents?id=4418524d-fbe1-11ea-a466-0050569f00ad>

4.7 **Network Rail comments: Update Comments following discussion about conditions**

As outlined in Rob's email, we have been in discussion with Asbri over the impact of the development on the level crossing and can confirm we are satisfied by the proposed approach. We would however request that the amended condition is included in any decision notice should the application be successful at committee, as we consider a S106 agreement at this time cannot be agreed as neither the scope of works required at the level crossing or the associated cost of any such scheme has been identified or robustly considered.

Suggested amended condition:

No development hereby approved shall take place until a scheme to mitigate the anticipated risk to the Ashy use worked level crossing is submitted to and agreed with the Local Planning Authority in order to mitigate the anticipated additional risk of trespass and misuse of the level crossing. The scheme will include details of the measures required to prevent trespass and misuse of the level crossing and timescales for its delivery.

Therefore, as it would be premature to enter a S106 for any scheme yet to be identified, we would consider the use of a pre-commencement planning condition which requires the applicant to work with Network Rail to firstly identify the risks and subsequently develop a scheme of mitigation or closure which can then be delivered. Ideally this information should subsequently be included in the S106 agreement, however we have previously been able to control the implementation of such a scheme via a suitably worded planning condition (as proposed) and then via separate agreement.

Asbri are now aware that to progress with development of a scheme they will be required to instruct us to undertake a Developer Impact Assessment at the crossing, which will give a clear indication of the impact the new development will have at the level crossing and will identify a reasonable and justified scheme to mitigate this additional risk. This will then be used to subsequently partially discharge any planning condition subject to the consent.

I hope the above is useful in preparing the application for committee, however, should you require any additional information in the meantime please let me know

Network Rail Comments: No objection subject to condition Original Comments

Thank you for your letter dated 29th August 2019, together with the opportunity to comment on this proposal. Having reviewed the proposed development, we consider the proposal will introduce an increased risk to health and safety at Ashley user worked level crossing.

I have attached a location outlining the location of the Level Crossing subject to this letter. Ashley Level Crossing is a private user worked level crossing located at HNL1 02m 33ch, located to the west of the proposed development. The level crossing has a recorded history of misuse and

trespass as it has easy access from footpaths and the formal cycling route providing access to Grafton. From reviewing the applicants Travel Plan it indicates walking and cycling as preferred methods of transport and suggests access to the cycle path and footpaths will be promoted. Ashley Level Crossing is located between the development and the nearby area known as Newton Farm, within close proximity to formal and informal paths, and cycle route. Due to the nature and location of the level crossing we anticipate there will be an increase in misuse and trespass on the level crossing following the development, resulting in an unacceptable health and safety risk. We would therefore object to the proposal in the absence of any scheme to mitigate the risk to the level crossing. Notwithstanding the above, to overcome our objection a scheme for the closure of the level crossing should be secured through any approved planning consent. The scheme would include the formal closure of the level crossing, along with any ancillary reinforcements required to prevent future misuse and trespass.

Having reviewed the level crossing and the proposed development, should your authority consider it appropriate to approve the application we consider that this could reasonably be controlled by the imposition of a suitably worded planning condition, as outlined below:

Condition - No development hereby approved shall take place until a scheme outlining the closure of Ashley user worked level crossing is submitted to and agreed with the Local Planning Authority in order to mitigate the additional risk of trespass and misuse of the level crossing. The scheme will include details for the closure and securing the level crossing from future trespass and misuse. No dwellings shall be occupied until the agreed scheme of closure has been completed in full. Reason: To mitigate the additional health and safety risk of misuse and trespass on this user worked level crossing.

FOUNDATIONS Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

DRAINAGE All surface water drainage should be directed away from Network Rail's land to the public mains system. Soakaways are not acceptable where the following apply: a) Where excavations which could undermine Network Rail's structural support zone or adversely affect the bearing capacity of the ground b) Where there is any risk of accidents or other acts leading to potential pollution of Network Rail's property/infrastructure c) Where the works could adversely affect the water table in the vicinity of Network Rail's structures or earthworks.

GROUND DISTURBANCE The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

ACCESS POINTS Where Network Rail has defined access points, these must be maintained to Network Rail's satisfaction. The Developer should contact the Network Rail's Asset Protection Wales Team well in advance of mobilising on site or commencing any works. The initial point of contact is assetprotectionwales@networkrail.co.uk. The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.

FENCING If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or

wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

ENCROACHMENT The developer/applicant must ensure that their proposal, both during construction and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land or structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then they must seek approval from Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

GROUND LEVELS The developers should be made aware that Network Rail needs to be consulted on any alterations to ground levels. No excavations should be carried out near railway embankments, retaining walls or bridges. Network Rail Infrastructure Limited Registered Office: Network Rail, One Eversholt Street, London, NW1 2DN Registered in England and Wales No. 2904587 www.networkrail.co.uk

SITE LAYOUT It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

PILING Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

EXCAVATIONS/EARTHWORKS All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

NOISE The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of Planning Policy Wales and Technical Advice Notes which hold relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.

LANDSCAPING It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.

PLANT, SCAFFOLDING AND CRANES Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall

onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

LIGHTING Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers' vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Following occupation of the development, if within three months Network Rail or a Train Operating Company has identified that lighting from the development is interfering with driver's vision, signal sighting, alteration/mitigation will be required to remove the conflict at the applicant's expense. I hope the above assists in the determination of this application, however should you require any further information in the meantime please do not hesitate to get in contact with me.

Internal Council Consultations

4.8 Team Leader Area Engineer (Highways) comments:

Comments on amended scheme:

No objection

This outline application for 230 dwellings includes access to the site by all modes. The comments made herewith are only in relation to the outline application and do not refer to matters which would be dealt with under a reserved matters application, e.g. internal layout.

Whilst it is recognised that the main vehicular access for the site is via the A49 which is part of the National Highways (NH) network and therefore for NH to comment on, access to the site by sustainable modes is part of the local highway authority's (LHA) remit. It is noted that the sustainable transport access strategy for the site is heavily reliant on existing infrastructure and where deficiencies occur the applicant anticipates that upgrades will be funded by S106 contributions as stated in the Sustainable Transport and Design Report.

In relation to what improvements are necessary to encourage travel to and from the site by sustainable modes the Sustainable Transport and Design Report sets out the following off site works:

- Clearance of vegetation and maintenance work of footway along A49 to the north of the railway bridge (paragraph 3.1.3). Currently this stretch of footway has very little footfall, however, this length of footway would be the main walking route for residents of the site heading into the City Centre, Hereford Academy and Marlbrook School, therefore it is necessary to provide the full width of footway.
- Improved pedestrian routes, in particular a cut-through from the A49 onto Merestone Road, which would reduce the walking distance to Hereford Academy (a key destination) by approximately 200m (paragraph 3.1.5). It should be noted that this would involve a route across land owned by Conexus, therefore discussions regarding its viability would need to be entered into with the land owner. However, if the route is possible it would provide an extremely beneficial route for residents to access a key destination.

The above improvements are considered to be a minimum requirement and are included in parts 5 and 6 of the transport section (as noted on the plan) of the S106 Draft Heads of Terms.

Provided that the above are included in the S106 Agreement the LHA has no objection to the application subject to the below conditions.

Conditions: CAP (off-site works), CAT (Construction Management Plan), CB3 (Travel Plan)
Informatives: I11, I09, I45, I08, I51, I41, I36, I35

4.9 Team Leader Area Engineer (Highways)

Previous comments

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

The proposal is currently for a residential development for up to 230 dwellings located to the south of Hereford City in the area of the A49 and its junction with Grafton Lane. It is noted that the access strategy for the site heavily relies upon the national strategic road network for which Highways England is the relevant highway authority. As a result, they will provide comment on the suitability of the access design and the use of the A49 corridor as the key section of highway network providing access to and from the site.

The application form sets out that this is an application for outline permission, which only considers the principle of the development and its access strategy at this stage. This comment reflects this.

Traffic Capacity

It is noted that the developer is reviewing the Transport Model for Hereford City and the impacts of this development on those outputs. The Highways England responses on this matter have been reviewed and further information is requested to ensure that the output is robust. The local highway authority will comment further on this as required following the product of that resubmission/update for Highways England.

C1227 Grafton Lane

In terms of the local highway network, managed by Herefordshire Council, the principle consideration is the realignment of the C1227 Grafton Lane. This falls into broadly two areas, the treatment of the first section of the C1227 where there are circa 6 existing properties and the section of the lane to be realigned through what would become the residential estate in the event that permission were granted. The first section was the subject of a discussion at a meeting on the 2nd October 2020 where Cllr Rone representing the Ward area expressed a preference to ensure that the existing residents of this section were afforded the provision of a turning head, making this area of Grafton Lane in effect a cul-de-sac. This was an acceptable suggestion to the local highway authority and it is noted that this is included on the illustrative master plan numbered CSA/2477/125 Rev A.

The local highway authority is content to discuss the precise routing and layout of Grafton Lane through the estate at a reserved matters stage, should this outline application be successful.

Pedestrian and Cycling Provision

It is noted that the principle access strategy for encouraging walking and cycling from the site relies on the A49 corridor to the north and connection to NCN 46 along Grafton Lane. Taking these points in turn, the A49 corridor offers some opportunities for improvement as alluded to on drawing number CSA/2477/125 Rev A, however these are primarily for those heading east. This is an important destination as the is significant employment lane located in this direction so encouraging active travel to this location is a key component for the access strategy, however links to the school are indirect.

It is not clear from the submission if the provision of alternative links in the direction of Hereford Academy have been explored but this would be a beneficial exploration for the provision of a safe, direct and easy to use active travel link to this point. The local highway authority will comment further on this when clarification is provided on this point.

In terms of the connection to NCN 46 the route currently utilises the carriageway of Grafton Lane. It is noted from the indicative masterplan that this existing alignment could be set aside to provide a designated walking and cycling link along this corridor. The detailed design of this can be discussed as part of the reserved matters application in the event that this outline application is granted, however the contents of LTN 1/20 will need to be applied to this route and those links feeding this route from the development.

Public Transport Provision

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

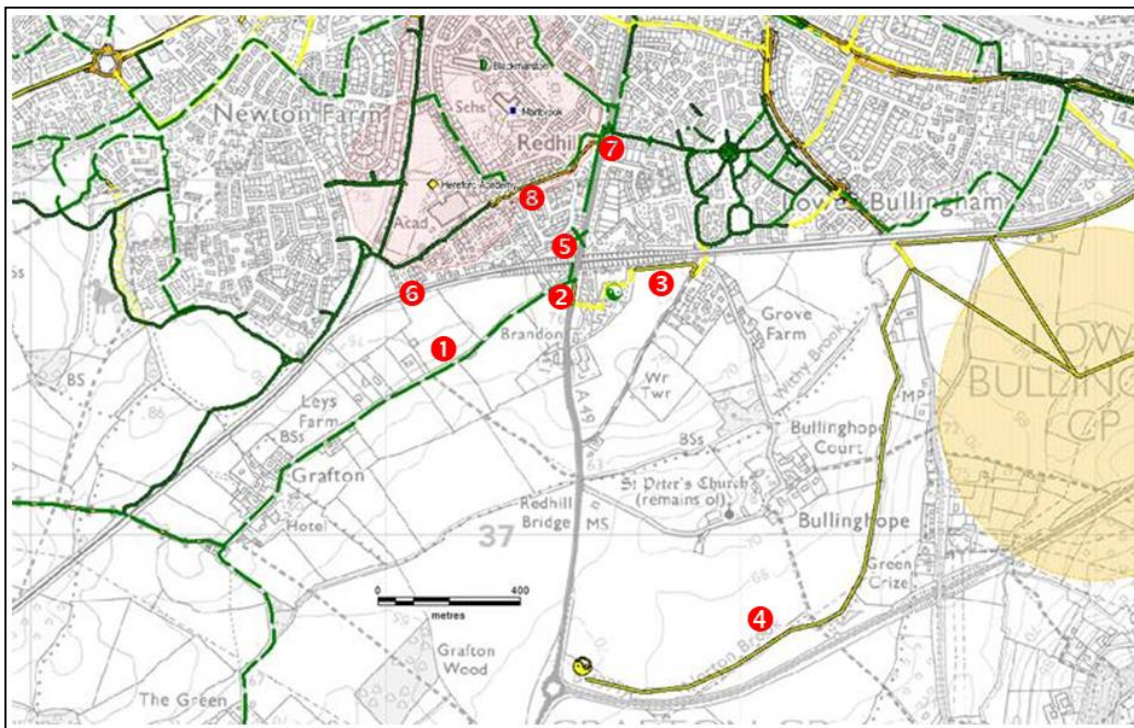
It is noted that the current bus provision that has a stop near to the site exit on the A49 is a well-used service. As a result, the inclusion of a pedestrian phase on the A49 junction would be beneficial if not already included, at the discretion of Highways England.

Section 106 Contributions

In addition to improvement measures proposed as part of the development scheme, due to its proposed scale, the development will attract Section 106 contributions for highway improvements in the area, in line with Herefordshire Council's SPD. Based on the content of paragraph 3.1.14 of the Supplementary Planning Document setting out planning obligations is relevant for the site that sets out that affordable housing numbers are exempt from these contributions, as a result the indicative value is calculated excluding these dwellings. High accessibility weighting S106 contributions would be required as follows, as a contribution towards the cost of public realm improvements and supporting active travel measures:

- Residential per 4 bed house - £ 3440
- Residential per 3 bed house - £ 2580
- Residential per 2 bed house - £ 1720
- Residential per Flat/1 bed house - £ 1465

In order to set out the likely schemes that could be included for Section 106, beyond the schemes set out on drawing CSA/2477/125 Rev A the views of the active travel team have been gathered and the notes below will assist in developing the heads of terms as required.



Key:

- 1 - Link to NCN 46 as set out in the comment above
- 2 - Park and Choose Site at Grafton Depot
- 3 - One option that has been explored is a link from the Park and Choose to Bullingham Lane, which would assist in connectivity to the employment land in Rotherwas.
- 4 - Whilst not necessarily directly linked to this proposed site, for completeness this link is shown. The Lower Bullingham SUE is expected to include a Park & Choose site at the Rotherwas access road roundabout. This is also expected to include a traffic free link.
- 5 and 6 - Walking and Cycling Links improved/new facilities provided to improve the links north/south over the railway line.
- 7 - The South Wye Transport Package envisaged improvements for pedestrians and cyclists to the A49 crossing at Redhill / Mayberry Road / Bullingham Lane

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

8 - From 7 toward the Hereford Academy the South Wye Transport Package also suggested an off-road alternative to Marlbrook Road on the grass area.

There are also potential improvements that Highways England may be interested in developing as some of these options come forward so inclusion of improvements for active travel to the A49 corridor may be included.

Travel Plan

The contents of the travel plan have been passed to the active travel team for further comment and their views will be shared as they become available.

Summary

There are a small number of items required to satisfy the local highway authority that the proposed access strategy for the site is acceptable. This comment will be reviewed and updated as further supporting information is submitted for comment.

4.10 **Strategic Planning Manager:**

In my comments I shall focus on the site's position in relation to the development site options under consideration in the development of the Hereford Area Plan (HAP). The site lies immediately adjacent to the existing edge of the built form of the city, currently bound by the railway line. It is within the area designated to be covered by the HAP. How the HAP will progress is not currently clear in light of the recent council decision to pause all work on the Hereford Bypass, and the expected upcoming review of the Local Plan Core Strategy (LPCS), the scope of which is not yet known.

With this in mind, I comment in the context of the existing planning policy resource available. The LPCS, adopted in 2015, identifies Hereford as the main focus for growth in the county on account of its wide range of services and its role as the main centre. It is set out in policies SS2 and HD1 that Hereford will accommodate 6500 new homes in the plan period (2011-2031). A significant proportion of around 2500 of this target is to be delivered through development of three strategic urban extensions at the broad locations identified at Holmer West, Three Elms and Lower Bullingham. These are detailed in policies HD4, HD5, and HD6 respectively. A further 800 are to be accommodated in the city centre area, with the majority in a new urban village, which is detailed in policy HD2. The residual allocation of around 3200 is to be delivered through windfall developments, and smaller non-strategic allocations, to come forward through the HAP. Work has been undertaken to identify sites that could form these allocations. A schedule of "Site Options" was prepared last year, comprising of land previously included in the Hereford Housing and Economic Land Availability Assessment (HELAA 2015-

https://www.herefordshire.gov.uk/downloads/download/215/hereford_housing_and_economic_land_availability_assessment_helaa, sites promoted by landowners through a call for sites process, and sites in council ownership. These were subject to technical assessments, with input from internal consultees, to determine their suitability to accommodate development. These assessments are available both in full and in summary to be viewed online:

https://www.herefordshire.gov.uk/info/200185/local_plan/731/hereford_area_plan_hap/3

The full assessments were published for consultation, which ran for seven weeks from 20th August to 8th October 2018. The sites and accompanying council assessment information were available for the public to view and make representations on. At the beginning of the consultation, members of the public were also invited to visit an exhibition, where this information was also available to view and officers were available to answer questions. Full details of the consultation can be viewed in the Consultation Statement, also available online:

https://www.herefordshire.gov.uk/download/downloads/id/16525/hereford_area_plan_housing_and_employment_sites_consultation_statement.pdf

The application site is included in this schedule of sites, assigned the reference of “Hol13”. Some key constraints were identified, which it was concluded would need to be overcome in order to advance any development proposals. The principal ones among these were highway capacity and connectivity, and landscape impact. In light of the concerns expressed, the assessment concluded that the site could be suitable for development, albeit in part. Namely, the area to the north of Grafton Lane, which could deliver more “discrete” development. It was estimated that the site could deliver up to approximately 155 dwellings. In response to the site options consultation, Asbri Planning acting on behalf of Taylor Wimpey have made representations that argues the site could accommodate a larger number of around 300 dwellings, and in their submission also advised of the planning application being prepared. Subject to the identified constraints in the HAP Options paper being satisfactorily addressed in the view of the relevant consultees, Strategic Planning does not have any objections to this proposal. The site has been identified as a suitable location to deliver a non-strategic urban extension in the development of the HAP, that can contribute in part towards the LPCS’s residual growth target for Hereford.

4.11 **Public Rights of Way Manager Comments:**

The development would appear to have a negative impact on public footpath HER52A, which is in close proximity to the site. If work is likely to endanger footpath users, particularly the installation of drainage, a temporary closure must be applied for. The Development Framework Plans shows proposed pedestrian links to the right of way. This is acceptable however the key refers to pedestrian/cycle linkages. Bicycles cannot be ridden on the footpath.

4.12 **Land Drainage Engineer comments:** No objection subject to conditions

Overall Comment We do not object 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 included within any reserved matters application:

- Confirmation of groundwater levels to demonstrate that the invert level of any unlined attenuation features can be located a minimum of 1m above groundwater levels or demonstration that groundwater ingress can be appropriately be managed.
- Detailed drawings of the proposed surface water drainage strategy that demonstrate the inclusion of SuDS, where appropriate, and location and size of key drainage features.
- Detailed drawings of proposed features such as attenuation features and outfall structures.
- 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.
- Assessment of potential failure of above-ground attenuation features, including assessment of residual risks to downstream receptors, and proposed mitigation and management measures;
- Description and drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system.
- Demonstration that appropriate access is available to maintain drainage features.
- Operational and maintenance manual for all proposed surface water drainage features that are to be adopted and maintained by a third party management company.
- A detailed foul water drainage strategy showing how foul water from the development will be disposed of and illustrating the location of key drainage features and connection to the receiving network.

- Confirmation of agreement in principle of proposed adoption and maintenance arrangements for the surface water and foul water drainage systems

This response relates to the amended outline planning application received by Herefordshire Council following proposed changes to the scale and layout of the proposed development.

Due to the length of these comments, this is a summary. Full comments can be viewed online (links below)

Full comments (Jan 2022) can be viewed at:

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=193042&search-term=193042

Previous comments from the drainage officer can be viewed at:

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=193042&search-term=193042

4.13 **Housing officer comments:** **Updated Comments:**

Policy H1 states that there will be a requirement for the applicant to provide 35% (81 units) as affordable housing.

As outlined in the councils Affordable Housing Supplementary Planning Document incorporating the Technical Data Strategic Housing, and using this as guidance, we would require the following tenure breakdown.

- 23 units Affordable Rent
- 23 units Social Rent
- 35 units Shared Ownership

We would look for a breakdown of bed sizes as follows:

- 16 x 1 bed maisonettes – social/affordable rent
- 18 x 2 bed units – social/affordable rent
- 11 x 2 bed units – Shared Ownership
- 18 x 3 bed units – social/affordable rent
- 10 x 3 bed units – Shared Ownership
- 5 x 4 bed unit – Social/Affordable Rent
- 3 x 4 bed unit – Shared Ownership

Strategic Housing would be looking for the applicant to provide accessible housing for identified needs. We therefore would look to negotiate 3 bungalows or dormer bungalows M4(2) and 3 as M4(3), to make a total of 6 units. This should be an equal mix of 2 and 3 bedroom units.

We advise that the remaining open market units (149 units) be delivered as

- 7 x 1 bed
- 37 x 2 bed
- 82 x 3 bed
- 23 x 4 bed

There will be a requirement for the affordable units to have a local connection to the parish of Hereford City.

All of the above will be secured via a Section 106 Agreement.

As an outline application Strategic Housing would require a condition imposed on any planning permission that the exact mix and bed sizes for both the open market and affordable housing be agreed prior to the submission of any RM application

Housing Officer Comments

Original Comments:

I refer to the above outline planning application and I would advise that in principle Strategic Housing have no objection to the application. I would look to negotiate 35% affordable housing. Whilst I appreciate this is an Outline planning permission with all matters reserved except for access, I would be looking for the developer to provide the following mix of housing:

Open Market: 195

- 8 x 1b to include at least one bungalow
- 33 x 2b to include bungalows
- 109 x 3b to include bungalows
- 45 x 4 / 5 b

Affordable Housing: 105

- 20 x 1b for social rent to include 2 bungalows M4(2)
- 19 x 2b for social rent to include 3 bungalows M4(2)
- 16 x 2b for intermediate housing
- 25 x 3b for social rent to include bungalows M4(2)
- 20 x 3b for intermediate
- 4 x 4b to include 2 bungalows M4(2)

S106 to Hereford City to ensure local connection for the affordable housing

4.14 **Open Space Planning Officer: Comments on amended scheme:** Qualified Comments

Open Space requirements

Proposal: Changes to the amended Development Framework have been made following comments made by Herefordshire Council on the current outline proposal. The Addendum to the Design and Access Statement explains these changes.

These include those made in relation to onsite provision of open space and children's play as set out in my previous comments. These referred to the accessibility of the open space/play areas located in the northern development parcel, particularly for younger children from the southern development parcel and the quantum provided for formal play provision to meet policy requirements.

On Site POS: The key changes that have been made to the proposal include less residential development to the south of Grafton Lane leading to a reduction in proposed housing to approximately 230. This in turn has reduced the amount of POS on site in line with CS policy requirement. The proposal is for the majority including a LEAP, a LAP and kick-about to be located in the northern development parcel along with the majority of housing. The reduced residential land to the south of the site is to be served by a LAP. Grafton Lane which runs through the site is now to become a green corridor suitable for pedestrians, cyclists and horses only. The SUDs pond will remain to the south of site in the far south-west corner with public access. Green corridors and pocket parks are to be located in and around the site.

CS Policies OS1 and OS2 requirements: For a development of 230 houses and an occupancy rate of 2.3 (population 529) the developer would be required to provide as a minimum of 0.63a (6300sq m) of on-site green infrastructure comprising:

- 0.21 ha (2100sq m) of Public Open Space(POS) @ 0.4ha per 1000 population
- 0.42ha (4200m) of Children's play @ 0.8ha per 1000 population: of this 0.13ha (1300sq m) should be formal play and kick-about @ 0.25ha per 1000 population

The applicant is proposing a total of 2.21ha (22,100sq m) of POS including the SuDS pond and recreational routes and corridors in and around the site. This is in excess of the overall minimum requirements. The applicant has also demonstrated that the formal play element required by policy can now be met on site and includes:

0.13ha (1300sq m) Children's Play Areas to include 1 x LEAP (500sq m), 2 x LAPS (200sq m) and Kick-about space (600m²)

The 3 play areas are to be provided within each parcel of development (2 in the north and 1 in the south) reflecting the amount of housing to the north and south of Grafton Lane. The general locations are supported. They are located within reasonable sized focal points of green space and within easy access from residential areas. These areas include existing landscape features and trees and can be developed to provide multi-functional green spaces and pocket parks particularly in the north which is supported. However, as the application progresses to RM I would expect the design to evolve to ensure that access and safety are designed into the final layout. For example, play areas will need good natural surveillance from housing. This looks to be particularly important for the play proposed to the south given its location on the boundary. And at only 100sq m each the proposed LAPS are quite small and potentially would offer little in play value and so more natural play could be explored which would be particularly appropriate within the southern parcel where the rural landscape will be more evident.

Connectivity: The POS is to be connected by green corridors and pedestrian routes. These green corridor routes extend along the boundary of the site (both north and south) and include Grafton Lane and a link to the SuDS pond. However, I note that the route is broken in the top north-east corner of the northern development parcel and there is no green corridor extending from the focal green space containing the LEAP to the green corridor along the northern boundary. The creation of continuous green corridors in and around the site is encouraged and will provide opportunities for delivering safe and accessible walking, cycling and jogging routes in support of healthier lifestyles.

SUDS: The new SuDS attenuation basin is to be provided within land to the south of Grafton Lane and will store water during periods of heavy or persistent rainfall in order to maintain run-off from the Application Site to present day conditions, and will be designed to maximise its wildlife value.

The SUDs pond will be publically accessible. In addition to my previous comments. If there is to be standing water appropriate gradients for SUDs which are publically accessible should be designed in accordance with the Councils SuDS Handbook which provides advice and guidance on the inclusion of SuDS on new development. Plans submitted as part of the landscape scheme should demonstrate that appropriate gradients can be achieved where appropriate. If this is not possible, for health and safety reasons the area should be fenced off.

Adoption and Maintenance: My previous comments still stand

Off-Site Outdoor Sports. My previous comments still stand but to note the Outdoor Sports Investment Plan is currently under review by the Herefordshire Outdoor Sports Partnership as part of its annual review. I anticipate some changes to projects to reflect priorities for Hereford supported by the County Sports Partnership and individual sports facilities development plans as produced by the National Governing Bodies (NGBs). Final details from each NGB are expected September 2020 (subject to covid-19 delays) and the revised Investment Plan will be sent for final approval to the Planning Obligations Manager thereafter. Agreed revisions to overall investment costs will be reflected in the final cost per house.

4.15 **Open Spaces Officer Original comments**

Open Space requirements.

Relevant Policies:

National Planning Policy Framework (NPPF)

- Paragraph 96: Open Space and Recreation: provision of what open space, sports and recreational opportunities required in a local area should be based on robust assessments of need

Core Strategy (CS)

- OS1: Requirements for Open Space, Sports and Recreation Facilities
- OS2: Meeting Open Space and Recreation Needs
- LD3: Green Infrastructure

Evidence Base and standards (on-site)

- Local Evidence: Herefordshire Open Space Study 2006 (data for amenity public open space has not changed significantly and it is still considered to be accurate).
 - This recommends POS should be at a rate of 0.4ha per 1000 population.
- Local Evidence: Herefordshire Play Facilities Study and Investment Plan 2014 and National Evidence: Fields in Trust Guidance:
 - These recommend children's play at a rate of 0.8ha per 1000 population.
 - Of this 0.25ha per 1000 population should be formal equipped play

Evidence Base and standards (off site)

- Playing Pitch Assessment 2012 and update 2014, Outdoor Sports Investment Plan 2019.
- These recommends where future investment in outdoor sport should be directed to maximise the benefits to the local community

On/Off site Provision: A combination of both on and off site provision is required from this development.

For a development of 300 houses and an occupancy rate of 2.3 (population 690) the developer would be required to provide as a minimum of 0.82ha (8,200sq m) of on-site green infrastructure comprising:

- 0.27 ha (2,700sq m) of Public Open Space @ 0.4ha per 1000 population
- 0.55ha (5,500sq m) of Children's play @ 0.8ha per 1000 population: of this 0.17ha (1,700sq m) should be formal play and kick-about @ 0.25ha per 1000 population
- Outdoor sports: This will be required as an off -site contribution in accordance with the playing pitch assessment and investment plan for Hereford Area as set out below.

On-site POS/Play and SuDs

A pre-application 173494/CE was previously submitted for this site. It is noted that the Development Framework Plan submitted with this application is largely the same.

The applicant proposes 3.28ha of green infrastructure including 0.23ha SuDs basin/pumping station, leaving approximately 3ha of green infrastructure to include:

- 0.04ha (400sq m) formal children's play area,
- Open space for informal recreation
- Recreational routes including pedestrian and cycle green corridors.

This is in excess of overall minimum requirement, however provision for formal children's play has not been met.

POS: Planning for healthier spaces is good practice and any on site provision should be well designed and of a usable size appropriate to the site and location to should offer a range of recreation opportunities and experiences.

The Design and access statement sets out the design principals behind the behind the layout in determining the location of Green Infrastructure, SuDS and POS. The retention of the existing trees and hedgerows along the site boundaries and through the site is integral to this and has resulted in a variety of POS and recreational opportunities, informal and formal. The majority of open space is to be located along the western boundaries of both parcels of land (north and south of Grafton Lane) to incorporate the SuDS at the lowest point of the site and to provide landscape buffers to help soften the transition from rural to urban. Corridors of green space run through the site along existing hedge boundaries creating opportunities for connectivity (cycling and walking) both internally and externally to link to the existing PROW network. A Section of Grafton Lane will be converted into a pedestrian/cycle way to create a recreational route through the middle of the development. This approach is supported as it provides opportunity for both formal and informal recreation and multi-functional open spaces and meets the minimum requirements as set out above.

Children's Play: A 400sq LEAP is proposed. It is located in the northern parcel of open space along the western boundary. There are 2 issues with this.

Firstly it does not meet the minimum quantum as set out above. 1700sq m of formal play is required on a site of this scale.

Secondly, the proposal shows 2 areas of residential development bisected by Grafton Lane (which is to become a green corridor). Accessibility, particularly for younger children, will be an issue for those living in the southern parcel of land.

Additional play provision is therefore required to meet the standards and ideally some should be located in the southern parcel of land.

Play provision should cater for all ages, including infants, juniors and teenagers with possibly a kick-about area and should be located to offer natural surveillance.

It is noted that the applicant has proposed natural play to incorporate natural materials and play elements including timber equipment. This is supported but a combination of both natural and formal play should be considered, to include formal metal play equipment and natural play such as play trails, boulders, logs etc. The site and its natural setting provides opportunity for this.

SUDS: The SuDs area is to be a dry basin. Any standing water will need to be managed from a health and safety point of view but it can provide opportunities for both natural play and informal recreation along with valuable areas of biodiversity and wildlife habitats. The landscape aspects of SUDs should be designed in accordance with the Councils SuDS Handbook which provides advice and guidance on the inclusion of SuDs on new development. In addition the council advises that developers seek guidance from the CIRIA SuDS Manual and the Wildfowl & Wetland Trust /RSPB available from the Sustrain website.

Condition: As part of the RM application the applicant will need to provide details of on-site play which meet with the minimum standards as set out above. The following condition should be included:

Condition: CA4 Provision of open space

The detailed plans for the provision of open space and play areas pursuant to reserved matters shall be set out in accordance with the standards adopted by the local planning authority and shall be submitted to and approved in writing by the local planning authority.

Reason. In order to comply with the requirements of Policies OS1 and OS2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

Adoption and Maintenance

Suitable management and maintenance arrangements will be required to support any provision of open space and associated infrastructure within the open space in line with the Council's policies. This could be a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

Off-Site Outdoor Sports Contribution

The applicant has acknowledged in the Planning Statement that an off-site contribution towards "leisure" will be required.

An off-site contribution will be sort towards outdoor sports provision in accordance with CS Policies OS1 and OS2 and the following evidence bases:

- Hereford Area Playing Pitch Assessment 2012
- Outdoor Sports Investment Plan 2019 (updated annually)

The Outdoor Sports Investment Plan includes list of priority projects for cricket, football, hockey, rugby and cycling to provide new and improve existing facilities in accordance with the Playing Pitch Assessment. It has been prepared by a partnership of Sport England, Herefordshire Council the National Governing Bodies (NGB) for cricket, football, hockey and rugby and the County Sports Partnership. It is annually reviewed and provides up to date information on clubs and facilities in accordance with Sport England's requirements to review the Playing Pitch Assessment.

Projects are considered to be sustainable in helping to meet the needs of both the existing and future populations (future proofed to 2031) and have the support of the relevant NGB in both their regional and local facilities development plans.

The methodology used to assess requirements arising from new development is considered to be CIL compliant and contributions are calculated using the following methodology:

- £8,433,652: Total Outdoor Sports Investment costs (All project costs include development costs, contingency and maintenance costs x 15 years and are based on Sport England's Facility Costs Kitbag and associated maintenance costs or costs provided by the NGBs)
- **6,500 new houses** (Core Strategy Hereford housing requirements)
- **£1,297:** Cost per market house: (Total investment costs divided by total number of houses)

The following projects are considered to potentially benefit the proposed development, given the location and access to facilities in Hereford and the surrounding area and are considered to fall within an appropriate catchment as supported by Sport England.

Hockey

Hereford Leisure Centre ATP: sand redressing and resurfacing required. Pitch in poor condition and some pitch furniture in need of replacement. Priority for England Hockey National Governing Body in support of local clubs.

Cycling

Hereford Cycle Track: (Identified deficiency for competitive and non-competitive events, coaching and increasing participation for all ages)

- Hereford closed road 1.5K cycling circuit at Hereford Leisure Centre.

Football

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

Quality Improvements: The quality or lack of changing rooms and poor quality pitches can limit the use of facilities affecting the growth of clubs and the sport. The following football facilities within Hereford and Area are seen as priorities by the National Governing Body and Herefordshire FA for future investment and are included in the Local Football Facilities Plan prepared by the Football Foundation:

- Victoria Park: improvements to changing and pitches
- Newton Farm: improvement to changing and pitches,
- Broomy Hill: improvements to changing and pitches
- Tupsley Quarry: improvement to pitches
- King Georges VI Playing Fields: improvement to pitches/MUGA
- Belmont Abbey: improvement to changing and pitches

Cricket

Quantity Improvements: Additional senior pitch provision (identified deficiency) compounded by loss of pitches in and around the city over the last few years. Provision within the city to meet these needs is a key priority for the National Governing Body and Herefordshire Cricket Board.

- Additional Natural turf pitch and wicket, plus ancillary facilities required: Potential site include former Whitecross School.

Quality improvements:

Hereford City: Junior provision and training facilities (identified deficiency): The following facilities are seen as priorities by the National Governing Body and HCB for future investment including the provision of training nets:

- HCB Headquarters: Pentland Gardens,
- Bishops of Bluecoat School community facilities

Hereford Area

Bartestree & Lugwardine CC (6 miles north east), improvements to cricket square and grass wicket

Rugby

Quality and Quantity Improvements: to improve training and senior provision (identified deficiency)

- Greyhound Rugby Club: floodlights: priority for the RFU National Governing Body.
- Hereford Rugby Club relocation to include an AGP (Artificial Grass Pitch suitable for rugby): priority for the RFU National Governing Body.

Contributions sought from new housing will contribute approximately 65% of the total investment required to bring forward the projects identified below.

4.16 Principal Building Conservation Officer comments:

I have made a site visit and in my view we could not object to this development on grounds of any substantially adverse impact on the built heritage. There may be some archaeological implications which Julian Cotton will address no doubt.

It is however an important site being on the boundary of the city and hence a gateway ; it is also quite a prominent and exposed site, particularly that part of the site that lies to the south of Grafton Lane so provided the principal of development is acceptable then it should be of high quality. The old core of the village of Bullinghope to the east of the Ross Road is I suggest a starting point when the site layout is developed, so that this development is not seen as just an extension of the suburban sprawl of the City but has a strong 'village' identity in its own right.

4.17 Principal Natural Environment Officer (Ecology) comments: No objection

The development site is within the River Wye SAC hydrological catchment and a Habitat Regulations Assessment process is triggered by this application. The HRA screening and

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

appropriate assessment completed by the LPA must be subject to a completed and satisfactory formal consultation with Natural England PRIOR to any planning consent being granted.

