

Agenda

Planning and Regulatory Committee

Date: **Wednesday 17 January 2024**

Time: **10.00 am**

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

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

For any further information please contact:

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If you would like help to understand this document, or would like it in another format, please call Matthew Evans, Democratic Services Officer on 01432 383690 or e-mail matthew.evans@herefordshire.gov.uk in advance of the meeting.

Agenda for the meeting of the Planning and Regulatory Committee

Membership

Chairperson **Councillor Terry James**
Vice-chairperson **Councillor Clare Davies**

Councillor Polly Andrews
Councillor Bruce Baker
Councillor Dave Boulter
Councillor Simeon Cole
Councillor Dave Davies
Councillor Elizabeth Foxton
Councillor Catherine Gennard
Councillor Peter Hamblin
Councillor Daniel Powell
Councillor Stef Simmons
Councillor John Stone
Councillor Richard Thomas
Councillor Diana Toynbee

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 items on the agenda.	
4. MINUTES	13 - 34
To approve the minutes of the meeting held on 13 December 2023.	
5. CHAIRPERSON'S ANNOUNCEMENTS	
To receive any announcements from the Chairperson.	
6. 163932 - LAND AT HARDWICK BANK, BROMYARD, HEREFORDSHIRE	35 - 180
Outline planning application for a sustainable urban extension comprising: up-to 250 dwellings; open space, allotments and landscaping; school expansion land; areas of children's play; sustainable urban drainage infrastructure; internal roads; and associated infrastructure. Detailed approval is sought for principal means of access and layout with all other matters reserved.	
7. 231560 - DRAKELEY FARM, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3ES	181 - 220
To erect up to 9.5 hectares of fixed Polytunnels over arable (soft fruit); the relocation and upgrading of a farm access/egress on the C1124; the erection of a 648 m2 profiled-steel-clad portal frame General Purpose Agricultural Storage Building; the erection of 6 no. 14.7 metre diameter 600 m3 capacity Water Storage Tanks. Laying out and surfacing (in loose granular material) of internal farm tracks.	
8. 223199/223432 - BARLEY KNAPP FARM, LONG LANE, PETERCHURCH, HEREFORD, HEREFORDSHIRE, HR2 0TE	221 - 260
Proposed restoration of the farmhouse, the conversion of the granary attached to the farmhouse to an annex; the conversion of a stone and timber framed barn to form two dwellings; the erection of two new build dwellings in lieu of an extant permission for the conversion of the modern portal framed agricultural building to two dwellings; the erection of solar panels; and all associated works.	

9. 233080 - WESTERINGS, KINGTON, HEREFORDSHIRE, HR5 3HE

261 - 266

Proposed demolition of existing side and rear extension, erection of replacement side and rear extensions and new front porch.

10. DATE OF NEXT MEETING

Date of next site inspection – 6 February 2024

Date of next meeting – 7 February 2024

The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

Recording of meetings

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

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

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

The council may make an official recording of this public meeting or stream it live to the council's website. Such recordings form part of the public record of the meeting and are made available for members of the public via the council's web-site.

Travelling to the meeting

The Herefordshire Council office at Plough Lane is located off Whitecross Road in Hereford, approximately 1 kilometre from the City Bus Station. The location of the office and details of city bus services can be viewed at: <http://www.herefordshire.gov.uk/downloads/file/1597/hereford-city-bus-map-local-services>. If you are driving to the meeting please note that there is a pay and display car park on the far side of the council offices as you drive up Plough Lane. There is also a free car park at the top of plough lane alongside the Yazor Brook cycle track.

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 Clare Davies (Vice Chairperson)	True Independents
Councillor Polly Andrews	Liberal Democrat
Councillor Bruce Baker	Conservative
Councillor Dave Boulter	Independents for Herefordshire
Councillor Simeon Cole	Conservative
Councillor Dave Davies	Conservative
Councillor Elizabeth Foxton	Independents for Herefordshire
Councillor Catherine Gennard	The Green Party
Councillor Peter Hamblin	Conservative
Councillor Daniel Powell	Liberal Democrat
Councillor Stef Simmons	The Green Party
Councillor John Stone	Conservative
Councillor Richard Thomas	Conservative
Councillor Diana Toynbee	The Green Party

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 Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Wednesday 13 December 2023 at 10.00 am

Present: Councillor Terry James (chairperson)
Councillor Clare Davies (vice-chairperson)

Councillors: Polly Andrews, Bruce Baker, Dave Boulter, Simeon Cole, Dave Davies, Elizabeth Foxton, Peter Hamblin, Stef Simmons, John Stone, Richard Thomas and Diana Toynbee

In attendance: Councillors Toni Fagan, Liz Harvey, and Ben Proctor (all in virtual attendance)

Officers: Legal Adviser, Development Manager Majors Team and Team Leader Area Engineer

46. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Dan Powell and Catherine Gennard.

47. NAMED SUBSTITUTES (IF ANY)

There were no substitutes.

48. DECLARATIONS OF INTEREST

Councillor Richard Thomas declared an other interest in respect of agenda item 9, application 232089, Sheepcote, St Owens Cross; the applicant was a close, known associate. Councillor Thomas would leave the meeting for the duration of the item.

49. MINUTES

RESOLVED: That the minutes of the meeting held on 25 October 2023 be approved.

50. CHAIRPERSON'S ANNOUNCEMENTS

51. 232895 - 50 BARRS COURT ROAD, HEREFORD, HEREFORDSHIRE, HR1 1EQ

The Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr Mee spoke in objection to the application.

In accordance with the council's constitution the local ward member spoke on the application, he explained that there were three key issues with regard to this application; parking, safe and healthy communities, and garden space. HMOs are recognised as an important part for housing in Herefordshire, however, they do increase the density of housing in an area that is already densely populated and this will increase the pressure on the three issues noted above. If the application is approved, then the local ward member would support it on the basis of the conditions proposed in the planning officer's report.

The committee debated the application. During consideration of the application the committee raised the following principal points:

- Concern has been raised regarding parking, however, it was noted that the enforcement of parking measures can be used to mitigate this issue.
- Noise concerns were acknowledged, however, it was noted that the Environmental Health Officer could investigate such issues if they were experienced.

The local ward member was given the opportunity to close the debate. He added that HMOs are an important part of the housing mix in Herefordshire.

A motion that the application be approved in accordance with the case officer's recommendation was proposed by Councillor Stef Simmons and seconded by Councillor Bruce Baker. The motion was put to the vote and was carried unanimously.

Resolved:

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 (3 years)

2. C06 - Approved plans (drawings listed below) - Location plan 1:1250 - Site plan 1:200 26 Further information on the subject of this report is available from Mr Simon Rowles on 01432 260238 PF2 - Proposed rear elevation 1:100 - Proposed side elevation 1:100 - Proposed elevation from opposite side 1:100 - Proposed ground floor 1:100 - Proposed first and second floor plans

3. The external walls of the extension shall be constructed with facing bricks of the same type, texture and colour as the external walls of the existing building.

Reason: In the interests of visual amenity so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

4. Prior to the 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 the house shall be submitted to the local planning authority for its written approval. The cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to occupation as a “large” HMO. 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 to the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

5. The maximum occupancy of the House in Multiple Occupation hereby permitted shall be limited to no more than 8 people at any one time.

Reason: In the interests of maintaining the amenity of neighbouring residents and securing a suitable standard of accommodation for future occupiers, in accordance with Policy SD1 of the Herefordshire Local Plan – Core Strategy.

6. No surface water from the extension hereby permitted and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

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

7. CBK – Restriction on hours during construction

INFORMATIVES:

1. IP1 – Application approved without amendment

2. The proposed development site is crossed by public sewers. No operational development is to take place within 3 metres either side of the centreline of the sewers. Prior to commencing any operational development the location of these assets should be determined. If operational development is likely to take place within 3 metres either side of these sewers please stop works and contact Welsh Water. The applicant may be able to progress with a build over sewer agreement or divert these assets under s185 of the Water Industry Act 1991. Under the Water Industry Act 1991 Welsh Water has rights of access to its assets at all times.

52. 222687 - PARK HALL, WORMELOW, HEREFORDSHIRE (Pages 19 - 20)

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, Ms Cooke on behalf of Much Birch Parish Council spoke in objection and Mrs Rogan spoke in support of the application.

In accordance with the council's constitution the local ward member, Councillor Thomas, and thereafter, the adjoining ward member, Councillor Fagan spoke on the application. Councillor Thomas commented that there is a lot of merit in this application and identified the building of the holiday lodges as supporting tourism in the local area. He added that the applicant is taking her own financial risk and it is not for the committee to comment on that particular issue. Houses are needed in the local area and it was good to see that 3-bedroom houses were prioritised. Noise concerns have been adequately addressed by the applicant who is prepared to put screening in place. Councillor Thomas stressed his support for the application and hoped that committee members would vote in favour of it.

The adjoining ward member, Councillor Fagan acknowledged the challenges for the applicants to find a viable option for the site, however, she cited a number of concerns including those of Llanwarne and Much Birch Parish Councils respectively. The number of conditions that the application is subject to was of concern to the adjoining ward member and the scale of the holiday lodges have encountered multiple objections from parish councils and local residents. The lack of S106 contributions arising from the application was also raised. In terms of tourism facilities, there aren't any and therefore creating better facilities on-site would provide better activities for families and could be accessible to local residents and this could help improve the attractiveness of the site. There are also concerns on the internal road and the use of that road by HGVs and tractors to access behind the site. Councillor Fagan added that the internal road will likely become much busier and narrower as a result of the application proposals and the Herefordshire Trail could be consequently impacted. Potential impact on local wildlife and habitats was also raised.

The committee debated the application. During consideration of the application the committee raised the following principal points:

- The application would help support the local economy of the area through the growth of tourism to the county.
- The viability of the site was not a matter for the committee but rather for the applicant.
- Protection of the Herefordshire Trail was added as a point of concern.
- The protection of trees on the site was noted, however, it was addressed that certain conditions would be put in place to identify and protect particular trees and shrubbery which would then be shared with the tree officer for review and confirmation.
- The lack of S106 contributions through housing and in particular the building of affordable housing on site.

The local ward member and adjoining ward member were given the opportunity to close the debate.

A motion that the application be approved in accordance with the case officer's recommendation was proposed by Councillor Dave Davies and seconded by Councillor Bruce Baker. The motion was put to the vote and was carried unanimously.

Resolved:

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:

General

1 Time limit 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 Approved drawings The development shall be carried out strictly in accordance with the approved plans Location Plan: • Location Plan (1:1250) • Visibility splay drawing: Dwg RHC-22-104-01 Rev C • House Type C Dwg 7731/105 rev A • House Type D: Dwg 7731/106 • Revised site plan: Dwg 7731/102 rev C • Landscape strategy drawing: DWG 21299.101 • Arb Impact Plan sheet: Dwg: HR28JN/BLA/AIP-E • Arb Impact Plan sheet : Dwg: HR228JN/BLA/AIP-W • Arb constraints Plan: Dwg: HR28JN/BLA/ACP • Proposed elevations Lodge Type A: Dwg: 7731/103 • Proposed elevations Lodge Type B: Dwg: 7731/104 • Site Plan layout: Dwg: 7731/102 Rev B • Proposed reception building and elevations: Dwg 7731/107 • Drainage Design 1 of 2 (Ref: 0201 P09); • Drainage Design 2 of 2 (Ref: 0202 P09)

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.

Prior to commencement conditions

3 Prior to first commencement of the use hereby permitted, an acoustic barrier must be erected along the western site boundary. Details of which to be provided to and agreed by the LPA prior to barrier works commencing.

Reason: To safeguard the amenities of the locality and to comply with Policies SS6, SD1, E4 and RA6 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

4 Prior to first commencement of the use of the Holiday Lodges hereby permitted, a noise management plan shall be submitted to, and approved in writing by the Local Planning Authority.

The noise management plan should address the following headings:

- a) statement of intent**
- b) a brief summary of the premises / site / activities**
- c) a location / site plan**
- d) an inventory of potential noise sources**
- e) details of noise controls and limits (e.g. site rules)**
- f) site noise monitoring and / or evaluation**
- g) responding to complaints (including actions to be undertaken and recorded)**
- h) management command, communication, and contact details**
- i) periodic NMP review.**

The use shall be implemented and carried out in accordance with the approved Noise Management Plan thereafter.

Reason: To safeguard the amenities of the locality and to comply with Policies SS6, SD1, E4 and RA6 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Tree root protection

5 Before any work; including site clearance or demolition begin or equipment and materials are moved on to site details regarding trenchless work within the Tree Root Protection Areas shall be supplied to the Local Planning Authority for written approval. The approved details shall be implemented and remain in place until all work is complete on site and all equipment and spare materials

Reason: To ensure the proper care and maintenance of the trees and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Waste removal/Material resource audit

6 Prior to commencement of development, a Resource Audit to identify the approach to materials shall be submitted to and approved in writing by the Local Planning Authority.