The following points are noted as part of the HRA assessment process:

- The development proposes to connect to the local mains sewer network.
- At this location the local mains sewer network is managed by Welsh Water through their Hereford (Eign) Waste Water Treatment Works.
- The Hereford (Eign) WWTW discharges final outfall to the upper section of the Middle Wye section of the River Wye SAC.
- The Middle Wye area of the wider River Wye SAC is not currently identified as failing its conservation status.
- There is currently an identified phosphate 'allowance' within the current Core Strategy that can accommodate the additional development proposed in this application
- Surface water can be managed through an appropriately designed and scaled Sustainable Drainage System.
- No surface water will be discharged to local mains sewer network.
- Any potential effects of the construction process can be mitigated through a CEMP secured as a pre-commencement condition.

Subject to satisfactory consultation with Natural England through the completed HRA appropriate assessment process; and the inclusion of relevant conditions to secure the required mitigation measures identified on any consent granted; the LPA concludes there are no adverse effects on the integrity of the River Wye Special Area of Conservation from this application/project.

Suggested Conditions:

Habitat Regulations (River Wye SAC) – Foul Water

All foul water shall discharge through a connection to the local Mains Sewer network managed through the Welsh Water – Eign (Hereford) waste water treatment works; and no surface water shall be discharged in to any mains sewer or 'combined mains sewer; 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 and SD4.

Habitat Regulations (River Wye SAC-SSSI) –Surface Water Management

All surface water shall discharge through a sustainable drainage system subject to final detailed approval of technical design by the LPA prior to any construction works commencing on site. The approved scheme shall be implemented in full and hereafter maintained; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), NPPF (2021) and Herefordshire Council Core Strategy (2015) policies SS6, LD2, SD3.

Habitat Regulations (River Wye SAC) and Biodiversity – Nature Conservation Protection -

Before any work, including any site clearance or demolition begins, equipment or materials moved on to site, a fully detailed Construction Environmental Management Plan (CEMP) and named 'responsible person', including detailed ecological risk avoidance measures based on current site conditions and all protected species known to be locally present (ecological surveys and site assessments under two years old from date of CEMP) 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), National Planning Policy Framework, NERC Act (2006), NPPF (2021) and Herefordshire Council Core Strategy (2015) policy SS6, LD2 and LD3

Other general ecology comments.

The updated ecological report supplied clearly identifies that there are no reasons why the LPA should consider that full details, specifications, locations and future management of any required mitigation, compensation and Biodiversity Net Gain cannot be secured within the development site and secured by appropriate and relevant conditions on any outline consent granted. The relevant ecological working methods, based on relevant 'current' survey efforts can be secured through the CEMP already requested as part of the wider HRA process.

Nature Conservation – Biodiversity and Habitat Enhancement

In addition to any landscaping or green infrastructure that may otherwise be required; prior to any new development above damp proof course levels, a detailed 'holistic' biodiversity net gain scheme for the whole development site' shall be supplied to the planning authority for written approval.

The supplied scheme shall include:

- A detailed and specific annotated location plan for proposed biodiversity net gain enhancement features including as a minimum provision for hedgehog homes, bird nesting, and pollinating insect 'nesting' opportunities, ecological refugia and other natural features and habitats.
- A detailed legally binding scheme of how the natural features and biodiversity net gain will be managed and maintained for the lifespan of the development.
- An external lighting and illumination plan clearly demonstrating that all proposed lighting and illumination features will comply with latest and current guidance identified by the Institute of Lighting Professionals-Bat Conservation Trust.

The approved scheme shall be implemented and fully completed prior to occupation of the XXXth dwelling and hereafter maintained unless otherwise agreed in writing by the planning authority. Every 5 years following completion a monitoring and survey report of the current state of the ecological interests on the site shall be supplied to, and acknowledged in writing by the planning authority.

Reason: To ensure that all protected species are considered and habitats enhanced having regard to the Conservation of Habitats and Species Regulations (2017), Wildlife and Countryside Act 1981 (as amended), Policy SS6 and LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2021) and NERC Act 2006

4.18 Principal Natural Environment Officer (Ecology)

Original comments:

Having reviewed the relevant Ecological supporting documents and drawings:

- *Planning Statement*
- *Design and Access Statement*
- *Ecological Appraisal*
- *Development Framework Plan*
- *Site Location Plan*
- *Arboricultural Impact Assessment*

The site falls within the Discharges "any discharge of water or liquid waste..." SSSI Impact Risk Zone **River Wye SAC** and so sufficient and detailed information will be required to be submitted with any outline or full applications to allow the authority to assess the proposal through its Duty of Care under NERC Act and Habitat Regulations.

The River Wye SAC is primarily designated for the Annex I habitat ' watercourses of plain to montane levels with Water cross-foot, and the presence of a number of Annex II species, including the White Clawed crayfish, Otter, Brook Lamprey, River Lamprey, Sea Lamprey, Thwaite Shad, Atlantic salmon and Bullhead.

Natural England will also need to be a statutory consultee and will require sufficient information, like ourselves, to determine that the development(s) will have NO 'likely significant effects' on the relevant SAC & SSSIs.

Mitigation should clearly demonstrate no significant impact to the River Wye SAC/ SSSI and other SSSIs IRZs. The drainage and ecology information must be submitted with any Outline or Full Planning Application and will need to be considered and approved through the HRA process by Natural England and the LPA prior to any determination of that application.

With reference to protected species surveys, government advice states that:

- a) *the presence or absence of protected species, and the extent to which they could be affected by the proposed development, should be established before planning permission is granted, since otherwise all material consideration might not have been considered in making the decision; and*
- b) *use of planning conditions to secure ecological surveys after planning permission has been granted should only be applied in exceptional circumstances.*

It is noted that updated survey work has not been carried out in regards to the south west drainage route. The southwest drainage route was last subject to a Phase 1 Survey in 2014 (accepted standard survey validity is 2years) recent mapping has been reviewed only. The area accommodates the SuDs cellular storage tanks and outfall via Withy Brook which feeds into the River Wye SAC. Therefore currently the Conclusions and Recommendations within the Ecological Assessment fail to establish if there are any new ecological impacts that might have arisen from any changes. Furthermore the change in proximity of the site boundary to sensitive features and pathways for hydrological connectivity, for example Withy Brook, River Wye SAC, Grafton Wood Ancient Woodland, Important Hedgerows and associated protected fauna and flora.

The adjacent area and designated sites are recognised as being highly important for many legally protected species, including EPS many bat species notable the rare Lesser Horseshoe bat, Otter, Great Crested Newt, dormouse, bird species such as the skylark and song thrush, barn owl and kingfisher and reptiles recorded in the local area and Priority Habitats including Ancient Woodland. The south west drainage route redline boundary extends to approximately 250m north of Grafton Wood Ancient Woodland.

Approximately 700m of hedgerows align this south west drainage route and have not been assessed for their importance under the Hedgerow Regulations 1997, and associated protected species such as otter, dormouse, bats, listed bird sp., great crested newts and reptiles which are recorded within the area.

A number of hedgerows within the main development site have been recorded as species rich and are considered likely to qualify as 'Important' under the Hedgerow Regulation, 1997. Hedgerows are a Priority Habitat in Herefordshire. The Hedgerow Regulations, 1997 detail a system to protect Important Hedgerows for which no amount of replanting can substitute. Furthermore all the hedgerows within the main site may provide opportunities for foraging, resting sites for common and potentially protected species. Many of the features are proposed to be retained however construction and operational disturbance to associated species should clearly demonstrate no detrimental impacts (NPPF, NERC Act, Core Strategy LD1-3).

Please also refer to the comments and objection received from the Tree Officer regarding the Arboricultural Impact Assessment

– Also I note in the Arboricultural Impact Assessment recommendations include: Detailed Tree Protection Drawings with the Arboricultural Method Statement with detail given of proposed levels and service routes. The detailed plans and AMS should also be cross reference with ecological receptors identified by updated ecological surveys to ensure there are no constraints or conflicts

to protected species, habitats and any proposed mitigation strategy's inclusive of the south west drainage route.

Dormouse have been screened out of any further assessment however survey data was last assessed in 2014 via a third party. Dormouse has been recorded within 500m of the site. An update to assessment is required; inclusive of the southwest drainage route.

Great crested newt, and Otter have also been screened out, as above sufficient information will be required to demonstrate no impact to this species as part of the main development site and southwest drainage route inclusive of any mitigation strategies,

Reptiles were recorded on site and were last assessed in 2016, the southwest drainage area has not been assessed and any changes in the known slow worm populations on the main site.

Bird surveys and any relevant mitigation should demonstrate no significant impact to protected bird species such as the skylark and song thrush, barn owl and kingfisher which have be recorded in the area.

Bats sufficient information will be required to demonstrate no impact to this species as part of the main development site; and southwest drainage route inclusive of any mitigation strategies.

Furthermore any protected species or habitats previously screened out of the Ecological Appraisal should be assessed as necessary for the entire redline boundary inclusive of the south west drainage route.

I look forward to receiving the technical reports as identified in support of any future supporting information to this outline application. From the information reviewed at this time a brief summary of recommendations (although not an exhaustive list) is provided;

- Drainage, ecology and flood risk have been considered to have no impact beyond the site itself and its immediate environs – Mitigation should include any amendment found to be necessary from update survey work and inclusive of the southern west drainage route - Mitigation should clearly demonstrate no significant impact to the River Wye SAC/ SSSI and other SSSIs IRZs The **drainage and ecology information** must be submitted and will need to be considered and approved through the **HRA process by Natural England** and the LPA prior to any determination of that application.
- I would request the submitted **Ecological Appraisal and Phase 2 Surveys as required** should clearly present where relevant the pending updates and southwest drainages route redline boundary. The ecological surveys should be undertaken at the appreciate time of year and follow excepted Natural England methodologies.
- The supplied report should clearly comply with BSI 42020, 2013 *Biodiversity – code of Practice for planning and development*); identify and provide robust risk avoidance measures and working methods for general ecology and any species specific mitigation identified by survey. Any extended '**Optimal Period**' **species surveys** identified as being required should be undertaken and the results included in the finally submitted report. If European Protected Species (EPS) surveys are needed an ecologist with the appreciate Natural England Licence is required. As part of any future application, proposals for protection of habitats and species and where damage is unavoidable, mitigation and compensation measures and enhancement; for all species, habitats and designated sites potentially affected should be submitted for approval to the LPA.
- The site supports a significant assemblage of bat species and local records include the rare Lesser Horseshoe. A fully detailed **lighting plan/assessment** should be supplied, in support of any mitigation scheme/master plan. In accordance with best practice guidance, also stated in the Ecological Appraisal.

- No external **lighting** should illuminate any of the enhancements or boundary features beyond any existing illumination levels and all lighting on the development should support the Dark Skies initiative (DEFRA/NPPF Guidance 2013).
- If any **trees or hedgerows** are or could be impacted by the proposed development a fully detailed **BS5837:2012 trees and hedgerows (to Hedgerow Regulations 1997)** survey is requested. Any loss of trees or hedgerows must be clearly indicated and retained trees and hedgerows subject to a **Root Protection Plan** and protection methods for all retained trees or hedgerows.
- In line with NPPF Guidance, NERC Act and Core Strategy LD2 all developments should show how they are going to enhance the local biodiversity potential "**Biodiversity Net Gain**". Enhancements are in addition to any mitigation required through a protected species licence. To ensure this a detailed **Biodiversity Enhancement Plan** is requested. The recommendations in the Ecological Appraisal in principle appear appropriate mitigation however the enhancements and recommendations have been considered in the context of the main site and do not include the mitigation and net gain proportionate to the south west drainage area.
- **A detailed Construction Environmental Management Plan** should be supplied (or should be requested as a pre-commencement condition, *comply with BSI 42020 Biodiversity – code of Practice for planning and development*).
- An appropriately qualified and experienced **ecological clerk of works** should be appointed (or consultant engaged in that capacity) to continually monitor, advise and report during construction and oversee the ecological mitigation work.
- Subject to the above information being received for consideration a **Habitat Regulation Assessment** will also need to be undertaken by the LPA and the required appropriate assessment 'approved' by Natural England prior to any planning consent being granted. If the development is subsequently permitted planning conditions may be identified appropriate; to secure the protection, conservation status and ecological management of the site and surrounding designated sites and protected species.

4.19 **Principal Natural Environment Officer (Landscape) comments: No objection**

The site was visited in February 2020 in relation to an interim design layout. I have reviewed the previous landscape comments in relation to this site (pre-app ref 173494 and consultation response dated 11/09/2019). I have read the updated LVIA and seen both the previous Development Framework Plan as well as the latest Development Framework Plan (CSA/2477/122 Rev E).

Landscape character - With this particular site, the adverse landscape effects are of most concern. In the wider context, Hereford sits within a depression, and extending built development out of this, beyond the railway line, is a significant change. Although this area does not have a landscape designation, the fields comprising the development site have value for their contribution to the rural setting of the city. The loss of these fields to built development is not compliant with Policy LD1.

Visual amenity – Proposed built development has been removed from the undulating south-facing slope, where buildings would have been visible from the identified views in from the south. Although it is noted that land adjacent to the railway will be raised it is acknowledged that in longer views in, development would be viewed in the context of the city edge. The new built edge of Hereford would now be visible along a ridge formed by Grafton Lane, however this is not as visually intrusive as building on the lower slopes. The field adjacent to the A49, although south of Grafton Lane, is visually screened by the existing hotel and bus depot, as well as already being seen in views adjacent to built form on the opposite side of the A49.

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

Green infrastructure - The proposal does retain the existing hedgerow and tree framework and include landscape buffers. It is noted and welcome that the veteran trees are given far more space in this layout. It also retains Grafton Lane, where it passes through the site, as a cycle/pedestrian route. Should development of this scale and in this location be acceptable, then the indicative form and layout is appropriate to creating an urban extension is compliant with Policy LD3.

Conclusion – On balance, while there remains a significant change to the landscape character, which would occur with any such change of use, the visual amenity would only have a minor change and the green infrastructure is suitable, therefore overall there is no landscape objection.

4.20 **Principal Natural Environment Officer (Landscape)**
Original comments: Objection

Designations/Constraints Relevant Policy

- PROW – HER52A

NPPF:

- Paragraph 15

Core Strategy

- LD1
- LD3
- SS6

Hereford Area Plan

- Housing site option: Hol13

I visited the site and surrounding area on 4th September 2019 and I have read the submitted Landscape and Visual Impact Assessment (LVIA).

Landscape context

The site lies in open countryside on the south-western edge of Hereford. The northern part of the site comprises two fields (currently pasture) lying between the Hereford – Cardiff railway line and Grafton Lane. To the east are four bungalows fronting onto Grafton Lane and to the west is a detached dwelling, Highlands, which is set back. To the south of Grafton Lane the site comprises two fields (currently arable), which are bounded to the east by the A49 (Ross Road) and by a bus depot and two properties, Brandon Villa and Brandon Lodge, all accessed from the A49.

While planning permission has been granted for the southern link road, proposed routeing to the south of Grafton to join the A49/Rotherwas roundabout, it is not currently known whether this road scheme will be implemented. As such my assessment is based on the existing landscape resource.

There is an existing framework of field boundary and cross-field hedgerows together with hedgerow trees and two infield trees (English Oak) within the northernmost field. The area adjacent to the dwelling Highlands is the highest point of the site, with the land falling towards the south.

In respect of pedestrian and cycle movement, Grafton Lane is used by pedestrians and it forms part of the Sustrans cycle route 46 (Hereford – Abergavenny section). There is a footpath near to the site (ref: 52A) – this runs between Grafton Lane and Redhill bridge on the A49.

Landscape Character:

The council's Landscape Character Assessment (2009) identifies that landscape character to the south of Hereford is varied. The land in the Grafton/Bullinghope area, including this site, is

described as 'Principal Settled Farmlands. The key primary characteristics of this landscape type are hedgerows used for field boundaries and the key secondary characteristic is the mixed farming land use. Dispersed settlement pattern. There is a subtle transition to the landscape type: 'Wooded Estatelands' in the Haywood/Merryhill area and a marked change to the south-east, where the hills (Dinedor/Ridge Hill) are described as 'Forest smallholdings and dwellings'.

With reference to the field pattern/grain relating to the site itself, a comparison of C19 mapping against its current state shows little change except for the loss of some infield trees from the northernmost field. However, in the context of Grafton, the mixed farming character has been weakened by the loss of orchards and some hedgerows. .

The council's 'Urban Fringe Sensitivity Analysis (2010).assessed the sensitivity of Hereford's urban fringe, including the Grafton area. While this study is broad-brush, its findings are relevant – it identifies the partial erosion of landscape character of the Grafton area, due to agricultural intensification but notes that the dispersed settlement pattern, which is a characteristic of Principal Settled Farmlands, has been maintained and that the countryside here contributes to the rural setting of Hereford.

This links to the issues of landscape quality and condition. This area does not have a landscape designation and I acknowledge that the A49, bus depot and railway line have an urbanising effect on it, however, the fields forming the site itself and the hedgerow/tree framework, are in good condition.

With reference to tranquillity, it is stated in the applicant's LVIA that the proposed development site is 'heavily influenced by the A49...as well as by the railway line and the existing houses which lie adjacent to the site'. While I agree that the southern fields are affected by the noise/movement of the A49 corridor, the northern fields retain some tranquillity – the railway line is in steady, but not intensive use, the housing to the north of the railway line is only partially visible and the bungalows at the north-eastern end of Grafton Lane buffer this part of the site from the A49.

Landscape effects

The railway line is currently the dividing line between city and countryside. Evidently development to the south of the railway line would cause a fundamental change in character from open, agricultural land to housing. There would also be a change from a relatively dispersed settlement pattern along Grafton Lane to much denser housing development at it's north-eastern end.

The Development Framework Plan indicates that much of the existing framework of hedgerows and trees would be retained, with replacement and realignment of hedgerow on the A49 frontage as per visibility splays associated with the proposed new vehicular access. The retention of Grafton Lane as a small-scale, hedged lane, enabled by proposing a new vehicular access road to the development and the western part of Grafton Lane, is a very positive feature that would maintain some of the lane's rural character.

I agree with the LVIA findings that the most significant landscape effect (substantial adverse) is the change from open countryside to built development. However, the effect of extending development beyond the railway line, out of the bowl in which Hereford sits, is not picked up in the summary of indirect effects on landscape.

Visual effects

Regarding the LVIA, a representative range of viewpoints has been identified and the assessment of the site's visibility is accurate. The northern two fields are visually contained by the railway line and the field boundary hedgerows. Available views are close range - rail users (public transient views) and from the upper rear of houses north of the railway and from the dwelling Highlands (both private viewpoints).

The southern compartment has a more open aspect. The land to the west of the bus depot is the most exposed. There are some middle and long range views into the site, along with some close range views, as accurately described in the LVIA.

In respect of both the northern and southern compartments, the most sensitive visual receptors would be users of Grafton Lane – which would include recreational walkers and cyclists. Views of the development would only be partially screened by the roadside hedgerow.

Also significant are the available views from footpath 52A, looking northwards towards the site, as shown on LVIA photosheet 102.

The sequential available views of the site from the A49, approaching Hereford, are relatively limited, due to the topography and intervening hedgerows. As set out in the LVIA, there is a view of Hereford from the crest of the hill near Aconbury Hill. Approaching and passing the site, views are screened by the intervening depot and roadside hedgerow.

My assessment of visual effects largely concurs with that set out in the LVIA – this identifies the most significant effects to be on Grafton Lane receptors. The effect on views from footpath 52A is downplayed a little.

Mitigation

The proposed mitigation, comprising retention of existing hedgerows and trees, a landscape buffer including SUDs feature on the western boundary of the site, is appropriate to the rural context and would help to buffer adjacent dwellings from the development site and to assimilate the development into the urban edge of the city.

The form of the development indicates an intention to design a strategic urban extension, to overcome concerns raised about piecemeal development on the edge of the city. The design aim, as shown by the indicative site layout, is to make the two sets of fields a cohesive unit, by extending a landscape buffer along the south-western edge of the site and by using an internal circulation road to link the north and south fields. Making the site cohesive would enable it to relate to the urban edge; to make an extension to the city, rather than attempting to relate the development to Grafton.

Summary

With this particular site, the adverse landscape effects are of most concern –in the wider context, Hereford sits within a depression, and extending built development out of this, beyond the railway line, is a significant change. Although this area does not have a landscape designation, the fields comprising the development site have value for their contribution to the rural setting of the city. The loss of these fields to built development is not compliant with Policy LD1.

The site's aspect - an undulating south-facing slope, means that built development will be visible from the identified views in from the south - it would not be possible to fully screen built development on the site, although it is acknowledged that in longer views in, development would be viewed in the context of the city edge. However, the visual intrusion that would arise is not compliant with Policy LD1.

The proposal does retain the existing hedgerow and tree framework and include landscape buffers; it also retains Grafton Lane, where it passes through the site, as a cycle/pedestrian route, making the scheme compliant with Policy LD3.

Given the fundamental issues concerning adverse landscape and visual effects, I could not support the proposal. However, should development of this scale and in this location be acceptable, then the indicative form and layout is appropriate to creating a strategic urban extension.

4.21 **Archaeology Advisor: No objection**

Additional comments:

We can confirm no objection and no further requirements. Level of finds does not justify a condition.

4.22 **Archaeology Advisor:**

Additional Comments

Following our discussions earlier today, I am providing a summary of correspondence to date and likely issues / outcomes as regards archaeology. I hope it's useful. I have copied in colleagues above because I will be away on extended leave 11th – 25th October inclusive, and discussions & decisions may be required in my absence.

- In relation to pre app 173494/CE, I advised the need for a field evaluation (05/10/2017).
- In relation to the Hereford Area Plan consultation I advised the same (27/03/2018).
- For this current application I have further advised the same, making it clear that the evaluation methodology should encompass both geophysics and trial trenching (Memo of 10/09/2019).
- I have today fully discussed with Wessex Archaeology (authors of the submitted assessment and otherwise acting on behalf of the applicants) the details and likely rollout of this evaluation. It is my understanding that the applicants are fully signed up to it, and wish to progress it ASAP.
- The first part of the evaluation will be a comprehensive to standards geophysical survey of the site. It is currently anticipated that this will take about a week, to commence in early to mid-October.
- When the initial results are back from this -normally a very quick process- the nature and scope of the essential follow on trial trenching will need to be finalised. In broad terms, with the geophysics having been done, it would be expected that approx. 3% of the total area of the application site would be trenched, in a relatively systematic way. However, the exact configuration of trenches will partly depend on what the geophysics appears to indicate.
- It is difficult to be sure how long the trenching will take, but my ball park estimate would be about a month.
- Although normally I would on conclusion of trenching wait for the full evaluation report to be submitted before making final comment, it may be the case that the implications are sufficiently clear from site records and monitoring etc. for a quicker response to be given. This would be entirely justified.
- The above technical approach broadly accords with that already taken in relation to the other large sites around the margins of Hereford, for instance the strategic Lower Bullingham and Three Elms sites currently going through process...

4.23 **Archaeology Advisor:**

Original comments

This large and prominent site is, as the submitted desk based assessment indicates, situated in an area of some interest and sensitivity as regards archaeology. There is potential here for the presence of below-ground finds of significance from the prehistoric to medieval periods in particular. There are also likely to be some changes to the setting and appreciation of upstanding heritage assets in the wider landscape, although I would regard these changes as generally being minor, and not a matter of substance in this case.

Whilst I have no prima facie objection to what is proposed, I have concerns in relation to the current information deficit regarding the likelihood of at-risk buried remains. Given this deficit (which is acknowledged in the application), I consider it essential that an archaeological field evaluation (Para 189 NPPF) is also undertaken, in order to provide enough information on which to base a sustainable decision. I also consider, that to be reliable, this evaluation should consist of *both* geophysics and trial trenching across the site.

4.24 **Minerals and Waste Officer:**

Updated comments

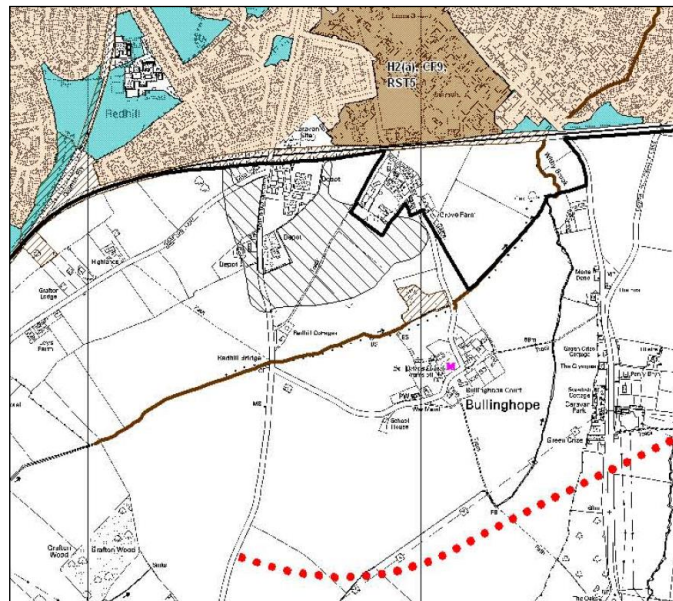
Thank you for consulting and apologies for the delay in responding. I have no further comments.

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

Original comments

I can confirm that part of the eastern fringes of the application site is identified under Policy M5 of the Herefordshire Unitary Development Plan (HUDP). Policy M5 is a saved policy from the HUDP which relates to the safeguarding of minerals and therefore country to paragraph 5.23 of the applicants Planning Statement needs to be considered satisfied and taken into consideration in the decision making process.

The HUDP recognises the long term requirement for aggregate and other mineral resources to be worked, with a concomitant need to safeguard deposits which are or could be important in the future from unnecessary sterilisation of surface development. Policy M5 requires development proposals to undertake a geological assessment of the site; and/or protect the minerals in question; and/or extract all or part of the mineral reserve as part of or before the development. The map below identifies the part of the site which is safeguarded by minerals. (Image is part of Inert Map HER1 Hereford City of HUDP).



Current National Policy within the NPPF includes section 17 which facilitate the sustainable use of minerals. Paragraph 203, identifies that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the county needs. Paragraph 204 goes on to identify that planning policies , amongst other things, safeguard mineral resources by defining Mineral Safeguarding Area and set out policies to encourage the prior extraction of minerals where practical and environmentally feasible, if it is necessary for non-mineral development to take place. The aims of the Policy M5 within the HUDP are consistent with the NPPF in relation to protecting mineral reserves from sterilisation due to other forms of development.

If an area is identified as being within a Mineral Safeguarded Area it does not automatically preclude other forms of development. Neither is there a presumption that an application to extract the mineral resource defined within the Mineral Safeguarding Areas will be granted permission. What it does mean however, is that attention to the presence of important mineral resource is needed and that any proposals should adequately and effectively considers the importance and nature of the reserve in land-use planning decisions.

The NPPF requires mineral planning authorities to maintain a minimum land bank of 7 years for sand and gravel. Presently the County of Herefordshire has a land bank of 21.8 years this mineral type. The HUDP does not currently identify any 'preferred' sites for future extraction of sand and gravel, nor does it identify constraints of sites with known minerals resources.

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

Notwithstanding, the Council recognises that mineral resources are finite and must be protected for future generations to meet their own needs. Minerals can only be worked where they naturally occur but with increased pressure on land use the Council must also ensure that those resources are not needlessly sterilised by other forms of development.

The planning process should ensure that minerals are not unnecessarily sterilised whilst allowing competing development to proceed if there is an overriding need for it. In these circumstances, extraction of the mineral ahead of the development (prior extraction) should also be considered.

4.25 **Environmental Health Officer (Noise and Nuisance)**

Updated Comments:

Our comments are with regard to potential noise and nuisance issues that might arise from development. This consultation response should be read in conjunction with our response of October 2019. . The applicant has submitted a revised noise report dated July 2020 and this is accompanied by a reduced outline proposal for a housing scheme for 230 houses and a swathe of the original proposal omitted. The noise report gives noise contours for the site with the strip of development land to the east closest to the A49 of 60-65dB LAeq in the daytime and 55-60dB LAeq at night time. This translates to a medium to high risk of road traffic noise. There is no proposed draft layout scheme in this application. There remains a swathe of potential residential development abutting the A49 trunk road such that the eastern section of this site does have significant noise constraints. Most notable noise monitoring locations in the report are NSR06 and NSR08. At first floor bedroom height daytime noise is 65dB and 62dB respectively and 57dB and 54dB at night time. At first floor elevations it will not be possible to achieve desirable internal noise levels of 35dB and 30dB without significant noise attenuation including keeping the windows closed at all times on the road facing elevations. I would have concerns regarding the potentially significant proportion of houses that could be adversely impacted by road traffic noise.

The noise report advises that it is intended to screen the external amenity areas ie gardens closest to the A49 behind the proposed dwellings and for these to be fenced so as to offer noise attenuation. This is predicted to give external amenity areas less than 55dB (the upper guideline value as opposed to 50dB desirable value where development is deemed necessary. Given that there will be a quieter amenity area on the site the external amenity levels are agreed to be satisfactory. I remain unconvinced by the proposal which includes putting a significant number of houses up against the A49 Most of the proposed dwellings in the third segment will be subject to significant road traffic noise being over 55dB during the day and above 50dB at night time. In my opinion from a noise perspective it would have been preferable to take this swathe of houses out of the outline proposal and instead re-instate at least some of that removed from the original submission.

4.26 **Environmental Health Officer (Noise and Nuisance)**

Original Comments:

My comments are with regard to potential noise and nuisance issues that might arise from development.

The outline planning application with all matters reserved except for access for 300 houses on this site is accompanied by a Noise and Vibration Assessment in accordance with Stage 1 of the ProPG* guidance.

The assessment finds that there is a risk of intrusive road traffic noise from the A49 to the eastern section of this site both potentially in outdoor amenity areas and also within the proposed dwellings.

I note that the applicant is requesting permission for up to 300 houses at this site and no indicative site layout is supplied. I am concerned that up to 300 houses may not be possible once road traffic noise mitigation (and other constraints mitigation) has been taken into account. I am of the view that this should be raised with the applicant at the earliest opportunity. Having said the above we would not object to the principle of housing at this site providing that careful consideration of the acoustic environment will be needed therefore in the design and layout of the site.

Should the applicant proceed to a reserved matters application an Acoustic Design Statement will need to be supplied which demonstrates in full that Stage 2 Elements 1-4 of the above guidance have been met. Check the feasibility of relocating, or reducing noise levels from relevant sources Consider options for planning the site or building layout and the orientation of proposed buildings Select construction types and methods for meeting building performance requirements and examine the effects of noise control measures on ventilation, fire regulation, health and safety, cost. Assess the viability of alternative solutions and assess external amenity area noise.

Within the Acoustic Design Statement supply evidence that internal noise levels outlined within Element 2 of the ProPG Internal Noise Level Guidelines can be met. (Satisfactory noise levels to be achieved in as many noise sensitive rooms in as many houses as possible with the windows partially open).

Within the Acoustic Design Statement supply evidence of an external amenity noise assessment in accordance with Element 3 of the ProPG Guidance. (Satisfactory external amenity levels to be achieved are 50dB on a green field site at as many dwellings as possible.

Within the Acoustic Design Statement assess all other relevant issues in accordance with Element 4 of the ProPG Guidance. ProPG: Planning and Noise* Professional Practice Guidance on Planning & Noise New Residential Development Published by the Association of Noise Consultants, the Institute of Acoustics and the Chartered Institute of Environmental Health

4.27 **Environmental Health Service Manager (Contaminated Land) comments:**

Comments I refer to the above application and would make the following comments in relation to contaminated land and human health issues. "Geotechnical and Geo-Environmental Report. Proposed Residential Development. Grafton Lane, Hereford. Herefordshire." Prepared by Terrafirma, dated December 2017, ref:14203_3Version2.

The above report has identified some areas affected by contaminants which will require minor remediation. The report identifies options for how this is done which will need to be demonstrated through a remedial method statement and validation report. With this in mind, I'd recommend the following condition be appended to any approval with a recognition parts 1 (a) and (b) have been satisfied.

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

- a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice
- b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors
- c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing.

The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate

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

remediation scheme submitted to the local planning authority for written approval. Reason: In the interests of human health.

2. The Remediation Scheme, as approved pursuant to condition no. (1) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted and agreed in writing before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. Reason: In the interests of human health.

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

Technical notes about the condition

1. I would also mention that the assessment is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework 2018.

2. And as a final technical point, we require all investigations of potentially contaminated sites to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.

4.28 Waste Operations Team Leader comments

Should this applicant proceed reserved matters, please note the following should be provided:

A swept path analysis should be provided to show in principle that a 26 tonne refuse collection vehicle (RCV) can access all internal access roads and turning heads where it is proposed the RCV would access. The standard refuse collection vehicle (RCV) used in Herefordshire is 26 tonnes. All roads and turning heads where it is proposed the RCV will travel must be constructed to adoptable standards.

Bin storage locations for each plot to be included on site plans. If bins are to be stored to the front of the property (including when bins are to be placed in the front on collection day) there should be at least 1 metre space around the bin to allow the resident and collection operatives to manoeuvre the bin, and it should not cause an obstruction to the entrance to the property. Bins should not be placed on the pavement on collection day as this causes an obstruction to pedestrians.

Storage space will need to be provided at each property (including any apartment blocks of 7 or less units) for the following containers:

1x180 litre wheeled bin for general rubbish

1x240 litre wheeled bin for recycling paper & card

1x240 litre wheeled bin for recycling tins, cans, glass and plastics

1x23 litre food waste caddy (collected weekly)

Collected on an alternate 3 weekly basis

1x240 litre bin at each property with a garden. This is an optional fortnightly (seasonal) garden waste bin, however space should be provided to allow residents with gardens the ability accommodate a garden waste container or home compost bin should they choose to use it.

For any apartment blocks with 8 or more apartments, bin stores should be provided to accommodate the above capacity per unit. Herefordshire Council provide either 660 or 1100 litre communal bins. Details regarding bin stores should be included in submitted documents.

Bin collection points (areas of hardstanding where residents can place their bins for collection) should be provided for any plot located over a 25 metre walking distance from where the RCV can safely access. These should be an area of hardstanding that is large enough to position the required number of containers.

In the event that any roads within the development are not adopted, please note that the council will only agree to travel private roads for the purposes of waste collection if:

The council and its contractors determine that collections can be carried out safely;
and

The council receive written confirmation from the landowner/developer that the roads over which the RCV will travel are built to a suitable specification for this type of vehicle to travel over on a frequent basis;

and

The council and its contractor(s) are indemnified against damage to property and general wear and tear, other than that caused through negligence.

Other Consultation Responses

4.29 Sports England Comments:

Thank-you for re-consulting Sport England on this application. I have to further comments to make in respect of the amendments proposed, but would reiterate the comments made previously in respect of securing a developer contribution towards playing pitch investment where this was deemed to be justified. I could not see any reference to S106 negotiation in the covering letter, if possible it would be good if you could update me on this and keep me informed in due course.

4.30 Sport England – Non Statutory Role and Policy

Previous comments:

The Government, within their Planning Practice Guidance (Open Space, Sports and Recreation Facilities Section) advises Local Planning Authorities to consult Sport England on a wide range of applications. <https://www.gov.uk/guidance/open-space-sports-andrecreation-facilities-public-rights-of-way-and-local-green-space#open-space-sports-andrecreation-facilities>

This application falls within the scope of the above guidance as it relates to residential development of 300 dwellings or more.

Sport England assesses this type of application in light of the National Planning Policy Framework (NPPF) and against its own planning objectives, which are Protect - To protect the right opportunities in the right places; Enhance - To enhance opportunities through better use of existing provision; Provide - To provide new opportunities to meet the needs of current and future generations. Further information on the objectives and Sport England's wider planning guidance can be found on its website: <http://www.sportengland.org/planningforsport>

The occupiers of new development, especially residential, will generate demand for sporting provision. The existing provision within an area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, Sport England considers that new developments should contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity off-site. The level and nature of any provision should be informed by a robust evidence base such as an up to date Sports Facilities Strategy, Playing Pitch Strategy or other relevant needs assessment.

The Proposal and Assessment against Sport England's Objectives and the NPPF

The population of the proposed development is estimated to be approximately 690 persons based on an occupancy rate of 2.3 persons per dwelling. This additional population will generate additional demand for sports facilities. If this demand is not adequately met then it may place additional pressure on existing sports facilities, thereby creating deficiencies in facility provision. In accordance with the NPPF, Sport England seeks to ensure that the development meets any new sports facility needs arising as a result of the development. You may be aware that Sport England's Sports Facilities Calculator (SFC) can help to provide an indication of the likely demand that will be generated by a development for certain facility types. The SFC indicates that a population of 690 people in this local authority area will generate a demand for.

Sports Halls

Demand adjusted by 0%

Courts 0.18

Halls 0.05 vpwpp 54

Cost £108,110

Swimming Pools

Demand adjusted by 0% Square meters 6.80

Lanes 0.13

Pools 0.03 vpwpp 41

Cost £114,984

Indoor Bowls

Demand adjusted by 0%

Rinks 0.06

Centres 0.01

vpwpp 9

Cost £21,110

Whilst it is acknowledged that the quantum of demand proposed would not generate a need for additional sports halls or swimming pools, it may be appropriate to invest a section 106 contribution towards any identified investment priorities for qualitative improvements to existing built indoor sports facilities if a suitable project could be identified. In the absence of a Built Indoor Sports Facilities Strategy, I'm not aware of any specific priorities for investment at this time, however in the event that the Council were able to identify local project(s) for sport facility investment, Sport England would support the Council in seeking section 106 contributions in line with the demand calculator set out above. It is understood that the Council are not able to identify any suitable projects at this time.

In respect of playing pitches, whilst Sport England is aware that the Council does not currently have an up-to-date Playing Pitch Strategy, the Hereford Pitch Sports Group does meet regularly to discuss priorities for section 106 investment within Hereford. Attendance of this group includes the National Governing Bodies for Football, Cricket, Rugby Union and Hockey along with Sport England and other local stakeholders. Sport England have consulted the NGB's on this application to identify potential priorities for investment in playing pitches. I have summarised the comments received below:

Football Foundation:

With no PPS available within the area, we have reviewed potential projects which are detailed within the associated Local Football Facilities Plan. The primary project would be the Newton Farm site which would benefit Belmont Wanderers FC. The proposals include improvements to the natural grass pitches, new changing room pavilion and potentially 3G provision in the future, if demand can be evidenced. There is also King Georges VI Playing Fields included within the LFFP for natural grass pitch improvements and a MUGA which is just over a mile away and Belmont Abbey for a changing room refurbishment project, which is just over 2 miles away.

ECB: Bartestree & Lugwardine CC (6 miles north east), Brockhampton CC (10 miles south east) and Wormelow CC (5 miles south) are the only clubs in the local area as there are currently no cricket clubs in the city of Hereford. Both B&LCC (2nd ground) and Brockhampton CC (new pavilion) have projects in need of investment. Is this though an opportunity to work with the Cricket Board to develop a new ground in the city?

RFU: The closest rugby union clubs to the proposed residential development are Hereford Rugby Club which is less than 2 miles away and then Greyhound Rugby Club are 3 miles away. Hereford Rugby Club possess proposals to relocate to a new venue to allow them to potentially secure a lift in the quality and quantity of facilities, which their current Belvedere Lane site currently does not offer and heavily restrictive in what can be delivered. The needs to enhance the facility offer at HRFC is widely recognised by North Mids Rugby Union and the RFU, and by way of relocation believe this to be most appropriate manner of securing the correct facilities to meet the diversity and demands of their playing membership. The RFU would encourage exploration into the possibility of contributions to rugby union being secured via a s106 agreement. This contribution would be pooled towards supporting the development of facilities at the relocation site of Hereford Rugby Club. Currently the facilities afforded to Greyhound RFC are believed to be commensurate to the demands of the activities of the club.

England Hockey: England Hockey would be keen to gain s106 support towards resurfacing the sand-based AGP at Hereford Leisure Centre.

In addition, Sport England is aware that the Council have also identified other priorities including Hereford cycle track and other projects within football, cricket and rugby that should also be considered. The various projects put forward are in line with the Council's Outdoor Sports Investment Plan 2019 which is prepared in partnership with the Council, the NGB's for sport and Sport England. Securing a s106 contribution towards outdoor sports provision would be in accordance with policies OS1 and OS2 of the adopted Hereford Core Strategy. It is understood that the Council applies its methodology to assess requirements from new development at a cost of £1297 per dwelling.

It is therefore recommended that where the Council conclude that a section 106 contribution should be sought in accordance with the Council's policies, that these identified priorities are considered along with any other local priorities that have been identified by the Council to support the demand generated by this development.

Sport England, in conjunction with Public Health England, has produced 'Active Design' (October 2015), a guide to planning new developments that create the right environment to help people get more active, more often in the interests of health and wellbeing. The guidance sets out ten key principles for ensuring new developments incorporate opportunities for people to take part in sport and physical activity. The Active Design principles are aimed at contributing towards the Government's desire for the planning system to promote healthy communities through good urban design. Sport England would commend the use of the guidance in the master planning process for new residential developments. The document can be downloaded via the following link: <http://www.sportengland.org/activedesign>

Conclusion This being the case, Sport England offers its support for this application subject to securing a suitable s106 contribution towards investment in sports facilities/playing pitches in line with local priorities in accordance with policies OS1 and OS2 of the adopted Core Strategy. The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

4.31 **Woodland Trust: Original comments**

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

Veteran Trees Natural England's Standing Advice¹ on veteran trees states that they can "be individual trees or groups of trees within wood pastures, historic parkland, hedgerows, orchards, parks or other areas. They are often found outside ancient woodlands. They are irreplaceable habitats with some or all of the following characteristics... A veteran tree may not be very old, but it has decay features, such as branch death and hollowing. These features contribute to its biodiversity, cultural and heritage value."

The Woodland Trust is concerned about the potential impact to three veteran oak trees on site, which are identified as T7, T9, and T14 in the arboricultural survey and also recorded on the Ancient Tree Inventory (references 196040, 196038 and 196041 respectively).

Policy The National Planning Policy Framework, paragraph 175 states: "When determining planning applications, local planning authorities should apply the following principles: c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁵⁸ and a suitable compensation strategy exists;" Footnote 58, defines exceptional reasons as follows: "For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat." ¹ <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences#avoid-reduceor-compensate-for-the-impacts>

There is no wholly exceptional reason for the development in this location and therefore this development should be refused on the grounds it does not comply with national planning policy. The Council should also have regard for Policy LD1 (Landscape and townscape) and LD3 (Green Infrastructure) of the Hereford Local Plan Core Strategy (2015) in relation to trees. Veteran tree mitigation Ancient and veteran trees are a vital and treasured part of the UK's natural and cultural landscape - they represent a resource of great international significance.

Veteran trees are the ancient trees of the future. It has been estimated that the UK may be home to around 80% of Europe's ancient trees. They harbour a unique array of wildlife and echo the lives of past generations of people in ways that no other part of our natural world is able. It is therefore essential that no trees displaying veteran characteristics are detrimentally impacted by these proposals.

Natural England's Standing Advice for Ancient Woodland and Veteran trees states: Mitigation measures will depend on the development but could include: • putting up screening barriers to protect woodland or ancient and veteran trees from dust and pollution • protecting ancient and veteran trees by designing open space around them • identifying and protecting trees that could become ancient and veteran trees in the future • rerouting footpaths • buffer zones" Buffering Trees are susceptible to change caused by construction/development activity.

As outlined in Trees in relation to design, demolition and construction (BS 5837:2012) - the British Standard for ensuring development works in harmony with trees - construction work often exerts pressures on existing trees, as do changes in their immediate environment following the construction of a building. Root systems, stems and canopies, all need allowance for future movement and growth, and should be taken into account in all proposed works on the scheme through the incorporation of the measures outlined in the British Standard. However, Natural England's Standing Advice states that a buffer zone around an ancient or veteran tree should be at least 15 times larger than the diameter of the tree.

The buffer zone should be 5m from the edge of the tree's canopy if that area is larger than 15 times the tree's diameter. This is supported by the Ancient Tree Forum. Furthermore, no permanent hardstanding should be constructed within these Root Protection Areas in line with Subclause 7.4 of the British Standard (Permanent Hardstanding within the RPA). Conclusion The

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

Woodland Trust objects to this planning application unless the applicant is able to provide the veteran trees on site with an appropriate buffer in line with Natural England's Standing Advice

4.32 **Forestry commission:**

Updated comments:

I have reviewed the application and confirm the Forestry Commission has no comments. Please see the attached letter for further information on our position regarding ancient woodland and development management

4.33 **Forestry Commission**

Previous comments:

The Forestry Commission is a non-statutory consultee on developments in or within 500m of ancient woodland. Ancient woodland is an irreplaceable habitat. National Planning Policy Framework paragraph 118 states: 'planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss' The Forestry Commission has prepared joint standing advice with Natural England on ancient woodland and veteran trees to which we refer you in the first instance. This:

- is provided in place of individual responses to planning consultations. We no longer respond to weekly planning lists;
- should be taken into account by planning authorities where relevant when determining planning applications;
- provides links to Natural England's Ancient Woodland Inventory, assessment guides and other tools to assist you in assessing potential impacts. In the majority of cases this will provide the advice you need to help you make your decision about a development proposal.

If you need further bespoke advice from us please contact your local Forestry Commission Area office.

4.34 **Hereford Ramblers comments:**

PROW must be informed before work is carried out on laying drains across the public footpath.

4.35 **Education Comments**

The educational facilities provided for this development site are South Hereford Early Years, Marlbrook Primary School, Hereford Academy School and South Hereford Youth.

Marlbrook Primary School has a planned admission number of 90. As at the schools autumn census 2021:-

6 year groups are near, at or over capacity- YR=90, Y2=88, Y3=87, Y4=87, Y5=88, Y6=87

The Hereford Academy Secondary School has a planned admission number of 150. As at the schools autumn census 2021:-

All Year groups have spare capacity- no contribution requested

Approximately 1% of the population are affected by special educational needs and as such the Children's Wellbeing Directorate will allocate a proportion of the monies for Primary, Secondary and Post 16 education to schools within the special educational needs sector. Although there is currently surplus capacity with the catchment primary/secondary school and therefore we are unable to ask for a full contribution as indicated in the SPD towards this element please note that 1% of the contribution will go towards Special Educational Needs provision within the Local Authority maintained Special Schools and therefore we would still be seeking this 1% contribution.

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

Contribution by No of Bedrooms	Pre-School	Primary	Secondary	Post 16	Youth	SEN	Total
2+bedroom apartment	£117	£1,084	£0	£87	£432	£89	£1,809
2/3 bedroom house or bungalow	£244	£1,899	£0	£87	£583	£138	£2,951
4+ bedroom house or bungalow	£360	£3,111	£0	£87	£1,148	£247	£4,953

Although no contribution has been requested for the catchment Secondary school for this development, please note that parental preference may dictate that children from this development may attend other schools that would ordinarily require a contribution as a result of this development taking place.

Please note this is the contribution that would be requested at this point in time based on the current information available that is pupil census data and the criteria in the SPD. It is therefore likely that this level of contribution will change (increase or decrease) for all subsequent applications made.

The schemes that these contributions will be requested for will be determined as the development scale is developed in the event that permission is granted

4.36 NHS: Herefordshire Clinical Commissioning group:

Full comments:

Part 1: <https://myaccount.herefordshire.gov.uk/documents?id=4f18c628-f348-11ea-97a0-0050569f00ae>

Part 2: <https://myaccount.herefordshire.gov.uk/documents?id=80a5c587-f348-11ea-97a0-0050569f00ae>

Conclusion:

In its capacity as the primary healthcare commissioner, Herefordshire CCG has identified that the developments will give rise to a need for addition primary healthcare provision to mitigate impacts arising from the development.

The capital required through developer contributions would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development.

Assuming the above is considered in conjunction with the current application process, Herefordshire CCG would not wish to raise an objection to the proposed development. Otherwise the Local Planning Authority may wish to raise an objection to the proposed development. Otherwise the Local Planning Authority may wish to review the developments sustainability if such impacts are not satisfactorily mitigated.

The terms set out above are those that the Herefordshire CCG deem appropriate having regard to the formulated needs arising from the development.

Herefordshire CCG look forward to working with the applicant and the Council to satisfactorily address the issues raised in this consultation response and would appreciate acknowledgement of the safe receipt of this letter.

5. Representations

5.1 **Callow and Haywood Parish Council comments:**

The Callow & Haywood Parish Council has considered the application, for 300 homes to be built on farm land north and south of Grafton Lane, as described in planning application 193042.

The Callow & Haywood Parish Council wish to register their strong objection to the proposals for the following, non-exhaustive, reasons.

- 1) The existing infrastructure, in terms of highways and access, would be severely compromised by an increase in housing stock of this magnitude at this location, despite the bland reassuring statement within the Traffic appraisal of the application.
- 2) The Parish Council object, in the strongest of terms, to the taking of this parcel of agricultural farm land for the purpose of house building.
- 3) The issue of Climate Emergency, and the potential failure by Herefordshire to meet environmental standards for emissions, will be severely compromised by this additional house building and, notwithstanding construction traffic, the increase in traffic movements that will be a direct consequence.
- 4) The site will traverse a railway cutting and there are believed to be visibility issues at the location that cannot be mitigated. The proposed site sits outside the physical, psychological and landscape boundary between the city and surrounding countryside and places an urban development within open countryside. As such it is damaging to an area of great beauty and amenity value close to the City of Hereford. A housing development of 300 houses on this site would undoubtedly increase the traffic flow into the city along the already busy Ross Road.
- 5) The Southern Link Road and Hereford Transport Package are currently on hold and subject to reassessment. The building of an estate such as this would need to be symbiotic to the provision of new road links and, until the infrastructure and a further river crossing are available, it is believed that no further house building plans of this size should be given permission. There is a great deal of existing housing undergoing construction at present and it would be advisable to wait until the full impact of these new homes is known.
- 6) There is also a concern that the proposed site is just opposite the Hereford Ambulance Station. This could result in construction and other site vehicles impeding traffic and wasting the precious minutes needed to get ambulances to emergency situations.

5.2 **Hereford City Council: Updated comments:**

Hereford City Council objected to Planning Application 193042. Though Councillors noted that the comments made by the Committee regarding electric charging points and solar panels has been taken on board, and the number of dwelling has been reduced, there were still concerns regarding traffic and access arrangements. Councillors noted the comments made by Highways England and support them. These issues need to be addressed before the application can be supported.

5.3 **Hereford City Council: Original comments:**

Hereford City Council Planning Committee had several concerns about the outline application for this proposed build. Councillors noted that the issues surrounding highways and access is largely unaddressed in this outline, with little reference to whether traffic lights or other options have been considered for road access onto the A49. Councillors are aware of the current congestion issues and would like to see a plan in place showing the research and possible solutions to the problems the A49 faces in lieu of this application. Another aspect of the application which Councillors felt needed further explanation is the lack of environmental consideration, particularly in regards to energy consumption. Provision of electric charging bays for electric cars has not been mentioned in the application, and there is no reference to whether solar panels will be fitted on any new dwellings. Alternative heating schemes have also not been considered, and Councillors feel that these issues cannot go unaddressed in our current climate. A more environmentally friendly and

future-proof build would be preferable. The City Council Planning Committee will await further information in the applications to follow, and hope that Taylor Wimpey will address these issues appropriately.

5.4 **Representations**

(In response to publicity and display of site notices) 3 Rounds of Public Consultation.

73 Letters of Objection have been received over 3 rounds of Public Consultation (including those from residents and other organisations).

The matters raised are summarised as follows:

Transport/Access

- Increase in congestion. Add to congestion at Asda roundabout/steels/Debenhams
- Impede Traffic flows on A49 through Hereford, Traffic at peak times on A49 already at capacity
- New access is in an inappropriate location (cause bottle neck)
- Location of roads will lead to more piecemeal development
- Travel Plan is not acceptable
- Car dependent
- Object to closing off of Grafton Lane
- Highways England: cap on traffic movements to HEZ
- Can't assume the Western Bypass/Southern Link road will be built
- As link road has been halted/cancelled. No further houses should be built until infrastructure sorted
- Support for bus services/public transport, cycling and walking for residents?
- Contribute to a pedestrian/cycling bridge across the railway?
- Increase risk of collisions and increase risk of pedestrian safety
- Speeds on A49 should be based on results from police not the 30mph legal limit
- Distribution to Ambulance station/delays to emergency service.
- Proposed access opposite the Ambulance Station is totally inappropriate
- Closure of Grafton Lane bad idea as be difficult to access A49 further down Ross Road.
- Lane too narrow for heavy traffic. (no heavy traffic over layout outside house) Oak Tree lodge (Grafton Lane)
- Lorries already use A49/Grafton road to access Hereford City
- Access down Grafton Lane for large farm vehicles and trailers. Has this been considered
- Contrary to aims of SS7 in terms of effort to combat climate change

Ecology

- Unacceptable to remove mature hedgerow
- Root protection areas for mature trees
- Biodiversity net gain is not a compensation for loss of mature trees/hedgerows
- Loss of wildlife in the fields

Climate change

- Add impact on land fill, wildlife
- Additional air pollution
- Removal of hedgerows, trees and green corridors
- Failure to address the declared climate emergency

Environment:

- Detrimental effect on visual quality of the area.
- Loss of prime green belt agricultural land. Use alternative sites for residential in existing city boundaries
- Loss of hedgerows

- Loss of oak trees
- Entrance to city would be in a visibly appalling state and environment disaster
- Air pollution – including reference to recent case law in
- Should not building houses near main roads. Impacts on human health and growing of plants / vegetables. No report has been submitted.
- Landscaping along neighbouring property boundary be low level as restrict light into garden/house
- Buildings design should be sympathetically designed to avoid overlooking and block light
- Mature Oak Tree T17 (Veteran Oak Tree): object to removal in an attempt to provide clear views. Tree should not be sacrificed. TPO is being created to protect tree and I welcome this.
- Hereford will lose its character
- Scheme not complaint with Policy LD1:
 - loss of fields
 - Be visible from the south
 - The proposed Housing Estate would require a major change from the adopted development plan polices for this locality
 - This locality serves as a beautiful, countryside gateway to Hereford City

Site Drainage

- Location of SUDS storage crates next to Withy Brook. Why not elsewhere on site. Risk to enter River Wye SAC/SSSI. Any increase in pollution is not acceptable
- 2 neighbouring properties have private sewage plants/septic tank foul drainage arrangements, developer requested to design their drainage in order to accommodate connection,
- Surface Water drainage may impact on drainage system

Social Housing

- Not convinced need will be met

Character

- Need to be large detached properties on Southern perimeter, relocate the main road through the estate. Insufficient open space. Needs to be included to retain 'green feel', provision of village green/picket pitch?
- Character of Grafton Lane is a row of large houses that includes Grade II properties
- Agricultural farmland –set precedent for other parcels of agricultural farmland going to residential in South Herefordshire
- What will the houses be like? How far boundary?
- Housing design. 2.5 storeys will dominate the skyline and southern approach to Hereford

Amenity

- Note topography but concerns that overshadow and overlooking of garden (Brandon Lodge).
- Location of recreational route site line into garden (Brandon Lodge). Security risk too
- Lack of privacy/overlooking Oakview Grafton Lane
- Loss of privacy: Highlands, Grafton Lane
- Noise and mess when under construction. Dust, disruption, noise. Heavy goods vehicles. Disruption for 5 years
- Change the area and Grafton Lane

Infrastructure

- Enough amenities to cope with extra people?
- Shops
- Doctors/Health care

- Dentists
- Primary school

Principle

- Location is inappropriate
- Site not located in the local plan for residential
- Should be built north of the City with better access
- Impact on the delivery of strategic housing allocation sites
- Hereford can take no more housing
- Sites location should be considered against RA3 – and would not meet any of the exception criteria. RA3 protects from urban sprawl and aligns with spatial strategy
- Does not comply with HD6 as an extension and is not designated

Procedural

- Will we be consulted in the decision?
- Not delegated decision.

Other matters

- Devalue house/depreciation of houses/ Property devalued
- Paid premium to live in countryside with open fields and nice views.
- Moved to Grafton to live in the Countryside/Green belt not a housing estate
- Loss of view

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=193042&search-term=193042

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 A range of Core Strategy policies, referred to in section 2 above are considered to be relevant. The strategic Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the NPPF. SS1 confirms that proposals that accord with the policies of the CS (and, where relevant other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.

Core Strategy and spatial strategy (Hereford Area Plan)

6.4 The Herefordshire Local Plan – Core Strategy does not identify settlement boundary and only identifies locations for the larger expansion areas. This site does not lie within one of these areas.

It is officers view that it is therefore necessary to assess this application in the context of its relationship with Hereford City to establish whether its development could support the required growth.

- 6.5 Policy SS2 of the Core Strategy Local Plan identifies the housing requirement over the Plan period 2011-2031 of 16,500 homes, with 6,500 to be delivered within Hereford. It must be noted that both these figures of 6,500 and 16,500 are minimum targets. For the purposes of Policy SS2 this site lies immediately adjacent to built up part of Hereford City and is located within the Redhill Ward, and therefore within the Hereford Area Plan (HAP) Boundary. Consequently, it can contribute to the minimum requirement of 6,500 homes for Hereford as set out in Policy SS2 and of course the wider minimum requirement of 16,500 homes over the Plan period.
- 6.6 Policies SS2 and HD1 set out that that Hereford will accommodate 6500 new homes in the plan period (2011-2031). A significant proportion of around 2500 of this target is to be delivered through development of three strategic urban extensions at the broad locations identified at Holmer West, Three Elms and Lower Bullingham. These are detailed in policies HD4, HD5, and HD6 respectively. A further 800 are to be accommodated in the city centre area, with the majority in a new urban village, which is detailed in policy HD2. The policy explains that the residual allocation of around 3200 is to be delivered through windfall developments, and smaller non-strategic allocations, to come forward through the HAP.
- 6.7 Whilst work on the HAP has been paused, work was undertaken to identify sites that could form these allocations and this site was identified as a suitable location to deliver a non-strategic urban extension in the development of the HAP that can contribute in part towards the residual growth target for Hereford. Further information on this process is explained in the Strategic Planning Managers comments at paragraph 4.10 above. This confirms that this site was one that was promoted (site options) and that studies consequently concluded that it could have capacity for development. Notwithstanding the assessment identified above, this site or the exercise does not carry any weight in regards to site allocations or planning policies at this stage. It is not known if the HAP will progress in its current form or at all in the future. Therefore no weight can therefore be attached to the HAP at present.
- 6.8 It is therefore appropriate to consider the sustainability of the sites location and its relationship with the city. The site lies immediately adjacent to the existing edge of the built form of the city, close to Redhill and built environs of Hereford City as a whole; albeit it is noted that the railway line does act as barrier. In locational terms and in terms of sustainability, the middle of the site lies approx. 1.0km from both a primary school (Marlbrook primary school) and secondary school (Hereford Academy). There are frequent bus services to the City Centre, with bus stops on the A49 adjacent to the site. Officers are content that the sites location, spatially, is one that is acceptable.
- 6.9 However, the site location forms only on part of the assessment as to whether the proposed development represents 'sustainable development' which is 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.
- 6.10 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.
- 6.11 Paragraph 105 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.

6.12 Paragraph 130 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.

Decision making and key issues

6.13 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.

6.14 Following the recent publication of the 5 year housing land supply, it is confirmed that the Council is now able to demonstrate a five year housing land supply (6.19 years), the result of which is that the tilted balance set out at Paragraph 11d of the Framework no longer applies. Development proposals should now be considered more simply in relation to their compliance with the Development Plan and other material considerations.

6.15 The report therefore considers the following key issues and their associated policies:

- Character and Appearance
- Access
- Design and Amenity
- Housing Mix
- Planning Obligations
- Other matters

Impact upon the character and appearance of the settlement and landscaping

6.16 Policy LD1 (Landscape and Townscape) of the core strategy seeks development proposals 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.

- 6.17 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.
- 6.18 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.
- 6.19 Policies SS2 and SD1 seek to ensure that proposals make efficient use of land taking into account the local context and site characteristics. Whilst layout is a matter for future consideration, the illustrative plan submitted with the application seeks to demonstrate that a medium density scheme (39 dwellings per hectare) is acceptable. As discussed previously the application site area has decreased in size from 13.25 hectares (ha) to 10.09ha which has to a reduction from 7.70ha to 5.30ha and overall number of dwellings proposed 230 dwellings.
- 6.20 The site comprises of an existing greenfield site. Core Strategy policy SS6 states that development proposals should be shaped through an integrated approach to planning certain listed environmental components from the outset. This needs to be based upon sufficient information to determine the effect upon each of these. Of these the following are considered relevant: landscape, townscape and local distinctiveness biodiversity and geodiversity especially Special Areas of Conservation and Sites of Special Scientific Interest the network of green infrastructure; local amenity, including light pollution, air quality and tranquillity, agricultural and food productivity.
- 6.21 '*Landscape*' is a matter reserved for future consideration but it is necessary to consider the impact of the development on the landscape character. It is noted the site is not covered by any designations relating to character or quality.
- 6.22 The application has been supported by a Landscape and Visual Impact Assessment (LVIA). When reviewing the site in landscape terms it is evident that it lies in open countryside on the south-western edge of Hereford. Currently there is an existing framework of field boundary and cross-field hedgerows together with hedgerow trees and two infield trees (English Oak) within the northernmost field. The area adjacent to the dwelling Highlands is the highest point of the site, with the land falling towards the south.
- 6.23 As identified within the original landscape officer's comments the council's Landscape Character Assessment (2009) identifies that landscape character to the south of Hereford is varied. This site, is described as 'Principal Settled Farmlands as is the neighbouring land in the Grafton/Bullinghope area.
- 6.24 The key primary characteristics of this landscape type are hedgerows used for field boundaries and the key secondary characteristic is the mixed farming land use. Dispersed settlement pattern. As highlighted above the application site does not have a landscape designation and the landscape officer has acknowledged that the A49, the bus depot and railway line has an urbanising effect on it on this site and immediate area. Although, the fields forming the site itself and the hedgerow/tree framework, are in good condition. The existing railway line is currently the dividing line between city and countryside. Evidently development to the south of the railway line would cause a fundamental change in character from open, agricultural land to housing. There would also be a change from a relatively dispersed settlement pattern along Grafton Lane to much

denser housing development at its north-eastern end. During the application process, the framework plan has been amended to reflect landscape changes and this is inserted below for ease of reference:

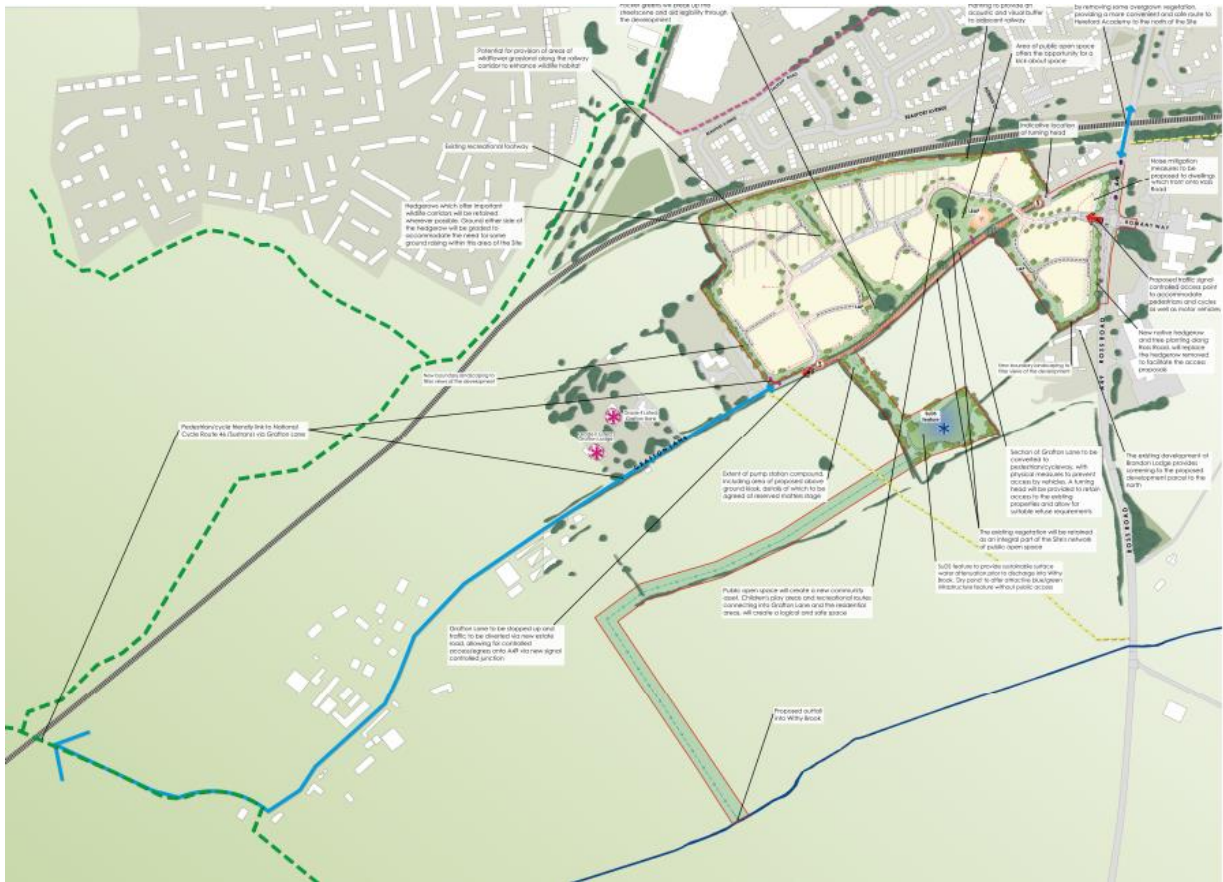


Figure 5: Illustrative masterplan/Framework plan

- 6.25 It can be seen from the submitted Development Framework Plan indicates that much of the existing framework of hedgerows and trees would be retained, with replacement and realignment of hedgerow on the A49 frontage as per visibility splays associated with the proposed new vehicular access. The retention of Grafton Lane as a small-scale, hedged lane, enabled by proposing a new vehicular access road to the development and the western part of Grafton Lane, is a very positive feature that would maintain some of the lane's rural character. However, there is no hiding from the fact that the most significant landscape effect (substantial adverse) is the change from open countryside to built development.
- 6.26 The Landscape Officer originally expressed concern that built development within the south west of the site would be visually intrusive within the landscape, when viewed from the south. As a result the proposed built development has been removed from the undulating south-facing slope, where buildings would have been visible from the identified views in from the south. Although it is noted that land adjacent to the railway will be raised it is acknowledged that in longer views in, development would be viewed in the context of the city edge. The new built edge of Hereford would now be visible along a ridge formed by Grafton Lane, however this is not as visually intrusive as building on the lower slopes. The field adjacent to the A49, although south of Grafton Lane, is visually screened by the existing hotel and bus depot, as well as already being seen in views adjacent to built form on the opposite side of the A49
- 6.27 When considering the degree of adverse impact upon the landscape the removal of the built development from the undulating south-facing slope is a positive as buildings would have been visible from the identified views in from the south. The land adjacent to the railway will be raised

it is acknowledged that in longer views in, development would be viewed in the context of the city edge. The new built edge of Hereford would now be visible along a ridge formed by Grafton Lane, however this is not as visually intrusive as building on the lower slopes. The field adjacent to the A49, although south of Grafton Lane, is visually screened by the existing hotel and bus depot, as well as already being seen in views adjacent to built form on the opposite side of the A49. When reviewing the green infrastructure the proposal does retain the existing hedgerow and tree framework and include landscape buffers. It also retains Grafton Lane, where it passes through the site, as a cycle/pedestrian route.

6.28 In specific reference to trees the application has been supported by Arboricultural Impact Assessment. The Council tree officer has reviewed the proposal and confirms the reduced scheme with protection and buffer zones to important trees on the site is welcomed. A tree preservation order which was created as a consequence of the application and to ensure retention of the trees post development. These trees T7, T9 and T10 as shown on the plan below has extended buffer zones, and will provide additional support to the trees post development. The veteran trees are now to be given far more space in this layout. Should development of this scale and in this location be acceptable, then the indicative form and layout is appropriate to creating an urban extension is compliant with Policy LD3.

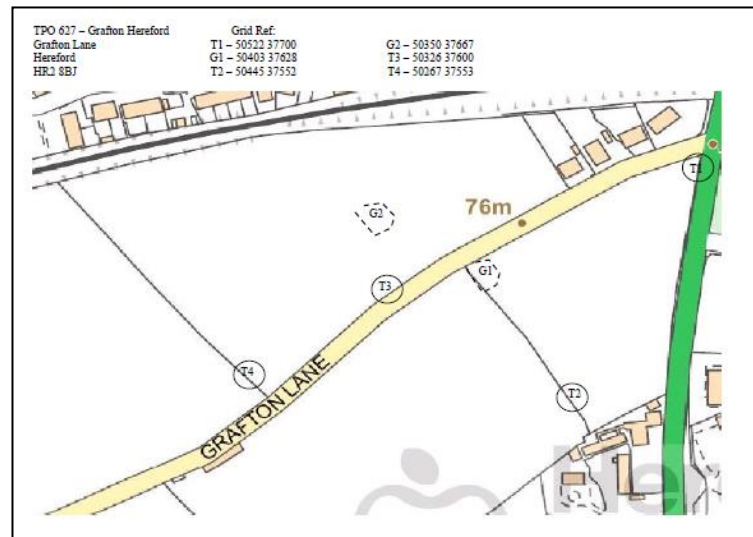


Figure 6: TPO Trees

6.29 As highlighted by the Landscape Officer Hereford sits within a depression, and extending built development out of this, beyond the railway line, is a significant change. Although this area does not have a landscape designation, the fields comprising the development site have value for their contribution to the rural setting of the city. The loss of these fields to built development does mean there is a conflict with Policy LD1. The landscape officer also advised that the indicative form and layout is appropriate to creating an urban extension. Officers do identify that there will be a significant change to the landscape character, which would occur with any such change of use, however the visual amenity would only have a minor change and the green infrastructure is suitable, and as such the landscape officer has not raised a landscape objection.

6.30 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.

6.31 The detail of the landscaping shall form part of the reserved matters submissions. Landscaping in this Reserved Matters context is defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as *'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;

- 6.32 Given the sensitivities of the site, it will be necessary to give very careful consideration to any reserved matter application to ensure that the landscape character is taken into account at design stage and make careful reference to the reports that support this application. Officers are satisfied that, on the basis of the information provided, a scheme, at the medium density proposed, can be delivered that is in compliance with Policy SS6, LD1, LD2 and LD3 of the Core Strategy.

Highways (Access)

- 6.33 As defined in article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 'Access' *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.*
- 6.34 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, 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.
- 6.35 NPPF 105 requires Local Planning Authorities to facilitate the use of sustainable modes of transport and paragraph 110 refers to the need to ensure developments generating significant amount of movements should take into account of 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 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 111).
- 6.36 The application for up to 230 dwellings and the matter of Access is not reserved for future consideration. As such, full details of the proposed access are to be assessed as part of this application. Internal access arrangement is not under consideration within this application and this would be fully assessed at reserved matters stage as part of 'layout'. However, the submitted Framework Plan demonstrate how the dwellings homes could be delivered with an example of an internal route which shows a circular spine street with secondary streets, lanes and recreational pedestrian/cycleway routes.
- 6.37 The application submission included a Transport Assessment along with Travel Plan and Transport and Design report.
- 6.38 The proposal necessitates the creation of a new 4-armed signal controlled junction on the A49 which will incorporate the existing priority junction with Romany Way, approx. 65m south of the existing Grafton Lane junction. Also Grafton Lane will be stopped up for vehicular traffic to the west of Newlands, approx. 280m from the A49/Grafton Lane junction.
- 6.39 It is noted that both pedestrians and cyclists will be able to gain access through the existing Grafton Lane and a turning head is to be provided where Grafton Lane is proposed to be stopped up. This will be to serve the existing 4 properties on the eastern end of Grafton Lane. This is detailed on the drawing below.