The Resource Audit shall include the following;

- The amount and type of construction aggregates required and their likely source;**
- The steps to be taken to minimise the use of raw materials (including hazardous materials) in the construction phase, through sustainable design and the use of recycled or reprocessed materials;**
- The steps to be taken to reduce, reuse and recycle waste (including hazardous wastes) that is produced through the construction phase;**
- The type and volume of waste that the development will generate (both through the construction and operational phases);**
- On-site waste recycling facilities to be provided (both through the construction and operational phases);**

- The steps to be taken to ensure the maximum diversion of waste from landfill (through recycling, composting and recovery) once the development is operational;
- End of life considerations for the materials used in the development; and
- Embodied carbon and lifecycle carbon costs for the materials used in the development.

Construction works shall thereafter be carried out in full accordance with the details of the approved Resource Audit unless agreed in writing by the Local Planning Authority.

Reason: This condition is required pre-commencement as the treatment/handling of any site waste is a necessary initial requirement before any groundworks are undertaken in the interests of pollution prevention and efficient waste minimisation and management so as to comply with Policy SD1 of the Herefordshire Local Plan –Core Strategy and the National Planning Policy Framework

Construction Environmental Management Plan

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

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.

Construction Management Plan

8 Prior to commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Construction Management Plan shall thereafter be adhered to throughout the construction period. The Construction Management Plan shall include, but is not limited to, the following matters:

- a) site management arrangements, including on-site storage of materials, plant and machinery; temporary offices, contractors compounds and other facilities;
- b) on-site parking and turning provision for site operatives, visitors and construction vehicles (including cycle parking for staff and visitors); and provision for the loading/unloading of plant and materials within the site;
- c) wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway;
- d) measures for managing access and routing for construction and delivery traffic;
- e) hours during which construction work, including works of site clearance, and deliveries can take place.
- f) 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: This is required pre-commencement in the interests of highway safety, in the interests of safeguarding adjoining amenity and uses and to conform to the requirements of Policies SD1, SS6, LD2, LD3 and MT1 of the Herefordshire Local Plan Core Strategy 2011-31 during construction.

Contamination

9 No development shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:

- a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice**
- b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors**
- c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed 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: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework. Other stage conditions Materials 10 With the exception of site clearance and groundwork, no further development shall take place until samples of the materials to be used externally on walls and roofs for the dwelling houses, holiday lodges and reception building have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

Electric vehicle charging points

11 With the exception of site clearance and groundworks, no development shall commence until written and illustrative details of the number, type/specification and location of electric vehicle charging point, has been submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points shall be installed prior to first occupation and be maintained and kept in good working order thereafter as specified by the manufacturer.

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 Climate Emergency declared by Herefordshire Council and to accord with the provisions at paragraphs 108 and 110 of the National Planning Policy Framework

Landscape scheme

12 With the exception of site clearance and groundworks, no further development shall commence until a landscape strategy/scheme with hard and soft landscaping details has been 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.**
- e) Phasing delivery plan**

The landscaping scheme shall be implemented in accordance with the approved details and shall be completed prior to the first occupation of phase of the development.

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.

Highway works

13 Development shall not begin in relation to any of the specified highways works until details of the provision of a crossing point on the B4348 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 shall not be occupied until the scheme has been constructed in accordance with the approved details. 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. Prior to occupation of development Refuse/Recycling 14 Prior to occupation of the dwelling houses and holiday lodges, refuse and recycling collection arrangements shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure satisfactory bin collection arrangements in line with Herefordshire Local Plan – Core Strategy Policies SD1 and MT1.

Water Efficiency

15 Prior to the occupation of the development hereby permitted written evidence / certification demonstrating that water conservation and efficiency measures to achieve the 'Housing – Optional Technical Standards – Water efficiency standards' (i.e. currently a maximum of 110 litres per person per day) for water consumption as a minimum have been installed / implemented shall be submitted to the Local Planning Authority for their written approval. The development shall not be first occupied until the Local Planning Authority have confirmed in writing receipt of the aforementioned evidence and their satisfaction with the submitted documentation.

Thereafter those water conservation and efficiency measures shall be maintained for the lifetime of the development

Reason: In order to ensure that water conservation and efficiency measures are secured to safeguard water quality and the integrity of the River Lugg (Wye) SAC in accordance with policies SS6, SD2, SD4 and LD2 of the Herefordshire Local Plan Core Strategy, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations (2017) and NERC Act (2006).

Landscape Maintenance

16 Before the development is first occupied or brought into use, a schedule of landscape 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 this approved schedule.

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

Travel Plan

17 Prior to the first occupation of the first holiday lodge hereby approved, a Travel Plan which contains measures to promote alternative sustainable means of transport for staff 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

Contamination

18 The Remediation Scheme, as approved pursuant to condition no. 9 above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted 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 and to comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Car parking

19 Prior to the first occupation of any lodge to which this permission relates an area for car parking shall be laid out within the curtilage of the lodges and the general car parking area, in accordance with the approved plans 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 those areas 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

Cycle parking (holiday accommodation)

20 Prior to the first occupation of the holiday lodges hereby permitted full details of a scheme for the provision of covered and secure cycle parking facilities with the parking area and for the holiday lodges 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.

Cycle parking (dwellings)

21 Prior to the first occupation of the first dwelling 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.

Parking

22 Prior to the first occupation of the dwelling hereby approved an area shall be laid out within the curtilage of the property for the parking and turning of 2 cars 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.

Driveways

23 Prior to the first occupation of the dwellings hereby approved the driveway and/or vehicular turning area shall be consolidated and surfaced at a gradient not steeper than 1 in 8.

Private drainage arrangements must be made to prevent run-off from the driveway discharging onto the highway. Details of the driveway, vehicular turning area and drainage arrangements shall be submitted to and approved in writing by the local planning authority prior to commencement of any works in relation to the driveway/vehicle turning area.

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.

Compliance

Visibility splays

24 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 43 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected 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

Vehicular Access

25 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.

Potable Water

26 No premise shall be occupied until a potable water scheme to serve the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply system can suitably accommodate the proposed development. If necessary, a scheme to reinforce the existing public water supply system in order to accommodate the development 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 development is served by a suitable potable water supply.

Surface Water

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

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

Surface Water

28 All surface water shall discharge through a suitably sized soakaway-infiltration system in combination with an infiltration basin as indicated in drawings drawing design 1 of 2 (Ref: 0201 P09); and drainage design 2 of 2 (Ref: 0202 P09). Works shall be completed prior to the first occupation of the development hereby permitted.

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.

Foul Water

29 All foul water, created by the development approved by this permission shall discharge through connection to Much Dewchurch mains sewer system managed by Welsh Water.

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.

Drainage

30 The development shall be carried out in accordance with the approved details as submitted relating to the proposed surface water and foul water drainage arrangements:

- Drainage Design 1 of 2 (Ref: 0201 P09)**
- Drainage Design 2 of 2 (Ref: 0202 P09).**

The development shall be implemented in accordance with the approved details and be completed prior to the first occupation.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Landscaping

31 All hard and soft landscaping (planting, seeding or turf laying) in the approved in the full landscape scheme required by condition 12 shall be carried out concurrently with the development and completed in the first planting season following the occupation of any dwelling 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 10 years of planting will be replaced in accordance with the approved plan.

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.

Hours of construction

32 During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside following hours:

- **08:00 - 18:00 hours (Monday to Friday);**
- **08:00 - 13:00 hours (Saturday)**

No working permitted on Sundays or Bank Holidays.

Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

Lighting

33 The recommendation with respect to lighting detailed in the ecology report by Pure Ecology dated August 2022 shall be implemented in full and hereafter maintained as approved.

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.

Ecological protection

34 The ecological protection and working methods scheme, including all biodiversity net gain and habitat enhancements and management as detailed in the ecology report by Pure Ecology dated August 2022 shall be implemented in full and hereafter maintained as approved.

Reason: To ensure that all species are protected and habitats enhanced 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 (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

Reception building

35 The reception building hereby approved shall be set out and thereafter retained as shown on the plans, primarily for management purposes in association with the holiday lodges only and not be used as residential tourism accommodation.

Reason: To prevent unrestricted residential development in the open countryside, to support local tourism development and its associated economic benefits and to comply with Policy SS1, SS6, RA2, RA3, RA6, E4, LD1, LD2, LD3 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Holiday lodges

36 The tourist accommodation (holiday lodges) hereby approved shall only be occupied for holiday purposes, in accordance with the following terms:

- a) The tourist accommodation shall be used for no other purpose (including any other purpose within Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or any Order revoking and re-enacting that Order, with or without modification).**
- b) Occupation of the tourist accommodation shall not exceed a continuous period of 30 days.**
- c) The tourist accommodation shall not be occupied as a person's or persons' sole or main place of residence.**
- d) The site/premises owners or operators shall maintain an up-to-date register of the names of all occupiers of the tourist accommodation, their main home address//and telephone and/or email contact details, the purpose of their stay, and the dates of their stay, and shall make this information available at all reasonable times to the Local Planning Authority.**

Reason: To prevent unrestricted residential development, to support local tourism development and its associated economic benefits, to ensure that the holiday let unit remains available for tourist accommodation and not to introduce permanent residential accommodation within the units hereby permitted or over the site, in the interest of highway safety, sustainability, local amenity and environmental considerations and to comply with Policy SS1, SS6, RA2, RA3, RA6, E4, LD1, LD2, LD3 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Contaminated land

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

Reason: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

1 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

2 The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately

owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

3 In accordance with National Planning Policy Framework (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

4 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.

5 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.

6 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.

7 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. 147 – Drainage other than via highway system

8 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'.

9 In connection with Condition 17 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

53. 233071 - ASHWOOD HOUSE, STOKE PRIOR, LEOMINSTER, HEREFORDSHIRE, HR6 0LG

The Planning Officer gave a presentation on the application.

In accordance with the council's constitution the local ward member spoke on the application.

The committee debated the application. During consideration of the application the committee raised the following principal point:

- Non-material amendments to change the shape, colour and materials on the roof.

The local ward member was given the opportunity to close the debate.

A motion that the application be approved in accordance with the case officer's recommendation was proposed by Councillor Stef Simmons and seconded by Councillor Dave Davies. The motion was put to the vote and was carried unanimously.

Resolved:

That planning permission be granted subject to the following conditions:

- 1. The development hereby approved shall be carried out strictly in accordance with the approved plans (drawing nos. 231219 – 21) and the schedule of materials indicated thereon.**

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

1. This decision notice, which should be read in conjunction with 232181/F, is for a nonmaterial amendment to the original planning permission. Except where any conditions are detailed on this notice it does not vary the original planning permission in any other way.

54. 232089 - SHEEPCOTE, ST OWENS CROSS, HEREFORD, HEREFORDSHIRE, HR2 8JU (Pages 21 - 22)

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 Campbell and Mr Thomas, on behalf the applicant, spoke in support of the application.

In accordance with the council's constitution, the local ward member spoke on the application. As the house that is being proposed in the application is not accommodated by policy in the local plan, the NPPF is being looked at as a defence of the application being approved. She noted that since the pandemic, economic circumstances have changed significantly in line with paragraph 82 of the NPPF. She added that economically, the application is viable and the security of the site is important to the business against the continued threat of theft. Socially, the NPPF supports strong and vibrant communities which she noted the application would support. Lastly, the environmental objective of the NPPF to protect and enhance the environment is considered by making the best use of land as proposed in the application. In conclusion, the local ward member hoped the NPPF would be used as a guide to support the application.

The committee debated the application. During consideration of the application the committee raised the following principal points:

- Concern was raised about the potential of precedent being set by ignoring core strategy.
- In the absence of a Neighbourhood Development Plan, there is clear support for the application. If there was an NDP, there would have been a defined settlement boundary to give some idea as to what would be allowed in the area.
- If the application is not in open countryside, then the NPPF can provide flexibility.

The local ward member was given the opportunity to close the debate.

A motion that the application be approved contrary to the case officer's recommendation to support business which will prevent further crime on the site, particularly night-time burglaries, and in line with NPPF policy 80E (point 2) that references enhancing the immediate setting and 82D which states that the application should 'be flexible enough to accommodate needs not anticipated in the plan'. Conditions were proposed to be delegated to officers to set and the motion was proposed by Councillor Bruce Baker and seconded by Councillor Simeon Cole. The motion was put to the vote and carried by a simple majority.

Resolved:

The application be approved due to NPPF policies 80E: the application 'would significantly enhance its immediate setting'; and 82D: the application should 'flexible enough to accommodate needs not anticipated in the plan.

That authority is delegated to officers to draft and impose conditions for the planning permission, in consultation with the chairperson and vice chairperson of the Planning and Regulatory Committee.

55. REPORT CONCERNING THE GROUNDS FOR REFUSAL OF PLANNING APPLICATION 223248 (TO FOLLOW)

The committee debated the exempt report and the reasons for refusal of application 223248. The recommendations in the report were proposed by Councillor Richard Thomas and seconded by Councillor Clare Davies. The recommendations were put to the vote and were carried unanimously.

Resolved:

That officers advise the Planning Inspectorate and the applicants that:

- **They withdraw reason for refusal 2 (Highways) and that they do not intend to defend this reason in response to any appeal.**

- That officers respond to the request for a Planning Inquiry to the Planning Inspectorate and set out why they believe that a Hearing procedure would be appropriate.

56. DATE OF NEXT MEETING

Date of next meeting – 17 January 2024

The meeting ended at 1.34 pm

Chairperson

SCHEDULE OF COMMITTEE UPDATES

222687 - PROPOSED DEMOLITION OF FORMER PARK HALL BALLROOM AND ERECTION OF 5 DWELLINGS AND 15 TIMBER HOLIDAY LODGES, RECEPTION AREA AND ASSOCIATED WORKS AT PARK HALL, WORMELOW, HEREFORDSHIRE,

For: Mrs Rogan per Mrs Julie Joseph, Trecorras Farm, Llangarron, Ross-On-Wye, Herefordshire HR9 6PG

CASE OFFICER UPDATE

Officers would like to draw Members of the Planning Committee attention to the fact that no plans have been submitted for the proposed garage (elevations or floor plans) associated with the proposed 5 dwellings. As such garages have not been considered within this application and a separate application would need to be submitted and permission sought separately. The proposed garages are not included within the description of development.

Paragraph 1.4 incorrectly refers to listed buildings within the application site. There are no listed buildings within the site.

Paragraph 6.77 refers to outline development which is incorrect as it is a full application.

NO CHANGE TO RECOMMENDATION

232089 - PROPOSED ERECTION OF LIVE-WORK UNIT FOR OCCUPATION BY APPLICANT AND HIS FAMILY IN CONJUNCTION WITH ADJOINING WORKSHOP AT SHEEPCOTE, ST OWENS CROSS, HEREFORD, HR2 8JU

For: Mr & Mrs Campbell per Mr Ed Thomas, 13 Langland Drive, Hereford, Herefordshire, HR4 0QG

ADDITIONAL REPRESENTATIONS

The applicant's agent has forwarded the minutes of Parish Council meeting held 20th July 2023, this states:

"14. Planning – To consider the following planning consultations to be determined by Herefordshire Council.

14.1. Planning Consultation 232089 – Sheepcote, St Owens Cross, Hereford. Proposed erection of live-work unit for occupation by applicant and his family in conjunction with adjoining workshop. Following discussion councillors voted to support the proposals set out in the application and it was RESOLVED that the Chairman notifies the LPA accordingly"

(Available for view on the Llanwarne Group Parish Council website: <https://llanwarnegroupparishcouncil.co.uk/llanwarne-parish-council-minutes/>)

OFFICER COMMENTS

Though no formal representation was received by the Local Planning Authority, the support is noted. It is considered that this additional comment does not override the in principle policy conflict identified within the Committee Report.

NO CHANGE TO RECOMMENDATION

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	17 JANUARY 2024
TITLE OF REPORT:	<p>163932 - OUTLINE PLANNING APPLICATION FOR A SUSTAINABLE URBAN EXTENSION COMPRISING: UP-TO 250 DWELLINGS; OPEN SPACE, ALLOTMENTS AND LANDSCAPING; SCHOOL EXPANSION LAND; AREAS OF CHILDREN'S PLAY; SUSTAINABLE URBAN DRAINAGE INFRASTRUCTURE; INTERNAL ROADS; AND ASSOCIATED INFRASTRUCTURE. DETAILED APPROVAL IS SOUGHT FOR PRINCIPAL MEANS OF ACCESS AND LAYOUT WITH ALL OTHER MATTERS RESERVED AT LAND AT HARDWICK BANK, BROMYARD, HEREFORDSHIRE,</p> <p>For: Vistry Homes Limited and Mosiac Estates per Russell Smith, McLoughlin Planning, 119 Promenade, Cheltenham, GL50 1NW</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163932&search-term=163932
Reason Application submitted to Committee - Redirection	

Date Received: 7 December 2016 Ward: Bromyard West Grid Ref: 364358,254665

Expiry Date: 30 November 2023

Local Members: Cllr Clare Davies

1. SITE DESCRIPTION

- 1.1 The application site totals approximately 11.9 hectares of agricultural land known as 'Hardwick Bank' which is situated to the northwest of Bromyard. It is dissected by 'Upper Hardwick Lane' and is flanked to the east by established post-war housing off Winslow Road, including Broxash Close, Flaggoner's Close, Hardwick Close, Damson Tree Close and Cherry Tree Close (off which is St Peter's Primary School which also bounds the site), – most of which are two-storey semi-detached or terraces with gardens abutting the site (or Upper Hardwick Lane). The site is adjoined by further agricultural land and Upper Hardwick Cottages to the north, with the site neighbouring Stonehouse Farm to the southwest, to which access is taken from Upper Hardwick Lane.

The site essentially comprises six parcels of grazing pasture land and is undulating, rising steeply from the sites southern boundary with the A44 before falling away to the north and Upper Hardwick Lane, affording extensive views. An existing public right of way (PRoW) WN2 provides a link from Damson Tree Close through the site, connecting with Upper Hardwick Lane. There are no designated heritage assets or national landscape designations on, or immediately adjacent to the site. The entirety of the site is located within Flood Zone 1, although is located within the hydrological catchment of the River Lugg, which forms part of the River Wye Special Area of Conservation (SAC).

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

2. PROPOSAL

This application seeks outline planning permission to develop land at Hardwick Bank, Bromyard for up-to 250 dwellings. The application also seeks approval of the layout and means of access. It is a substantive revision of the original iteration deposited in 2017 which was made in outline with access for up-to 500 dwellings and extended beyond the current bounds of the application site in an easterly direction to Tenbury Road.

The proposal includes open space, allotments and landscaping together with school expansion land to the east of the site, adjacent to the boundary of the site with St Peter's Primary School. The development would include a main spine road, taking access from the A44 (Worcester – Leominster) to the west of the town. This would be flanked by a 2-metre footway through the main part of the site, as well as a 3-metre shared foot-cycleway providing a link to Cherry Tree Close. The development also links to existing PRowS, namely that connecting the site to Damson Tree Close and the northern terminus of Upper Hardwick Lane. The layout provides for a higher density of development to side the main spine-road, with lower density pockets of development closer to the site's edges and where it meets with the open-countryside to the north and west. The proposal includes associated drainage infrastructure which principally include 2no. attenuation basins to the north and south ends of the site.

The proposal looks to provide a mix of open-market and affordable housing provision. It is envisaged that 40% of the policy required affordable housing would be secured through a Section 106, with a further 10% delivered through grant funding as additionality units.



Figure 1 – Composite Site Plan

3. PLANNING POLICY

3.1 Herefordshire Local Plan – Core Strategy

SS1	Presumption in favour of sustainable development
SS2	Delivering new homes
SS3	Releasing land for residential development
SS4	Movement and transportation
SS6	Environmental quality and local distinctiveness
BY1	Development in Bromyard
RA1	Rural housing distribution
RA2	Housing in settlements outside Hereford and the market towns
H1	Affordable housing – thresholds and targets
H3	Ensuring an appropriate range and mix of housing
OS1	Requirement for open space, sports and recreation facilities
OS2	Meeting open space, sports and recreation needs
MT1	Traffic management, highway safety and promoting active travel
LD1	Landscape and townscape
LD2	Biodiversity and Geodiversity
LD3	Green infrastructure
SD1	Sustainable design and energy efficiency
SD3	Sustainable water management and water resources
SD4	Water treatment and river water quality
ID1	Infrastructure delivery

3.2 National Planning Policy Framework (December 2023)

Chapter 2	Achieving sustainable development
Chapter 4	Decision-making
Chapter 5	Delivering a sufficient supply of homes
Chapter 6	Building a strong, competitive economy
Chapter 8	Promoting healthy and safe communities
Chapter 9	Promoting sustainable transport
Chapter 11	Making effective use of land
Chapter 12	Achieving well-designed and beautiful 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

4. HISTORY

4.1 None relevant

5. CONSULTATION SUMMARY

As the nature and extent of the proposed development has changed in a significant and material manner since the application was submitted to the Local Planning Authority in 2016, only the consultation responses received in relation to the revised submission (up to 250 dwellings) received in 2023 are provided, unless previous consultation responses remain relevant (i.e where circumstances are not altered by the revision or where they provide context to the 2023 consultation responses).

Where comments are particularly long or comprise large tables, these are included as appendices as referenced within.

All comments received are accessible in full on the Herefordshire Council website via the following link; -

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163932

5.1 HC Built and Natural Environment Team (Ecology)
21/9/23 – no additional biodiversity ecology comments.

24/5/23 - These comments do not include Phosphate Credits/Nutrient Neutrality or required HRA Appropriate Assessment.

The updated ecological appraisal by The Environmental Dimension Partnership ref edp2364_r009a dated December 2022 is noted and refers.

This report includes reference to several previous ecological surveys completed over the extended period of this application and further additional 'refresh' surveys now utilised in the preparation of this report. There is thus a significant depth and spread of survey results on which this current report is based.

All relevant and appropriate general and species surveys appear to have been completed and this current report appears appropriately detailed and relevant to the proposed development site now revised down in scale from that originally submitted (500 down to 250 new homes). It is noted that this development may be further divided in specific Phases and comments are made accordingly.

The ecology report identifies some specific areas of specific ecological interest and the presence of small populations of some Protected Species (eg Reptiles) and general use of the site by other protected species such as multiple bat species. There are also identified ecological hotspots – often associated with existing wildlife corridors formed by hedgerows and trees.

The overall 'Illustrative Ecological Masterplan' ref edp2364_d047c dated 20th December 2022 provides a clear overview of the proposed areas to be retained and enhanced and additional new open space and natural-semi-natural greenspace and wildlife corridors that will be created across the final completed development.

This masterplan provides sufficient detail to support the more detailed information in the report to demonstrate that there will be no net loss of biodiversity and that subject to specific ecological working methods there will be no effect on local protected species populations. If the development is subject to phasing the ecological plan and proposed enhancements should be completed as part of Phase 1 to ensure that all biodiversity mitigation and habitats supporting local protected species populations are implemented so as to ensure there are no effects; and ensure mitigation features are established and in place in advance of being required for subsequent phases of the development.

A final fully detailed Landscape Ecological Management Plan (plans, specifications, creation methodology and minimum 30 year establishment-management scheme) to cover all phases of development should be secured as a pre-commencement condition and once approved implemented in full during Phase 1 of the development. Relevant condition required. The applicant is reminded that spikey-thorny species should not be located adjacent to any highway, footway or formal public open space/play for safety reasons (Highway Design Guide compliance) and it is suggested that the same is applied to domestic curtilages for safety of the occupants and their families.

Prior to each phase of development an updated Construction Environmental Management Plan – covering all potential environmental effects of that phase of construction (eg machinery use, materials, transport, noise, light. Dust) and including all relevant detailed ecological working methods should be supplied for approval by the planning authority. This CEMP should also fully consider all movement and storage of soils and potential sediment and nutrient wash-out – relevant mitigation methods should be clearly detailed (this aspect of the CEMP will be required through the separate HRA process). As necessary each Phase will require an updated ecological assessment to support the phases’ CEMP. Relevant condition required

Prior to each phase of the development and based on final layout and plans for homes approved a detailed scheme detailing locations and specifications for ‘hard’ habitat enhancements to be built into, or attached, to new dwellings such as at a minimum a meaningful provision of bat roosting bricks/boxes, bird boxes including provision for house sparrow and other species (as identified in ecological surveys) and details of hedgehog ‘highways’ through all impermeable boundary features (unless directing hedgehogs on to main distribution roads) should be supplied for approval by the LPA. It is anticipated that the majority of dwellings in each phase will be suitable to support some form of ‘hard’ habitat enhancement. Relevant condition required

For private dwelling private lighting should be controlled to minimise effects on local dark skies and foraging/commuting of light sensitive nocturnal species (including protected species such as known local bat populations). A suggested condition would be:

Protected Species and Dark Skies (external illumination)

No external lighting shall be provided other than the maximum of one external LED down-lighter above or beside each external door (and below eaves height) with a Corrected Colour Temperature not exceeding 2700K and brightness under 500 lumens. Every such light shall be directed downwards with a 0 degree tilt angle and 0% upward light ratio and shall be controlled by means of a PIR sensor with a maximum over-run time of 1 minute. The Lighting shall be maintained thereafter in accordance with these details.

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; ; and the council’s declared Climate Change and Ecological Emergency

All ‘public’ lighting should be designed with dark skies and ecology interests in mind and street lighting should be directional down-lighting luminaires and have a ‘warm’ colour temperature (under 3000 Kelvin). The same proportional dimming system across the period of darkness as previously utilised by the council would be welcomed to further reduce any effects of new lighting.

5.2 HC Built and Natural Environment Team (Open Spaces Planning Officer)

6/7/23 –

Open Space Evidence Bases: As part of the Core Strategy Review the following evidence bases have been updated and reviewed.