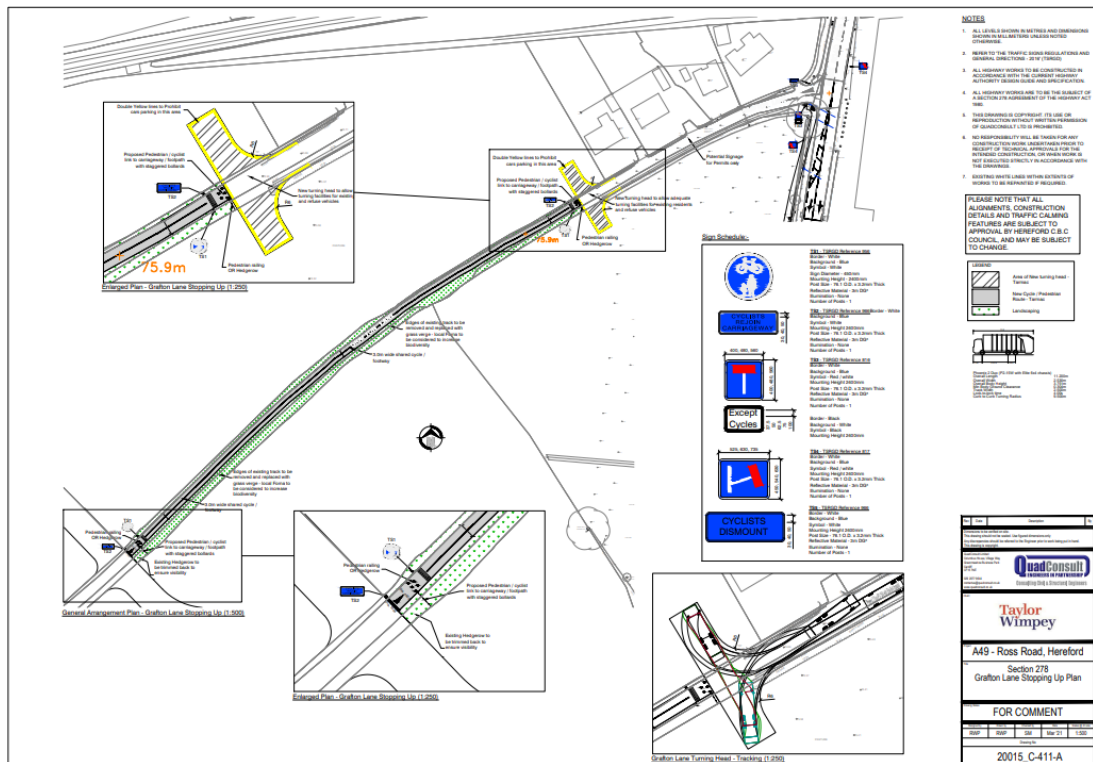


Figure: 7 stopping up proposals at Grafton Lane.

- 6.40 It is recognised that the main vehicular access for the site is via the A49 which is part of the National Highways (NH) network and therefore for them, as the Statutory Consultee, to comment on and officers would draw attention to the comments in Section 4 above.
- 6.41 In regards to traffic impact from the proposal on the operation of the local highway network, it is considered the traffic movements associated with the development proposal could be accommodated on the existing highway network and that there will not be a detrimental impact on the free flow of traffic using the local highway network. This has been assessed in detail with both local highway authority and National Highways. It is also acknowledged that there is significant local concern about the matter of highway capacity and highways and pedestrian safety as detailed in the representations summary above.
- 6.42 Additional work has been requested during the application process in respect to the strategic modelling and testing of the wider highway network. Core Strategy policy MT1 and the NPPF require developments to provide safe access for all users. This includes both motorised and non-motorised vehicles and pedestrians. Following lengthy discussions National Highways have formally responded, have not raised any objection and have recommended conditions be attached to any planning permission that is granted. Following receipt of their comments, and for added clarity, officers requested confirmation from National Highways that they had not made an assumption that the 'Bypass' would be delivered and that it had not formed part of the assessments. This was to ensure that the impacts of this proposed development and the impacts and scale of the improvement that may be required at the A49/ASDA/A465 junction had been considered in this scenario. This was confirmed.
- 6.43 In regards to application site due to its close relationship with the current built up area and the accessibility of the site and connectivity with the city and its services' is a major consideration when looking at this site to demonstrate it is not 'isolated' and can be successfully integrated into the city. Access to the site by sustainable modes is part of the local highway authority's (LHA) remit. It is noted that the sustainable transport access strategy for the site is heavily reliant on existing infrastructure and where deficiencies occur the applicant anticipates that upgrades will be funded by S106 contributions as stated in the Sustainable Transport and Design Report.

6.44 As detailed previously the site is located adjacent to the settlement boundary of Hereford and has good access bus stops which are located adjacent to the application site along on the A49. An area which has been highlighted and investigated is the lack of permeability over the existing rail infrastructure that lies to the northern boundary of the site. The existing railway line does act as both a visual divide between the city and countryside and reduces good connectivity to provide easy access to the key destination of the local school(s). This necessitates that any future residents would have to move eastwards across the site to the A49 before heading south. This will add extra distances in regards to walking/cycling distances to key destinations. As part of the S106 contributions improvement works have been included for linkages to the school and serviced and this can be seen on the sustainable transport plan below



Figure 8: Sustainable Transport Plan

6.45 In addition, the sites connectivity/permeability has been highlighted and pedestrian/cycle link to the National Cycle Network (Route 46) to the South west are also shown on the framework layout and Sustainable Transport Plan above. This offers an alternative and seeks to demonstrate that the proposal meets the aims of policies SS4 which states that development proposals that will generate high numbers should be in sustainable locations accessible by means other than private car.

6.46 One repercussion of this is the concern of Network Rail that in encouraging additional use of this route, there may be an increased risk to health and safety at the Ashley user worked level crossing that has a recorded history of misuse and trespass and that lies near to its cycleway but on land outside of the control or ownership of the applicants. Following discussions with Network Rail, a condition has been suggested that allows for a scheme to mitigate the risk.

Traffic Regulation Order

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

- 6.47 Part of the proposal includes a Traffic Regulation Order to close a section of Grafton Lane and for the use as a footway/cycleway route and this would require a 'prohibition of driving TRO' to be installed. With regards to this aspect of the scheme, Herefordshire Council's Highways and Transport Team would progress and draft the required TRO in tandem with any agreements required with the Local Highway Authority on the delivery of any scheme granted permission. Whilst we cannot be definitive on the outcome of the process, we would seek to acknowledge the betterment to Grafton Lane and the improvement of connectivity to the National Cycle route as a result of the scheme, as well as the overall improvement to the geometry of the first section of the through route part of Grafton Lane.
- 6.48 On a separate matter is noted that a travel plan has been prepared and this will be ensure future residents are aware of opportunities to promote sustainable transport modes and to reduce the use of private vehicles. However, the plan will need to be amended as requires additional details to be included within the document. Therefore this element has been conditioned to be submitted prior to first occupation on site. This also means it can be tailored to any more recent initiatives at the time of occupation.
- 6.49 It is acknowledged the local residents and the local Parish Councils have raised significant concerns in regards to the highway network, safety, lack of footpaths, volume of traffic, and signal and junction capacity lack of public transport, construction traffic. Both National Highways and the Transportation Manager have raised no objection and are content that the submitted arrangement represents a suitable basis on which to issue outline planning permission subject to appropriately conditions. They are content that the local highway network can absorb the additional traffic generated without compromising the safe operation of the network. The junction works will also be subject to detailed assessment via a S278 application, which will also require a Traffic regulation Order. A number of conditions have been suggested below that will manage construction traffic. It is therefore considered that the proposal would provide a safe and suitable vehicular access for up to 230 dwellings in accordance with CS policy MT1 and the requirements of para 110 of the NPPF.

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.
- 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 the existing 4 dwellings which abut Grafton Lane. However, given the size of the site and the number of properties proposed, officers are satisfied that a scheme could be development 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 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. Officers would conclude that the proposal accords with the requirements of Policy SD1 and SS6 of the Core Strategy.
- 6.53 Four detached bungalows directly abut the site's north eastern corner and Highland House, a large modern two storey dwelling, abuts the site to the west. The outlook from these properties

will change. Concerns have also been expressed in relation to the propensity for overlooking and adverse impacts on amenity arising from the loss of views from existing properties in proximity to the site. Whilst concern in respect of the loss of views is understood and officers are sympathetic, it is well-established in case law that there is no right to a view the loss of these views is not a material planning consideration. This issue is not material to decision-making. Officers would note that there is potential for the introduction of additional boundary planting subject to an appropriate layout and orientation of houses at the Reserved Matters stage, officers are content that any adverse impact can be mitigated but note that the Reserved Matters submissions, in relation to scale, layout, appearance and landscaping will need to carefully consider the impacts of the proposals having regard to the amenity of proposed and existing dwellings to ensure compliance with policy SD1 of the Core Strategy and Paragraph 130 of the NPPF.

- 6.54 A noise and vibration report has been prepared due to concerns in regards to noise along the A49 and vibration from the railway line and this has been reviewed by The Environmental Health Manager (noise and nuisance) who does still raise concerns. It is noted that the submitted noise report does conclude that some form of mitigation will be required in order to ensure that noise levels fall within acceptable bounds within private garden spaces. A planning condition has been added to secure requiring the formulation and submission for agreement in writing of a noise attenuation scheme that will need to inform the Reserved Matters submissions to ensure that layout can be designed with appropriate mitigation measures. On this basis, officers are recommending a planning condition which will ensure that any subsequent reserved application will be required to be accompanied by a further noise assessment to ensure adequate amenity is delivered for future occupiers. As such the proposal adheres with the aims of policy SD1 and the relevant aims and objectives of the NPPF
- 6.55 Objections have also raised the issue of air quality, citing the proximity to the A49 and additional traffic. Policy SD1 along with guidance in the NPPF seeks to ensure development proposals create safe, sustainable, well integrated environments for all members of the community. This includes ensuring new development does not suffer from or contribute to adverse impacts from air contamination. Paragraph 186 of the Framework also requires planning policies and decisions to take account of Air Quality Management Areas and the cumulative impacts from individual sites in local areas, together with opportunities to improve air quality or mitigate impacts. It is acknowledged that the site is not within the air quality management area. Air Quality improvements will be secured as part of any subsequent the Reserved Matters Approvals and with full consultation with The Council's Air Quality Environmental Health Officer. Core Strategy policy SD1 states that where contamination is present appropriate remediation is required to ensure that a safe development would be achieved. Environmental Health Officers have reviewed the application and submitted technical reports which have identified some areas affected by contaminants which will require minor remediation. Officers are satisfied that this can be achieved by the use of appropriately worded conditions.

Affordable Housing/Housing Mix

- 6.56 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 for 230; and therefore there is a requirement for its provision. The site will secure, via a section 106 agreement, the provision of 35% affordable housing to an agreed tenure. The Housing officer has made requests to this effect. The siting and design of the affordable dwellings will be secured as part of any subsequent the Reserved Matters Approvals.
- 6.57 Core Strategy policy H3 states that 'Residential developments should provide a range and mix of housing units which can contribute to the creation of balanced and inclusive communities.' To ensure that this is delivered as part of any Reserved Matters submissions a condition is recommended to agree either in advance, or as part of Reserved Matter (Layout) the housing mix, having regard to the latest housing market assessment. Officers are content that this condition, along with the Section 106 agreement in respect of affordable housing, will ensure

compliance with both policies H1 and H3 of the Core Strategy and provide the balanced and inclusive community that these strive for.

Planning Obligations

6.58 CS Policy ID1- Infrastructure Delivery, states that provision for new and/or the enhancement of existing infrastructure, services and facilities to support development and sustainable communities, will be achieved through a co-ordinated approach. Where compliant with Regulation 122(2) of the Community Infrastructure Levy Regulations 2010, as set out in paragraph 56 of the NPPF, contributions can be sought to mitigate the impacts of development on infrastructure through a planning obligation (section 106 agreement). To meet the tests obligations satisfy all of the following:

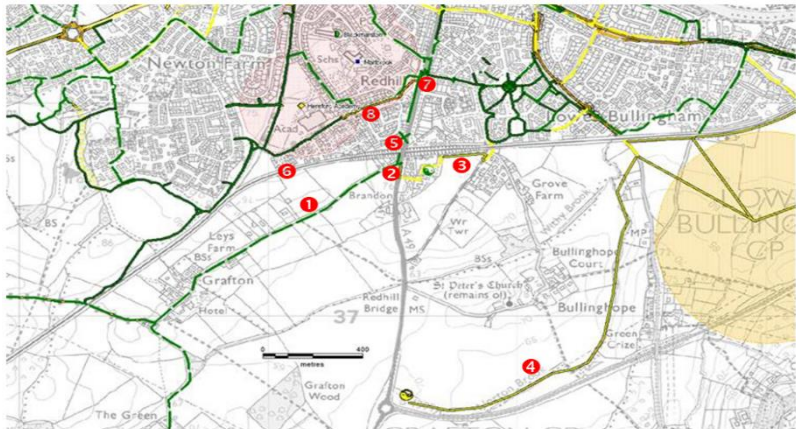
- a) *necessary to make the development acceptable in planning terms;*
- b) *directly related to the development; and*
- c) *fairly and reasonably related in scale and kind to the development.*

6.59 To mitigate impacts on infrastructure contributions are considered to meet these tests in respect of highways, education, open space and by the Clinical Commissioning Group (GP services) and the Wye Valley Trust (primary health care). Contributions to the Wye Valley Trust are necessary to bridge an initial funding gap resulting from the unplanned for increased population resulting from the development. Some of the local representations advance the needs for contributions to the school place.

6.60 The Planning Obligations Manager has confirmed the required contributions and the infrastructure projects that would benefit. The application is accompanied by a draft Heads of Terms and the proposed contributions can be seen below, that makes provision for contributions towards education, sustainable transport, on-site play equipment, a surgery contribution and the provision of and eligibility for occupation of the affordable housing. I am content that these contributions are fair, reasonable and necessary to make the development acceptable and thus compliant with the CIL Regulations.

Infrastructure	Quantum of contribution
Affordable Housing	35% of the residential units will be affordable dwellings intended for occupation for the following affordable housing tenures.
Healthcare contribution	A financial contribution of £291.11 (index linked) per dwelling to provide the Health Care Facilities required at Hereford Hospital.
Primary Care contribution	A financial contribution of £378.69 (index linked) per dwelling to provide infrastructure at Belmont Surgery, Hereford Medical Group, Much Birch Surgery and Wargrave House Surgery.
Education contribution	A financial contribution of; <ul style="list-style-type: none"> £1,809.00 (index linked) for a 2 bedroom open market apartment £2,951.00 (index linked) for a 2/3 bedroom open market dwelling £4,953.00 (index linked) for a 4+ bedroom open market dwelling <p>The contribution will provide enhanced educational infrastructure at South Hereford Early Years, Marlbrook Primary School, South Hereford Youth and Special</p>

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	Education Needs schools. The sum shall be paid prior to commencement of development, and may be pooled with other contributions if appropriate.
Recycling and waste contribution	A financial contribution of £80.00 (index linked) per dwelling to provide 1 x black bin and 1 x green bin
Sports contribution	A financial contribution of £1,297.00 (index linked) per open market dwelling to provide infrastructure towards hockey, cycling, football, cricket, rugby and tennis in accordance with the council Sports Investment Plan.
Transport contribution	<p>A financial contribution of;</p> <p>£1,465.00 (index linked) for a 1 bedroom open market dwelling</p> <p>£1,720.00 (index linked) for a 2 bedroom open market dwelling</p> <p>£2,580.00 (index linked) for a 3 bedroom open market dwelling</p> <p>£3,440.00 (index linked) for a 4+ bedroom open market dwelling</p> <p>To provide any or all of the following transport infrastructure improvements;</p> <p>1 – Link to National Cycle Network 46 as set out in the comment above</p> <p>2 – Link to Park and Choose Site at Grafton Depot</p> <p>3 - Link from the Park and Choose to Bullingham Lane, which would assist in connectivity to the employment land in Rotherwas.</p> <p>5 and 6 - Walking and Cycling Links improved/new facilities provided to improve the links north/south over the railway line.</p> <p>7 – Pedestrians and cyclists improvements to the A49 crossing at Redhill / Mayberry Road / Bullingham Lane</p> <p>8 - From 7 toward the Hereford Academy an off-road alternative to Marlbrook Road on the grass area.</p> 
Libraries	The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of;

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	<ul style="list-style-type: none"> • £120.00 (index linked) 1 bedroom open market dwelling • £146.00 (index linked) for a 2 bedroom open market dwelling • £198.00 (index linked) for a 3 bedroom open market dwelling • £241.00 (index linked) for a 4+ bedroom open market dwelling <p>The contribution will provide for improved library infrastructure at Hereford City library.</p>
On site Public Open Space and Play	<p>The developer covenants with Herefordshire Council to provide on-site green infrastructure comprising;</p> <ul style="list-style-type: none"> • 0.21ha of Public Open Space • 0.042ha of Children’s Play of which 1300sqm is required as formal children’s play

Open Space provision

- 6.61 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, due to the scale of the development there is a requirement to provide onsite play / open space provision. It is noted that as there has been a reduction in the proposed quantum of units during the application process this then leads a reduced amount of POS on site in line. On the illustrative masterplan, the proposal is for the majority including a LEAP, a LAP and kick-about to be located in the northern development parcel along with the majority of housing. The reduced residential land to the south of the site is to be served by a LAP. Grafton Lane which runs through the site is now to become a green corridor suitable for pedestrians, cyclists and horses only.
- 6.62 For a development of this size and for 230 houses would be required to provide as a minimum of 0.63a (6300sq m) of on-site green infrastructure comprising:
- 0.21 ha (2100sq m) of Public Open Space(POS) @ 0.4ha per 1000 population
 - 0.42ha (4200m) of Children's play @ 0.8ha per 1000 population: of this 0.13ha (1300sq m) should be formal play and kick-about @ 0.25ha per 1000 population.
- 6.63 As highlighted in the open space officer comments the applicant is proposing a total of 2.21ha (22,100sq m) of POS including the SuDS pond and recreational routes and corridors in and around the site. This is in excess of the overall minimum requirements. The applicant has also demonstrated that the formal play element required by policy can now be met on site and includes: 0.13ha (1300sq m) Children’s Play Areas to include 1 x LEAP (500sq m), 2 x LAPS (200sq m) and Kick-about space (600m2).
- 6.64 The 3 play areas are to be provided within each parcel of development (2 in the north and 1 in the south) reflecting the amount of housing to the north and south of Grafton Lane. The general locations are supported. 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. A suitably worded condition has been suggested and will also be secured within the S106 agreement along with future management and maintenance (Management Company).

Biodiversity and Ecology

- 6.65 Core Strategy policies SS6 and LD2 state that development proposals should conserve, restore and enhance those environmental assets that contribute towards the county’s distinctiveness,

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including biodiversity. With regards protected species, LD2 states that development that is liable to harm nationally protected species will only be permitted if the conservation status of their habitat or important physical features can be protected by conditions or other material considerations are sufficient to outweigh nature conservation considerations. Similarly the NPPF states that decisions should contribute to and enhance the natural and local environment by, amongst other things minimising impacts and achieving net biodiversity gain. It further states that when determining planning applications, local planning authorities should apply certain, specified principles, which include that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

6.66 The application submission has been supported by an extended Phase I Habitat Survey and a number of protected species surveys which are discussed in the Ecological Appraisal and enhancements presented in the Biodiversity Enhancement Plan inserted below. It is noted that the application site is not subject to any statutory or non-statutory ecological designations.

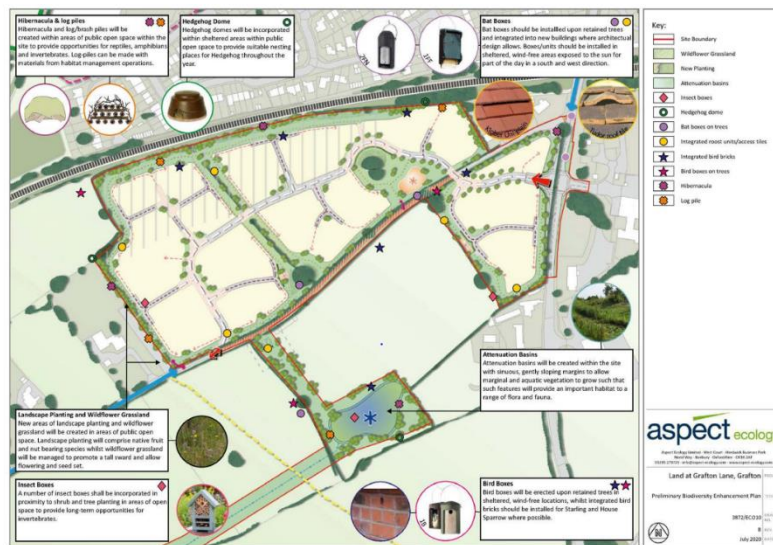


Figure 9: Preliminary biodiversity enhancement plan

6.67 It is noted that the application site is not subject to any statutory or non-statutory ecological designations. As confirmed by the Councils Ecologist the submitted updated ecological report clearly identifies that there are no reasons why the Local Planning Authority should consider that full details, specifications, locations and future management of any required mitigation, compensation and Biodiversity Net Gain cannot be secured within the development site and secured by appropriate and relevant conditions on any outline consent granted together with appropriate landscaping included in any reserved matters scheme.

6.68 The proposals have sought to minimise impacts and subject to the implementation of appropriate avoidance, mitigation and compensation measures, it is considered unlikely that the proposals will result in significant harm to biodiversity. Indeed, it should provide net gains for biodiversity as such the proposal is considered to adhere to Core Strategy Policies SS6 and LD2 and the NPPF.

6.69 The site lies is within the River Wye SAC catchment and a Habitat Regulation Assessment has been completed. Natural England have confirmed as the proposal complies with core strategy Policy LD2, SD3 and SD4 they are able to conclude there will be no adverse effects. This is explained in more detail below.

Habitats Regulations Assessment (HRA)

6.70 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

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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). As a site located within the catchment of the River Wye SAC, there the requirement for an assessment under the Habitat Regulations is triggered. That assessment must satisfy beyond all reasonable scientific doubt that there would not be an adverse effect on the integrity of the River Wye. The HRA screening and appropriate assessment was completed by the Local Planning Authority and submitted by a formal consultation with Natural England. Natural England have confirmed in their formal response that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Heritage assets

- 6.71 When considering the impact of a development proposal upon the setting of a heritage assets, there are several stages. Firstly identifying those assets which may be affected and their significance. Then those aspects of their setting which contribute to the significance are identified and lastly the impact of the development upon this significance is considered. It should be noted that a view to or from a heritage asset does not necessarily mean that a site is within that assets setting, this depends upon whether that view contributes to the significance of the asset. Also a site can be within the setting of a heritage asset without their being a direct view under certain circumstances. The fundamental principle is whether or not a development affects the significance of a heritage asset, including those aspects of its setting which contribute to its significance.
- 6.72 The proposed development site does not lie within a Conservation Area and there are no listed building within or abutting the site albeit there are a number of listed buildings along Grafton Lane and to the east in Bullingham. They are illustrated on the map extract from the submitted report below by green triangles:

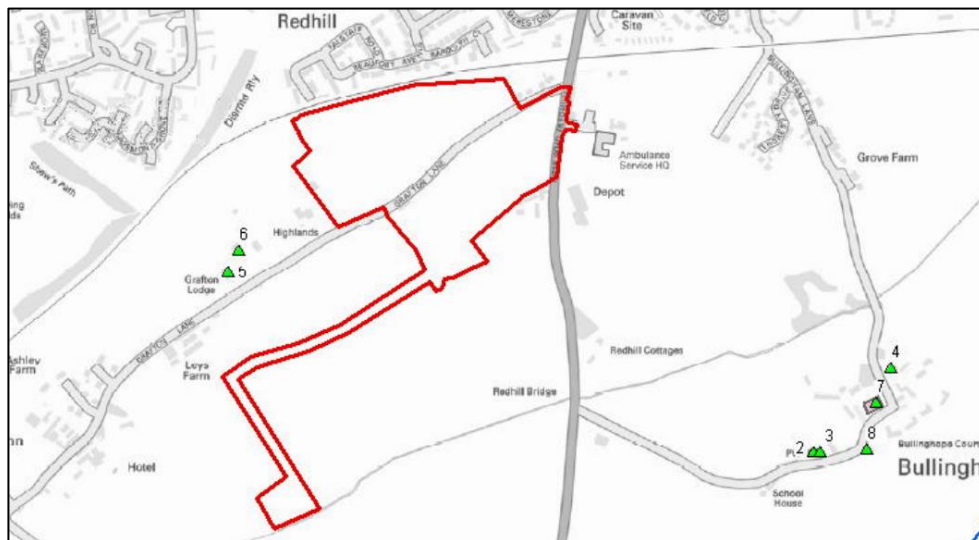


Figure 10: Extract from Historic Environment Desk-Based Assessment

- 6.73 Under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, 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.”*

- 6.74 It follows that the duties in section 66 do not allow a local planning authority to treat the desirability of preserving the setting of listed buildings merely as material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building, it must give that harm “considerable importance and weight”. Importantly, this does not mean that an authority’s assessment of likely harm of proposed development to the setting of a listed building or to a conservation area is other than a matter for its own planning judgement. Nor does it mean that an authority should give equal weight to harm that it considers would be limited or “less than substantial” and to harm that it considers would be “substantial”.
- 6.75 The NPPF offers further guidance about heritage assets, recognising that they are irreplaceable resources that should be conserved; ‘...in a manner appropriate to their significance.’
- 6.76 Paragraphs 194 to 198 offer particular clarity about the assessment to be made of the significance of heritage assets. Paragraph 190 outlines three criteria to be taken account of in the determination of planning applications. These are as follows:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.77 While Policy LD4 of the Core Strategy does require heritage assets to be protected, conserved and enhanced, and requires the scope of the work to ensure this to be proportionate to their significance, it does not include a mechanism for assessing how harm should be factored into the planning balance. As a result, and in order to properly consider the effects of development on heritage assets, recourse should be had to the NPPF in the first instance.
- 6.78 A Historic Environment Desk-Based Assessment has been submitted to support the application, in line with Paragraph 194 of the NPPF.
- 6.79 Policy LD4 ‘Historic environment and heritage assets’, requires, inter alia, that development affecting heritage assets and the wider historic environment should preserve or where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design. In this case the site has no direct affect on any designated or non-designated heritage assets. The proposed development site does not lie within a Conservation Area nor are there any listed buildings and non-designated heritage assets in close proximity. The application submssioj included a historic enevieonemnt desk based assesmssment. It is noted that the Historic Buildings officer has not raised an objection on heritage grounds.
- 6.80 They have however identified that the application site location on the boundary of the city is a gateway as well as quite a prominent and exposed site, and express than future building should be of high quality and had a strong ‘village’ identity in its own right. The design and appearance of the proposed dwellings and their immediate context will be addressed at the reserved matters stage. Nearby heritage assets would also be unaffected and as such officers are able to confirm that the proposals would 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
- 6.81 In regards to issues relating to archaeology as art of the submission a historic environment desk based assessment was supplied. Within the site, the assessment did identify the potential for the presence of buried archaeological remains. During the application process additional work and evaluation has been sought by the Archaeological advisor and they have been involved in monitoring the site. In regards to archaeology, the application has been supported by specialist reports to assist in the assessment of the proposal upon both archaeological and heritage assets.

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These reports have been reviewed and following the amended reduced scheme the archaeology officer have confirmed no objection to the proposal and no further requirements. Also confirmation that the level of finds does not justify a planning condition.

- 6.82 Having considered the merits of this scheme, it is officer's opinion that the proposed development is unlikely to cause harm to any heritage assets or their setting. As such officers are able to confirm that the proposals would 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 (Chapter 16).

Flood risk and drainage

- 6.83 Local Plan Policies SD3 and SD4 of the Core Strategy seek to ensure that matters of flood risk and drainage are considered. 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 flood risk assessment has been submitted and reviewed by officers. There are no water courses within the application site or adjacent to the site boundary. The nearest watercourse is the Withy Brook which is located 250m south of the site boundary. The Withy Brook flows in an easterly direction before eventually discharging into the River Wye via Norton Brook. The River Wye is located about 1.5km to the north of the site.
- 6.84 In regards to surface water the proposals seeks to manage surface water as detailed withn the submitted Flood risk assessment and states that all surface water runoff from the proposed development will be discharged to the Withy Brook to the south of the site via a new outfall. The strategy comprises a piped network that discharges runoff to an online attenuation structure located to the south of the site. A SuDS attenuation basin will be provided here to store surface water run-off during periods of heavy and persistent rainfall, as well as conditioning the water and a 'Dry pond' to offer attractive blue/green infrastructure feature without public access. An underground pipe will be constructed to allow for the necessary outfall to the Withy Brook to the south west. In addition to the proposed attenuation structure, the FRA addendum states that permeable paving will be used in all shared parking areas of the site.
- 6.85 It is also noted that even though a drainage strategy has been submitted and will be designed to attenuate flow up to the 1 in 100 year event + 20% climate change allowance that the granular base of the attenuation structure will be sized for the 1 in 10 year event and larger events will be stored in the dry basin located above. MicroDrainage Source Control calculations have been provided to demonstrate appropriate capacity.
- 6.86 The Councils Drainage Consultants have confirmed they have not object in principle although the detailed design and additional information to support this design will need to be provided to support the reserved matters application and this has been request via detailed conditions. 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.
- 6.87 Welsh Water have commented and have identified within their formal commentary they have raised no objection however seeks prescriptive planning conditions to secure details to be submitted in regards to a potable water scheme to serve the site to ensure that there is an immediate water supply with capacity to service the site.
- 6.88 With respect to foul drainage and welsh water have confirmed that adequate capacity exists in the public sewer network to accommodate the proposed number of dwellings on the site. The Statutory Undertaker, Welsh Water, have not raised any objection to the development in terms of capacity for foul drainge subject to conditions.
- 6.89 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

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recommended condition requires this detail to be submitted with the Reserved matters application to ensure that the layout addresses the drainage strategy.

- 6.90 To conclude both Welsh Water and the Land Drainage Consultant have requested further confirmation but in principle have raised no objection. Having regard to the details submitted and that this is an outline application for up to 230 dwellings, officers are satisfied that there is likely to be a technical solution and drainage details could be required by condition to be submitted to ensure the RMs applications to ensure it is considered holistically. Welsh Water does not object subject to conditions and the Land Drainage comments draw the same conclusion. On this basis I am content that subject to the imposition of planning conditions, the scheme would not conflict with the objectives of CS Policies SD3 and SD4.

Climate change

- 6.91 CS policy SS7 requires focus on measures to address the impact that new development in Herefordshire has on climate change, outlining how development proposals should include measures which will mitigate their impact on climate change, with policy SD1 also seeking to support these measures. Herefordshire Council has unanimously passed a motion declaring a Climate Emergency, signalling a commitment to ensuring that the council considers tackling Climate Change in its decision-making, with this resolution came a countywide aspiration to be zero carbon by 2030; and a Climate Change Checklist to aid the consideration of development proposals.
- 6.92 Proposals for residential development are considered by the Council to need to help redress the climate emergency, and so notwithstanding the sustainable location of the development thus reducing the need to travel for services, the proposal is considered to need to include measures to support low-carbon ways of living & sustainable modes (as defined by the framework). The NPPF sets out at paragraph 110 that LPA's in assessing sites for specific applications for development should ensure that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up. Further to this paragraph 112 sets out that developments should be designed to enable the charging of plug-in and other ultra-low emission vehicles, with such vehicles contributing to the objectives of reducing reliance on fossil fuels and so climate change.
- 6.93 In line with the provision of car charging points, the government has reaffirmed by way of a Written Ministerial Statement on 18 November 2020 (Statement UIN HCWS586), the commitment to electric vehicles by seeking to "accelerate the transition to electric vehicles, and transforming our national infrastructure to better support electric vehicles" as it has announced the ban on the sale of new fossil fuel reliant vehicles by 2030, thus the need for the provision of electric vehicle charging points is amplified; it follows that to make the decision acceptable given the above material planning considerations, a condition for electric vehicle charging points is recommended to require such provisions are available for future residents.
- 6.94 The agent has submitted a completed 'Climate Change' checklist and an Energy Statement has been produced by Energist UK on behalf of Taylor Wimpey Strategic Land ('the Applicant'). This document sets out the measures planned by the Applicant to achieve energy reductions at the proposed development site and demonstrating compliance with:
- i) National Planning Policy Framework.
 - ii) Approved Document Part L of the Building Regulations 2013.
 - iii) Policy SS7 - Addressing Climate Change
- 6.95 A condition has been added to ensure electric vehicle charging points will be considered at the reserved matters stage and the Energy Statement sets out how design measures will be incorporated as part of the Development, aligning with the principles of the energy hierarchy.

Other matters and Non material planning considerations

- 6.96 Issues such as loss of a view, or negative effect on the value and resale of properties are not material planning considerations. The fear of anti-social behaviour and crime is acknowledged. At the reserved matters stage the creating of safe and attractive places to live and will be addressed to ensure the design and layout of the residential development incorporates crime reduction measures
- 6.97 In relation to impacts affecting the amenity of both existing and future occupants, given the orientation of the site and relationship with neighbouring properties, it is considered likely that a scheme that is both in keeping and avoids overlooking and overshadowing could be achieved. It is however found to be appropriate to condition working hours, as well as other impacts, as part of the construction management plan during the construction phase of any development on the site.

Cancelling of the relief road and impact on the deliverability of strategic housing sites

- 6.98 It is noted that concerns have been raised in regards to the impact of this proposal on the delivery of the allocated Lower Bullingham Southern Urban Expansion (policy HD6) scheme. This application has been submitted (194402) and is pending under consideration. Within the Core Strategy the delivery of housing within Hereford is constrained in part by the need for a relief road connecting the A49 north and south of the City. The Core Strategy initially identified that only 540 dwellings within the Southern Urban Extension (Lower Bullingham), could be delivered on site without the required infrastructure (relief road/bypass). The Western Relief Road and Southern Link Road have been cancelled and the Council are looking at alternative route options and other sustainable transport measures for the City.
- 6.99 Officers are aware that the strategic/allocated site at Lower Bullingham has not been determined. However, National Highways have assessed this application taking into account the updated position on the road network. This application has been looked at on its own merits and will full consultation with National Highway's in regards to capacity of the strategic road network following the cancelling of the Hereford Bypass and Southern link road. Officers are of the opinion that there is insufficient evidence available at this time that this scheme would adversely impact delivery of the Strategic Urban Extension that would offer a robust and clear reason for refusal

Traffic Regulations Order

- 6.100 The adjoining ward councillor requested as part of this development/application the inclusion of a 30mph speed limit for Grafton Lane (the whole of Grafton Lane) that would be delivered as part of the Section 106 agreement. As described above part of this pending application there will be a stopping up and re-routing of a short section of Grafton Lane. The stopping up is next to the existing 4 residential properties at the eastern end of Grafton Lane.
- 6.101 Officers have reviewed the request and can confirm that a vital test of proposed planning obligations is that they must be necessary to make a proposal acceptable in land-use planning terms. They should not be sought where the connection does not exist or is too remote. Acceptable development should never be refused because an applicant is unwilling or unable to offer benefits. Likewise, unacceptable development should never be permitted because unnecessary or unrelated benefits are being offered. Officers are of the opinion does not meet the 'tests' which specifies that planning obligations can only constitute a reason for granting permission if the obligation e.g. the requirement of the TRO is:
- Necessary to make the development acceptable in planning terms
 - Directly related to the development

- Fairly and reasonably related in scale and kind to the development

6.102 It is the view of your officer's the request of the S106 monies for the TRO goes beyond what is considered to be acceptable for this application. The securing of a TRO for Grafton lane for a 30pmph limit would need to be secured outside of the planning regime/planning application.

Conclusion

- 6.103 The application is for outline permission with all matters reserved except for Access and therefore it is only the principle of development that is to be assessed. The revised and reduced scale of development is considered capable of being accommodated on the site but the detail of this is not currently under consideration.
- 6.104 The application is to be considered in the context of the presumption in favour of sustainable development as required by the NPPF. This means approving development that accords with the development plan without delay. The development plan policies most important in determining the application is consistent with the NPPF and the county has a five year housing supply. The relevant development plan policies are therefore not out-of-date and the tilted balance at NPPF paragraph 11d does not engage.
- 6.105 This site does lies immediately adjacent to the built up part of Hereford City, albeit to the south of the railway line that forms a distinct boundary. The site lies within Hereford City parish boundary. However, the Hereford Area Plan Area has been paused and is not progressing at this stage.
- 6.106 The accessibility of the site and connectivity with the city and its services' is a major consideration due to its close relationship with the current built up area. The site forms a natural extension to the City of Hereford and can be argued it is not physically or functionally isolated. It is, in principle, an appropriate location for residential intensification. The application site has been reduced which has reduced the landscape harm and now the size of the site is suitable for the quantum of dwelling proposed and will maintain the character of the area as well as protected the gateway into the city of Hereford.
- 6.107 All other matters such as appearance, layout and landscaping will be determined at the reserve matters stage and officers have identified in this report some key issues that will be key to informing an acceptable scheme is brought forward. These include, the layout and design of the dwellings will be crucial at that stage to ensure there is no adverse impact upon any neighbouring properties and as referenced above due the sites location on the edge of the city, high quality design that address climate change as well as recognising key constraints such as existing landscape and biodiversity features and integrating them into the development successfully whilst addressing technical matters such as highway layouts and drainage.
- 6.108 After extensive dialogue with the both the Local Highway Authority and National Highways it has been concluded 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, that the proposals as before us now are designed and laid to achieve safe entrance and exit and have appropriate operational and manoeuvring space.
- 6.109 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. The proposals have addressed these requirements with delivery being secured through mechanism such as S278, Section 106 and Traffic Regulation Orders that include the 'stopping up' of Grafton Lane to the west of the existing properties with access will be restricted to pedestrian, cycle and horse access only which will ensure a safe and convenient sustainable route along the old route of Grafton Lane, through the centre of the site.