- Herefordshire Open Space Assessment, Strategy and Action Plan 2023 (to note although complete it is not as yet published on the planning website).
- Herefordshire Playing Pitch and Outdoor Sports(PPOS) Assessment September 2022
- Herefordshire Playing Pitch and Outdoor Sports(PPOS) Strategy and Action Plan Feb 2023
- Herefordshire Indoor and Built Sports Facilities Assessment September 2022
- Herefordshire Indoor and Built Sports Facilities Strategy and Action Plan Feb 2023

On site POS/Green Infrastructure:

Quantum: It is noted in the Planning Statement that the proposed development incorporates 3.76ha of GI which includes opportunities for equipped play and trim trial equipment, allotments and orchards which accords with CS policies OS1 and OS2 and standards of provision previously set out and is in excess of the standards set out in my 2017 comments for 250 houses.

It also accords with the Open Space Assessment, Strategy and Action Plan 2023 which recommends in particular for Bromyard given deficiencies in provision of both accessible greenspace and provision for teenagers and children

- The creation of more open space, particularly larger areas of amenity or natural and semi-natural greenspace which offers a range of formal and informal activities.
- Explore the opportunity to introduce doorstep and local provision for children and teenagers, including equipped play and informal play spaces

Quality/Accessibility: It is acknowledged that there is improvement to the layout compared with the pre-app sketch from last year. The site now proposes the following which are welcomed:

- Circulatory pedestrian connections provided as part of the GI to provide connectivity throughout the site
- POS provided to support social interaction, to include play-scape opportunities, informal picnic areas and community gardens.
- Key crossing providing a green connection between the eastern and western parts of the development
- House frontages to all public areas to ensure good secure design principles are endorsed
- Cross connectivity between east and west green spaces achieved by utilising a short section of Hardwick Lane. A direct connection is not possible given the juxtaposition of ground levels.

It is however understood that although this is an outline application, the applicant is seeking approval for the detailed layout and in discussion with the Council's Landscape Officer the following issues are hi-lighted in order to raise standards.

- **CENTRAL POS**
 - This does not need to be a "formal park" as included in CS policy BY2 - the latest 2023 Open Space Assessment supports multifunctional open space.
 - Poor access into the central open space; there is no main entrance and other access points are just at the end of cul-de-sacs.
 - The access across Hardwick Lane is welcome.
 - There needs to be stronger planting proposals along the cul-de-sacs with positive entrances at the end – to sign post and welcome people into the central space.
 - The park frontage along the main spine road could be better designed, with less hedgerow enclosure, less parked cars and seek to relocate the sub-station – this corner is better suited to a public art sculpture as a focal park entrance
- **LARGE BALANCING POND**
 - Section drawings are required to demonstrate how the layout works in real terms and to show the relationship between the housing and the water / planting / engineered banks.
 - The SuDs basin will have a maximum of 1:4 side slopes. This is supported as 1:3 is the minimum for health and safety of standing water if located in POS.
- **ALLOTMENTS**
 - the latest evidence base Open Space Assessment, Strategy and Action Plan 2023 indicates that:
 - With regard to the allotment provision:
 - Review the demand for allotments in Bromyard and develop a standard of provision based on this level of need.
 - Clarity should therefore be sought from the Bromyard Town Council, who own and maintain existing provision within the town.

- Location, topography and design also need to be considered. Facilities might be needed – fencing, sheds, access paths, water.
- COMMUNITY GARDEN -SITE ENTRANCE AREA FROM A44
 - The Illustrative Landscape Masterplan shows attenuation basin on the east, whereas the engineering drawings show it on the west, with a lot of ground works required.
 - This does not seem an appropriate location for a communal garden due to road noise, road safety and not well overlooked.

With these in mind and the overall delivery of on-site green space and green infrastructure, the councils latest evidence base the Open Space Assessment, Strategy and Action Plans 2023 provides some useful guidance for delivery of good quality green spaces and recommends that:

Green spaces:

- Are Multi-functional - open spaces provide a broad range of features and facilities to support the health and well-being of the residents.
- Reflect a multi-functional network and offer differing functions appropriate to the environmental context.
- Consider forming part of the wider green and blue infrastructure network
- Where possible consider the following:
 - Extension of tree canopy
 - Incorporation of SuDS
 - Increased connectivity to the local nature recovery network including the creation of wildflower grasslands, hedges and woodlands
 - Reflect local distinctiveness, including landscape character, conservation and heritage of the location.

In principle green spaces should:

- Provide equality of access to enable people to use an open space without anxiety and excessive effort.
- Design and locate play spaces, access points and seating to have regard for the needs of all residents and users.
- Ensure entrances are wide and step free.
- Incorporate social seating and relaxation areas and sensory planting
- Incorporate natural and semi-natural habitats.
- Promote movement between different open spaces by use of signage and active travel networks
- Where ecologically appropriate ensure all-weather, good quality footpaths promote access through open spaces
- Have well located entrances with clear sight lines in and out
- Signage to indicate what to expect to find within the site
- Provide routes within and through the site suitable for a variety of users
- Provide well located spaces for gathering and seating to reduce the likelihood of antisocial behaviour
- Provide easy access where necessary through the provision of road crossings.
- Provide planting and landscape features for interest and to providing a welcoming environment

On-site Children's Play: Play provision is shown on Amended Illustrative Landscape Masterplan drawing no. edg2364_d047c to be provided in accordance with area requirements for this size of scheme. It is distributed across the site to form linear features throughout the scheme enabling it to be more natural in places and incorporated as a series of spaces and linear routes around the site along with more formal central provision.

In accordance with the Amended Composite Planning Layout drawing no. 0687-102:

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

- Accommodation Schedule consists (all housing including OMU and Affordable and excluding 8 x 1 bed) 83 X 2 bed, 20 x 3 bed, 39 x 4 bed

The value of on-site play provision is provided an indication to the applicant as to what is expected as a minimum and provides parity across all new development. It is calculated in accordance with the SPD on Planning Obligations and development costs only at 50%.

- 83 X 2 bed x £965
- 120 x 3 bed x £1,640
- 39 x 4 bed x £2,219

In this instance the cost value for play on site should be approximately £182,000. The applicant will be expected to demonstrate that this has been met as minimum. The details will not be published. I recommend that the details for play are conditioned or are submitted at the reserved matters stage.

Condition CA6 is recommended if appropriate and the following informative.

Informative. On-site children's play provision: We would expect the play area to be of the value £182,000 in accordance with the SPD on Planning Obligations and the size of the development.

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.

A written scheme will be required detailing:

- the future management and maintenance requirements for the open space facilities
- how the Management company will be set up in order to fulfil its ongoing obligations and functions in relation to the open space facilities

Off-site Outdoor Sports Contribution: It is noted in the Planning Statement that the applicant has acknowledged that based on discussions with officers planning obligations will be sought to secure a range of matters.

In accordance with CS policies OS1 and OS2 an off-site contribution will be sought towards sports facilities within Bromyard.

As part of the Core Strategy Review, the evidence base for Playing Pitches has been updated and a new evidence base for Indoor Sports produced.

The Herefordshire Playing Pitch and Outdoor Sports (PPOS) Strategy and Action Plan Feb 2023 and the Indoor and Built Sports Facilities Strategy and Action Plan 2023 (which can be found on the council's planning website under evidence bases), recommends the following actions for Bromyard which are relevant to this application and for the protection, provision and enhancement of facilities to meet both the current and future needs of the local population.

A current tariff of £1,398 per market house is asked for from development in Bromyard. This tariff has not been updated since 2018 and does not reflect the latest evidence bases and recommendations set out below. It is also based on 500 new houses (Core Strategy Bromyard housing requirements), Sport England's Facility Costs Kitbag as of 2017 and associated maintenance costs. It is therefore subject to change.

Recommendations for Bromyard sports facilities are set out below and taken from the:

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

- Herefordshire Playing Pitch and Outdoor Sports(PPOS) Strategy and Action Plan Feb 2023
- Herefordshire Indoor and Built Sports Facilities Strategy and Action Plan Feb 2023

Facility and site hierarchy	Current Status	Recommended Actions	Priority	Timescales	Cost	Aim
Football Delahay Meadow Sports Club Local Facility	One adult pitch of standard quality. Available for community use. Pitch has actual spare capacity of 0.5 MES per week. Ancillary provision of standard quality. Site has previously maintained a further two adult pitches, however since 2013, two of the pitches have not been marked or maintained and are now classified as disused pitches. Work done on the grass pitches could be undertaken to bring the pitches back into use if required.	Look to improve pitch quality with enhanced levels of maintenance. If required explore opportunity to dedicate maintenance to bring disused/unmarked pitches back to use. Explore the opportunity to improve the ancillary provision onsite.	L	L	L	Protect Enhance
Rugby Clive Richards Sports Ground Sports Club Local Facility	Two senior rugby union pitches of M1/D2 (standard) quality. Both pitches have sports lighting and are available for community use. Ancillary provision of good quality. Pitches are currently overplayed by four MES per week	Look to improve pitch quality with enhanced levels of maintenance. Explore the creation of additional provision on the site or removal of demand off in order to reduce overplay. If a WR complaint 3G is established in its locality look to transfer partial demand off the site to the artificial surface in order to alleviate overplay.	M	M	L-M	Protect Enhance
Tennis Clive Richards Sports Ground Sports Club	Three disused macadam courts that have not been used for over a decade	If required explore opportunity to dedicate maintenance to bring disused courts back to use.	L	L	L	Protect

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

Local Facility						
Football/3G Queen Elizabeth High School Key Site Education	Two adult pitches of poor quality, available for community use.	Look to improve pitch quality with enhanced levels of maintenance. Explore the opportunity to secure use of the site and make use of availability	L	L	L	Protect Enhance
	The Football is currently working with the School regarding developing a small size 3G pitch. This project was identified within the LFFP and has secured S106 investment. The School is looking at a delegated Football Foundation application submission within the near future (3-6 months), however, it should be noted it is still subject to planning permission	Explore the opportunity to develop a small sided 3G pitch onsite. Ensure the provider has in place a mechanism for future sustainability, such as a sinking fund formed over time (as per Football Foundation Terms & Conditions), for repair and resurfacing when necessary. It is recommended that a sufficient level of mitigation for the netball/tennis courts is agreed prior to the approval of the conversion.	M	M	M	Provide
Cricket Queen Elizabeth High School Key Site Education	One standard quality, standalone NTP. The pitch is available for community use and is used actively by Bromyard CC for senior men's cricket on Saturday afternoons	Look to improve pitch quality with enhanced levels of maintenance.	L	L	L	Protect Enhance
Rugby Queen Elizabeth High School Key Site Education	One senior rugby pitch of M0/D1 (poor) quality. Pitch has no sports lighting and is available for community use. Pitch isn't currently utilised outside of school use	Look to improve pitch quality with enhanced levels of maintenance. Explore the opportunity to secure use of the site and make use of availability	L	L	L	Protect Enhance

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

Tennis Queen Elizabeth High School Key Site Education	Two macadam courts of poor quality, with no sports lighting and unavailable for community use. In addition, there is also another macadam area onsite, which previously accommodated tennis courts until c1999, this area has not been used for over two decades	Look to improve court quality with enhanced levels of maintenance	L	L	L	Protect Enhance
Cricket Flaggoners Green (Bromyard CC) Local Facility	One good quality grass square consisting of eight senior wickets and two junior wickets. Ancillary provision of good quality Senior wickets currently have spare capacity of seven MES, however, only has actual spare capacity for midweek cricket. The junior wickets are overplayed by three MES. Two lane net facility of poor quality, which needs fully resurfacing	Sustain square quality with appropriate levels of maintenance. Explore the opportunity to resurface net facility	M	M	L-M	Protect Enhance
Bromyard Skate Park Local Facility	One poor quality skate park with no sports lighting. A basic facility made up from wood/composite ramps upon a tarmac base consisting of two roll-in ramps with a funbox in the middle and a rail set to one side	Look to improve quality with enhanced levels of maintenance	L	L	L	Protect Enhance
Shooting Bromyard & District Rifle Club	Bromyard & District Rifle Club indicate a need to improve its facility- for which potential S.106 monies are available.	Support the club with facility developments.	L	M	-	Protect Enhance
Archery Bromyard	Bromyard Bowmen indicate a need to	Where possible support Bromyard	L	M	-	Protect Enhance

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

Archery Club	improve its facility- for which potential S.106 monies are available	Bowmen to improve its facility				
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25/10/23 - I have reviewed the amended plans in discussion with the Council's Landscape Officer and issues with the detailed layout previously raised.

CENTRAL POS:

- It is noted that the area now provides opportunities for a multi-functional approach as recommended in the latest Core Strategy evidence bases for Green and Blue Infrastructure and Open Spaces which were completed 2023.
- It is noted that the access onto the central POS has been improved with the sub-station being moved (slightly) as to not be dominant feature to the access and a central access point and trees are now proposed. I would still welcome an "entrance feature" to this park.
- It is noted that the main pathways through the Central POS remain as grass cut. The applicant is reminded (as set out in the Open Space Assessment, Strategy and Action Plan 2023 (Core Strategy Evidence base) to take account of:
 - Where ecologically appropriate ensure all-weather, good quality footpaths promote access through open spaces.
 - Provide routes within and through the site suitable for a variety of users
- Stronger planting proposals along the cul-de-sacs with positive entrances onto the central POS have not been considered and the plan looks to be little changed in this respect. Access to and from the POS should be equally considered as part of the wider GBI network and as recommended in Open Space Assessment, Strategy and Action Plan 2023 (Core Strategy Evidence base) which sets out a number of principals in support of the creation of greener tree lined routes to the central POS:
 - greenspaces should be considered as a fundamental part of the wider green and blue infrastructure network
 - new open spaces should be in locations that join up communities and provide connectivity between neighbourhoods
 - Active travel networks, including off-road paths and cycle routes should be prioritised
 - Opportunities to provide extension to tree canopy coverage should be considered
 - Provision of planting and landscape features for interest to provide a welcoming environment
- ALLOTMENTS: it is noted that allotments are still proposed. Has the applicant sought clarity from the Bromyard Town Council regarding demand, have they demonstrated the suitability of the location, topography etc to accommodate the requirements for allotments.
- COMMUNITY GARDEN: it is noted that the community garden has been relocated.
- LARGE BALANCING POND
 - Section drawings have been submitted showing the 1:3 slope requirement for health and safety
 - However, there are still concerns re: the 2.5 metre high retaining wall to the road side and the squeezed in play provision. It is appreciated that this area could provide an opportunity for natural play and form part of the play trail around the site, but health and safety issues need addressing including safety rail fencing and consideration to the proximity of the road.

5.3 HC Built and Natural Environment Team (Arboriculture)

5.3.1 12/12/23 - No further comments to add.

I think the only arb condition needed is the standard one we have instructing developer to comply with tree protection - see below.

Regarding planting, has Mandy added one? If not I can provide one for you.

Tree Condition:

Trees In accordance with plans

Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan:

EDP - Arboricultural Impact Assessment - edp2364_r012a

Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

5.3.2 16/11/23 - Relevant Policies:

NPPF

131.....and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

Herefordshire Local Plan

LD1.....maintain and extend tree cover where important amenity, through the retention of important trees, appropriate replacement of trees lost through development and new planting to support green infrastructure.

LD3..... Identification and retention of existing green infrastructure corridors and linkages; including the protection of valued landscapes, trees hedgerows, woodlands.

..... Provisions of on-site green infrastructure; in particular proposals will be supported where this enhances the network.

.....integration with, and connection to, the surrounding green infrastructure network.

I have a primary concern with what appears to be conflicting intentions of the developer to retain trees and the recommendations to fell a large number of Ash trees in the tree report – EDP Dec 2022.

The composite planning layout - 0687-102, illustrates a greater number of retained trees than the tree report recommendations. My assumption is 0687-102 is the more accurate, but it's necessary to show compliance with Herefordshire Policies LD1 & LD3. Therefore confirmation the Composite Planning Layout is the drawing to gauge tree constraints from is necessary prior to any approvals.

Ash is the predominant species here and to lose most would devalue the landscape value and diminish environmental benefits only afforded by mature canopy cover.

It's not uncommon for a Local Planning Authority to issue Tree Preservation Orders on large development sites. The reason for this is to ensure the long term management and protection of trees where the land usage changes drastically. My opinion is it would be prudent to serve an order on this site. The creation of the order would be to protect trees that are not constrained by the proposed layout.

5.4 HC Built and Natural Environment Team (Landscape)

5.4.1 25/10/23 –

I have reviewed the updated drawings and covering letter. In landscape terms there are a number of issues that remain of concern. While some could be dealt with at reserved matters, others may still be part of the outline considerations.

- The large balancing pond at the north of the site shows a retaining wall 2.5m high. This will be particularly unattractive and does not work with the natural topography. No detail is provided in relation to a safety rail. A play feature is indicated nearby, now squashed in by visitor parking, the hard engineered edge of the drainage feature and the substation. This layout is not acceptable and needs to be addressed in more detail at this outline stage. The play feature could be moved.
- External works drawings show all hard surfaces as tarmac. This is dull and monotonous. Ideally some car park bays could be block paved and pedestrian paths could have paving slabs.
- At least some of the footpaths through the public open spaces must be hard surfaced, not just informal mown grass which are not suitable for all types of users (eg. Pushchairs and wheelchairs).
- It is disappointing that 'street trees' are provided within plots for private ownership, rather than within the streetscape itself to be maintained for the public benefit by a management company.
- There are no street frontage trees or garden hedges on the western side of the main spine road between plots 180 and 211.
- The pedestrian access and planting could be further improved along the cul-de-sacs that lead to the central POS.
- Planting details, specification and long term management plans will need to be provided at RM.

Contrary to Core Strategy Policy LD1, the character of the landscape has not influenced the design around the large northern balancing pond and does not create a positive new setting to this settlement. The new houses fronting this area need a design that integrates appropriately into its surroundings. The use of a single surface tarmac finish across the whole new estate does not show that the townscape character of Bromyard has been integrated into this design.

5.4.2 5/7/23 –

NATIONAL PLANNING POLICY FRAMEWORK

- NPPF para 130 (b) *“are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.”*
- NPPF para 130 (c) *“sympathetic to local character and history, including the surrounding built environment and landscape setting”.*
- NPPF para 130 (d) *“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”.*

HEREFORDSHIRE CORE STRATEGY ENVIRONMENTAL QUALITY POLICIES

- LD1 Demonstrate that character of the landscape and townscape has positively influenced the design...

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

- LD1 ... protection and enhancement of the setting of settlements...
- LD1 Conserve and enhance the natural, historic and scenic beauty of important landscape and features, including Areas of Outstanding Natural Beauty...
- LD1 Incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings;
- LD3 ...Provision of on-site green infrastructure

OTHER GUIDANCE

- Section 6.7 of NE Green Infrastructure Framework - roads that are designed with suitable capacity to accommodate more tree planting with larger pits, verges and sustainable drainage features like rain gardens.
 - Section 10, Living with Beauty - create a place ideal to walk in, where there is greenery frequently present and where the streets and squares are beautiful to look at.
 - Introduction to Building with Nature standards framework - provide high quality green infrastructure at the heart of placemaking, with emphasis on how site layout would contribute to better health and wellbeing within the new community.

There is definitely lots of improvement to the layout compared with the pre-app sketch from last year. However, with the above policies and guidance in mind and to raise the standards on new development, there are still areas where we request further alterations, clarifications and enhancements. It is understood that this is an outline application, however as detailed approval is sought for layout these issues need to be considered at this stage:

- CENTRAL POS ACCESS – There seems to be poor access into the central open space; there is no main entrance and other access points are just at the end of cul-de-sacs. The access across Hardwick Lane is welcome.
 - There needs to be stronger planting proposals along the cul-de-sacs with positive entrances at the end – to sign post and welcome people into the central space. This is particularly important where along the public right of way link shown on the Illustrative Landscape Masterplan.
 - The park frontage along the main spine road could be better designed, with less hedgerow enclosure, less parked cars and seek to relocate the sub-station – this corner is better suited to a public art sculpture as a focal park entrance.
- CENTRAL POS LAYOUT – This does not need to be a ‘formal park’ and should be multifunctional. The linear arrangement of trees is not suitable, more informal groups would be welcome. Consider views into and out of the park – showing levels and contours would help with this.
- TREES – Need to provide increased canopy cover across the whole site. Consider that many of the existing trees are ash and have a replacement strategy in place. See Tree Officer comments in relation to existing trees. Provide more street trees along the main corridor. Trees at the main corridor junctions are welcome.
- NEW FOOTPATHS – these are welcome but not as mown grass, they should be hard surfaced. In some locations, particularly along western boundary, the path links require more

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

width, as with a hedgerow along both sides this would soon become too narrow and enclosed. Could a further footpath link be added on the far east boundary, along side plots 197, 196, 195, 194? On the west boundary, plot 53 is very squeezed in, at a strange orientation that doesn't seem to work with boundaries, street scene or take best account of any views.

- LARGE BALANCING POND – Section drawings are required to demonstrate how the layout works in real terms and to show the relationship between the housing and the water / planting / engineered banks.
- ALLOTMENTS – Clarify the need, working with the parish council, consider shading of buffer planting to the south and levels. Facilities might be needed – fencing, sheds, access paths, water.
- SITE ENTRANCE AREA FROM A44 – The Illustrative Landscape Masterplan shows attenuation basin on the east, whereas the engineering drawings show it on the west, with a lot of ground works required. This does not seem an appropriate location for a communal garden due to road noise, road safety and not well overlooked. This space should focus on aesthetics and biodiversity, rather than people use. Fruit tree planting is welcome but needs to take account of the levels. This will become the new gateway into Bromyard and should be designed as a holistic area, particularly consider enhancing the east and west hedgerows, with groups of new trees along the A44. Section drawings through this area would also be welcome, to demonstrate the design and visual impact in this important entrance zone that affects the setting of Bromyard.
- BLOCK PAVING – Is welcome from a landscape / street scene / place making point of view to define key points along the main road. However need 'buy in' from HC Highways team.

An individual drawing of the Central POS at 1:500 would be welcome. This should take account of the engineering drawings and the Tree Constraints Plan (particularly as retained T30 seems to be shown in a different location on the Illustrative Landscape Masterplan).

Overall it is disappointing that the application includes a fully detailed hard landscape scheme, including surfacing and fencing, but very little commitment to the soft landscape. While fully specified planting plans could follow at reserved matters stage, we would prefer to see plant palettes (ornamental, hedging, habitats) and key tree species (streets, gardens, parkland) set out as overall planting strategies provided at this stage.

The text in Section 11.2 of the DAS – Landscape Strategy and Play is welcome. The updated LVIA is also supported.

5.5 HC Built and Natural Environment Team (Building Conservation Team)

5.5.1 21/6/23 –

The application is an Outline planning application for a sustainable urban extension comprising: up-to 250 dwellings; open space, allotments and landscaping; school expansion land; areas of children's play; sustainable urban drainage infrastructure; internal roads and link road; and associated infrastructure. Detailed approval is sought for principal means of access, with all other matters reserved, at Hardwicke Bank Bromyard.

Policy and Documents

The Planning (Listed Buildings and Conservation Areas) Act 1990

Historic England – Historic Environment Good Practise Advice in Planning – Note 3 The setting of Heritage Assets.

Historic England – Historic Environment Good Practise Advice in Planning – Note 2 Managing Significance in Decision-Taking in the Historic Environment.

National Planning Policy Framework

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

Thank you for consulting me on the amended details. I would concur with the advice provided at pre-planning application stage (reference 160192), in that given the distance from the listed building UID 1176339 Birchyfield and the intervening road network, it is not considered that the proposal would have an impact on the setting of this listed building. The Conservation Area within Bromyard contains a high number of listed buildings reflecting the age and status of the Market Town.

However given the undulating nature of the landscape a development of this size in this location has the potential to be visible from many key locations approaching the historic market town. As such the scale of dwellings, not just height but also length and distance between dwellings are important to avoid detached properties visible on the hillside where a larger or continuous roof would be more appropriate and roof materials would be key considerations.

It is not considered that the setting of any individual listed buildings or the conservation area would be harmed by the development in principle. However whilst no objections are raised in built heritage terms to the principle of development, this is in respect to the layout only and not in respect of design, height or materials which will be dealt with at reserved matters stage in line with NPPF Policies, Herefordshire Local Plan Core Strategy 2011 – 2031 – Policies and the Bromyard and Winslow Neighbourhood Development Plan.

5.6 HC Built and Natural Environment Team (Archaeology)

5.6.1 3/10/23 – no further comments.

5.6.2 12/5/23 – no further comments.

5.6.3 7/6/17 – The site considered for residential and other development under this application has been under full consideration for some time via The Council's SHLAA process and pre-application enquiries. Despite its considerable size, the site would appear to have only very limited issues as regards the [archaeological] aspects of historic environment policy.

As is indicated in the submitted Archaeology and Heritage Assessment (EDP), there are no real records relating to the site itself that are of concern, and the potential for new unanticipated discoveries is low. Also, although there might be some changes to the settings of heritage assets in the wider landscape, these changes would in my view be of a minor nature, and not harmful.

Given that many of the potential development sites in and around Bromyard (in particular, but not limited to, sites close to the historic core and on the eastern fringe) present issues of substance as regards their archaeological sensitivity and risk, this current site should be regarded as a good choice, and one that would appropriately enable necessary housing development in this part of Herefordshire.

I am satisfied that the application documentation follows national and local policy and best practice, and there is no need for any further information to be provided or amendments to be made.

In conclusion, I am of the view that the application does accord with Policy LD4 of the adopted Core Strategy, and Section 12 of the NPPF.

In the circumstances, have no objections, and no further requirements to advise.

5.7 HC Strategic Housing Team

5.7.1 14/11/23 - Thank you for re-consulting me on the above application. I refer to the applicants comments in their covering letter dated 9th November 2023 "as set out in our previous response there planning policy and evidence within the LHMA 21 supports the provision of one bedroom

homes in this location and no basis for objecting to flatted development as part of an appropriate mix of housing types”, my comments are as follows:

I refer you to my comments provided during the pre-app advice process and meeting in 2022, comments in response to this application on the 18th May 2023 and 28th September 2023. Strategic Housing has outlined its reasons for not wanting flatted accommodation, but to further add following consultation with housing association partners there is little desire for this type of unit due to the anti-social behaviour that communal blocks of flats can attract. There are also issues in relation to noise transition and hazards due to items being left in the communal area.