- 6.110 Officers would conclude that, with the appropriate conditions and legal agreements the proposals meet the requirements of policies SS4 and MT1 of the Herefordshire Local Plan Core Strategy and guidance contained within the National Planning Policy Framework.
- 6.111 As detailed above, the sites location in Hereford City is considered to be one that is sustainable location for new housing growth within the spatial strategy of the Development Plan. The site, albeit sensitive in nature and context lies immediately adjacent to the built form of Hereford City and has realistic opportunities access its services and facilities without reliance on the private motor vehicle. The site location is one that accords with policy HD1 and aims of policies SS4.
- 6.112 The proposed development will result in a significant change to the landscape character, and therefore create conflict with policy LD1 of the Core Strategy, however this change is to be expected with such change to of use. The impact on visual amenity is only considered to be minor, and there are opportunities for tree and other green infrastructure retention and enhancement alongside biodiversity enhancement in accordance with policies LD2 and LD3. The landscape officer and council ecologist do not raise an objection. There are no heritage harms (built or buried) identified and policy LD4 is satisfied.
- 6.113 There are a number of matters that can be readily satisfied with suitable worded conditions and a Section 106 agreement, such as housing mix, affordable housing delivery, open space and play delivery, water and drainage and other mitigation to satisfy environmental health and Network Rail. These conditions will need to be read alongside and inform the Reserved Matters – that will look more closely at Layout, Appearance, Scale and Landscaping and be considered against the policies and guidance in place.
- 6.114 It is important to stress that this application would deliver housing in Hereford City where there is currently under delivery of dwellings. The Core Strategy recognises the key role played by the city and states that Hereford will accommodate a minimum of 6,500 new homes within the plan period and a minimum of 15ha of new employment land. This site offers a significant contribution to that total.
- 6.115 There would be both economic and social benefits of providing dwellings within on the edge of the City of Hereford. These include the initial boost to the economy during the construction phase, payment of the New Homes Bonus, disposable income spend from future occupiers and additional dwelling to increase housing choice including affordable houses. Due to the number of dwellings, these benefits would be substantial. Subject to a well-planned reserved matters scheme, it is reasonable to conclude that there would be no adverse environmental impact; or if any do arise, that they would be of insufficient magnitude to outweigh the benefits of providing dwellings within a sustainable location.
- 6.116 Overall therefore, the scheme is considered to accord with the policies of the development plan and is hence found to be representative of sustainable development.

RECOMMENDATION

That subject to either the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, or a condition requiring the completion of an agreement prior to the commencement of development, officers named in the Scheme of Delegation to Officers are authorised to grant Outline planning permission, subject to the conditions below and any other further conditions (or amendments) considered necessary.

- 1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 2. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last reserved matters to be approved, whichever is the later.**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 3. Approval of the details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.**

Reason: To enable the local planning authority to exercise proper control over these aspects of the development and to secure compliance with Policy SD1 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

- 4. The development shall be carried out strictly in accordance with the approved plans:**
 - Location Plan: CSA 2477/115 Rev C**

Pre-commencement conditions

- 5 No development shall commence until a plan has been submitted to and approved in writing by the Local Planning Authority identifying the phasing for the development and shall identify the following:**

- Residential phases**
- Timing of delivery of on-site highway works (including but not limited to on-site roads, cycleway)**
- Timing of delivery of offsite highways improvements (TRO / S278 / Stopping Up)**
- Timing of delivery of public open space**
- Delivery of drainage infrastructure**

The development, including the completion and delivery of infrastructure shall be constructed in accordance with the agreed phasing plan, unless an alternative plan is submitted to and agreed in writing by the Local Planning Authority, in which event construction shall be in accordance with the agreed alternative phasing plan

Reason: To clarify the delivery of the proposed development (in relation to conditions and RM submissions) and ensure the acceptable phasing of the construction so as to ensure no detriment to the safe operation of the highway network and the timely provision of necessary infrastructure. This is to ensure compliance with Herefordshire Local Plan – Core Strategy Policies SD1, SS4, SS7, MT1, OS2

- 6 No development shall commence until details of a surface water drainage strategy which attenuates the outfall from the site into Withy Brook to no more than 4.6 litres per second has been submitted to the Local Planning Authority and approved in consultation with National Highways.**

The Surface Water drainage strategy shall include, but not necessarily limited to:

- a) a surface water drainage scheme which provides attenuation of a 1: 100 year flood event and includes allowance for climate change: (details measures to be**

- implemented to control and monitor water quality as it discharges from the development into the Withy Brook.
- b) provides a management and maintenance plan for the lifetime of the development which shall include the arrangements for its adoption/ownership which may include adoption by any public authority or statutory undertaker and any other arrangements to secure the maintenance and operation of the scheme through its lifetime, and
- c) phasing of delivery to be included in the approved drainage scheme

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

Reason to promote sustainable development, secure proper drainage and manage risk of flooding as required by National Highways

- 7 Prior to the commencement of the development a Traffic Regulation Order to control the use of existing alignment of Grafton Lane, taking into account that a small number of properties will continue to have vehicular access, whilst pedestrians, cyclists and equestrians will continue to have through access, shall be obtained and approved in writing by the Local Planning Authority and the completion of the works shall be in accordance with details as submitted within the 'phasing condition' above (condition 5).

Reason: To ensure the A49 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 and in the interests of road safety.

- 8 No phase of development shall commence on site until a Construction Site Waste Management Plan has been submitted to and approved in writing by the local planning authority. The objective of the plan is to ensure waste management provisions compliment the construction activities on site and that all waste emanating from the development are dealt with in an appropriate manner and follows the waste hierarchy. The Plan shall include, but not be limited to:
- i) a description of the likely quantity and nature of waste streams that will be generated during construction of the development;
 - ii) measures to monitor and manage waste generated during construction including general procedures for waste classification, handling, reuse, and disposal, use of secondary waste material in construction wherever feasible and reasonable, procedures or dealing with green waste including timber and mulch from clearing activities and measures for reducing demand on water resources;
 - iii) measures to monitor and manage spoil, fill and materials stockpiles, including details of how spoil, fill or material will be handled, stockpiled, reused and disposed of, and locational criteria to guide the placement of stockpiles; and
 - iv) details of the methods and procedures to manage construction related environmental risks and minimise amenity impacts associated with waste handling.

Reason: To ensure, manage and co-ordinate the protection and enhancement of the Environment in accordance with the requirements of Policies SDI, SD3, SD4, LDI, LD4 of the Herefordshire Local Plan - Core Strategy.

- 9 Prior to the commencement of Highway works associated with the development, a scheme for any Statutory undertaker's works and/or diversions required to be undertaken shall be submitted to and approved in writing by the Local Planning Authority in consultation with National Highways.

Reason: Reason: To ensure the A49 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 and in the interests of road safety.

- 10 No development hereby approved shall take place until a scheme to mitigate the anticipated risk to the Ashley user worked level crossing is submitted to and agreed with the Local Planning Authority in order to mitigate the anticipated additional risk of trespass and misuse of the level crossing. The scheme will include details of the measures required to prevent trespass and misuse of the level crossing and timescales for its delivery.**

Reason: To mitigate the anticipated additional health and safety risk of misuse and trespass on this user worked level crossing.

- 11 Development (in each phase) shall not begin until details and location of the following have been submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved:**

- A method for ensuring mud is not deposited onto the Public Highway**
- Construction traffic access location**
- Parking for site operatives (including Bike parking)**
- Construction Traffic Management Plan**
- Travel plan for operatives.**
- Siting of site compound / site offices (including stack heights) and storage areas**

The development shall be carried out in accordance with the approved details for the duration of the construction of the development

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

- 12 No development shall commence for that phase, including site clearance or demolition begin or equipment and materials are moved on to site, until details of including where tree protection shall be erected and works within root protection areas is required, equipment or materials moved on to site, a fully detailed Construction Environmental Management Plan (CEMP) and named ‘responsible person’, including detailed ecological risk avoidance measures based on current site conditions and all protected species known to be locally present (ecological surveys and site assessments under two years old from date of CEMP and also include:**

- Hours of working**
- Tree protection (and arb report)**
- Dust**
- Storage of materials**

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. 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: 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 , NERC Act (2006), Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3.

- 13 No development shall take place on each respective phase of the development until the following has been submitted to and approved in writing by the local planning authority:
- a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice
 - b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors
 - c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing.

The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: The treatment of any potential contamination is a necessary initial requirement before any demolition and/or groundworks are undertaken so as to ensure that the site is satisfactorily assessed and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

- 14 No development on each respective phase of the development shall take place until a potable water scheme to serve the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary a scheme to upgrade the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any building. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.

Reason: To ensure the site is served by a suitable potable water supply. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority

Pre-occupancy or other stage conditions

- 15 The Remediation Scheme, as approved pursuant to condition no. (13) above, shall be fully implemented for each respective phase of the development before the development on that respective phase is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted and agreed in writing before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: Reason: The treatment of any potential contamination is a necessary initial requirement before any demolition and/or groundworks are undertaken so as to ensure

that the site is satisfactorily assessed and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

- 16 No above ground development shall take place on each respective phase until detailed drawings of the drainage system and associated structures that maximise the use of SuDS and that include the location of all manholes and pipes, as well as details of inlets, outfalls and SuDS features (including cross sections with invert levels, maximum water levels, top of bank levels, freeboard);

Details shall include, but not limited to

- a) Confirmation of groundwater levels to demonstrate that the invert level of any unlined attenuation features can be located a minimum of 1m above groundwater levels or demonstration that groundwater ingress can be appropriately be managed.
- b) Detailed drawings of the proposed surface water drainage strategy that demonstrate the inclusion of SuDS, where appropriate, and location and size of key drainage features
- c) Detailed drawings of proposed features such as attenuation features and outfall structures.
- d) 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.
- e) 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.
- f) Assessment of potential failure of above-ground attenuation features, including assessment of residual risks to downstream receptors, and proposed mitigation and management measures;
- g) Description and drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system.
- h) Demonstration that appropriate access is available to maintain drainage features
- i) Operational and maintenance manual for all proposed surface water drainage features that are to be adopted and maintained by a third party management company
- j) A detailed foul water drainage strategy showing how foul water from the development will be disposed of and illustrating the location of key drainage features and connection to the receiving network.
- k) Confirmation of agreement in principle of proposed adoption and maintenance arrangements for the surface water and foul water drainage systems
- l) The surface water shall discharge through a sustainable drainage system subject to final detailed approval of technical design.

Reason: To ensure suitable drainage can be achieved on site and in order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), NPPF (2021) and Herefordshire Council Core Strategy (2015) policies SS6, LD2, SD3

- 17 Prior to the first occupation of each dwelling within any phase of residential development hereby permitted a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 of the Herefordshire Local

Plan Core Strategy shall be submitted to and approved in writing by the local planning authority and implemented as approved.

Reason: To ensure compliance with Policies SD3 and SD4 of the Hereford Local Plan – Core Strategy and the National Planning Policy Framework

- 18 The reserved matters submission submitted pursuant to Condition 1 shall be accompanied by an Acoustic Design Statement which demonstrates in full that Stage 2 Elements 1-4 of the above guidance have been met. Within the Acoustic Design Statement supply evidence that internal noise levels outlined within Element 2 of the ProPG Internal Noise Level Guidelines can be met. (Satisfactory noise levels to be achieved in as many noise sensitive rooms in as many houses as possible with the windows partially open). Within the Acoustic Design Statement supply evidence of an external amenity noise assessment in accordance with Element 3 of the ProPG Guidance. (Satisfactory external amenity levels to be achieved are 50dB on a green field site at as many dwellings as possible. Within the Acoustic Design Statement assess all other relevant issues in accordance with Element 4 of the ProPG Guidance. ProPG: Planning and Noise* Professional Practice Guidance on Planning & Noise New Residential Development Published by the Association of Noise Consultants, the Institute of Acoustics and the Chartered Institute of Environmental Health. The approve scheme shall be implemented before the first occupation or use of the dwellings and thereafter maintained.

Reason: In the interests of the residential amenity of future residents in accordance with policy SD1 of The Herefordshire Core Strategy and NPPF 2021

- 19 Prior to completion of the approved development, a landscape scheme shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include a scaled plan identifying:

Trees and hedgerow to be retained, setting out measures for their protection during construction, in accordance with BS5837: 2012.

Trees and hedgerow to be removed.

All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.

All proposed hardstanding and boundary treatment.

Reason: To safeguard and enhance the character and amenity of the area in order to Conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

- 20 All planting, seeding or turf laying in the approved landscaping scheme for each respective phase shall be carried out in the first planting season following the occupation of the building or the completion of the development on that respective phase, 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.

- 21 No dwellings to be occupied on the development unless and until such time that Phase 1 of the surface water drainage scheme approved by condition 6 of this planning permission which shall include the attenuated outfall to Withy Brook, has been implemented in accordance with the approved surface water drainage strategy,

Reason to promote sustainable development, secure proper drainage and manage risk of flooding

- 22 Prior to the first occupation of any dwelling within any phase of residential development hereby permitted a scheme to enable the charging of plug in and other ultra-low emission vehicles (e.g. provision of cabling and outside sockets) to serve the occupants of the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority

Reason: To address the requirements policies in relation to climate change SS7, MT1 and SD1 of the Herefordshire Local Plan Core Strategy, to assist in redressing the Climate Emergency declared by Herefordshire Council and to accord with the provisions at paragraphs 108 and 110 of the National Planning Policy Framework

- 23 Development shall not begin in relation to any of the specified highways works until details (of the works) have been submitted to and approved by the Local Planning Authority in writing following the completion of the technical approval process by the local highway authority. The development on each respective phase shall not be occupied until the scheme has been constructed in accordance with the approved details for that respective phase.

Reason: To ensure the safe and free flow of traffic on the highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy Plan and the National Planning Policy Framework.

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

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 25 Proposals for the number, size and type of the tenure for both open market, affordable and the wheelchair accessible unit shall be submitted to the Local Planning Authority for approval either prior to or as part of any reserved matter application(s) relating to Layout. This scheme shall comprise a schedule outlining the number of 1, 2, 3 and 4 + bed dwellings open market and affordable with regard to the affordable housing the tenure mix shall be provided and the overall mix being in general accord with the Council's Local Housing Market Assessment (or any successor document adopted by the LPA).

Reason: To define the terms of the permission and to comply with Policy H3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

26 In addition to any landscaping or green infrastructure that may otherwise be required; prior to any new development above damp proof course levels, a detailed ‘holistic’ biodiversity net gain scheme for the whole development site shall be supplied to the Local Planning Authority for written approval.

The supplied scheme shall include:

- A detailed and specific annotated location plan for proposed biodiversity net gain enhancement features including as a minimum provision for hedgehog homes, bird nesting, and pollinating insect ‘nesting’ opportunities, ecological refugia and other natural features and habitats.**

- A detailed legally binding scheme of how the natural features and biodiversity net gain will**

be managed and maintained for the lifespan of the development.

- An external lighting and illumination plan clearly demonstrating that all proposed lighting and illumination features will comply with latest and current guidance identified by the Institute of Lighting Professionals-Bat Conservation Trust.**

The approved scheme shall be implemented and fully completed prior to occupation of the 50th dwelling and hereafter maintained unless otherwise agreed in writing by the planning authority.

Reason: To ensure that all protected species are considered and habitats enhanced having regard to the Conservation of Habitats and Species Regulations (2017), Wildlife and Countryside Act 1981 (as amended), Policy SS6 and LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2021) and NERC Act 2006

Post occupancy monitoring and management / Compliance Conditions

27 No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the construction phase and thereafter for 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars.

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.

28 Any trees, plants, or hedgerows which within a period of five years from the date of first planting die, are removed, become seriously damaged or diseased, or become (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the current planting season or the first two months of the next planting season, whichever is the sooner, unless the Local Planning Authority gives written consent to any variation.

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.

29 Prior to completion of the approved development, a vegetation clearance scheme shall be submitted and approved in writing by the Local Planning Authority . The scheme shall include a scaled plan identifying hedgerow, vegetation and maintenance work on the existing footway along A49 to the north of the railway bridge to allow the footpath to regain its full width.

Reason: To provide a safe walking route, sustainable travel and ensure pedestrian safety on the footway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy Plan and the National Planning Policy Framework

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

Reason: The treatment of any potential contamination is a necessary initial requirement before any demolition and/or groundworks are undertaken so as to ensure that the site is satisfactorily assessed and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

- 31 All foul water shall discharge through a connection to the local Mains Sewer network managed through the Welsh Water – Eign (Hereford) waste water treatment works; and no surface water shall be discharged in to any mains sewer or ‘combined mains sewer; unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Habitat Regulations (2017), National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies SS6, LD2 and SD4. Habitat Regulations

- 32 The ecological protection, mitigation, compensation and working methods, as recommended in the ecology report by Aspect Ecology dated July 2020 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 (2021) and NERC Act 2006

Informatives

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application 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 in the National Planning Policy Framework.**
- 2. 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.**
- 3. This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel: 01432 261800), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise**

details of all works within the public highway must be agreed on site with the Highway Authority. A minimum of 4 weeks notification will be required (or 3 months if a road closure is involved).

Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to coordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.

4. This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800), shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works. Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.
5. No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ to progress the agreement
6. Any work involving the removal or disturbance of ground or structures supporting or abutting the publicly maintained highway should be carried out in accordance with details to be submitted to and approved in writing by the Highway Authority or their agent. Please contact Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800).
7. In connection with Condition 24 the applicant is advised that advice on its formulation and content can be obtained from the Sustainable Travel Officer, Herefordshire Council Transportation Unit, PO Box 236, Plough Lane, Hereford HR4 0WZ
8. In connection with Condition 24 the applicant is advised that the annual Travel Plan Review must include a survey of staff/resident travel patterns and attitudes to travel. (For businesses employing less than 50 people and for residential developments of less than 50 units, a travel survey will only be required every two years). For residential developments, the review should also include traffic counts and an assessment of trips by mode. Applicants are encouraged to conduct their own monitoring and review process. However, they may choose to engage outside consultants to manage the process on their behalf. Council officers can also provide monitoring services for Travel Plan reviews and for this a request should be made to the Sustainable Transport Officer, Herefordshire Council Transportation Unit, PO Box 236, Plough Lane, Hereford, HR4 0WZ
9. The applicant's attention is drawn to the requirement for design to conform to Herefordshire Council's 'Highways Design Guide for New Developments' and 'Highways Specification for New Developments'

- 10 **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, 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**
- 11 **Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail’s support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.**
- 12 **All surface water drainage should be directed away from Network Rail’s land to the public mains system. Soakaways are not acceptable where the following apply: a) Where excavations which could undermine Network Rail’s structural support zone or adversely affect the bearing capacity of the ground b) Where there is any risk of accidents or other acts leading to potential pollution of Network Rail’s property/infrastructure c) Where the works could adversely affect the water table in the vicinity of Network Rail’s structures or earthworks.**
- 13 **The works involve disturbing the ground on or adjacent to Network Rail’s land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail’s ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.**
- 14 **Where Network Rail has defined access points, these must be maintained to Network Rail’s satisfaction. The Developer should contact the Network Rail’s Asset Protection Wales Team well in advance of mobilising on site or commencing any works. The initial point of contact is assetprotectionwales@networkrail.co.uk. The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.**
- 15 **If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail’s boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail’s existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail’s boundary must also not be disturbed.**
- 16 **The developer/applicant must ensure that their proposal, both during construction and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land or structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. Any future maintenance must be conducted solely within the applicant’s land ownership. Should the applicant require access to Network Rail land then they must seek approval from Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of**

trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

- 17 The developers should be made aware that Network Rail needs to be consulted on any alterations to ground levels. No excavations should be carried out near railway embankments, retaining walls or bridges. Network Rail Infrastructure Limited Registered Office: Network Rail, One Eversholt Street, London, NW1 2DN Registered in England and Wales No. 2904587 www.networkrail.co.uk
- 18 It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.
- 19 Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.
- 20 All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.
- 21 The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of Technical Advice Notes which hold relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.
- 22 It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.
- 23 Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.
- 24 Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers' vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Following occupation of the development, if within three months Network Rail or a Train Operating Company has identified that lighting from the development is interfering with driver's vision, signal sighting, alteration/mitigation will be required to remove the conflict at the applicant's expense.

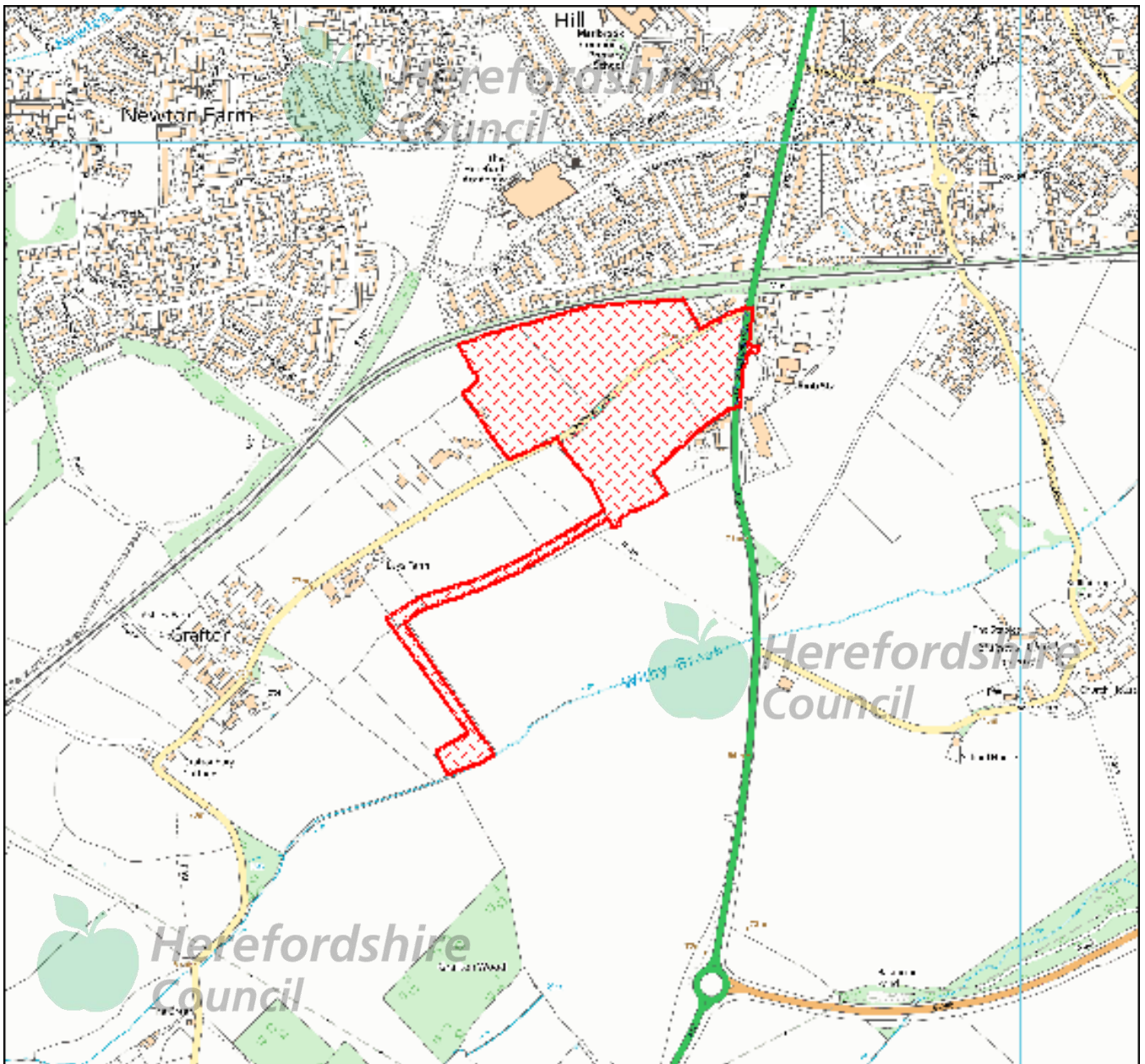
25 The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new 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

Decision:

Notes:

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Background Papers – none identified

Internal departmental consultation replies.



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APPLICATION NO: 193042

SITE ADDRESS : LAND NORTH AND SOUTH OF GRAFTON LANE, HEREFORD, HR2 8BJ

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

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	28 SEPTEMBER 2022
TITLE OF REPORT:	214270 - PROPOSED SINGLE STOREY DWELLING ('PIPPIN GRANGE') AND ANCILLARY OUTBUILDINGS. TO INCLUDE RENEWABLE TECHNOLOGIES, REINSTATEMENT OF HERITAGE ORCHARD AND BIODIVERSITY ENHANCEMENTS AT LAND SOUTH WEST OF ROMAN BYRE, HEREFORDSHIRE, For: Mr & Mrs Sharp per Miss Rebecca Jenkins, 4-5 High Town, Hereford, Herefordshire, HR1 2AA
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=214270&search-term=214270
Reason Application submitted to Committee - Redirection	

Date Received: 19 November 2021 **Ward: Wormside** **Grid Ref: 348348,236486**
Expiry Date: 2 February 2022
Local Members: Cllr C Bolderson

1. Site Description and Proposal

- 1.1 The application site is located approximately 3 miles to the south west of Hereford City Centre and 1.5 miles to the south of Belmont. The site is to the west of the C1226 travelling from Belmont to Grafton on land associated with Roman Byre, one of a number of converted barns traditionally associated with Haywood Lodge, a Grade II* listed building to the south. The site itself is former orchard land and is currently undeveloped.
- 1.2 The topography of the site gradually slopes from north-west to south-east. Surrounding dwellings are located east of the site with a closer relationship to the road and are separated from the site bounded by hedgerows.
- 1.3 The proposal includes the construction of a single storey dwelling in the western portion of the site, a workshop and garage along the north boundary and associated driveway extending from the previously approved vehicular access under application P204053/F.

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

Further information on the subject of this report is available from Ms Elsie Morgan on 01432 260760

- SS7 - Addressing climate change
- RA1 - Rural housing distribution
- RA2 - Housing in settlements outside Hereford and the market towns
- RA3 - Herefordshire's countryside
- MT1 - Traffic Management, highway safety and promoting active travel
- LD1 - Landscape and townscape
- LD2 - Biodiversity and geodiversity
- LD3 - Green Infrastructure
- SD1 - Sustainable Design and energy efficiency
- SD3 - Sustainable water management and water resources
- SD4 - Waste water treatment and river water quality

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

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the policies relevant to the determination of this application have been reviewed and are considered to remain entirely consistent with the NPPF and as such can be afforded significant weight.

2.2 Callow and Haywood Neighbourhood Development Plan

- Policy CH1 – Protecting and Enhancing the Rural Landscape
- Policy CH2 – Building and Transport Design Principles
- Policy CH4 – Protecting the Sensitive Landscapes Assets in the Urban Fringe
- Policy CH9 – Housing

The Callow and Haywood Group Neighbourhood Development Plan was made on 1 December 2016. It now forms part of the Development Plan for Herefordshire and is afforded full weight. This can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/directory-record/3043/callow-and-haywood-group-neighbourhood-development-plan-made-1-december-2016>

2.3 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 11: Making effective use of land
- Chapter 12: Achieving well-designed places
- Chapter 15: Conserving and enhancing the natural environment

3. Planning History

- 3.1 P204053/F - Proposed new vehicular access – Approved with conditions
P191142/ F - Proposed new vehicular access – Refused and dismissed on appeal

4. Consultation Summary

Statutory Consultations

4.1 Natural England

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 Welsh Water

Since the proposal intends utilising an alternative to mains drainage we would advise that the applicant seek advice from the Environment Agency and the Building Regulations Authority as both are responsible to regulate alternative methods of drainage.

However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

With respect to the disposal of surface water flows from the proposed development, the developer is required to explore and fully exhaust all surface water drainage options outlined under Sections 3.2 and 3.4 of Part H of the publication 'Building Regulations 2000. Disposal should be made through the hierarchical approach, preferring infiltration and, where infiltration is not possible, disposal to watercourses in liaison with the Land Drainage Authority, Natural England and/or the Environment Agency.

Advisory Notes:

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps; some sewers were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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

4.3 Historic England

The application site is located in a former orchard associated with Haywood Lodge and Haywood Farm. Haywood Lodge is listed Grade II* and, despite the historic loss of its upper storey, is an elegant early C18 house that faces the road behind a fine Grade II listed wrought iron gateway. The building's setting is one of open countryside which, as C18 and C19 landscape paintings reveal, remains almost as open as when the house was built. The comparatively recent removal of large C20 agricultural buildings once erected between the house and Haywood Farm to the north helped restore this setting and enhance the significance of the house.

As an historically undeveloped field parcel that preserves elements of historic field boundaries and has been used since at least 1888 as an orchard, the application site forms part of this setting and contributes to the historical interest of Haywood Lodge. It also contributes to its artistic interest being part of a lightly wooded backdrop that helps settle the house into its wider rural landscape and provides gentle visual separation from the farm to emphasize the higher architectural and social status of the house.

The proposal to erect a new dwelling with a design referencing the form and mass of a modern agricultural shed, served by two outbuildings, access drive, turning areas, solar array and residential amenity including a patio would diminish the open character of the setting of Haywood Lodge. This is a change that would lessen the way the site contributes to the historical and aesthetic interest of Haywood Lodge and is therefore harmful to significance.

In accordance with paragraph 199 of the NPPF, the Grade II* listing of the house requires very great weight to be given to its conservation as it is amongst the rarest and most important of designated heritage assets. Paragraphs 200 and 202 of the NPPF are clear that any harm to its significance requires a clear and convincing justification based around the public benefits of the proposal. In this case, although the level of harm is limited, we can identify no public heritage benefits associated with the proposal that might justify it.

Recommendation:

Historic England has concerns regarding the application on heritage grounds. We urge you to give careful consideration and, in accordance with section 16 of the NPPF, appropriate weight to these as you draw the planning balance between any other public benefit the application may offer and the harm we have identified.

Internal Council Consultations

4.4 **Area Engineer**

The proposal submitted includes an access to serve a single dwelling. The following observations are a summary of the highways impacts of the development:

The trip generation associated to a single dwelling is low and will not result in a cumulative impact that could be classed as severe in this location.

The access proposed relies on the access arrangements set out in application number 204053. The comments for this application are detailed and the design of that access is compliant for the highway standards appropriate to the provision of accesses for residential use, shared or otherwise. As a result the access point is considered acceptable.

Vehicular accesses over 45m in length from the highway boundary to the face of a building should be referred to a Building Regulation Approved Inspector. In these circumstances, access and turning for emergency vehicles may be required, refer to Section 6.7 of Manual for Streets. The dimensions of the driveway are adequate for the scale of the development, however the driveway is long so the arrangement should be passed to waste management for comment on the waste strategy for the site.

The parking provided is acceptable for the nature and scale of the proposed dwelling. The cycle parking required can be adequately accommodated in the outbuildings for the development without unduly reducing other parking for vehicles.

For any works within the extent of the highway permission from the LHA will be required. Details of obtaining this permission can be found at:

https://www.herefordshire.gov.uk/downloads/download/368/dropped_kerb_documents

There are no highways objections to the proposed dwelling.

All applicants are reminded that attaining planning consent does not constitute permission to work in the highway. Any applicant wishing to carry out works in the highway should see the various guidance on Herefordshire Council's website:

www.herefordshire.gov.uk/directory_record/1992/street_works_licence
<https://www.herefordshire.gov.uk/info/200196/roads/707/highways>

4.5 Land Drainage

Surface Water Flood Risk

Review of the EA's Risk of Flooding from Surface Water map indicates that the site is not at risk of surface water flooding.

Other Considerations

Review of the EA's Groundwater map indicates that the site is not located within a designated Source Protection Zone or Principal Aquifer.

Surface Water Drainage

We understand that infiltration testing was undertaken at the site whereby one trial hole was excavated however the test area was found to be impermeable and fail testing. We note that a groundwater level assessment was performed at the site. A hole was excavated to 2.5mBGL and no groundwater was encountered.

Due to the failure of testing, we note proposals for the surface water to be discharged off-site. The roof area of the proposed dwelling is 218.5m²; this has been used in conjunction with rainfall map data to calculate the site run-off rate as 3.0591/s which is less than the greenfield run-off rate of 51/s. The roof water is proposed to be discharged to a local pond located at the front of the Roman Byre property found east of the site. A gravity drain is proposed to be laid underneath the access driveway from the proposed development to the pond which is said to be located to the east of the site. This should be achievable due to a change in topographic slope for the proposed access driveway sloping west to east. It is stated that the pond has an overflow located at the head of the Withy Brook.

In an effort to reduce the potential flow, a rainwater harvester is to be installed for usage in washing machines and irrigation etc.

We note that the discharge drain is to be laid as perforated piping laid on a bed of 40mm drainage stone to facilitate roof water infiltration when the soil conditions allow.

With regard to the additional hardstanding driveways and pathways, we note proposals for permeable paving to be used despite the failure of infiltration tests. This is due to shallow percolation testing proving some permeability.

A surface water drainage layout drawing has not been provided to clarify the pipework from the proposed dwelling to the discharge pond. The Location Plan shows three nearby ponds in addition to a drainage ditch, but it is unclear of the direct discharge route. We request clarification of the pond location and the proposed pipework layout in a drainage design drawing.

Foul Water Drainage

We understand that percolation testing in accordance with BS 6297 was undertaken at the site. Six trial pits were excavated to depths ranging between 150mm and 1000mm, and three tests were conducted at each pit. Test pits A and B failed to drain at depths of 1000mm and 600mm. Test pit C was 500mm deep and had a Vp of 83.6s/mm and test pit D was 450mm deep with a Vp of 108.15. Test pits E and F were both 150mm deep and had the better Vp rates of 68.4 and

54.8s/mm which suggests that percolation is viable at shallow depths. The average Vp excluding pits A and B is 78.74s/mm.

Pits B and C showed much different results despite being close together. The trial pit for the surface water soakaway test showed the presence of clay soil.

A package treatment plant is proposed to treat the foul water from the proposed development which will then discharge to a drainage field. Based on our review of the ground conditions only the upper strata are permeable. A drainage field is not suitable at this site, a drainage mound is required.

The area downhill of the drainage mound is likely to be waterlogged and so we suggest that the area is left as garden.

While the location of the drainage field is referred to in the Design & Access Statement, all drainage features will need to be clearly presented in the site plan. We note the comments that the drainage layout will utilise the contours of the site for the drainage mound positioning. We request clarification of the drainage mound location, to ensure that a gravity discharge is accommodated, in the form of a foul drainage system drawing. We understand that this should present the proposed drainage mound to be positioned in line with the contour lines on the site.

Overall Comment

We recommend that the following information is provided prior to the Council granting planning permission;

- Submission of a surface water drainage layout drawing, clarifying the pipework and outfall to the pond.
- Submission of a foul water drainage layout drawing to clarify the location of the proposed drainage mound in line with the site contour lines and to ensure a gravity drainage is accommodated. The mound should have an upper area of 8m x 9m and should have sides graded at 1/3, as shown in BS 6297

4.6 Environmental Health Officer (Private Water Supply)

I wanted to note that the property next to the above site is served by a private water supply (PWS) which is close to the site boundary. I would ask that the location of the proposed new drainage is not a risk to the existing water supply. If the new site is also to be connected to this existing PWS then the Private water regulations 2016 (as amended) apply and sampling and risk assessment may be required.

4.7 Trees/Landscape Officer

Referring to drawing Proposed Site Plan, 3871, September 2021; Orchard Restoration and Management Plan, 24/07/2021; and DAS report, Rev A, November 2021, the applicant proposes to protect the remnant traditional orchard veteran trees; plant new apple trees to restore the orchard; provide additional trees as visual mitigation; and plant a wildflower meadow as part of the orchard habitat. I am satisfied that the development enhances the landscape, biodiversity and green infrastructure in accordance with Local Plan LD1, LD2 and LD3.

Note, on the Proposed Site Plan, 3871, it appears that the access track is within close proximity to existing trees, therefore it is recommended that the roots of these trees are protected.

I recommend that conditions are implemented to ensure that the intent of the development is documented on a soft landscape plan, with associated written specification material, together with a management plan, and maintenance schedule. Include a tree protection information to ensure that existing trees are not compromised as a result of the development.