There is evidence within in the LHMA that advises that in value terms in relation to properties within the HMA over a 5 year period, there had been an increase in house values and a 38% decrease in flat/maisonettes values. This evidence within itself highlights the lack of desire for flats.

If the applicants wishes to provide 1 beds then Strategic Housing would look for this to be provided as maisonettes to look like houses with own access and/or houses all with amenity space.

5.7.2 28/9/23 - I am not fully in support of this application. There is little desire for blocks of flatted accommodation as these can be hard to let and manage. This was discussed in the pre-app advice process. In addition to this there is also a need accessible bungalows for both 2 and 3 beds.

5.7.3 18/5/23 - I refer to the amended and additional plans and would comments as follows:

In principal the proposed split of 50:50 affordable housing and open market would be acceptable. With 40% being provided by way of S106 contribution and the additional 10% as grant funded units through Homes England. I am also happy with the proposed open market mix of 2, 3 and 4 bed units to included bungalows and houses.

With regards to the positioning of the affordable units, these need to be tenure neutral as outlined in the planning statement and appear to be integrated within the development. The proposed clusters are acceptable.

I would look for local connection to Herefordshire.

However, with regards to the affordable housing mix, unit types and tenure. The split between affordable rent, first homes and shared ownership is acceptable, but, I am not in support of the proposed housing unit sizes or property types. During recent pre-app discussions it was discussed that there was little requirement for 1 bed units and that Strategic Housing would not support flats unless it was to meet a specific need. It was further discussed that if 1 bed units were to be provided that they would be provided by way of maisonettes with amenity space or bungalows. This does not appear to be the case.

As such I do not support the proposal to provide 1 and 2 bed flats. There is also a requirement for accessible bungalows to meet a proven need.

5.8 HC Public Rights of Way Team

5.8.1 10/5/23 - Public footpaths WN2 and WN1 pass through this site and will be affected by the proposed development and this is acknowledged in the proposals. We would seek to ensure that the integrity of the path network is maintained, separated from developed land within open corridors.

5.9 HC Waste and Recycling Team – comment; -

- 5.9.1 9/11/23 - A swept path analysis has been 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 have been provided for each plot 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 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)
- 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.

5.10 HC Minerals and Waste

- 5.10.1 3/10/23 - Thank you for consulting me on the above application. I can confirm that the site does not raise any issues with regards to the safeguarding of minerals. However, the proposal involves the construction of a significant major development and therefore will generate significant volumes of construction materials and as such the emerging policy SP1 in the Minerals and Waste Local Plan (MWLP) will need to be addressed.

Resource Management

In 2018 the Department for Environment Food and Rural Affairs identified that the construction industry accounted for 62% of the UK's total waste, making it the largest single source of waste arising in England. Central to government objectives for waste management is to avoid waste going for landfill, with as much recycled where possible. Any waste produced as part of this development must be disposed of in accordance with all relevant waste management legislation. Where possible the production of waste from the development should be minimised and options for the reuse or recycling of any waste produced should be utilised.

The planning system has a role to play encouraging the use of secondary or recycled construction materials and preventing waste generation in construction. All development should be designed to increase the potential for recycling waste. The use of materials and waste resources will be directed to contribute positively to addressing climate change.

In accordance with emerging policy SP1 of the Minerals and Waste Local Plan if the application is approved the applicant will be required to produce a Resource Audit to set out end of life considerations for the materials used in the proposed development. This can be dealt with via the following condition;

Prior to any development commencing on site the applicant shall submit a Resource Audit to identify the approach to materials. The Resource Audit shall include the following;

- The amount and type of construction aggregates required and their likely source;
- the steps to be taken to minimise the use of raw materials (including hazardous materials) in the construction phase, through sustainable design and the use of recycled or reprocessed materials;
- The steps to be taken to reduce, reuse and recycle waste (including hazardous wastes) that is produced through the construction phase;
- The type and volume of waste that the development will generate (both through the construction and operational phases);
- On-site waste recycling facilities to be provided (both through the construction and operational phases);
- The steps to be taken to ensure the maximum diversion of waste from landfill (through recycling, composting and recovery) once the development is operational;
- End of life considerations for the materials used in the development; and
- Embodied carbon and lifecycle carbon costs for the materials used in the development.

Construction works shall thereafter be carried out in full accordance with the details of the approved Resource Audit unless agreed in writing by the Local Planning Authority.

Reason: The treatment/handling of any site waste is a necessary initial requirement before any groundworks are undertaken in the interests of pollution prevention and efficient waste minimisation and management so as to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

5.11 HC Environmental Health Team (Noise)

5.11.1 2/11/23 - The proposed residential development is set back from the A44 and does not contain any commercial/industrial uses. Therefore this Department has no objections to this proposal. However, some road noise will likely be experienced by future occupiers nearest the A44 and therefore the following conditions are suggested to accompany any permission granted:

1. Prior to development starting on site, details of a scheme for protecting external amenity spaces from external traffic noise shall be submitted to and approved in writing by the LPA. The scheme shall ensure that, upon completion of the development, good acoustic design will be used to ensure external noise levels within external amenity spaces shall not exceed 50 dB LAeq,16hr (0700 – 2300).

Informative Note

A good acoustic design process should be followed in accordance with the 'Professional Practice Guidance on Planning and Noise: New Residential Development' (May 2017 or later versions) to ensure that the noise criteria are achieved.

Design and construction of the development shall ensure that the following noise criteria are met with windows open:

- 1) bedrooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 35dB(A), and an 8-hour LAeq (23:00 to 07:00) of 30dB(A), with individual noise events not exceeding 45dB LAFmax more than 10 times (23:00 to 07:00 hours)
- 2) living rooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 35dB(A)
- 3) dining rooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 40dB(A)

Informative Notes

A good acoustic design process should be followed in accordance with the 'Professional Practice Guidance on Planning and Noise: New Residential Development' (May 2017 or later versions) to ensure that the noise criteria are achieved with windows open.

Any design measures that are used to control the ingress of noise must be consistent and compatible with the requirements of Approved Documents O and F.

Reason: In order to protect the amenity of the occupiers of the proposed dwellings so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

5.12 HC Environmental Health Team (Contaminated Land)

5.12.1 9/5/17 - I refer to the above application and would make the following comments in relation to contaminated land and human health issues.

Whilst the report hasn't identified significant risks to human health, there remains some minor uncertainty which the report recommends should be addressed by further investigation. With this in mind I'd recommend the following condition be appended to any approval.

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 remediation scheme submitted to the local planning authority for written approval.

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

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 before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

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

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 and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

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.
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.

5.13 Local Highway Authority (Area Engineer) – comment

- 5.13.1 20/12/23 – The application is an outline application with all matters considered apart from landscape, scale, and appearance which is reserved. The application briefly comprises of a vehicular access off the A44, 250 dwellings, pedestrian access via Flaggoners Close and pedestrian and cycle access onto Cherry Tree Close.

Access by Non-Car Modes

Access for pedestrians is achieved via Cherry Tree Close and Flaggoners Close and access for cyclists is via Cherry Tree Close only. These access points are addressed in more detail below.

Cherry Tree Close Footway/Cycleway

A 3m wide shared footway/cycleway is to be provided from Cherry Tree Close adjacent to the school, via the school expansion land to the north-eastern boundary of the site. 2m x 2m pedestrian vision splays are provided where the footway/cycleway joins Cherry Tree Close to ensure good visibility of pedestrians walking on the footway along Cherry Tree Close. This link will be provided prior to first occupation of any dwelling and be provided within Phase 1 of the development. The link will comprise of a tarmac surface and lighting and will be provided in full by the applicant. This link is considered to be acceptable by the local highway authority (LHA).

Flaggoners Close Pedestrian Access

A 2m footway is provided from the southern end of the site onto Upper Hardwick Lane where pedestrians will then join the carriageway until the footpath which heads north to Flaggoners Close. The footpath in turn provides access onto Winslow Road where pedestrians can then head south towards the Queen Elizabeth High School, shop and southern part of the town centre or north towards the proposed bus stops and northern part of the town centre. This is a pedestrian only access.

The LHA are of the view that residents are unlikely to use the prescribed route if heading to the High School or shop on the corner of Panniers Lane as it would necessitate walking in the wrong direction, i.e. heading north to go south and therefore would be a longer route. The LHA feel that in particular young people heading to the High School are unlikely to use this route and would be more likely to continue south along Upper Hardwick Lane and then join the A44 to walk eastwards to the junction with Winslow Road. The LHA requested a scheme whereby Upper Hardwick Lane between the site access and the A44 would be resurfaced and lit and the footway along the A44 between Upper Hardwick Lane and Winslow Road was widened to 2m and set back to the rear of the verge, thereby creating a circa 0.5m grass verge between the footway and the A44 carriageway. This would enable the route to be made as safe as possible for pedestrians who, in the LHA's view, would use the route regardless of whether it was the 'official' prescribed route or not. This route upgrade was agreed to be provided, however, upon consultation with Bromyard

Town Council it was removed entirely from the scheme because the applicant was advised by the Town Council that the application would not be supported until it was removed and was likely to be refused at Planning Committee.

The LHA very strongly disagree with the removal of the proposed improvement scheme from the application and believe it is prejudicial to pedestrian safety, especially to school age children. The applicant has agreed to provide a sum of money of equal value to the cost of the scheme in lieu of providing the scheme themselves via S278. This would be over and above S106 transport contributions as per the SPD. The provision of the money in lieu of would allow Herefordshire Council to provide the improvements once the development has been constructed. This is the only reason that the removal of the scheme has not resulted in an objection to the application by the LHA. However, it is unlikely the improvement scheme could be provided prior to occupation of the dwellings if it were incumbent on Herefordshire Council to construct the scheme. Had the scheme been provided as part of the application it would have been a condition of planning consent that it should be constructed in full prior to first occupation of any dwelling.

Cycle Connections

The only access into the development for cyclists, other than on carriageway, is via Cherry Tree Close. A 3m wide cycleway is provided along the spine road of the development, however, it terminates approximately 80m north of the main vehicular access off the A44. The LHA have requested a 3m strip of land between the site access and the cycleway which runs along the spine road to be provided and adopted by the LHA, however, despite being initially provided, it has subsequently been withdrawn by the applicants.

This strip of land was requested to future proof the route so that should it be required a cycleway could be provided in the future. It is noted that there are limited cycle facilities within Bromyard and limited opportunities to accommodate such facilities, this is an opportunity to ensure that links could be provided in the future if required therefore it is disappointing that the applicant has not willing to date to allow the LHA to adopt a 3m strip alongside the access road. Without the ability to adopt the 3m strip it is likely that the LHA could find itself in a similar situation that the applicant has found themselves in by not being able to provide other connections into their site due to strips of land between their site and the adopted highway being in third party ownership.

The provision of a 3m strip could potentially be used to either provide a link to any future site to the south, thus creating a cycle link between the High School and St Peter's Primary School, or as part of any wider cycle provision along the A44. At present a site beyond this site is being proposed as a potential residential development site which, if it goes ahead, would also benefit from the enhanced cycle links. Another scenario is if the other half of this site (making the full 500 dwelling allocation) is developed a cycle link between Tenbury Road and the A44 would be desirable to allow cyclists to bypass the town centre, particularly if they are travelling longer distances. This would not be available without the 3-metre strip of land. It is for these reasons that the LHA request that a condition is attached to planning consent, should it be granted, that the 3m strip of land be provided.

In view of the sterilising of any future cycle connections at this location the LHA would not wish to adopt the site, therefore the site will have to remain private. This is due to a S38 requirement that the adoption of developments should be in the wider public interest and it is the LHA's view that the removal of this potential link would mean that the wider public would not benefit from the LHA adopting the site.

Public Transport

In order to encourage travel to and from the site by public transport the applicant has agreed to provide two new bus stops including shelters on Winslow Road in the vicinity of Hardwick Close and Cherry Tree Close (exact location to be established during the S278 process). This is welcomed by the LHA.

Vehicular Access

During the course of the application two potential junction arrangements have been explored. Firstly a roundabout on the A44 was investigated, however, due to land constraints this had to be discounted. The second arrangement was a signalised junction and it is this access junction that the applicant has taken forward. The benefits of a signalised junction include the ability to slow traffic, particularly those vehicles approaching Bromyard from west. The 30mph speed limit would be moved to a location to the west of the proposed access and include gateway features as requested in the Stage 1 Road Safety Audit in order to slow vehicles and make it known to vehicles that they are entering an urban environment.

The proposed access junction would comprise of a three arm signalised junction with no pedestrian or cycle facilities. In addition, it has been established that should it be necessary to allow for development to the south to go ahead it would be possible to accommodate a fourth arm at the site access.

Junction capacity assessments have been undertaken for the site access. These demonstrate that the access arrangement would operate well within theoretical and practical capacity, even if a fourth arm was included. In addition, capacity assessments have been undertaken for both the A44/Winslow Road junction and the A44/Panniers Lane junction with the assessments demonstrating that both junctions have plenty of spare capacity even with the proposed development.