Conditions:

Tree proposal and maintenance

Provide a soft landscape plan, showing all existing, retained, removed and proposed trees; and planting accompanied with a written specification setting out; species, size, quantity, density with cultivation details.

Existing trees to be retain, shall set out measures for their protection during construction, in accordance with BS5837:2012.

Provide a landscape management plan, and maintenance schedule for a period of 10 years.

Reason: To safeguard and enhance the character and amenity of the area, enhance biodiversity and green infrastructure in order to conform with policies SS6, LD1, LD2 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework

Protection during Construction

Prior to the commencement of the development a tree protection plan in accordance with BS5837:2012 shall be submitted and approved in writing by the local planning authority and thereafter implemented in accordance with the approved details for the duration of the construction phase.

Reason: To safeguard all retained trees during development works and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

4.8 **Ecologist**

The site is within the River Wye SAC catchment; and this proposed development triggers the legal requirement for a Habitat Regulations Assessment process to be carried out by the LPA, the final HRA 'appropriate assessment' completed by the LPA must be formally approved by Natural England PRIOR to any future planning consent being granted.

Sufficient and detailed information will be required to be submitted with any future outline or full applications to allow the authority to assess the proposal through its Duty of Care under NERC Act and Habitat Regulations. Natural England will also need to be a statutory consultee and will require sufficient information, like ourselves, to formally undertake a Screening Assessment for 'Likely Significant Effects' and then subsequently undertake a relevant Appropriate Assessment to determine and recommend relevant and appropriate Conditions to secure that the development(s) will have NO 'likely significant adverse effects' on the relevant SAC.

This HRA process needs to be completed based on all current requirements and considerations and on information supplied in support of this specific application and that is sufficiently detailed to allow any relevant conditions to be secured.

The HRA process must be completed with legal and scientific certainty and using a precautionary approach.

Notes in respect of HRA

- The proposal is for a single dwelling with associated foul water and surface water flows created.
- There are no mains sewer connections available at this location.
- The proposal is to manage all foul water through a new private treatment system.

Further information on the subject of this report is available from Ms Elsie Morgan on 01432 260760

- The supplied drainage report and associated plans confirm that due to local percolation considerations a mound style drainage field is required to manage outfalls from a new Package Treatment Plant.
- The supplied reports confirm that a mound system compliant with BS6297 and General Binding Rules can be achieved at this location.
- The additional surface water will be managed through an appropriately designed Sustainable Drainage System with attenuated flows discharging in to the local watercourse under the applicant's control.
- The agreed foul water and surface water management systems can be secured by condition on any planning permission finally granted.

Nature Conservation (River Wye SAC) – Foul Drainage Strategy:

Unless otherwise agreed in writing by the Local Planning Authority all foul water from the approved development shall discharge through a new package treatment plant discharging to a drainage mound located on land under the applicant's ownership.

Reason: In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD4.

Nature Conservation (River Wye SAC) – Surface Water:

Unless otherwise agreed in writing by the Local Planning Authority all surface water from the approved development shall be managed through a suitably designed Sustainable Drainage System with attenuated outfall to a local watercourse.

Reason: In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD3.

Other ecology comments:

From the available information, including supplied ecology report by Pure Ecology dated November 2021 are no immediate ecology related concerns with this proposal. There are potential opportunistic and transitory presence of protected species and other wildlife. The applicant and their contractors have their own legal duty of care towards wildlife protection under UK Legislation that applies throughout any demolition and construction process. Any breach of this legal Duty of Care would be a criminal offence. In this instance this LPA has no reasonable cause to require further information as part of the planning application or include a specific ecology protection condition. However a relevant information note is requested:

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 advised that advice from a local professional ecology consultant is obtained.

As identified in the NPPF, NERC Act and Core Strategy LD2 all developments should demonstrate how they are going to practically enhance (“Net Gain”) the Biodiversity potential of the area. To secure these enhancements a relevant Condition is suggested:

To obtain Biodiversity Net Gain:

Prior to first use of any part of the development works approved under this planning decision notice, evidence of the suitably placed installation within the site boundary or on other land under the applicant’s control of a minimum total of TWO ‘permanent’ Bat roosting boxes (or similar roosting features) and THREE bird nesting boxes (mixed types), ONE Hedgehog home and refugia for reptiles and amphibians should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3

Traditional Orchard Restoration and Management:

Unless otherwise agreed in writing by the local planning authority The Traditional Orchard Management Plan by ‘Tom the Apple Man’ dated July 2021 shall be implemented in full with all fruit trees planted grown on fully vigorous rootstocks and managed as full ‘standard’ trees; and hereafter be managed and maintained as approved.

Reason: To ensure that all protected species are considered and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies SS1, SS6 LD1, LD2 and LD3.

The site is in an area with an intrinsically dark landscape that benefits local amenity and nature conservation, including nocturnal protected species present in the wider locality. A condition to ensure all external lighting is kept to the essential minimum and any systems installed compliant with current best practice is requested:

Protected Species and Dark Skies:

At no time shall any external lighting, except low power (under 550 Lumens/5 watts and <3000 Kelvin), ‘warm’ LED lighting in directional down-lighting luminaires on motion operated and time-limited switches be installed or operated in association with the approved development and no permanently illuminated external lighting shall be operated at any time, without the written approval of this local planning authority.

Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3.

4.9 Building Conservation Officer

Recommendation:

The proposed scheme attracts a heritage objection as the introduction of residential development to the site would fail to preserve aspects of setting which contribute positively to the significance of adjacent heritage assets, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Policy LD4 of the Herefordshire Core Strategy.

In addition, it is considered the prevailing landscape characteristics have not positively influenced the site choice, which would result in a failure to conserve and enhance the attributes of setting which contribute to the county's distinctiveness in this region, as required by Policies LD1 and SS6 of the Core Strategy.

As per Paragraph 199 of the National Planning Policy Framework, the level of harm identified is considered less than substantial, which represents a substantial objection in planning terms, and should be afforded very great weight in the planning balance.

In addition, Paragraph 200 states any harm from development within the setting of designated heritage assets should require clear and convincing justification - which this proposed scheme has not provided - and cautions that harm to assets of the highest significance should be wholly exceptional (GDI & GDII*).

For clarity, case law has established that less than substantial harm as a definition has no sub-categories, and that, outside of substantial harm or no harm, it includes all levels of harm no matter how limited, negligible or minor. (James Hall & Co. Ltd. v Bradford Metropolitan District Council, [2019] EWHC 2899)

Although strongly recommended in Paragraph 30 of the NPPF, pre-application advice was not sought prior to this submission.

Heritage Background:

The following heritage assets are located within close proximity to the proposed site:

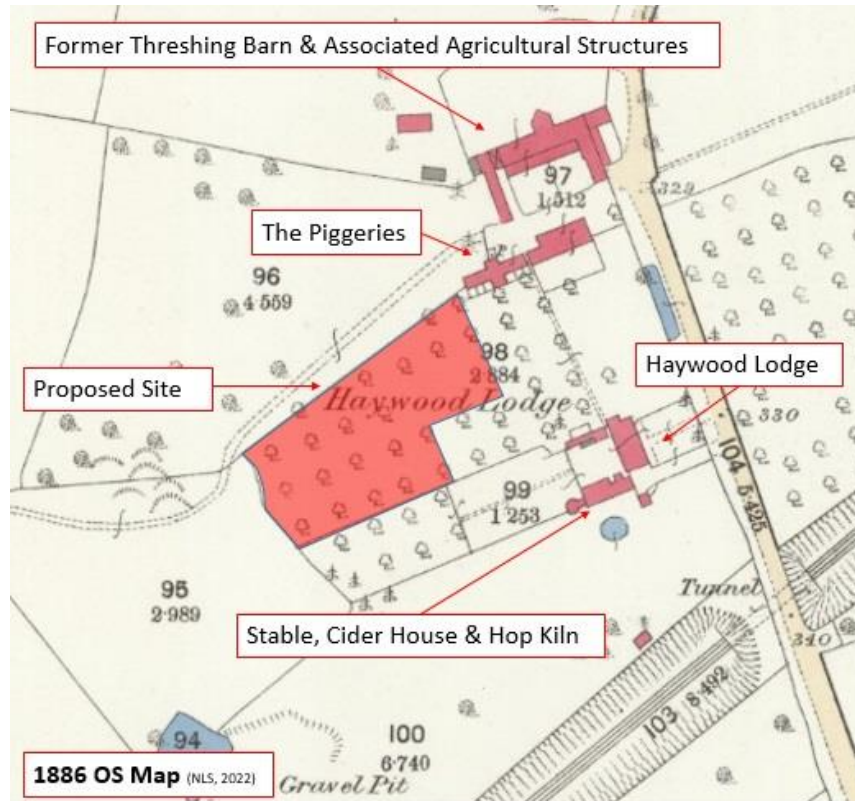
- Haywood Lodge, Grade II* (c.45m);
- Cider House, Stable & Hop Kiln, Grade II (c.50m);
- Gates, Gate Piers, Railings & Walls, Grade II (c.65m);
- Pig Sties, Grade II (c.5m);
- Roman Byre, Non-Designated Heritage Asset (c.40m);
- Oak View, Non-Designated Heritage Asset (c.55m);
- The Granary, Non-Designated Heritage Asset (c.80m);
- Haywood Lodge Cottages, Non-Designated Heritage Assets (c.200m);

The development site is situated on a parcel of land formerly associated with Haywood Lodge, an early-18th century villa, with c.16th century origins.

Directly to the south-west of the lodge is a late 18th century cider house and stabling range, with a mid-19th century hop kiln.

Further information on the subject of this report is available from Ms Elsie Morgan on 01432 260760

To the north of the lodge (c.70m) is a former piggery, which is a remnant of a larger, earlier, agricultural building group, which consisted of a threshing barn, with attached engine house, dairy, shelter sheds and associated structures.



Significance:

Haywood Lodge & Gates, Piers, Walling:

The Lodge, which is a fine and prominent example of an early-18th century villa in a rural agrarian context, is believed to date from c.1710, and its architectural form and material detailing largely support this supposition.

Its primary significance relates to its architectural and aesthetic merits, articulated in its designed character, and its historical associations; aspects of its setting which relate to how the Lodge was intended to be experienced contribute to this significance.

In addition, its elevational treatment provides insight into how the surrounding agrarian landscape was intended to be appreciated from within the property, with equal importance being afforded to its eastern and western elevations in design terms, and a matching degree of fenestration employed to enable this, and facilitate far reaching views towards Hay Bluff and the Black Mountains.



Whilst the eastern elevation fronted the roadside, and provided the formal entrance to the Lodge, with its associated wrought iron gates and railings etc., the western elevation mirrored its three-bay form, and the characteristic 2-3-2 window arrangement at 1st floor level, albeit with three windows infilled at a later date.

The southern elevation was also heavily fenestrated but all of these openings have now been infilled; possibly an intervention motivated by the arrival of the railway line in the mid-19th century.

Throughout its history, the Lodge appears to have been the sole domestic building within the Haywood Lodge estate until the construction of two farmworkers cottages in the 19th century, and the domestic conversion of the agricultural buildings, and construction of a farmhouse, in the late-20th century.

Cider House, Stables, Hop Kiln & Pig Sties:

This building group was both ancillary and agricultural in its functionality, and the significance of its constituent parts relate to their architectural, archaeological and historical values, which evidence the vernacular craftsmanship and constructional techniques employed during the late-18th and 19th centuries, the socio-economic functioning of a minor rural estate, and the pre-mechanisation farming practices prevalent within this region.

As with the Lodge, aspects of their setting which evidence how the buildings functioned contribute to their significance, and this includes the fieldscape which supported that functionality, the degree of detachment between the Pig Sties and the Lodge, and the siting of the other buildings to the south-west of the Lodge.

Roman Byre, Oak View, The Granary, Haywood Lodge Cottages:

As surviving remnants of the historic farm building group these converted buildings and cottages are of sufficient age, architectural merit, and associational importance to warrant NDHA status, and they contribute to the significance of the Lodge by virtue of their evidential value.

Setting:

The earliest detailed mapping of the lodge and its environs identified thus far is believed to date from c.1826, and was commissioned/surveyed when Rev. Richard Wegg-Prosser purchased a number of estate lands from John Matthews; it is this map which formed the basis for the Haywood tithe map which exists today.

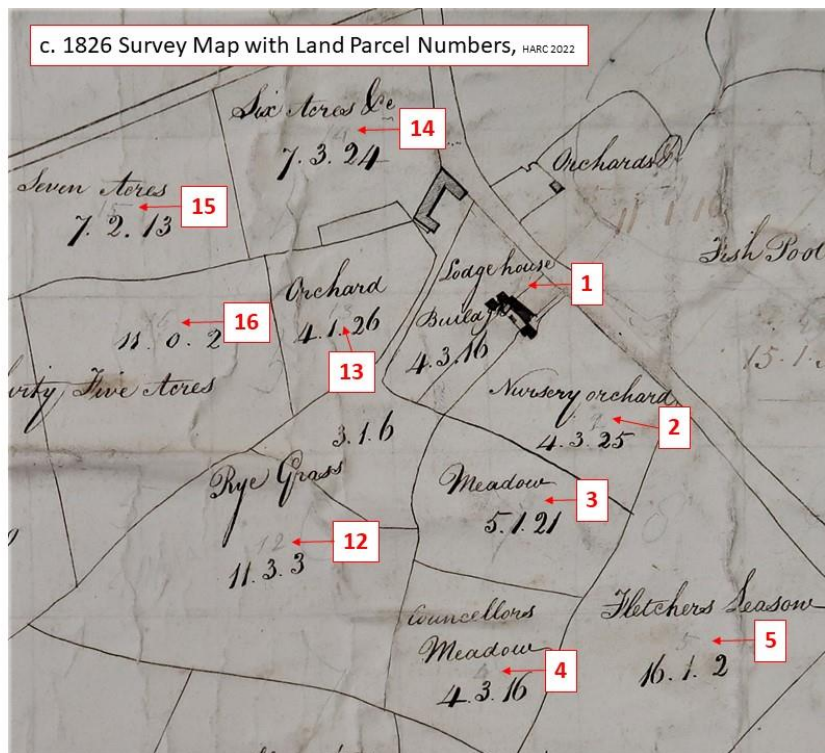
The map was also accompanied by a series of coloured plans which detailed individual farm holdings which were part of the wider estate, including Haywood Lodge. Allowing for a degree of variation in scale and accuracy, both survey and tithe maps highlight the proposed site within the context of Haywood Lodge, and the surrounding fieldscape.



The proposed site is identified as being part of the Lodge House & Buildings group's immediate curtilage, which formed part of a single parcel separated from the surrounding field arrangements, and separated from the agricultural buildings by track access to the arable field parcels detailed as Rye Grass.

It is not clear what function the conjoined structures to the north-west of the Lodge performed, but given the remains of an earlier structure within that end of the Lodge, these may have been related to the earlier hunting lodge; this may be why the curtilage extended out beyond and around them in the manner illustrated.

In addition to how this arrangement is illustrated on both maps, each land parcel on the survey map was assigned a specific number, and the Lodge and proposed site were included within one parcel detailed as No. 1; further evidencing the site's historic connection to the Lodge.



This mapping also highlights that the introduction of orchard to the proposed site was a comparatively late development; which was likely a reaction to the expansion of the Hereford tram road to accommodate the arrival of the Newport, Abergavenny & Hereford Railway line in 1853, whose shortened tunnel and lengthened cuttings dissected the Nursery Orchard (Parcel No.2).

The loss of this acreage may have been somewhat compensated for by its introduction onto the proposed site and other land associated with Parcel No. 1, but this site's relatively short period of use as an orchard does not reflect the importance of its contribution to the Lodge's significance during its primary era - the 18th century – and so there would be very limited heritage benefit from re-introducing the orchard aspect.

The presence of hedge and tree planting within the setting does contribute positively to it, but as a feature of setting it can be highly temporal in nature and susceptible to loss through disease, weather events, or human intervention; as a result, its permanence cannot be relied upon and is likely to be less than that of a permanent dwelling.

Impact on Significance & Setting:

As the open, verdant, and historically undeveloped nature of the site contributes to the significance of the Lodge – both as a part of its former curtilage and as a facet of its landscape setting intended to be experienced from within it as an agrarian scenic component – domestic development of the site would result in harm to its significance and setting, and re-introduction of orchard could not mitigate this harm.

Whilst there have been changes to setting experienced within the last century - development at Haywood Lodge Farmhouse, whose permission was associated with an agricultural dwelling need, and two modern agricultural structures now utilised for commercial purposes - these have been primarily influenced by modern farming practices, and have taken place outside the historic building group.

Changes within the group have been largely sympathetic, and given the farm's origins as a single entity it is considered the setting's capacity for domestic change was reached when former agricultural buildings were converted.

The erection of a new dwelling would negatively alter the spatial characteristics of the site, present a development bridge between the building groups, erode the bucolic character which exists between and around them, interrupt longer ranging views from the Lodge towards Hay Bluff and the Black Mountains, and introduce a land use type which would increase movement and noise, and impact on the degree of tranquillity which the Lodge and its setting has historically experienced.

Where it can be demonstrated the principle of development is acceptable mitigation measures can be important factors, however, in this instance, it is considered no level of mitigation would neutralise the harms identified, as any form of dwelling would be incongruous in this setting.

Additional Heritage Comments:

Unfortunately the submitted heritage statement did not identify a key component of the Lodge's significance – its western elevational treatment – and, having correctly established that setting does not necessarily depend on viewpoints, chose to focus on a series of selective views and viewpoints despite acknowledging the site as having, 'an open, pastoral visual amenity to the wider setting of Haywood Lodge and Roman Byre', and having rightly identifying the present setting as enabling, 'the house...to be understood and appreciated much as it was intended to be when re-modelled as the striking lodge in the 18th century'.

In addition, its conclusions, which supported development, were primarily based on the presence of tree/hedge planting to downplay any visual impact the proposed development might have, and a reliance on orchard re-instatement providing strong mitigation benefits – although any benefit to setting would be better gained in areas outside the proposed site, such as Nursery Orchard or the former orchard to the north-west (Parcel No.13), as these locations make a greater contribution to the Lodge's significance as orchards.

Images of limited viewpoints from within the proposed site towards the Lodge were provided, but no consideration was given to how the site would be experienced from the Lodge itself, the adjacent buildings, or within and around the context of the group as a whole.

Reliance was on some heritage benefit being realised from the re-instatement of orchard planting within the proposed site, but, given its historic evolution, any benefit to setting would be better gained in areas outside the proposed site – such as Nursery Orchard or the former orchard to the north-west.

4.10 **Neighbourhood Planning Manager**

There are issues with the wording of the policies of the Callow and Haywood NDP which make it unclear as to which areas the plan focuses development to.

Policy CH1 indicates 'THROUGH SMALL-SCALE DEVELOPMENTS ADJOINING OR WITHIN THE SMALL VILLAGES AND HAMLETS'. These are not defined on a map within the NDP and are considered to be in addition to the RA2 list of settlement in the Core Strategy (which are not defined as 'smaller villages or hamlets') and Policy CH1 does not refer specifically to those settlements named within RA2 – mainly Twyford Common. Without formal settlement boundaries or lists this is therefore open to interpretation.

Policy CH9 indicates 'NEW HOUSING SHOULD BE LOCATED ON SMALL INFILL PLOTS WITHIN OR ADJACENT TO EXISTING CLUSTERS OF BUILDINGS OR BUILT UP AREAS OF GRAFTON WHEREVER POSSIBLE' – it is considered that this policy applied to the area which is defined (in description and shown on the policies map) as 'Grafton' only.

In para 4.1.12 of the NDP, Portway, Grafton, Bullinghope and Merryhill are referred to as a 'small settlement'. Therefore the conclusion is that these make the definition in Policy CH1 of a 'smaller village or hamlet' and the smaller settlement of Grafton (referred to in CH9) is around the former Graftonbury Hotel however there is a wider description within para 4.5.1 of Grafton being the parish area – which adds to this confusion. There is no description of the location referred to as 'Merryhill'

The recent application commented upon for Portway (211933) indicated that this was in conformity with Policy CH1 as Portway was described within 4.1.12 and included that location. The description of Grafton within 4.1.12 is not the location subject to this application (214270). Therefore could be argued that the intention of the NDP within Policy CH1 and CH9 is not including the area subject to this application. Therefore this is subject to RA3 of the Core Strategy.

It is the balance between the intention of the NPPF and policy RA3 to avoid isolated dwellings within the open countryside and the locally defined Policy CH1 and CH9 in the adopted development plan (Callow and Haywood NDP). It was not the intention of the NDP to promote scattered development within a significant number of small clusters of buildings throughout the parish and nor is that the intention of the NPPF or the Core Strategy policy RA2. Although the wording of the NDP is not clear, the interpretation of the objective of the NDP is to direct development to Portway, Grafton, Bullinghope and Merryhill as 'smaller settlements and hamlets'. The location of this application is not within the 'Grafton' described within para 4.1.12.

5. Representations

5.1 Parish Council

The Callow and Haywood Group Parish Council supported this application. The Councillors felt that the applicants had made every effort to ensure that all ecological aspects of the build have been considered. The Parish Councillors considered the effect of the build on its neighbours and were comfortable that its location should not have a negative impact on them.

5.2 In response to the public consultation a total of 23 supporting comments and 11 objecting comments including 2 further comments, the objections detailed the following points:

- Contrary to adopted planning policies for development in open countryside including RA3
- Design would not meet the exemption tests including 'truly outstanding architectural design' in paragraph 80 of the NPPF and policy RA3
- Contrary to Callow and Haywood NDP policies which directs local housing to 'within or close to' the second tier settlement of Grafton
- Proposal would be detrimental to setting and perceived history and character of grade II* listed Haywood Lodge, harm would not be outweighed by an benefits as per Historic England comments
- Development would change landscape character and historic contribution of the orchard site
- Submitted details do not demonstrate the proposals would achieve the sustainable standards of design and construction required by RA3
- Road notorious for speeding traffic, increased use of the site poses risk, 4 bedroom dwelling can generate considerable number of cars
- Concern for discharge from treatment plan to flood into Haywood Lodge

The supporting comments are summarised as follows:

- Incorporated full range of low carbon, renewable energy systems
- Agricultural design fits into surroundings in keeping in rural landscape, replicating farm buildings
- Exceptional quality design

- Tree and orchard planting supported increasing biodiversity of the area, ecology report justified benefits of developing site
- Single storey nature and siting will not be visible within the cluster
- Site currently not used and would benefit from development
- No adverse amenity impacts on other homes
- SLR flyover negatively impacted Haywood Lodge, this application would not cause such harm
- Heritage should be protected but not stop new development

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=214270&search-term=214270

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) and the 'made' Callow and Haywood Neighbourhood Development Plan (NDP). The National Planning Policy Framework 2021 is a significant material consideration but does not hold the statutory presumption of a development plan
- 6.3 The NPPF requires that local planning authorities should identify and update annually a supply of housing sites sufficient to provide five years' worth of housing against their housing requirements. Where the existence of a five year land supply cannot be demonstrated, there is a 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. Other factors in this respect can include sites or areas protected as a result of their wider environmental importance or land at risk of flooding.
- 6.4 Following this year's survey work, the LPA can confirm that the Housing Land Supply for 2022 is 6.19 years and the 2021 delivery test is 103%, as the result is more than 95% delivery rate, there is no requirement to undertake a Housing Delivery Test action plan for 2022. Effectively this means that the housing policies in the adopted Core Strategy and made Neighbourhood Development Plans can be considered to be up-to-date and given full weight in decision making. Para 11d of the National Planning Policy Framework (NPPF) is not engaged, as the development plan policies are not deemed 'out of date'. As a result paragraph 14 of the NPPF is not engaged.
- 6.5 In the first instance, as set out in the CS, the spatial strategy for housing distribution within the county is set 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 (p. 109 - 110). 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

Further information on the subject of this report is available from Ms Elsie Morgan on 01432 260760

settlements' (figure 4.15), giving 217 rural settlements where proportionate growth will be acceptable in principle. Where the application site is located is not allocated under RA2 as a settlement that is appropriate for housing growth.

- 6.6 Moving on, Policy RA3 is relevant for residential development in 'open-countryside' and it states that residential development will be limited to exceptional proposals. No such exception has been offered under this application and I do not consider it to meet any of the exceptional circumstances, noting that self-build dwellings are not included in the list of exceptional circumstances. Whilst the site is considered to be in the open countryside, it is not considered to be an isolated site in the truest sense of the word, in that it adjoins a cluster of other dwellings.
- 6.7 Notwithstanding the above summary it is recognised that the NDP is the more recent document in the development plan and the CS defers to NDPs to allocate housing growth. At its heart, the NDP seeks to direct development to the settlement of Grafton over Twyford Common, as set out in Policy CH9:

“New housing proposals which contribute to the provision of at least 7 additional units will be supported in principle within or adjacent to the settlement of Grafton. Schemes should be small in scale (up to 5 units) and include a mix of accommodation to meet the needs of different groups of people such as starter homes (up to 2 bedrooms), and / or housing designed to accommodate the needs of Older people such as lifetime homes standard.

New housing should be located on small infill plots within or adjacent to existing clusters of buildings or built up areas of Grafton wherever possible. Proposals will be required to demonstrate consideration of the form, layout, character and setting of the site and development should contribute towards or be essential to the social wellbeing of Grafton.

New housing proposals for sites in the Twyford Common area will only be considered acceptable where it is clearly demonstrated that proposals are adjacent to or closely linked to existing built form and suitable access is provided.” ...

- 6.8 Policy CH9 seeks to enable the development of at least 7 units through this policy, all of which should be located in the settlement of Grafton. It then goes on to provide additional provision, within the second paragraph, which gain “in principle” support, stating that such proposals should be located on small infill plots within or adjacent to existing clusters of buildings or built up areas of Grafton.
- 6.9 The first paragraph of policy CH9 is clear that housing development is to be directed to the settlement of Grafton, which the application site lies approximately 1 mile west of. The second paragraph then goes on to define the form of development that will be supported in Grafton. Officers have previously interpreted that this should be read as a qualifying addition to the support offered in Grafton settlement, although it is recognised that the wording of the NDP could rationally be interpreted to define Grafton as the whole Parish (see comments from the Neighbourhood Planning Manager). The applicant's Planning Statement has preferred this latter interpretation, therefore suggesting that the policy also enables development within or adjacent to existing clusters of buildings or built up areas across the whole Parish of Grafton. In your officers view, this would run contrary to the established spatial strategy of the Core Strategy. At paragraph 4.8.21 of the CS a flexible approach is outlined for NDPs to apportion housing growth between identified settlements (and the NDP does refer to such locations including references to Portway, Grafton, Bullinghope and Merryhill) ; however this does not provide the latitude of allocating new settlements, in this instance Haywood. Further to this, the application site is located within the Parish of Callow, and so does not fall within the Parish of Grafton where the NDP might be interpreted to support appropriate new build.

6.10 The definition of Grafton contained at paragraph 4.5.1 is taken from an earlier paragraph (4.1.11) and is a definition of the parish of Grafton rather than the settlement. It is a fact that the Parish has not been identified in the CS as appropriate for housing growth and it therefore has no bearing, in my view, on the interpretation of CH9. Furthermore, the settlements contained within Grafton Parish are discussed and defined at paragraph 4.1.12 of the NDP, which includes Bullinghope, Portway, Grafton and Merryhill – none of which are subject of this application. Policy CH9 makes no reference to this list of settlements. However, Policy CH1 of the NDP at point 3 states:

3. New residential development in line with the Herefordshire Local Plan Core Strategy Policies RA1, RA2, RA3 and RA4) should protect the area's historic settlement pattern, through small-scale developments adjoining or within the small villages and hamlets...

6.11 Having reviewed the Planning Statement submitted in support of the application I am satisfied that there is logic in interpreting policy CH9 which aligns with the Neighbourhood Planning Manager's comments.

6.12 To add further to the matter of principle during the consideration of this application, it has become apparent that the Parish Council discussed the interpretation of CH9 providing a Statement of Clarification as follows:

It is believed that NDP Policy CH9 has caused confusion in the determination of planning applications in the area. The Parish Council's interpretation of this policy is that it applies to all areas within the parishes and not just Grafton. Removing the words "of Grafton" in paragraph 1 and 2 when reading clarifies this. Likewise in paragraph 3, the first sentence should be read as "and Grafton" following "Twyford Common Area". Although the wording is legally unable to be changed, if the policy is read with the above interpretation in mind, it is believed that a more consistent approach to planning application determinations can be applied.

6.14 Firstly, whilst the interpretation is appreciated is it not adopted policy and neither does it align with the advice provided by the Neighbourhood Planning Manager and would therefore not lead to sound decision making. Secondly, the removal of the words 'of Grafton' in paragraphs 1 and 2 would essentially allow residential development within or adjacent to any existing cluster of buildings across the entire Neighbourhood Plan area regardless of facilities, services or public/active transport. This would not lead to sustainable development and be contrary to the aims of both the Core Strategy and the NPPF.

6.15 Furthermore, the Parish Council have since confirmed that consultation on the interpretation has not been undertaken in the Neighbourhood Area following recognition that the wording could not be legally changed, instead intending to focus attention on drafting a new NDP through the standard process. In the light of this, whilst officers can identify with the intention to enable some additional development in certain locations, it is not accepted that this would extend to Callow Parish within which this site is located.

6.16 I am aware that the according to the latest available information, the Neighbourhood Area has exceeded its estimated growth target and in these circumstances I continue to consider the scheme to be in conflict with CH1, CH9, RA2 and RA3. The following sections consider the scheme against other matters and policies and the principle of development will be returned to in the planning balance.

Sustainability

- 6.17 Paragraph 80 of the Framework seeks to avoid new isolated homes in the countryside. The term 'isolated' is not defined in the Framework but in the context of paragraph 79 and 80 it is reasonable to understand it as meaning isolated from any existing settlement. Indeed the Braintree DC v SSCLG Court of Appeal Decision noted that in the context of paragraph 55 (now paragraphs 79 and 80) of the Framework, isolation related to the distinction between rural communities, settlements and villages on the one hand and the countryside on the other, implying that 'isolated homes in the countryside' are homes that are not in communities and settlements. I do not consider the application site to be isolated in the true sense and the site has a degree of connection to a cluster of dwellings, a number of which that have undergone conversion from agricultural buildings.
- 6.18 CS policy SS7 requires focus on measures to address the impact that new development in Herefordshire has on climate change, outlining how development proposals should include measures which will mitigate their impact on climate change, with policy SD2 also seeking to support these measures. Herefordshire Council has unanimously passed a motion declaring a Climate Emergency, signalling a commitment to ensuring that the council considers tackling Climate Change in its decision-making, with this resolution came a countywide aspiration to be zero carbon by 2030; and a Climate Change Checklist to aid the consideration of development proposals.
- 6.19 All development proposals are considered by the Council to need to help redress the climate emergency and the unsustainable location of the development in this instance is considered unfavourably in this regard as there will be a need for occupants to travel for everyday services. This heightens the need of any proposal to include measures to support low-carbon ways of living & sustainable transport modes. The Planning Statement includes reference to nearby bus stops, the closest being at A465 approximately 1 mile from the application site, the road C1226 having no pavement or street lighting making it unsafe for pedestrians. To the east of the site, there is a public footpath that links to the fringes of the city over 1 mile away. Whilst this would offer a form of active travel, this is an informal pathway which has limited accessibility, for example being unsuitable for those with limited mobility or pushchairs. Occupants would, in my view, be reliant on motor vehicles for everyday services and facilities. Notwithstanding the nature of the sites connection to Hereford or Belmont paragraph 15 of the NPPF states that the planning system is to be genuinely plan-led and its isolation from identified settlement at Grafton will feed into the overall planning balance.
- 6.20 The proposal has taken consideration to achieve energy efficiency through building orientation and solar gains whilst making use of materials to ensure high thermal performance. Renewable energy sources have been incorporated into the scheme which are supported at local and national level. However, these commitments are not considered to outweigh the unsustainable location of development that is principally unsupported by NDP and Core Strategy policies.

Visual Impact and Design

- 6.21 Policy SD1 of the CS seeks to ensure the proposals successfully integrate into the existing built and natural environment. The policy proceeds to place an emphasis on the requirement for development proposals to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting the scale, height, proportions and massing of surrounding existing development. Policy LD1 of the CS required development proposals to demonstrate that the character of the landscape and townscape has positively influenced the design and scale of the proposal.

- 6.22 Further to the above the NDP contains policy CH1 which states that development proposals will be required to maintain the areas sense of tranquillity, avoid adverse effects on the natural environment, support local species and protect mature and established trees along with suitable new planting.
- 6.23 The proposed dwelling would be set back from the road and existing built form, accessed via a newly constructed driveway between Haywood Lodge and the converted traditional barns to the north. The dwelling would be sited to the north west of the site with ancillary buildings to the northern boundary and the reinstated orchard planting would be located at the south and east sections of the site. Policy CH9 only supports residential development on infill plots which seeks to prevent this type of development creep and the associated visual impacts.
- 6.24 The proposed dwelling takes reference from a modern agricultural shed style architecture, utilising a simple rectangular form. The outbuildings including workshop and garage are proposed in similar utilitarian style constructed of metal profile cladding to match the host dwelling. The single storey and siting ensures the dwelling would not overbear the neighbouring dwellings, however this is not exhaustive in reducing visual impact in the context of the surrounding character, the volume of the building being akin to a large agricultural shed.
- 6.25 As the planning application relates to land within the setting of a Listed Building, The Local Planning Authority must 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, as per Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 6.26 Policy LD4 states that development proposals affecting heritage assets and the wider historic environment should protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and design. Furthermore, Policy SS6 states that development proposals should be shaped through an integrated approach to planning a range of environmental components from the outset, including the historic environment and heritage assets.
- 6.27 As previously highlighted the application site is a former orchard in the past associated with Grade II* Haywood Lodge and a number of listed and non-designated heritage assets adjacent to the site. As noted by both Historic Building Officer and Historic England, the open and undeveloped nature of the site continues to contribute to the significance of Haywood Lodge and the character of the wider historic unit. The open space creates a visual separation around Haywood Lodge to emphasise its significance and status. Furthermore, the modern agricultural shed with associated outbuildings would diminish not only the open character of the setting, but also the historical and aesthetic interest of Haywood Lodge by virtue of its design approach. The Planning Statement states that the scheme can be regarded as exceptional quality and innovative design in accordance with Paragraph 80 of the NPPF and the exception criterion of RA3, however this route allows development in isolated locations where the scheme has been demonstrated by independent assessment that the design is outstanding or innovative and architecturally worthy. The application has not sought to demonstrate this and runs contrary to the Planning Statement's insistence that it is not an isolated and sustainable location.
- 6.28 Whilst the reinstating of orchard planting does contribute positively, as a feature it can be temporary in nature and susceptible to loss, and is therefore considered unreliable in relation to the permanence of the introduction of inappropriate built form on the site.

In accordance with paragraph 199 of the NPPF, the Grade II* listing of the house requires very great weight to be given to its conservation as it is amongst most important of designated heritage assets. In this case, though the level of harm is considered less than substantial, given the status of the neighbouring listed building and number of nearby assets, this is afforded great weight in planning balance. Paragraphs 200 and 202 of the NPPF are clear that any harm to its significance requires a clear and convincing justification based around the public benefits of the proposal. In

the context of having a 5 Year Housing Land Supply and the limited benefits of a single dwelling, there is not considered to be clear or convincing public benefit to outweigh the harm identified.

Residential Amenity

- 6.29 Policy SD1 of the CS 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. This refers to the overshadowing or overlooking of neighbouring properties and how overbearing a structure is.
- 6.30 The application site is set back from the road and existing dwellings, the siting of the proposed dwelling being sufficiently distanced from neighbouring properties so to alleviate concerns with regards to overlooking and overbearing as a single storey dwelling. There would inevitably be some impact on the amenity of these dwellings during the construction but it would be short-term and could be conditioned within acceptable working hours.

Highways

- 6.31 The NPPF sets out at paragraph 110 that applications for development should ensure opportunities to promote sustainable transport have been taken, safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network or highway safety can be mitigated. Policy MT1 of the Core Strategy is reflective of this approach, as it seeks to promote active travel and development that without adversely affecting the safe and effective flow of traffic on the highway network. Further at paragraph 111 the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.
- 6.32 The proposal would look to utilise the access as approved under previous application P204053, directly off the C1226. The Area Engineer has raised no objection to the scheme, the road network having capacity to take the increased movements and the dimensions of the driveway being adequate for the scale of development. The proposed parking and turning spaces are sufficient with secure cycle parking being provided in the proposed outbuildings.

Drainage

- 6.33 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).
- 6.34 The proposal seeks to utilise sustainable drainage system to manage surface water and package treatment plant for foul sewage. Drainage Engineers have reviewed the submitted drainage strategy who require further clarification of pond locations, proposed pipework layout and discharge routes with regards to surface water management. Furthermore, based on the review of the ground conditions a drainage field is not suitable at the site and drainage mound is required, further submission to this effect would be required.

- 6.35 As such, the consultation response from Drainage Engineers and lacking information undermines the viability of the drainage strategy and it does not appear possible to deliver the infrastructure as proposed. I therefore find the proposal to be in conflict with Policy SD3 and SD4 of the CS as it does not make adequate provisions for the disposal of foul and surface water.

Habitat Regulations Assessment

- 6.36 The site is within the Lower Wye sub-catchment of the River Wye Special Area of Conservation (SAC); and this proposed development triggers the legal requirement for a Habitat Regulations Assessment process to be carried out by the LPA, the final HRA 'appropriate assessment' has been formally completed and sent to Natural England for consultation who raised no objections to the conclusions.

Ecology

- 6.37 In terms of ecology, Policy LD2 is of direct pertinence. This generally requires that proposals protect, conserve and enhance the county's biodiversity assets and make adequate provision for protected species. The introduction, restoration and enhancement of biodiversity and geodiversity features will be actively encouraged.
- 6.38 The application has been supported by a Preliminary Ecological Assessment and Biodiversity Enhancement Plan prepared by Pure Ecology dated November 2021. The Ecologist has had sight of this, the report is considered appropriate and relevant to the proposed development and adequate protection, avoidance, mitigation and enhancement measures could be secured by condition.

Conclusion and balance

- 6.39 In accordance with the statutory requirement, determination must be made in accordance with the Development Plan, unless material considerations indicate otherwise. Policy SS1 of the Herefordshire Local Plan Core Strategy (CS) sets out that proposals will be considered in the context of the 'presumption in favour of sustainable development' which is at the heart of national guidance contained within the NPPF. At paragraph 11, the NPPF states that the presumption in favour of sustainable development means "approving development proposals that accord with an up-to-date development plan without delay". Although paragraph 12 affirms 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. At this time the Development Plan comprises the CS and NDP.
- 6.40 The planning balance is typically assessed under the three overarching objectives of the planning system, namely the economic, social and environmental objectives.
- 6.41 In regards to benefits the proposal would contribute to local housing supply which has benefits in both the economic and social objectives; as there would be support to the local economy during the construction phase, as a result of the new homes bonus and through the spend of proposed residents; and in regards to the social objective as it is of a scale that can support the growth of a local community. I attribute limited weight to these matters given the scale of the development would not make a significant contribution economically and in regards to the social objective Haywood is devoid of community infrastructure such that the proposed dwelling would do little to help build or sustain the community.
- 6.42 The proposal would include additional planting and reinstatement of orchard which would increase the biodiversity and habitat value of the site.

- 6.43 The proposal to include renewable energy technology and high standards of energy efficiency are supported, however they do not outweigh the unsustainability associated with the reliance on motor vehicles for daily activity.
- 6.44 The proposal would go some way to addressing this undersupply of plots for self and custom building. I attribute only limited weight to this however as this type of development is not an exception, set out in the development plan, to the spatial strategy for residential development.
- 6.45 Whilst recognising that there is a wider interpretation of the locations where new housing development might be supported in the Parish of Grafton, the proposed development does not accord with the spatial strategy for residential development as set out in the CS and NDP. The location of the site is not one supported by either RA2 or CH9 and would undermine the spatial strategy at a time when it can be demonstrated that at both a County and Parish level housing supply is exceeding target growth. The conflict with the NDP's spatial strategy is somewhat undermined by Policy CH1 which could be interpreted to infer support for residential development in small settlements and hamlets in Grafton Parish. However this site lies outside those small settlements and hamlets that are actually named. As such to allow residential development at this site would undermine the settlement strategy.
- 6.46 As per Paragraph 199 of the National Planning Policy Framework, the level of harm identified is considered less than substantial and should be afforded very great weight in the planning balance given the status of Haywood Lodge and other nearby assets. The application has failed to provide clear and convincing justification to address the harm from the development, in accordance with paragraph 200 of the NPPF.
- 6.47 The proposed drainage strategy has not been demonstrated to be technically achievable and therefore in conflict with SD3 and SD4 given a workable strategy has not been proposed.
- 6.48 Therefore, the proposed development would derive limited benefits in the social, economic and environmental objectives while contributing to the undersupply of self and custom build plots. However the adverse impacts of the scheme far outweigh the limited benefits with clear conflict with the adopted development plans. As such, it is recommended for refusal.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. The application site lies outside of any settlement formally identified as being appropriate for residential development and therefore development of the site would undermine the spatial strategy of the development plan at a time when the Council can demonstrate a sufficient supply of housing land and at a Parish level when it can be demonstrated that housing delivery is exceeding growth targets. Accordingly the scheme is contrary to Herefordshire Local Plan – Core Strategy Policies RA2 and RA3 and Callow and Haywood Neighbourhood Development Plan Policy CH9.**
- 2. In the absence of sufficient information with regards to how the proposed drainage arrangements would be delivered, the local planning authority is unable to establish if there is a suitable policy compliant sustainable foul and surface water drainage solution. As such the proposal fails to protect the integrity of the SAC and does not comply with Policies SD3, SD4 or LD2 of the Herefordshire Local Plan - Core Strategy.**
- 3. Development of the site has been demonstrated to fail to preserve aspects of setting which contribute positively to the significance of adjacent heritage assets, without clear and convincing justification for the identified harm. The proposal does not preserve or enhance positive local character and distinctiveness; does not preserve or enhance heritage assets and is not influenced by the historic and existing character**

and townscape, contrary to the Herefordshire Local Plan Core Strategy policies SS1, SS6, RA2, LD1 and LD4, Callow and Haywood Neighbourhood Development Plan Policy CH1 and the heritage aims and objectives in Chapter 15 of the National Planning Policy Framework.

4. The design of the proposed dwelling, by virtue of its massing and design has not been positively influenced by the character and appearance of the cluster and as a result would exacerbate the harm identified in reason for refusal 3 in conflict with Herefordshire Local Plan –Core Strategy Policies SD1 and LD1 and Callow and Haywood Neighbourhood Development Plan Policy CH1.

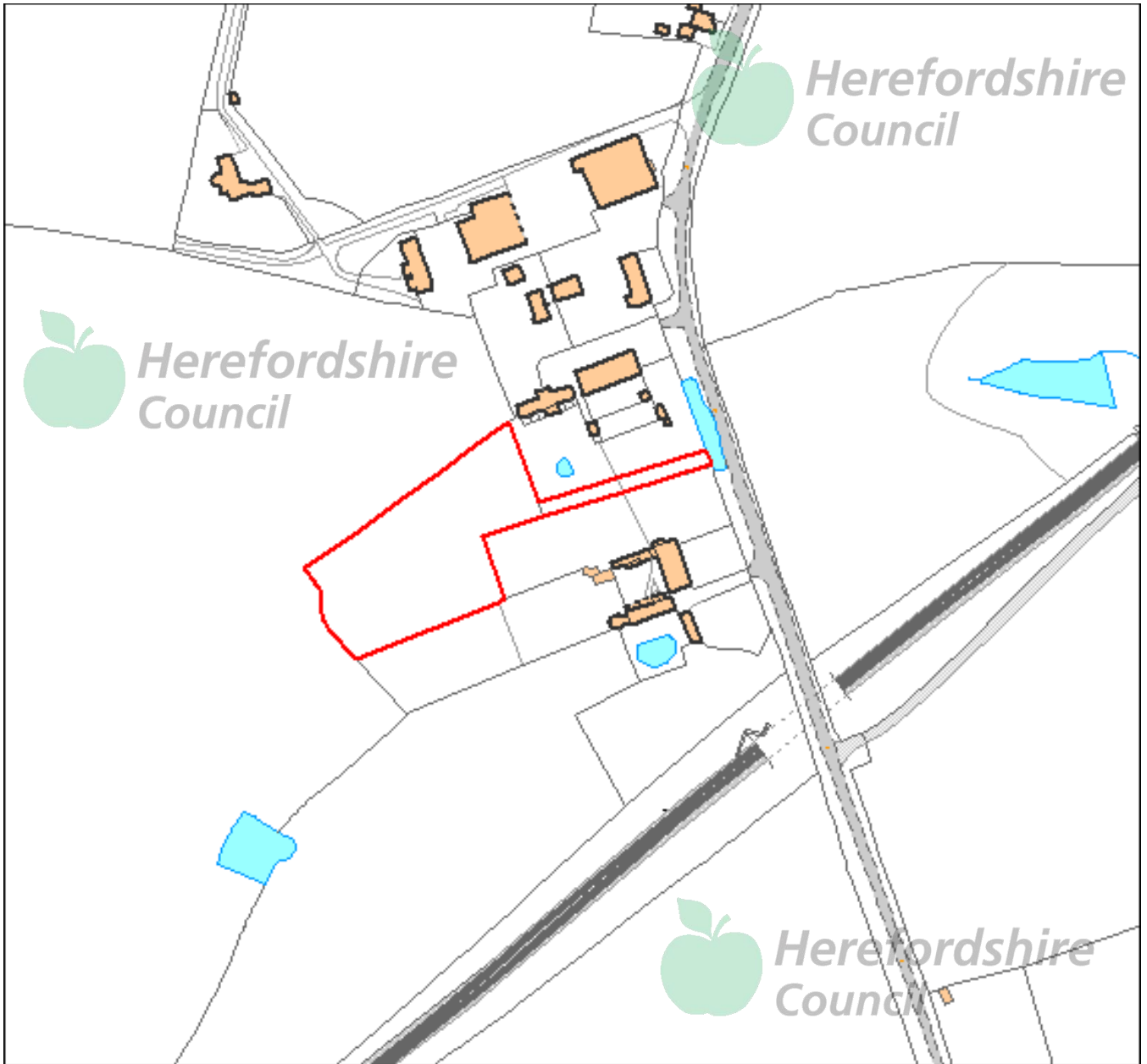
Decision:

Notes:

.....

Background Papers – none identified.

Internal departmental consultation replies.



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

APPLICATION NO: 214270

SITE ADDRESS : LAND SOUTH WEST OF ROMAN BYRE, HEREFORDSHIRE

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Further information on the subject of this report is available from Ms Elsie Morgan on 01432 260760

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	28 SEPTEMBER 2022
TITLE OF REPORT:	214073 - 6 NO. DWELLINGS WITH GARAGES AT LAND ADJACENT TO ARROW LEA, EARDISLAND, LEOMINSTER, HR6 9BU For: Mr Staples per Mr John Needham, 22 Broad Street, Ludlow, Shropshire, SY8 1NG
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=214073&search-term=214073
Reason Application submitted to Committee – Re-direction	

Date Received: 3 November 2021

Ward: Arrow

Grid Ref: 342220,258873

Expiry Date: 10 January 2022

Local Members: Cllr R Phillips

1. Site Description and Proposal

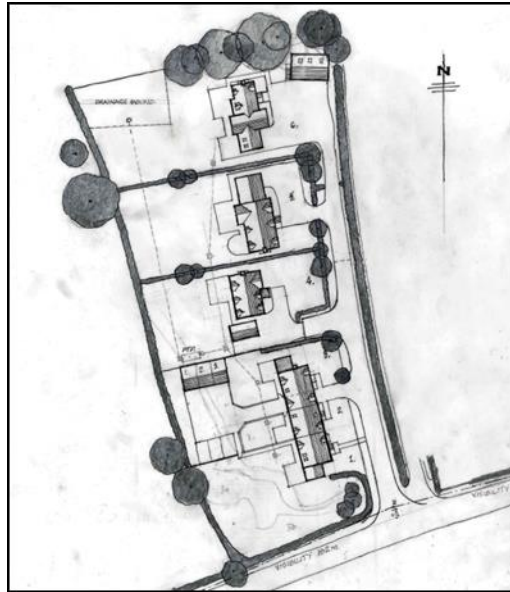
- 1.1 The site is located immediately east of the village of Eardisland. The site is adjacent the settlement boundary defined in the ENDP. It is rectangular, measures 0.65ha, and comprises agricultural land, devoid of any buildings. Hedgerows extend along the site's perimeter, including the road frontage. A large mature Oak tree to the rear of the site was removed prior to application lodgement.
- 1.2 Arable fields are to the east and south, on the opposite side of the road. A dwelling is to the rear, The Old Barn, as well as the west, Arrow Lea. To the southwest and diagonally opposite the site is a further dwelling, Swandrift.
- 1.3 The site is adjacent the eastern boundary of the Eardisland Conservation Area. The nearest designated heritage asset other than the Conservation Area is the Grade II listed Staick Cottage, approximately 110m west of the site.
- 1.4 Some of the northern and central areas of the site are in Flood Zone 1, while the southern and western areas are in Flood Zone 2 and 3. Drainage ditches are present to the south and eastern boundaries.
- 1.5 The site lies within the hydrological catchment of the River Lugg SAC, which comprises part of the River Wye SAC.
- 1.6 The application seeks full planning permission for six double storey dwellings. The housing mix comprises 1 x 2 bed, 3 x 3 bed, and 2 x 4 bed units.

Further information on the subject of this report is available from Andrew Banks on Andrew.banks@herefordshire.gov.uk

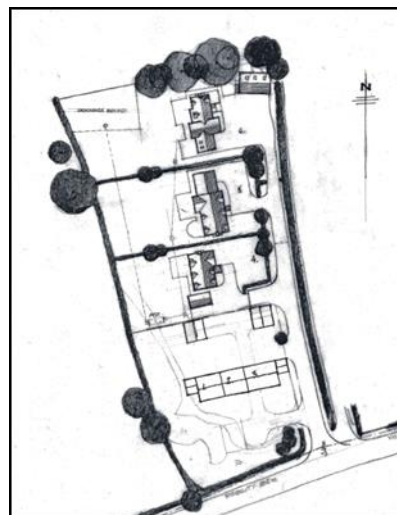
PF2

- 1.7 The three rear dwellings are detached, the front three dwellings are terraced with parking proposed to the western side of the terrace, accessed via a single width undercroft incorporated within the terrace. The terrace is sited perpendicular to the road.
- 1.8 External materiality comprises plain tile roofs, brick, render and traditionally detailed window and door joinery.
- 1.9 Vehicle access is provided by a shared driveway extending along the site's eastern boundary, served by a new access point onto the B4529 near to an existing field access.

Proposed site layout:



- 1.10 The applicant has provided an alternative layout showing a revised siting arrangement for the front terraced dwellings. This is detailed below. This layout has been provided for illustrative purposes only, it does not form part of the application. On this basis, it is not considered further in this report.



2. Policies

2.1 Herefordshire Local Plan – Core Strategy Policies:

- SS1 - Presumption in favour of sustainable development
- SS2 - Delivering new homes
- SS3 - Releasing land for residential development
- SS4 - Movement and transportation
- SS5 - Employment provision
- SS6 - Environmental quality and local distinctiveness
- SS7 - Addressing climate change
- RA1 - Rural housing distribution
- RA2 - Housing in settlements outside Hereford and the market towns
- RA3 - Herefordshire’s countryside
- H3 - Ensuring an appropriate range and mix of housing
- MT1 - Traffic Management, highway safety and promoting active travel
- LD1 - Landscape and townscape
- LD2 - Biodiversity and geodiversity
- LD3 - Green Infrastructure
- LD4 - Historic environment and heritage assets
- SD1 - Sustainable Design and energy efficiency
- SD2 - Renewable and low carbon energy
- SD3 - Sustainable water management and water resources
- SD4 - Waste water treatment and river water quality

2.2 Eardisland Neighbourhood Development Plan 2016:

- E1 - General development principles
- E2 - Protecting heritage assets
- E3 - Landscape character
- E4 - Protecting and enhancing features of ecological value
- E5 - Surface water run off
- E6 - Dark skies
- E9 - Scale and type of new residential development
- E10 - Ensuring an appropriate range of tenures. Types and sizes of houses

2.3 National Planning Policy Framework

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 6. Building a strong, competitive economy
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 10. Supporting high quality communities
- 11. Making Effective use of land
- 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 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

- 2.5 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application.

3. Planning History

- 3.1 None identified

4. Consultation Summary

Statutory Consultations

4.1 River Lugg IDB

If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that infiltration tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year.

If surface water is to be directed to a mains sewer system the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow.

If the surface water is to be discharged to any ordinary watercourse within the Drainage District, Consent from the IDB would be required in addition to Planning Permission and would be restricted to 1.4 litres per second per hectare or greenfield runoff. No obstructions within 9 metres of the edge of an ordinary watercourse are permitted without Consent from the IDB.

If surface water or works are planned adjacent to a Main River within the Drainage District, then the Environment Agency should be contacted for any relevant Permits.

4.2 Welsh Water

Sewerage

Since the proposal intends utilising an alternative to mains drainage we would advise that the applicant seek advice from the Environment Agency and the Building Regulations Authority as both are responsible to regulate alternative methods of drainage. However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

Surface Water Drainage

With respect to the disposal of surface water flows from the proposed development, the developer is required to explore and fully exhaust all surface water drainage options outlined under Sections 3.2 and 3.4 of Part H of the publication 'Building Regulations 2000. Disposal should be made through the hierarchical approach, preferring infiltration and, where infiltration is not possible, disposal to watercourses in liaison with the Land Drainage Authority, Natural England and/or the Environment.

4.3 Environment Agency

Further information on the subject of this report is available from on

31 May 2022 comments

We **object** to the proposed development, following the additional information. Please find our comments below.

Flood Risk: This site is located within Flood Zone 3, the high-risk zone and is defined for mapping purposes by our Flood Map. In accordance with Table 1: Flood Zones (Reference ID: 7-065-201-20140306) within the National Planning Practice Guidance (NPPG) Flood Zone 3 is considered 'high probability' of fluvial flooding and comprises land assessed as having a 1 in 100 year, or greater, annual probability of river flooding. We have reviewed the document Flood Risk Assessment – Response to EA December 2021 Comments produced by Corner Water Consulting, February 2022.

Finished Floor Levels (FFLs): The initial response from the Environment Agency (SV/2021/111156/01-L01) requested confirmation of the finished floor levels (**either 85.34 mAOD or 85.05 mAOD** with 300 mm of flood resilience) and floodplain compensation storage considering placement of garages.

Floodplain Compensation: Floodplain compensation is calculated from the lowest level of construction (84.30 mAOD) up to the 1% AEP plus 20% Climate Change flood level (84.45 mAOD) with 50 mm intervals. We accept the current proposals for floodplain storage results in an overall net gain of 22.7 cubic metres between 84.30- 84.45 mAOD. There is a loss of 4.4 cubic meters from 84.30-84.35 mAOD which we consider as posing **negligible risk** due to the area of the floodplain at this location.

Safe Access and Egress: The initial Flood Risk Assessment acknowledges that the B4529 running south of the site and the entrance have historically flooded. The FRA should demonstrate that a safe route of access and egress is available to a location outside of the 1% AEP plus climate change flood extent.

Pedestrian access should preferably remain flood free during the design flood event. However, in cases where this may not be achievable, the FRA may demonstrate that pedestrian access is acceptable based on an appropriate assessment of 'hazard risk' including water depth, velocity and distance to higher ground (to the design flood level incl climate change). Reference should be made to DEFRA Hazard risk (FD2320) – 'Danger to People for Combinations of Depth & Velocity' (see Table 13.1 – DEFRA/EA Flood Risk Assessment Guidance for New Development FD2320

Access and egress by vehicular means is a matter for your Emergency Planners and the Emergency Services.

We would expect safe access and egress to be addressed in a FRA. However, we note that your resilience team have recommended a condition relating to the proposed access and a Flood Evacuation Management Plan. We would be happy to comment further upon receipt of the FFLs as discussed above. Once we are satisfied with the information submitted, we would recommend conditions to confirm the FFLs and flood storage compensation

7 June 2022 comments

Following the correspondence from Mr Needham (agent), we do not need a formal re-consultation and wish to withdraw our objection subject to the following conditions with regards to Finished Floor Levels and Flood Compensatory Storage.

1. Condition: Finished floor levels should be set no lower than 85.05mAOD as detailed in the Flood Risk Assessment – Response to EA December 2021 Comments (by Corner Water Consulting, dated February 2022). This figures includes an allowance for climate change. 300mm of flood resilience measures should also be incorporated.

Reason: To protect the development from flooding.

2. No development approved by this permission shall be commenced until a scheme for the provision and implementation of flood compensatory storage works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details (CWC-K0988-DG-01, Flood Compensation Layout Plan)

Reason: To alleviate increased risk of flooding.

Internal Council Consultations

4.4 **Historic Buildings Officer**

The submission of a heritage statement and the acknowledgement within that statement that the application would cause *less than substantial harm* is welcomed.

As well as a heritage statement, an amended site plan has been submitted showing the terrace of three cottages re-orientated to face the road. While this change does respond better to the prevailing character of development in this part of the village and conservation area, a holding heritage objection remains.

The amended site plan and submitted heritage statement do not address the concerns over density and layout raised in previous comments. It is felt six dwellings in this location on the edge of the settlement and at a gateway point between the village and open countryside is too great and would go against the established grain. The re-orientation of the terrace of cottage helps alleviate some of the linear character of the previous site plan however, the three detached dwellings to the rear of the site retain a cul-de-sac arrangement. The amended site plan as currently proposed would also not achieve a farmstead plan form as mentioned in the supporting heritage statement and it is unclear whether that comment was made with specific reference to drawing no.1549/5/1.

Original comments received 26/01/22:

Summary: Objection is raised from a heritage perspective. The application site lies just outside the designated boundary of the Eardisland conservation area, however forms an integral part of its setting. It is felt the application for a cul-de-sac style development of six houses would go against the grain of development and erode the special character of the area leading to harm to its significance as a heritage asset. This harm would be classified as *less than substantial*.

Policy:

Section 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 requires special attention to be paid to preserving or enhancing the character or appearance of conservation areas.

Section 16 of the National Planning Policy Framework requires local authorities to assess the impact of proposed development on heritage assets, including any contribution made by setting.

Policy LD4 of the Herefordshire Core Strategy requires development to protect, conserve and where possible enhance the historic environment, heritage assets and their settings.

Policy E2 of the Eardisland Neighbourhood Development Plan requires all new development to preserve and enhance the positive attributes of heritage assets and their settings.

Site: The application site is a rectangular parcel of agricultural land to the north side of the B4529 on the eastern edge of the settlement of Eardisland. It lies just outside, but immediately adjacent to the designated boundary of the Eardisland conservation area. The site is highly visible on the eastern approach to the village travelling along the B4529 from Leominster.

Significance: The significance of the Eardisland conservation area as a designated heritage asset lies in its character and appearance as a historic and rural settlement which developed in this defensible location on both sides of the river Arrow. There is a wealth of surviving historic buildings and good quality architectural design which combine to create a strong sense of place.

The settlement has its origins in the medieval period. The scheduled ancient monument adjacent to the church contains the remains of a motte and moat likely Norman in date. The Church of St. Mary is the oldest surviving structure in the village dating to the early C13 with some additions dating to the C14 and C18.

The main built form of the village is clustered to the south of the river, with some lower density development characterising the north bank area. The prevailing settlement pattern is one of dwellings in individual plots with a relationship to the highway, though some modern development has introduced suburban features such as cul-de-sacs and double depth plots which detract from the rural character of the area and should be avoided in future. The approach to the village from both the east and the south is characterised by a gradual introduction of built form interspersed with areas of open spaces and agricultural fields.

Comments:

Proposed development: The application calls for the construction of six new dwellings accessed via a single entrance on the edge of the settlement of Eardisland.

Impact on the conservation area and key views:

As outlined above, the significance of the conservation area is that of a historic and rural settlement. The designated boundary is drawn around the main built core to reflect this.

As a rural village, its setting is characterised by large areas of undeveloped and agricultural land, with some dispersed farmsteads and isolated properties. Approach to the village from both the south and east is by the gradual introduction of built form and this aspect of its setting makes an important contribution to the significance of the conservation area. Due to the relative flat and straight nature of the B4529 on approach from the east, glimpsed views of Arrow Lea and Swandrift can be achieved at a distance of several hundred metres. The two dwellings form an attractive gateway to the village in this location. This view on arrival to the village has been identified as a key vista, among others, as part of the village Neighbourhood Development Plan (appendix 6) and are given protection as part of policy E1(h) General Development Principles.

The part of the conservation area (CA) north of the river has a prevailing settlement pattern of single plot dwellings generously spaced with a relationship to the highway. The proposed site plan of six plots perpendicular to the road would go against the established settlement pattern in this area and would alter its essential character. It is felt the introduction of a cul-de-sac would be an overly suburban intrusion in this edge of settlement location, and would negatively impact the appearance of this rural gateway to the village, an integral part of the setting of the CA. The edge of the village would become more strongly defined by this solid block of built form, and would lose the gradual approach which presently marks the start of the village in this area.

The development would also be highly visible on approach from the east and would impact a protected view identified in the NDP. It is appreciated the supporting document addresses this concern and proposes to mitigate any impact by siting the development further back from the highway than the neighbouring properties. However, based on the plans submitted, the first of the three terraced cottages would be set back by only an additional 3m than Arrow Lea, meaning views would be obscured from a distance.

Conclusion: It is felt the application would fail to preserve or enhance the setting of the Eardisland conservation area as required and would be contrary to statutory policy. As such objection is raised from heritage perspective.

4.5 **Transportation**

As previously mentioned this site does not provide a consistent safe connectivity provision for all users. Whilst there are sections of verge which can provide refuge they are not consistently provided especially as in a narrow section near the village centre before for a footway is provided. The route into the village centre requires walking along sections of carriageway this includes the section which has the village gateway feature. The connectivity of the site only looks to connect the site to the village for able body people and people without a pushchair, therefore not providing a safe route.

There is a significant difference between the signed speed limit adjacent to the site and the speeds recorded as part of this application. The signed speed limit is 30 mph, whilst the 85th percentiles have been recorded as 43.1 mph westbound and 44 mph eastbound. The request to extend the speed limit to increase the 30 mph has not been supported by the applicant.

With the significant concerns regarding this site the LHA cannot look to support this application.

4.6 **Emergency Planning**

I have noted the comments of EA, Land Drainage, Transportation, Parish Councils and others. The risk of flooding is well documented. Access to the proposed site is through area/road identified as Flood Zone 3, whilst the residential development is in Flood Zone 1.

The issue of 'Safe Access' is not sufficiently addressed. The FRA (Section 4.4 Residual Risks) does recommend that residents sign up to 'EA Flood warning scheme plus any run by the local parish council. Leaving the site prior to the peak of the flooding in a major event should be considered. Due to the enhanced accuracy of Met Office severe weather warnings residents will be aware well in advance that heavy rainfall may lead to flooding'

The site in severe weather (not defined) would become an Island site. Should residents be unaware of the risks and remained on during such an event they would put pressure on the emergency services should emergency access/egress be required.

Should planning permission be granted there is a requirement for a Flood Evacuation Management Plan. As identified, of particular importance is the issue of 'Safe Access'. Any plan should focus on how the occupants are made aware of any potential flood related event; what key decisions need to be taken, by who, and at what time to ensure that they can leave the site before any flooding occurs. This detail should also reflect how residents can access the site should they so wish before the roads become compromised.

4.7 **Ecology**

The application site lies within 150m of the River Arrow a main tributary of the River Lugg and lies within the hydrological catchment of the River Lugg SAC, which comprises part of the River Wye Special Area of Conservation (SAC); a habitat recognised under the Habitats Regulations, (The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations')) as being of international importance for its aquatic flora and fauna.

At present the levels of phosphates in the River Lugg exceed the water quality objectives and it is therefore in unfavourable condition. Where a European designated site is considered to be 'failing' its conservation objectives there is limited scope for the approval of development which may have additional damaging effects. The competent authority (in this case the Local Planning Authority) is required to consider all potential effects (either alone or in combination with other development) of the proposal upon the European site through the Habitat Regulations Assessment process.

The competent authority (in this case the Local Planning Authority) is required to consider all potential effects (either alone or in combination with other development) of the proposal upon the European site through the Habitat Regulations Assessment process.

Further information on the subject of this report is available from on

The HRA process must be based on a demonstration of legal and scientific and be undertaken with a 'precautionary' approach.

The following notes refer in respect of the HRA process:

- The proposal is for SIX new residential dwellings with creation of additional foul water flows
- The site is within an area well known and recorded as flooding – Flood Zone 2 and 3 and surface water flooding (EA data) – this is clearly shown on the Council's drainage consultant response dated 21/12/2021 and the Flood risk management, surface water management and foul drainage strategy by Hydrologic Services ref K0988a (14/10/2021) submitted by the applicant.
- There are existing dwellings adjacent to the development site "The Old Barn" to the north of the proposed development site; and Arrow Lea to the west. Other residential properties and curtilages are within 200m.
- Drainage ditches are noted as being present to south and eastern boundaries

There is no mains sewer catchment identified at this specific location

The proposal is to manage all foul water created through a 'shared' private package treatment plant discharging to a mound soakaway drainage field. The need for a mound system is unclear with percolation at the relevant testing point of Vp 46.56 given supplied information and as noted by the drainage consultation response. Certainty on final system proposed is requested – a mound should only be used where it can be clearly evidenced one is technically required.

Both the shared PTP and Drainage Mound are located within the boundary of separate individual private dwellings. No details of how management and maintenance of all shared systems will be legally secured for the lifetime of the development has been supplied. Given the location of shared systems this must be certain prior to any HRA process being initiated by the LPA.

Foul water flows are calculated as being a population equivalent of 26 (circa 4m³/day - outside of consideration under General Binding Rules for soakaway drainage fields – limit 2m³/day). The guidance utilised in the supplied report by Hydrologic Services refers to the criteria agreed between Natural England and the Council in respect of small private treatment and applies to systems that are within the flow volumes covered by General Binding Rules – and thus the criteria are not a significant consideration for this specific application and certainty that there are no nutrient pathways must be fully evidenced and supplied.

There are potential drainage fields and sources of phosphate pathways within 200m of the proposed drainage field arising from adjacent/nearby properties. These create a potential 'in combination and cumulative affect with the current proposed development. No scientific and legal certainty that there are no potential other sources within 200m has been supplied - reliance on client 'hearsay' is not certainty.

The supplied and available Flood mapping and surface water flooding maps indicate that the proposed drainage field is directly adjacent to Flood Zone 3 and areas subject to surface water flooding – such events would create pathways for washout of nutrients directly into the River Lugg Catchment. There would appear to be little option to locate any foul water outfall outside of these flooding areas at this location.

The applicant has not demonstrated any certainty that the development will not create additional nutrient (Phosphate) pathways in to the River Lugg SAC as a result of this proposed development. The applicant must provide a clear scientific and legal certainty of Nutrient Neutrality for the lifetime of the development PRIOR to the LPA being able to complete the required HRA process and grant any planning permission.

If all other aspects of the development are satisfactory from a planning perspective the applicant may wish to explore Nutrient Neutrality options such as purchasing Phosphate Credits. Any scheme proposed must be demonstrated as scientifically and legally secured for the lifetime of the development prior to submission to the LPA.

At this time due to legal and scientific uncertainty and phosphate neutrality not secured there is an identified Adverse Effect on the Integrity of the River Lugg (Wye) Special Area of Conservation (a European Site, 'National Network Site' or 'Higher Status' nature conservation site). There is an Ecology OBJECTION raised as the application does not demonstrate compliance with Core Strategy SD4 and SD3 (SS1, SS6 and LD2 also apply); The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'); NPPF; and NERC Act obligations.

Other ecology comments:

The "Ecological Impact Assessment of land east of Eardisland" by Churton Ecology dated September 2021 refers. It should be noted that this report is NOT an Environmental Impact Assessment as legally defined within relevant EIA regulations and is in reality a standard 'Preliminary Ecological Appraisal'.

Comments made now are based on a planning consent being granted within the 'valid' period for the supplied report. This valid period is considered as a maximum of 2 years from actual onsite survey dates (06/09/2021) – so if planning permission is not granted by September 2023 further updated ecological surveys and report will be required.

The site is currently an agricultural field bounded by hedgerows and trees. It is noted that currently no final details of how required vehicular access and visibility splays + any roadside pedestrian access routes will impact on the existing roadside hedgerow (Habitat of Principal Importance) have been supplied. No loss of Hedgerow is likely to be acceptable. Once a final 'highways compliant' scheme has been designed – considering that no or minimal loss of hedgerow will be acceptable, final ecology comments can be made.

The development is bounded to the west by Eardisland conservation area and is directly linked by trees and hedgerows to this designated area. No information has been supplied on the potential impact of development and construction works on existing trees and hedgerows – in particular in respect of buildings at plot 6 and trees within/outside of development boundary to the north. A detailed BS5837 tree survey and clearly identified root protection areas (and protection scheme) is requested to clearly evidence no impacts on any trees or hedgerows will occur due to building locations and how all such features will be fully protected for the lifetime of the development

Until such time as all relevant information has been submitted for consideration there is an ecology OBJECTION raised due to uncertainty on impacts and effects on a recognised Habitat of Principal Importance (irreplaceable habitat) – any loss would be contrary to Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

Subject to the objection above being withdrawn and any additional conditions suggested other additional general comments currently are:

From information supplied and images available there are no immediate ecology related concerns with adjacent to the site. There are relevant species records within the wider locality – including bat roosting. The applicant and their contractors have their own legal duty of care towards wildlife protection under UK Legislation that applies throughout any demolition and construction process.

Further information on the subject of this report is available from on

Any breach of this legal Duty of Care would be a criminal offence. In this instance this LPA has no reasonable cause to require further information as part of the planning application or include a specific ecology protection condition. However a relevant information note is requested.

The site is in an area with an intrinsically dark landscape that benefits local amenity and nature conservation, including nocturnal protected species known to be present in the area. A condition to ensure all external lighting is kept to the essential minimum and any systems installed compliant with current best practice is requested.

As identified in policies and frameworks all developments should clearly demonstrate how they will ensure a biodiversity net gain is achieved. As this is a separate standalone application it should clearly demonstrate such BNG and a relevant condition to ensure this is achieved and secured is requested.

4.8 Land Drainage

The Applicant proposes the construction of 6 dwellings with garages. The site covers an area of approx. 0.65ha and is currently an arable field. The River Arrow, a main river, flows approximately 155m to the south of the site. We understand that there are drainage ditches located along the eastern and southern site boundaries. The topography of the site is relatively flat however the land to the north of the site slopes from north to south.



Flood Risk

Fluvial Flood Risk

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that some of the northern and central areas of the site are in Flood Zone 1, however the southern and western areas are in Flood Zone 2 and 3. We note that the Environment Agency have provided comments regarding the submitted Flood Risk Assessment. We agree with their comments and await a revised Flood Risk Assessment, with hydraulic modelling (or use of an existing model), to be submitted. We recommend that the development is restricted to the northern area of the site, with access located along the eastern boundary. We also highlight to the Planning Officer and Applicant of the anecdotal information presented by local people, which shows route of flood water from the River Arrow. This information was presented when the Parish Council engaged a consultant to complete a flood study on their behalf.

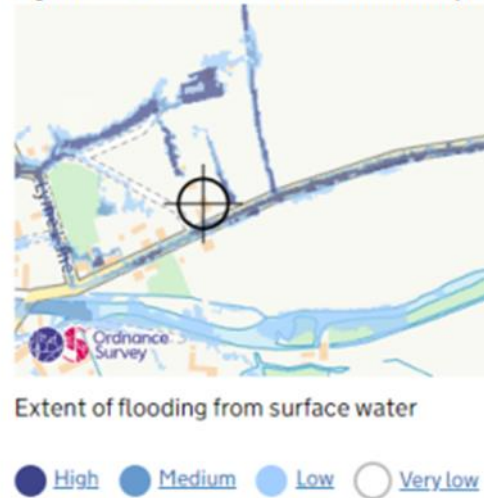
We note that Eardisland has suffered from significant flood events in recent years. Therefore, Herefordshire Council Emergency Planners should be consulted on the viability of this development given that the site access road is located within the functional floodplain.

Surface Water Flood Risk

Review of the EA's Risk of Flooding from Surface Water map indicates that the site is at risk of surface water flooding due to a flow route indicated down the western boundary. The adjacent highway to the south of the site has a high surface water flood risk in addition to the existing

development located to the north of the site also presenting a high surface water flood risk. The eastern surface water flood risk indicated is associated with the field drainage ditch.

Figure 4: EA Surface Water Flood Map, December 2021



Other Considerations

Review of the EA's Groundwater map indicates that the site is not located within a designated Source Protection Zone or Principal Aquifer.