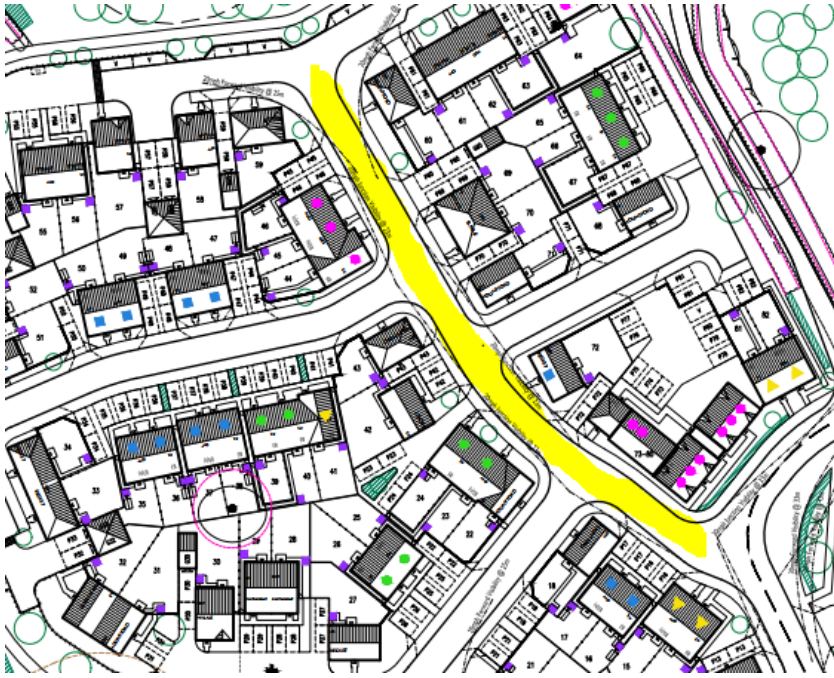
Internal Layout

The internal layout is a matter for consider in this application as it is not a reserved matter. The site is based around a central spine road which is 6m in width with a 3m shared footway/cycleway along the southern/eastern side and a 2m footway on the opposite side. Further residential streets are accessed off the spine road.

A number of issues with the layout still remain despite being raised on a number of occasions with the applicant. These are addressed in more detail below but if planning approval is granted the issues will need to be rectified via conditions.

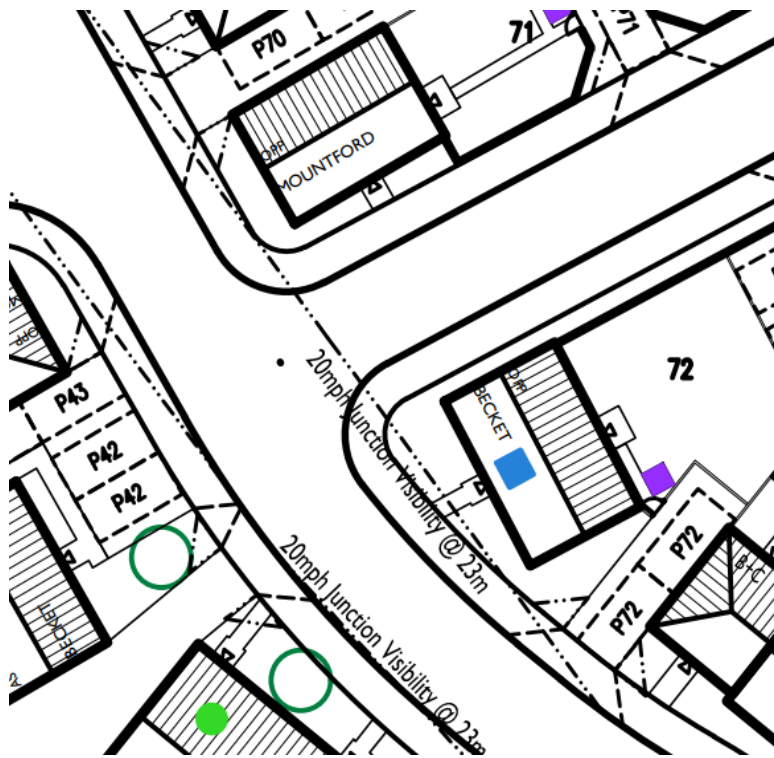
Visibility Splays

The LHA require visibility splays of 2.4m x 33m to be provided at all junctions along the spine road through the site, this is commensurate with speeds of 25mph. The applicant has agreed that these are appropriate, however, the visibility splays demonstrated on the plans provided are incorrectly drawn. For example, below is a screenshot of one of the visibility splays. As can be seen the x distance does not appear to be 2.4m (for context the footway/cycleway at the junction is 3m wide and the visibility splay x distance should be setback 2.4m from the give-way line). The x distance appears to sit on the give-way line rather than being setback 2.4m.



Our Highway Design Guide for New Developments states that for roads which serve between 25 and 100 dwellings (the above example serves 66 dwellings) should be 5.5m in width, as the above example is, and have visibility splays of 33m. Therefore visibility splays of 2.4m x 33m have been requested on a number of occasions, however, the applicant has been unwilling to provide them.

Another issue in regards to the provision of visibility splays is that the back of the footway should follow the visibility splay line to ensure that it does not encroach on third party land such as someone's front garden whereby planting may block the visibility splay. This again has been raised as an issue several times but still has not been rectified, as demonstrated in the screenshot below which shows even a 23m splay crossing a front garden, if this was lengthened to the required 33m splay then it is likely that the splay would cross the parking space for plot 72 and be blocked by a parked car on private land. The below example may even require the house to be positioned further back in order to avoid blocking the visibility splay. This could potentially require an application for a non-material amendment should planning be granted.



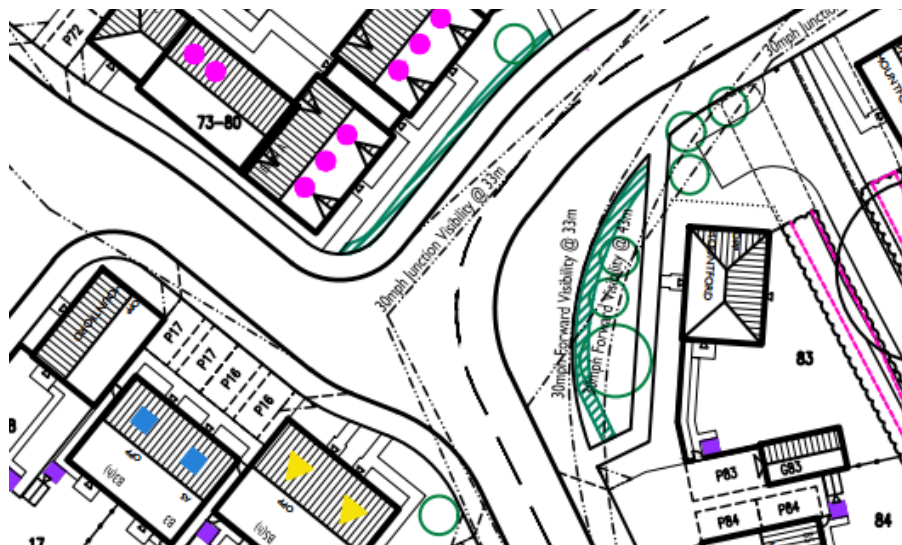
One-Way System

The road adjacent to the school expansion land is shown as one-way on the planning drawings formally submitted, however, when queried the applicant confirmed that the road is to be two-way. This should be updated on the planning drawings. The LHA would not be supportive of a one-way system given how wide the road is. If the intention is for the road to be two-way visibility splays of 2.4m x 33m should be demonstrated at the southern junction with the spine road. No plan has been formally submitted demonstrating the required splays.



Central Square

The LHA are accepting of a tighter bend at this location, however, it needs to comprise a single radius rather than a composite radii as shown on the plan due to the difficulty associated with building and maintaining composite radii.



Car Parking

As confirmed within the Transport Assessment provided in support of the application car parking is provided in line with our car parking standards contained within our Highway Design Guide for New Developments, i.e two spaces for a two or three bedroom dwelling and three spaces for dwellings with four or more bedrooms.

Upper Hardwick Lane

The existing alignment of Upper Hardwick Lane would be interrupted by the proposed spine road through the development. The application proposes to locate bollards at the southern part of Upper Hardwick Lane where it joins the proposed spine road. This would limit the use of Upper Hardwick Lane which would be of benefit to pedestrians. This would be subject to the successful implementation of a TRO.

Access to properties at the northern end of Upper Hardwick Lane is proposed from the central spine road through the development. The junction of this section of Upper Hardwick Lane and the spine road can accommodate the turning of larger vehicles such as HGVs.

Service Strip

The absence of the 3m strip of land alongside the access road also results in no service strip being provided to accommodate services. Ordinarily a 2m service strip would be required to prevent services having to be placed under the carriageway. The absence of a service strip also prevents the site from being adopted.

Recommendation

In summary, there are a number of items which need to be amended and ordinarily the LHA would like these items to be rectified before having to provide a recommendation and the application going before Planning Committee. The LHA has tried on a number of occasions to get the applicant to make the required amendments but the applicant has been unwilling to co-operate and make the necessary amendments. Therefore we now find ourselves in this far from ideal situation.

The LHA does not agree with the removal of the footway improvement scheme along the A44 and Upper Hardwick Lane but is not in a position to object if the applicant is willing to provide the cost of the scheme build as an additional payment on top of the normal S106 requirements.

The LHA finds it very disappointing that the applicant is not willing to offer a 3m strip of land alongside the access road to future proof the development and enable a cycle connection should it be required in the future.

Having said the above, if a number of conditions which would address the items which require amendments could be attached to any planning consent granted then the LHA would offer no objection to the application. It should be stressed however that the LHA considers this application to only be just about acceptable.

If it is not possible to attach the requested conditions then the LHA would not be able to support the application due to the number of outstanding amendments required to make the application acceptable.

Conditions & Informatives

The LHA requests that should planning consent be granted then conditions addressing but not limited to the following should be attached to the permission:

1. A plan demonstrating visibility splays of 2.4m x 33m with the splay being delineated by the back of the footway at all junctions should be provided prior to commencement on site for the approval by the LHA/LPA. Nothing over 0.6m in height should be placed within the splays. This condition overrides the visibility splays demonstrated on drawing 0687-102.
2. A 3m strip of land on the eastern side of the access road between the A44 and the shared footway/cycleway along the spine road will be offered to the LHA for adoption.
3. CAE Vehicular Access Construction
4. CAJ – Parking
5. CAQ – On-Site Roads
6. CAT – Construction Management Plan
7. CB2 – Cycle Storage
8. CB3 – Travel Plan
9. CAP – Off Site Works
 - Footway/cycleway from Cherry Tree Close to site
 - Bus stops/shelters on Winslow Road
 - Lighting of Upper Hardwick Lane between site pedestrian access and footpath to Flaggoners Close
 - Start and fund TRO process to install bollards on Upper Hardwick Lane

Informatives: I11, I06, I09, I45, I08, I07, I05, I43, I49, I54, I51, I41, I36, I35

S106

In addition to the cost of providing the footway improvement scheme along Upper Hardwick Lane and along the A44 between Upper Hardwick Lane and Winslow Road, the LHA would require the following S106 monies to be paid:

- Two bedroom dwelling - £2,457 per dwelling
- Three bedroom dwelling - £3,686 per dwelling
- Four bedroom dwelling - £4,915 per dwelling

5.13.2 6/10/23 - The local highway authority (LHA) has the following comments to make on the updated scheme, albeit it should be noted that these comments are made prior to sight of the Stage 1 RSA which is understood to be in progress: Note – Please see tabulated comments at **Appendix 1**.

5.13.3 23/7/23 - The local highway authority (LHA) has the following comments:

- 1) It is assumed the layby on the access road just north of the proposed site access is for servicing the gas governor, however, the LHA would not wish to adopt the layby therefore it should be placed behind the footway.

- 2) The LHA will not adopt visitor spaces therefore the footway should run in front of the spaces not behind, for example, adjacent to plots 96/97.
- 3) The 3m cycleway should continue through the school expansion land to Cherry Tree Close. This should be shown on a plan, including the S38 plan as the LHA would wish to adopt it.
- 4) The (presumably) school drop-off laybys by the expansion area should be one long bay rather than broken up and the northern corner should be tightened up/remove excess space with a conventional radius. However, ideally the school drop-off area should be within the expansion land so that the school can control it and residents won't park in it.
- 5) Access for pedestrians/cyclists to the school via the school expansion land should be provided during Phase 1 of the development to ensure good travel habits are formed from the start and walking and cycling is encourage/enabled.
- 6) Link through hedge/trees should be a cycleway and we would want to adopt it.
- 7) Footway along the A44 between the proposed site access road off the A44 and Upper Hardwick Lane should be removed and the link from the access road onto Upper Hardwick Lane should be included in the S38 plan as the LHA would wish to adopt it. The link towards Stonehouse Farm should also be adopted. Upper Hardwick Lane should be provided with lighting as it will be the main pedestrian access route to this part of the site.
- 8) The cycleway from the access onto Upper Hardwick Lane to the proposed site access junction with the A44 should be removed but the land reserved so that if the site to the south comes forward then it can be added and a link between the two sites provided.
- 9) The proposed footway between Upper Hardwick Lane and Winslow Road should be included within the red line and S278 plans.
- 10) The 30mph speed limit should be relocated to the west of the proposed junction for the Stonehouse Farm access on the A44.
- 11) The LHA would prefer to adopt the outer cycle route which skirts the development to the west from the pond to southern extent of dwellings as it is considered that this would be in the best interests of the public.
- 12) A link through from the site onto Damson Tree Close should be provided if the hedge ownership allows.
- 13) Grass verges will not be adopted therefore visibility splays should be demarked by footway rather than verge.
- 14) Forward visibility should be 33m and should be shown on plans.
- 15) Minimum centreline radii should be 25m. This should be demonstrated on a plan.
- 16) Visibility splays should be 2.4m x 33m and be demonstrated on a plan.
- 17) 2m x 2m pedestrian vision splays should be provided at all driveways to ensure visibility of pedestrians when vehicles are reversing on/off driveways/parking spaces. These should be provided as per the extract from our Highway Design Guide below. As per visibility splays, nothing over 0.6m in height should be placed within the splay.