Surface Water Drainage

We note that infiltration testing in accordance with BRE 365 has been undertaken at the site. Two infiltration trial pits were excavated to a depth of 1.5m and acceptable rates were recorded (6.22×10^{-5} and $5.15 \times 10^{-5} \text{m/s}$). No groundwater was encountered at 2.6m BGL. The total impermeable area plus 10% urban creep will be 1,711.6m². We understand that the private access road to the rear of plots 1-3 and parking spaces around the proposed dwellings will be permeable paving. We note proposals for the access road and turning area for plot 4 to be adopted. An "infiltration tank" is proposed to be located underneath the shared private turning and parking area at the back of plots 1-3. We assume that the "infiltration tank" would be a geo-cellular soakaway. Runoff from the impermeable area will be routed to 3 concrete ring soakaways. These ring soakaways will need to be positioned away from the adoptable highway (refer to guidance in the Herefordshire SuDS Handbook for the distance from the highway). We note that all drainage features have been sized appropriately for a 1 in 100yr + 40% CC event. This modelled an adequate storage volume for the infiltration tank as 126.2m³ plus 660mm effective depth. The three concrete ring soakaways/lined soakaways will have a diameter of 1.5m and an effective depth of 1m per soakaway.

Foul Water Drainage

We understand that the site is located within the River Lugg Catchment. We note that percolation testing has been undertaken at the proposed site. Three percolation trial pits were excavated to a depth of 1m, however the acceptable results of only two are mentioned within the main drainage report (46.56s/mm and 51.84s/mm).

It is proposed that foul water from all proposed dwellings will be piped to a package treatment and then pumped to a drainage mound. Existing local drainage ditches are found along the eastern and southern site boundary; however it is stated that the site area for the proposed drainage mound is location more than 40m from any surface water features. The drainage mound has been sized appropriately and will require an area of 252m². We are unsure why a drainage mound is proposed when acceptable percolation tests have been conducted to a depth of 1m, which would be viable for a drainage field. Pumped systems are not preferable for foul water drainage systems due to the possibility of failure resulting in foul surface water flooding. In the event of pump failure there would be an inconvenience to all site users and the highway would be flooded. If this

occurred in winter conditions, then this could create a hazard to road users. The site layout should be altered to facilitate a gravity fed foul drainage system.

Overall Comment

The proposed site layout could lead to the scenario where effluent emerges onto the highway which could cause an accident in freezing conditions. We recommend that the following information is provided prior to the Council granting planning permission:

- Confirmation of discussion with Herefordshire Council Emergency Planners over the viability of the development due to flood risk.
- Revised Flood Risk Assessment, including hydraulic modelling (or use of an existing model) as outlined by the Environment Agency.
- Revised foul water drainage strategy.

5. Representations

Eardisland Parish Council

5.1 2 May 2022 comments:

At its meeting on Thursday 28 April 2022, Eardisland Parish Council resolved to continue to OBJECT to this application as it now stands on the grounds set out below. All previous comments in the first response from the Parish Council stand and should be taken into consideration with this further response. For ease of reading, points are numbered and relevant application documents are referenced in italics.

1. The application site is a functional floodplain which serves to soak up water. If houses are built on the site it lessens the value of the field as a floodplain. As previously stated, flooding is a major issue in Eardisland. In the last 20 years (2001-2021), 8 flood events causing damage to property in Eardisland have been recorded in the 2 flood studies, undertaken by Parsons Brinkerhoff in 2015 and the Environment Agency in 2021, culminating in the catastrophic event in February 2020 when 24 properties were flooded. In addition there have been multiple occasions when the roads have flooded leading to road closures and dangerous access and egress in Eardisland. Therefore there is a serious flood risk from this proposal.
2. Herefordshire's Resilience Team states that safe access/egress has still not been addressed and that the site would have to be evacuated before any flood event as during such an event it would become an 'island site'.
3. The proposed pump system is liable to fail and is not recommended by Herefordshire's Land Drainage team due to the risk of sewage contamination, on the site and on the adjacent road (C1035). According to submitted documents, 3 percolation test pits were made but results for only 2 are given, also noted by the Land Drainage Team. The pits were undertaken in July which the PC considers is not representative. In addition, the Land Drainage team has not accepted the proposed surface/foul water strategies.
4. The application is for a small estate which changes the nature of the village. The row of 3 'cottages' described in the D&A Statement (Planning Design and Access Statement) does not enhance but actively damages protected view 1 in Eardisland's made NDP, which was selected for its open agricultural landscape on either side of the road which provides a precursor to the entry to the village. Therefore the application is in non-conformity with the NDP and is against the settlement pattern. Herefordshire's Heritage Officer has objected and states that the plan would not achieve a 'farmstead plan' described in documents.
5. The PC is not against development in the parish as such but, as noted in its previous response, Eardisland NDP states that developments comprising more than 5 dwellings will not be supported. Unfortunately the amended plan continues to show 6 dwellings and therefore is in non-conformity with the NDP.

Further information on the subject of this report is available from on

6. There are 10 dwellings already permitted in the parish and this application does not meet further need for inexpensive housing that is affordable for local people as it includes 3 large executive style houses.
7. It is noted that heat pumps would be supplemented with wood burning stoves, which are no longer recommended and which therefore raise an environmental issue.
8. As noted in the PC's first response, pre-application changes to the site including removal of a large mature Oak have reduced biodiversity and already damaged the site. Development should conserve, restore and enhance biodiversity not damage it.
9. The email from the agent is incorrect. As noted in the PC's previous response, flooding regularly occurs immediately outside the site not just further up the road. The 2 deepest areas of flooding, both in major flood events and the frequent episodes of road flooding, are at the S-bend in the west of the village outside Orchard Farm and on the road outside the application site stretching up to Posh Sheds. See points 1 and 2 above.
10. In addition the agent's email states 'The Parish Council's response would appear to suggest that the Flood Risk Assessment, Surface Water Management and Foul Water Drainage Strategy report has not been prepared by a competent firm. This is absurd.' This is not acceptable, the PC challenged statements made in the document as incorrect, in line with the PC's role in scrutinising planning applications and responding to them on behalf of the parish. The Land Drainage team also queried the proposal, see 3. above.
11. Therefore the application does not conform to ENDP policies E1, E2, E3 and E9, nor does it conform to Herefordshire's Local Plan Core Strategy (CS) policies SS6, LD1 and LD4 and the NPPF. Therefore the PC asks that the application be refused.

15 December 2021 comments:

At its meeting on Thursday 9 December 2021, Eardisland Parish Council resolved to OBJECT to this application as it stands on the grounds set out below. For ease of reading, points are numbered and relevant application documents are referenced in italics.

1. The application is for 6 no. dwellings with garages. Eardisland NDP (ENDP) states that developments comprising more than 5 dwellings will not be supported. Unfortunately when setting out the planning policy context, the Planning Design and Access Statement (D&A Statement) does not consider the made ENDP in enough detail to note the restriction in acceptable dwelling numbers and other policies and is therefore in non-conformity with the ENDP.
2. ENDP policy E2 protects the heritage aspects of Eardisland. Protected views are designated including view 1 which includes much of the site. The view was selected for its open agricultural landscape on either side of the road which provides a precursor to the entry to the village.
3. The D&A Statement suggests that a 'row of three traditional looking cottages' will be sympathetic to the village. This is totally inaccurate, the application provides an urban streetscene completely at odds with the historic street frontages and against the grain of development of single houses facing the road in large gardens. The application detrimentally affects both the Conservation Area and the landscape character of the area and the D&A Statement does not provide any justification of benefit to the landscape. Therefore the application does not conform to ENDP policies E2, E3 and E9, nor does it conform to Herefordshire's Local Plan Core Strategy (CS) policies SS6, LDI and LD4 and the NPPF.

4. No Heritage Statement, as required by the NPPF, is submitted with the application to consider the effect on the many heritage assets in the village and its wider environment.
5. As the proposal is against the grain of development, the amenity of neighbouring houses will be adversely affected, particularly by car lights, trampolines in gardens etc and overlooking from the development and therefore it does not conform to ENDP policies EI and E9.
6. Flooding is a major issue in Eardisland. In the last 20 years (2001-2021), 8 flood events causing damage to property in Eardisland have been recorded in the 2 flood studies, undertaken by Parsons Brinkerhoff in 2015 and the Environment Agency in 2021, culminating in the catastrophic event in February 2020 when 24 properties were flooded. In addition there have been multiple occasions when the roads have flooded leading to road closures and dangerous access and egress in Eardisland.
7. The site is in Flood Zone (FZ) 3 on Environment Agency maps. The FRA shows the site as mostly within FZ 2 and FZ 3 but then states that the dwellings will be in FZ 1. The flood risk data in the Flood Risk Assessment (FRA) for the site is therefore a matter of concern.
8. Flood risk is not merely about risk to inhabitants of new development but the increased risk from that development on existing properties, as noted in the NPPF, CS and the ENDP. In addition, development should not lead to increased risk for emergency services having to attend to rescue or help when water levels are of unknown and dangerous depth, outside and even within the site.
9. It is recognised that the 2 deepest areas of flooding, both in major flood events and the frequent episodes of road flooding, are at the S-bend in the west of the village outside Orchard Farm and on the road outside the application site stretching up to Posh Sheds.
10. It is inaccurate to say in the D&A Statement that 'the site can be accessed during flooding periods by coming out of the site onto the B4529 and then turning immediately right on to the road to Pembridge which does not flood. This will avoid the flooding in Eardisland village and on the road to Leominster.' Coming out of the site onto the C1035 (not the B4529) there is no turning immediately right to Pembridge and residents would be at risk from driving either into flooding through the village or on the road to Leominster. Deep road flooding is also experienced on the C1085 and the C1033 in such events, therefore access and ingress from all sides of the village are seriously affected.
11. The flooding issue leads the application to not conforming to the ENDP, CS and NPPF.
12. Surface flood water on the site will be affected by the impermeable roofing and access road and also by the hard standing of the dwellings, risking more water draining onto the road. Although rainwater butts and attenuation tanks are described in the D&A Statement, for conformity to ENDP policy E5 and better sustainability, rain water harvesting should be in place.
13. Concern is noted that land on the other side of road will be submitted for planning as a precedent will be set if this application is approved.
14. The foul drainage solution is complicated and will need to be closely considered by relevant agencies. In addition the drainage mound must be the relevant distance from all properties not just new dwellings. It is well known that there is no mains drainage and that all properties in Eardisland are on private drainage. Therefore the FRA is inaccurate in saying there are no drainage systems within 200m of the site.
15. In times of flood there are significant risks from overflow from sewage plants/septic tanks leading to contaminated water on the roads and into drains, adding to the damaging

phosphate issues in the River Lugg catchment. Although the phosphate issue is temporary barrier, no information was given in the application to demonstrate phosphate neutrality.

16. The site comes out onto a 60mph road and the only method of providing adequate visibility is to remove part of a neighbour's hedge, therefore in non-conformity with ENDP policy EI and CS policies. Additionally there is no pavement/footway to the site from the village reducing the ease of walking or cycling into the village.
17. Biodiversity on the site has already been compromised by the felling of a large mature Oak tree and heaps of top soil and breeze blocks being put on the site before the planning application was made. No real details are provided of any biodiversity or ecological improvements that could mitigate the development, as required by ENDP policy E4 and the CS.
18. Although there are different size houses within the application, inexpensive housing that is affordable for local people is required in Eardisland not more large properties. The application does not address this.
19. A site for 10 houses within the village is already approved.
20. The PC has reservations about the design of the dwellings and consider the D&A Statement to be incorrect in saying that the dwellings have been individually designed for Eardisland, as the plans are little changed from those submitted for multiple other sites by the agent, including in Eardisland. Therefore the application does not conform to ENDP policy EI.
21. The PC would have liked a site visit but this was withdrawn though originally offered by the agent.
22. Although the parish council is not against development in the parish, it considers there are better locations for such a development and therefore the parish council objects to the application as it stands

5.2 **Public consultation:**

The application has been subject of to a number of reconsultations, triggered as a result of additional information received from the applicant following the original lodgement of the application in November 2021.

The total number of objecting representations received is 69.

Grounds of objection (summarised) are as follows:

- Outside settlement boundary
- Contrary to the ENDP
- Highway safety
- Impact on Conservation Area
- Impact on village setting
- Impacts protected view
- Traffic survey data inaccurate
- Severe flooding risk
- Foul drainage system is compromised
- Pedestrian safety
- No affordable housing
- No mix of housing sizes
- Lack of mains drainage will add to pollution
- Impacts on local wildlife
- Privacy, noise and disturbance for neighbours

A total of eight supporting representations have been received, based on the following grounds (summarised):

- Pedestrian route to the village is safe
- No proven evidence of flooding
- Inaccurate objections
- Provides opportunity for younger families to move to the village
- Eardisland needs to develop or the village will die.

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=214073&search-term=214073

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

Statutory 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) and the Eardisland Neighbourhood Development Plan 2016 (ENDP). The National Planning Policy Framework 2021 is a significant material consideration.

6.3 Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the policies relevant to the determination of this application have been reviewed and are considered to remain entirely consistent with the NPPF and as such can be afforded significant weight.

Principle of Development

6.4 CS Policy SS1 echoes the NPPF's presumption in favour of sustainable development. Setting out the strategy for delivery of new homes, CS Policy SS2 provides that the majority of housing is directed to Hereford city or one of the five market towns and in the rural areas, housing will be acceptable within identified settlements listed under CS Policy RA2.

6.5 CS Policy RA2 identifies the settlements in each Housing Market Area (HMA) where both the main focus of proportionate housing development will be directed, along with other settlements where proportionate housing growth is appropriate. Eardisland is one of these settlements. Policy RA2 sets out that housing will be permitted in the identified settlements where the criteria are met

but also directs that Neighbourhood Development Plans will allocate land for new housing. CS Policy RA2 permits housing in or adjacent the identified settlements provided it:

1. reflects the size, role and function of the settlement
2. makes best use of brownfield land
3. constitutes a high quality scheme that contributes positively to its landscape setting, and
4. delivers housing that reflects local demand.

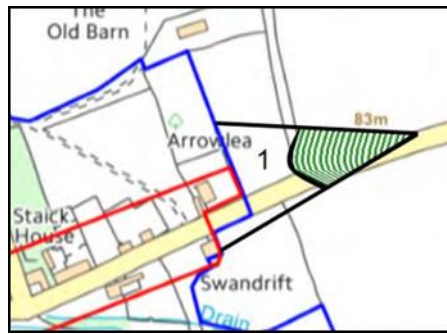
- 6.6 ENDP Policy E9 states that new housing development will only be supported if it meets nine listed criteria. In terms of assessing the acceptability of the principle of housing being brought forward at the site, one criterion is most relevant – criterion (b). It states that housing must be located within or adjacent to the defined settlement boundary or as close as flood risk constraints allow.
- 6.7 The site adjoins the village’s eastern settlement boundary. The proposal meets criterion (b), conforming in principle with ENDP Policy E9. Being adjacent the identified settlement it also, in-principle, conforms with CS Policy RA2.
- 6.8 The principle of developing the site with housing is therefore accepted, subject to its performance in respect to all other criteria, in addition to any other material planning considerations. These matters are assessed below.

Landscape Character

- 6.9 National policy requires the protection and enhancement of valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan. CS Policy SS6 notes that development proposals should conserve and enhance those environmental assets that contribute towards the county’s distinctiveness and in particular its landscape. CS Policy SD1 states that development should be designed to maintain local distinctiveness, achieved through the incorporation of architectural detailing and the use of appropriate materials. CS Policy LD1 seeks to ensure development proposals demonstrate how the character of the landscape and townscape has positively influenced the design, scale, and nature and site selection of the proposal. Development should be integrated appropriately through the use of landscape schemes and their management.
- 6.10 ENDP Policy E3(d) requires development to protect the setting of Eardisland village and its important relationship with the surrounding rural landscape.
- 6.11 ENDP Policy E9(e) supports development provided it is not backland development which impacts the character of the village.
- 6.12 ENDP Policy E1(h) requires development to not have a detrimental impact on protected views of the village. The site is located within protected view 1 – the eastern approach to the village along the C1036. Appendix 6 of the ENDP describes the protected view 1 as follows:

The open agricultural landscape on either side of the road provides an appropriate precursor to the inviting entry to the village. It leads to the dramatic revelation of the River Arrow immediately followed by the first sight of the village centre from the brow of the bridge. The visual and emotional appeal of this impression should never be underestimated.

- 6.13 The extent of the protected viewshaft is detailed below (extract from Appendix 6):



- 6.14 As is evident in the above map, the subject site is the principal contributor to the 'open agricultural landscape' from which the character significance of the protected view is derived.
- 6.15 The proposed development would substantially erode the open, agricultural landscape that view 1 seeks to protect. Six dwellings would urbanise the site and in so doing would significantly detract from the valued rural setting of the village. The depth of the plot is highly visible when approaching the village from the east. The eastern side elevation of the development will read as a suburban bank of development, with limited spacing between dwellings offering little visual relief. The built form will extend the depth of the plot upward of 90m in length, much of it extending over two storeys. The result is a dense, suburban-like development that will be highly prominent upon the village approach. This is not a development density considered appropriate and proportionate to its surroundings, as required by ENDP Policy E9(c).
- 6.16 The valued 'open agricultural landscape' would be all but lost. It is acknowledged that this impact is mitigated by the setback of the development from the road, however it is not generous enough to offset the identified landscape harm in any real way. Six two storey dwellings in the currently proposed location would materially detract from the valued character of the village gateway. The rear plots would present as backland development adversely impacting village character. There is clear and obvious conflict with ENDP Policies E1(h), E3(d) and E9(e).
- 6.17 ENDP Policy E1(c) states that the density of development is to be appropriate with 4-5 dwellings the optimum size of any development. The development exceeds the maximum dwelling number by one. This in itself is not considered fatal to the application, as one additional dwelling does not of itself cause serious landscape harm. What is fatal to the application, in landscape character terms, is the deleterious effect of the development as a whole, on the rural setting of the village. The village setting is not positively influenced, contrary to CS Policy LD1 and RA2, it is not protected, contrary to Policy E3(d), and the locally distinctive landscape setting is not conserved, contrary to CS Policy SS6.

Heritage Character

- 6.18 Section 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 requires special attention to be paid to preserving or enhancing the character or appearance of conservation areas. Section 16 of the National Planning Policy Framework requires local authorities to assess the impact of proposed development on heritage assets, including any contribution made by setting.
- 6.19 Policy LD4 of the Herefordshire Core Strategy requires development to protect, conserve and where possible enhance the historic environment, heritage assets and their settings. ENDP Policy E2 requires all new development to preserve and enhance the positive attributes of heritage assets and their settings.
- 6.20 As noted above the site adjoins the Eardisland Conservation Area. The application is supported by a Heritage Statement. It considers the harm to the setting of the conservation area to be less than substantial.

- 6.21 As noted by the HBO, the significance of the conservation area lies in its character and appearance as a historic and rural settlement which developed in this defensible location on both sides of the river Arrow. The prevailing settlement pattern is one of dwellings on individual plots with a relationship to the highway. The approach to the village from the east is characterised by a gradual introduction of built form interspersed with areas of open spaces and agricultural fields and this aspect of its setting makes an important contribution to the significance of the conservation area.
- 6.22 The HBO considers that the proposed six plots, sited perpendicular to the road, would go against the established settlement pattern. The HBO considers the introduction of a cul-de-sac would be an overly suburban intrusion in this edge of settlement location, and would negatively impact the appearance of this rural gateway to the village, an integral part of the setting of the conservation area. The edge of the village would become more strongly defined by this solid block of built form, and would lose the gradual approach which presently marks the start of the village in this area.
- 6.23 The outcome is a development that fails to preserve or enhance the setting of the conservation area, contrary to CS Policy LD4 and ENDP Policy E2.
- 6.24 The identified heritage harm is less than substantial, engaging the balancing test at NPPF paragraph 202. The public benefits of the scheme relate principally to the increase in the local housing supply brought about by an additional six residential units. The county benefits from a five plus year housing supply. In this context, six additional homes brings about a less than moderate housing supply benefit. There will be economic benefits, through construction, jobs and local spend by future occupants, however these will not be significant given the modest six dwelling scale. The benefits do not outweigh the identified heritage character harm.

Housing Mix

- 6.25 The Parish Council is concerned that the development does not meet further need for inexpensive housing that is affordable for local people, observing that it includes three large executive style houses.
- 6.26 CS Policy RA2 permits housing adjacent identified settlements provided it delivers housing that reflects local demand. ENDP Policy E10 states that new housing will have to demonstrate how they contribute to maintaining an appropriate mix of types and size of dwellings in the parish. The ENDP, at page 25, refers to census data highlighting the lack of one and two bedroomed properties in the parish. The 2013 Community Led Plan (CLP), also referenced in the ENDP, appears to express a community desire that does not align with the census data, indicating a preference for family homes and stating that apartments and bungalows were considered less appropriate or not needed by the parish. In this context the proposed provision of five family homes and a two bedroom unit is not considered an inappropriate mix of house types.
- 6.27 CS Policy H3 advises that: *‘Residential developments should provide a range and mix of housing units which can contribute to the creation of balanced and inclusive communities.’* The policy goes on to say: *‘The latest Local Housing Market Assessment will provide evidence of the need for an appropriate mix and range of housing types and sizes.’*
- 6.28 In this case the scheme includes a terrace comprising 1 x 2 bed and 2 x 3 bed and a detached 3 bed unit and 2 x detached 4 bed units (albeit one upper floor room for plot 5 is labelled as an ‘office’). The latest housing needs evidence base (Iceni Report, July 2021) confirms an open market need in the rural part of the Leominster Housing Market Area of: (combined 1 and 2 bed units) 30%, 3 bed units 50% and 4+ bed units 20%. The proposal meets the 3 bed unit requirement and rounds the number of 4+ bed units up instead of the 2 bed units. On balance, whilst not strictly complying with the findings of the report, the proposal does provide a reasonable housing mix and this is not considered to be fatal to the application.

Residential Amenity

- 6.29 CS Policy SD1 requires development proposals to safeguard residential amenity for existing and proposed residents. ENDP Policy E1(e) and E9 requires development to not unduly harm the amenity of neighbouring properties.
- 6.30 There are only two sensitive amenity interfaces, to the west with Arrow Lea and north to The Old Barn. The development is concentrated more to the eastern side of the plot, meaning a good separation distance is provided between the proposed built form and Arrow Lea. Noted also is that the dwelling at Arrow Lea is set some distance off the common boundary with the subject site. The physical separation serves as an effective amenity mitigation buffer. The interface between the development and Arrow Lea is considered acceptable in residential amenity terms.
- 6.31 A not dissimilar interface is to the north. The proposed rear dwelling is set off the northern boundary with a garage located nearest to the northern neighbour. The physical relationship is such that the development will not unacceptably impact the amenity of The Old Barn. The proposal accords with CS Policy SD1 and ENDP Policies E1(e) and E9.

Highway Safety

- 6.32 CS Policy MT1 seeks to ensure that developments, amongst other matters, 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. ENDP Policy 9 requires development to achieve safe and appropriate access and be accommodated safely within the existing highway infrastructure. This is echoed at ENDP Policy E1(f). Generally, the principles of the development plan are consistent with the advice set out within the NPPF.
- 6.33 The application is supported by a Transport Statement. It demonstrates that the visibility splays at the proposed entrance are standard compliant (182m west and 188m east). On-site vehicle parking is standard compliant and sufficient vehicle turning areas are provided so that vehicles can egress in a forward manner. There is ample scope for on-site cycle storage and EVC infrastructure can be readily incorporated. Traffic generation, at 30 trips per day, will amount to a negligible impact on the local road network. None of these transport-related matters are considered unsatisfactory.
- 6.34 The Highways Engineer objects to the scheme with the principal concern relating to the safety of pedestrians using sections of the carriageway between the site and the village that does not benefit from a footpath. The Transport Statement considers this issue having regard to relevant guidance, including Road Safety GB – Assessment of Walked Routes to School. The Statement notes the section of carriageway without a footpath is relatively short, it is straight with good visibility of approaching vehicles, it is entirely within the 30mph limit, and the well-maintained verges generally provide good step-off opportunities should vehicles be encountered. The Statement also highlights that there are existing houses along this section and none of the crash data shows evidence of pedestrian safety issues at this location.
- 6.35 However, the Transport Statement also includes speed data which shows that; notwithstanding the 30 mph speed limit, recorded speeds at the 85thile have been recorded as 43.1 mph westbound and 44 mph eastbound. The Highway Engineer notes that a request to extend the speed limit to increase the 30 mph has not been supported by the applicant.
- 6.36 In response to the Highways Engineer concerns, the applicant has provided a plan showing an alternative pedestrian route to from the site to the village – shown below. Given the considerable additional distance involved, it is arguably somewhat fanciful to suggest that future occupants of the development will utilise this route to access the village.

Water Quality

- 6.44 CS 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). With either of these non-mains alternatives, applications are to demonstrate that there will be no likely significant effect on the water quality, in particular of designated national and European sites including the River Wye SAC.
- 6.45 ENDP Policy E1(k) and E9(h) requires development to avoid or adequately mitigate any likely significant effect on the River Wye SAC.
- 6.46 As noted above, the site is in the hydrological catchment of the River Wye SAC. Wastewater management will be via a shared private package treatment plant discharging, via a pumped system, to a mound soakaway drainage field in the northwest corner of the site.
- 6.47 The applicant has not demonstrated any certainty that the development will not create additional nutrient (Phosphate) pathways into the River Lugg SAC. The ecologist objects to the scheme on this basis. The ecologist also observes that the drainage field is directly adjacent to Flood Zone 3 and areas subject to surface water flooding, and that flooding events would create pathways for washout of nutrients directly into the River Lugg Catchment. Moreover, there are potential drainage fields and sources of phosphate pathways within 200m of the proposed drainage field arising from adjacent/nearby properties, creating a potential in combination and cumulative effect with the current proposed development.
- 6.48 The application does not adequately demonstrate that wastewater disposal will not have a likely significant effect on local water quality in the River Wye SAC. The application therefore fails to meet CS Policy SD4 and ENDP Policy E1(k) and E9(h).
- 6.49 The Drainage Engineer expresses concern regarding the mechanical pumped system, noting that there appears scope to provide a gravity fed system. The concern centres on pump failure, potentially resulting in foul surface water flooding and presenting further risk to water quality by adding pathways for washout of nutrients directly into the River Lugg Catchment. Additionally, the highway would be flooded which in winter could result in road user safety risk. This element of the scheme weighs negatively in the planning balance.

Flooding

- 6.50 ENDP Policy E1(j) requires development to include flood resilience measures which do not exacerbate flood risk elsewhere. ENDP Policy E9(a) requires development to be directed away from areas at highest risk of flooding, consistent with NPPF paragraph 159.
- 6.51 NPPF paragraph 167(e) requires development in areas at risk of flooding to demonstrate that safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 6.52 CS Policy SD3(2) requires development to provide safe pedestrian and vehicular access and implementing a flood evacuation management plan where appropriate.
- 6.53 As noted above part of the site is in Flood Zone 3. All dwellings are located within Flood Zone 1 land, in accordance with ENDP Policy E9(a) and NPPF paragraph 159. The application is supported by a Flood Risk Assessment. After much review and engagement between the applicant and the Environment Agency, the Agency advises that it no longer objects to the scheme subject to conditions, including the setting of minimum floor levels.

- 6.54 The proposed access traverses land affected by Flood Zone 3. Emergency Planning is of the view that the application has not sufficiently addressed safe access during a flood event, observing that the site will become an island during a flood event. It is not made clear how residents can safely egress from the site during flooding. Such details would be outlined in a Flood Evacuation Management Plan. No such plan supports the application. It is not considered appropriate to defer this matter to a planning condition, as it is a fundamental aspect of the development design and fundamental to the safety of the development's future occupants. The absence of safe access results in the application failing to meet NPPF paragraph 167(e) and CS Policy SD3(2).

Surface Water Management

- 6.55 CS Policy SD3 of the Core Strategy states that measures for sustainable water management will be required to be an integral element of new development. ENDP Policy E5 repeats this requirement, requiring the implementation of sustainable drainage systems.
- 6.56 The proposal features an infiltration tank and three concrete ring soakaways. The Drainage Engineer does not object to this arrangement. Surface water management is therefore not fatal to the application.

Conclusion

- 6.57 Developing the subject site with housing is acceptable in-principle owing to its location adjacent to the settlement boundary.
- 6.58 The site however is highly constrained in planning terms. Much of the land is prone to flooding (like much of the land surrounding the village), it does not benefit from wastewater mains connection, it contributes to the setting of a conservation area, to the setting of a rural village, and much of it sits within a designated protected viewshaft.
- 6.59 The proposed development form, density and layout is not consistent with the local settlement pattern and grain of plot subdivision. However, the six dwellings take on a suburban layout and appearance, urbanising the rural character of this edge of settlement location. The proposal would be detrimental to the protected view that is enjoyed at the village's eastern gateway. Landscape character harm would be significant.
- 6.60 The site is at the eastern edge of the Eardisland Conservation Area. The suburban appearance of the development would detract from the rural setting of the Conservation Area, harmful to the significance of the designated heritage asset. The HBO objects to the scheme for this reason. The proposal conflicts with heritage related policies of the development plan. The identified heritage harm is less than substantial, but nonetheless outweighs the scheme's public benefits.
- 6.61 The site's peripheral location means that it does not presently have good pedestrian links to the centre of the village. The scheme fails to make adequate provisions in this regard. The Transport Statement submitted by the applicant clearly shows vehicle speeds to be well in excess of the 30 mph speed limit currently in force. The Highway Engineer objects on the grounds that the proposal fails to provide safe and consistent connectivity. The scheme would unacceptably compromise highway safety and this has not been acceptably resolved.
- 6.62 There is no certainty that the proposed on-site wastewater management system would not compromise water quality targets and this aspect of the scheme is objected to by the ecologist.
- 6.63 Although the development can be brought forward without increasing flood risk elsewhere, and the dwellings can be constructed to minimum floor levels in accordance with EA recommendations, there is no certainty that safe access and escape routes are achieved during a flood event, placing the safety of the occupants of the dwellings at significant risk. This scheme element is objected to by Emergency Planning.

Further information on the subject of this report is available from on

- 6.64 Residential amenity, housing mix and biodiversity are not matters considered fatal to the application. Any outstanding concerns in these respects could be adequately managed by planning conditions.
- 6.65 There is material conflict with the development plan. There are no material considerations indicating that a decision should be made other than in accordance with the development plan. Planning permission is not recommended owing to the magnitude of the development plan conflict, including the Eardisland Neighbourhood Development Plan and the NPPF.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. The application fails to adequately demonstrate that the proposed means of waste water disposal adequately protects the water quality of the River Wye Special Area of Conservation (a European Site, 'National Network Site' or 'Higher Status' nature conservation site), contrary to Policies SS1, SS6, LD2 and SD4 of the Herefordshire Local Plan – Core Strategy, Policies E1(k) and E9(h) of the Eardisland Neighbourhood Development Plan 2016, the Conservation of Habitats and Species Regulations 2017, the National Planning Policy Framework and the Natural Environment and Rural Communities Act 2006.**
- 2. The proposed development would, by virtue of its location, siting, density, massing, scale and layout, urbanise the rural setting of Eardisland village and be out of keeping with the established settlement pattern, detrimental to local landscape character, contrary to Policies SS6, SD1, LD1 and RA2 of the Herefordshire Local Plan - Core Strategy, Policies E1, E3 and E9 of the Eardisland Neighbourhood Development Plan 2016, and the National Planning Policy Framework**
- 3. The proposed development would, by virtue of its location, siting, density, massing, scale and layout, urbanise the rural setting of the Eardisland Conservation Area, detrimental to the significance of the designated heritage asset, contrary to Policies SS6 and LD4 of the Herefordshire Local Plan - Core Strategy, and Policy E2 of the Eardisland Neighbourhood Development Plan 2016. The scheme's public benefits would not outweigh the identified heritage harm, taking into account the statutory duties under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the weight to be afforded to the asset's conservation as set out in the National Planning Policy Framework**
- 4. With a clear priority being given to pedestrians and cyclists at a national level, a failure to provide an appropriate link for them to the centre of the village, along a stretch of road where it has been demonstrated that vehicle speeds significantly exceed the 30 mph limit, the proposal would result in an unacceptable impact on highway safety, contrary to Policy MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**
- 5. In the absence of an agreed emergency evacuation plan and having regard to the site's high susceptibility to flood risk, the application fails to adequately demonstrate safe access and escape routes for future occupants of the development during a flood event, contrary to Policy SD3(2) of the Herefordshire Local Plan - Core Strategy and paragraph 167 of the National Planning Policy Framework**

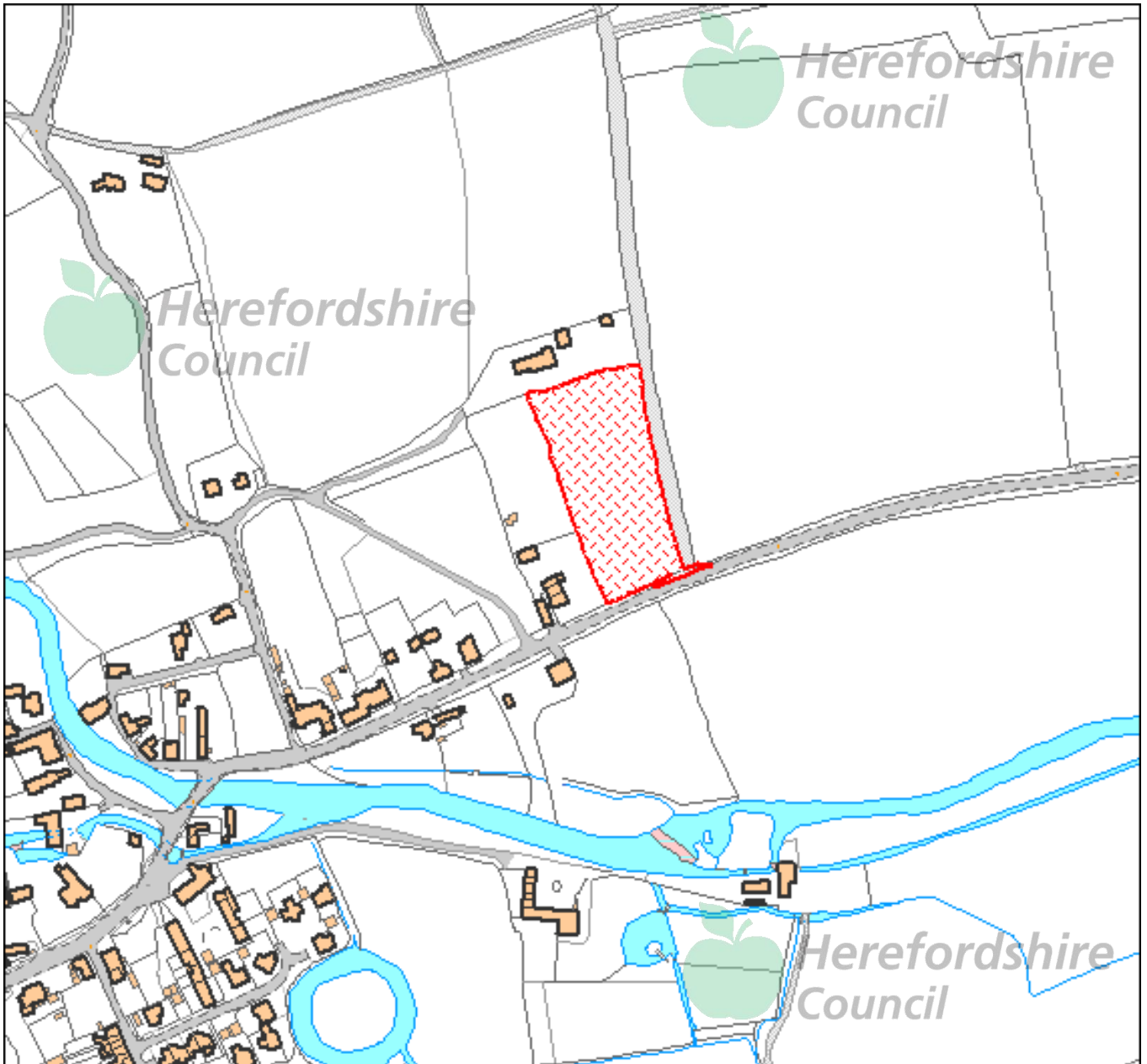
Decision:

Notes:

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Background Papers – none identified

Internal departmental consultation replies.



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APPLICATION NO: 214073

SITE ADDRESS : LAND ADJACENT TO ARROW LEA, EARDISLAND, LEOMINSTER,
HEREFORDSHIRE, HR6 9BU

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