18) The footway provision along some roads throughout the site appears to be broken up in places, for example, as shown below. A continuous footway should be provided along adoptable roads.

19) How Upper Hardwick Lane to the north of the spine road is accessed is not clear. Swept paths of a large tractor and a fire tender turning into and out of the lane should be provided, as should visibility splays at the junction with the spine road. Visibility splays for the section of Upper Hardwick Lane to the south of the spine road should also be provided.

20) Raised tables should not be required as roads should be designed to keep speeds down.

21) Block paving will not be adopted. Only standard materials such as black top should be used.

22) All shared private drives under 25m in length should be provided with a turning head capable of turning a large estate car around via a three point turn with all of the car parking spaces occupied. Shared private drives over 25m in length should be provided with a turning head capable of turning a LWB Transit type van around via a three point turn with all of the car parking spaces occupied IF Waste have confirmed that a refuse vehicle would not have to travel down it. Vehicle swept paths of these manoeuvres should be provided for all shared private drives.

23) Car parking should be provided as follows:

- One bedroom dwelling – One space
- Two/Three bedroom dwellings – Two spaces
- Four bedroom plus dwellings – Three spaces

Ideally three tandem spaces in a row should not be provided as this is likely to result in at least one vehicle parking on-street for ease of movement.

24) Parking courts should be avoided where possible, for example, plots 74 – 81.

25) Cycle storage should be provided for all dwellings, for example plots 74 – 81. Facilities to charge e-bikes should also be provided, particularly in communal stores.

26) The proposed bus stops on Winslow Road should be positioned closer to an access into the site, i.e. Cherry Tree Close if possible.

27) A Stage 1 Road Safety Audit (RSA) should be provided once the above amendments have been incorporated. The RSA should include the proposed footway improvements along the A44 between Upper Hardwick Lane and Winslow Road. The LHA would wish to have sight of the Audit Brief prior to the commissioning of the RSA.

5.14 HC Education – comment; -

5.14.1 20/12/2023 - I've checked the latest position and the information in that response is still valid as both St Peter's Primary School and Queen Elizabeth High School have full year groups and justify a contribution towards education facilities. We would be looking for a full suite of contributions for Early Years, Primary, Secondary, Post 16, Youth and SEN provision.

The contributions per dwelling are therefore:

Contribution by size and type of dwelling	Pre-School	Primary	Secondary	Post 16	Youth	SEN	Total
2+ bedroom apartments	£207	£1,748	£1,432	£121	£631	£261	£4,400
2/3 bed house or bungalow	£432	£3,063	£2,695	£121	£850	£468	£7,629

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

4+ bed house or bungalow	£639	£5,018	£5,535	£121	£1,675	£828	£13,816
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5.15 BBLP Land Drainage – comment; -

5.15.1 20/12/23 - The drawings issued do not demonstrate that Pond 1 has been adequately sized to accommodate rainfall arising from the respective design storm referenced above. However, we accept that it should be possible to install geocellular crates to meet the design criteria described below.

Development sites usually increase the amount of impermeable area. This leads to an increased runoff rate.

At this site the proposed outfall is into a ditch upstream of the River Frome. The impact of an increased flow rate in the ditch could cause localised surface water flooding at the ditch, but this would be on a remote area of farmland.

The increased runoff rate leads to an increased volume of water being conveyed into the river in less time. This causes extra flow in the river. The implications are that downstream areas are more likely to flood. This cannot be allowed to happen. Accordingly, the SuDS should be designed to retain the extra runoff volume on the site during the respective rainstorms. This is why the National Standards for Peak Flow and Volume Control were introduced.

As explained above, although the Peak Flow Control is quoted in DEFRA literature, there would be no immediate implications to the residents of Bromyard if the peak flow in some rainstorms exceeded greenfield rates.

However, there would be increased flood risk if the Volume Criteria were not met.

We recognise that due to the inclined nature of the site it is difficult to design a Basin that can store a large amount of water. To meet both the Peak Flow Control and Volume Control criteria it would be necessary to store all water relating to a 100 year +CC storm and discharge it at a 2 year storm flow rate. Clearly this creates a large storage volume that would need to be accommodated in the pond.

The applicant has suggested using two or more flow controls, this concept is accepted subject to further discussion.

The applicant has included a Sediment Treatment Proposals document in their submission. The basin is an integral component of the SuDS and it's use would improve water cleanliness. If the crates were used then details in this document would hold no meaning. However we understand that there are no SACs in the immediate vicinity of the site, however the issue of sediment transport needs to be considered.

We assume the intent is to present the entire surface water drainage system to Welsh Water for adoption.

Because there are no SuDS Approval Bodies (SABs) in England, Welsh Water have needed to alter their adoption strategy to accommodate below ground storage at drainage basins built in England. This is normally achieved by providing adoptable below ground storage (geocellular crates) located below a Dry Basin, sized to meet the 30 year storm criteria referenced in Sewers for Adoption. The dry basin is provided to the facilitate the outstanding attenuation requirements up to the 100 year + Climate Change storm criteria.

The Herefordshire SuDS Handbook explains that at Strategic Sites, an exemplar approach to the design of SuDS is required. Accordingly, site layouts should seek to incorporate green SuDS which mimic natural processes to clean water.

The original surface water attenuation proposals relied on the provision of a Drainage Basin that would store ALL stormwater to 100 years + Climate Change. Deviating from this design to rely on the provision of below ground storage would lead to the following :-

- During daily rainfall events, no water would collect in the Drainage Basin. The basin itself would remain dry and would only receive water once every few decades. This may have biodiversity implications and the vegetation shown on the landscape drawings would not grow
- The basin would not function as a Pollution Control feature (refer to the Herefordshire SuDS Handbook item 7.8).

The water companies that operate within England hold different approaches to adopting basins. We consider that it would be beneficial to engage with Welsh Water to explore opportunities to explore the concept of aligning their own adoption policies with recent changes made to adoption criteria by other companies.

Severn Trent have researched the legalities of defining a line on the base of the basin as a sewer. This allows them to adopt a strip along the base of the basin. Severn Trent hold access rights to desilt the base of the pond. Maintenance of the pond normally falls to the landowner or a private management company.

Recently the government has expressed their intent to implement Schedule 3 of the Flood and Water Management Act during 2024. This measure would create SABs in England. This may present a means for Local Authorities to receive funding to maintain basins.

As LLFA we recognise the impracticalities of seeking to deliver green SuDS on a sloping site. Owing to the isolated location of the outfall we can offer the applicant revised discharge criteria that could be used to develop an alternative design.

The revised design could feature below ground storage (possibly geocellular crates) uphill of the attenuation basin. These crates would need to be designed to fill up throughout a short duration rainstorm. Accordingly, a flow control would need to be selected to operate throughout the short duration rainstorm. A weir would allow incoming water arising from larger storms to cascade on into the basin. This would allow more water to be stored within the site.

We recognise that there is sufficient space within the open spaces to accommodate below ground storage.

The basin would then need to be designed allowing for a 1 in 3 slope, which may create more storage than the 1 in 4 slopes that have been proposed. As explained in our commentary we also consider the tall retaining wall to be a risk to all site users, so efforts would need to be made to reduce the likelihood of personnel injury arising from the inclusion of the wall. The applicant should also consider moving the pond towards the north west.

Subject to further design it may be possible to lower the discharge rate to the 30 year rate, which would mobilise more storage in the pond. The volumetric criteria for the 30 year and 100 year + CC storms would however need to be achieved.

The submission included Section 38 drawings related to the proposed adoption of highways. As explained in our commentary the roads could only be adopted if all of the surface water sewers were adopted by a Water Authority.

In summary, we recognise the desire to ensure that the surface water drainage is adopted by Welsh Water. We recommend discussions are held with Welsh Water to establish whether changes can be made to their adoption policy. This may allow a design to be developed that utilises crates that are installed on higher land, so that the water all drains through the basin. The alternative would be to install the crates below the basin.

We recognise that the details presented for the outline submission require refinement, but in principle we can accept the proposal that this design can be delivered under a drainage condition. This drainage condition should include a focus on the desire to take all reasonable steps to facilitate a design utilising green SuDS.

- 5.15.2 28/11/23 - The outline submission does not demonstrate that Pond 1 has been adequately sized to accommodate rainfall arising from the respective design storm referenced above. We object to the proposed development because the surface water drainage strategy is inadequate. A revised submission will be required that may demonstrate that adequate attenuation can be provided within the extent of the site for all design storms.

The submission included Section 38 drawings related to the proposed adoption of highways. As explained in our commentary the roads could only be adopted if all of the surface water sewers were adopted by a Water Authority.

The designer should consider the risks of people falling off the proposed retaining wall and consider how this risk may be mitigated through redesign. This may involve increasing the gradient of the pond banks and moving the pond towards the north west.

On the submission of the above information, we will then be able to confirm which items of outstanding information may be required to support a reserved matters application.

Note – Please see tabulated comments at **Appendix 2**.

- 5.15.3 13/10/23 - We note that the Covering Letter advises “There is no objection to the proposed development on flood risk and drainage grounds”. However our comments below state that we OBJECT to the proposed development. It would appear that the original comments dated 18.7.23 were not uploaded to the Planning Website.

The revised submission included Section 38 drawings related to the proposed adoption of highways. As explained in our commentary the roads could only be adopted if all of the surface water sewers were adopted by a Water Authority.

The outline submission does not demonstrate that Pond 1 has been adequately sized to accommodate rainfall arising from the respective design storm referenced above. The designer has suggested that a variable flow control would be used, but has not presented a working design. We object to the proposed development because the surface water drainage strategy is inadequate. A revised submission will be required that may demonstrate that adequate attenuation can be provided within the extent of the site for all design storms.

The designer should consider the risks of people falling off the proposed retaining wall and consider how this risk may be mitigated through redesign.

For a strategic site of this size we would expect an extensive set of soakaway tests across the site. There were only four tests provided within the red line area. Further testing is required. The proposals for adoption of the respective assets need to be confirmed.

On the submission of the above information, we will then be able to confirm which items of outstanding information may be required to support a reserved matters application.

Note – Please see tabulated comments at **Appendix 3**.

- 5.15.4 18/7/23 – The outline submission does not demonstrate that Pond 1 has been adequately sized to accommodate rainfall arising from the respective design storm referenced above. The designer has suggested that a variable flow control would be used, but has not presented a working design. We object to the proposed development because the surface water drainage strategy is inadequate. A revised submission will be required that may demonstrate that adequate attenuation can be provided within the extent of the site for all design storms.

For a strategic site of this size we would expect an extensive set of soakaway tests across the site. There were only four tests provided within the red line area. Further testing is required.

The proposals for adoption of the respective assets need to be confirmed.

On the submission of the above information we will then be able to confirm which items of outstanding information may be required to support a reserved matters application.

Note – Please see tabulated comments at **Appendix 4**.

- 5.16 Wye Valley NHS Trust – comments withdrawn on 19 December 2023.
- 5.17 Herefordshire and Worcestershire Clinical Commissioning Group – no response.
- 5.18 Dwr Cymru Welsh Water
- 5.18.1 4/10/23 - We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

SEWERAGE

We have considered the impact of foul flows generated by the proposed development and concluded it is unlikely that sufficient capacity exists to accommodate your development without causing detriment to the existing services we provide to our customers, or in regard to the protection of the environment. There are no planned reinforcement works within Dwr Cymru Welsh Water's Capital Investment Programme and therefore, at this stage, we are unable to provide you with a point of adequacy on the network.

A Hydraulic Modelling Assessment (HMA) has been commenced and where required and appropriate, the HMA will identify solutions and points of communication to ensure that your site can be accommodated within the system. However, in the absence of known solutions to accommodate your site we will not be able to support the development.

Turning to surface water, the proposed drainage layouts and drainage strategy shows the proposal to discharge the majority of surface water via a drainage ditch to the north and a small percentage to a highway drain south of the site. Dwr Cymru Welsh Water has no objection to this however, we advise that the applicant contacts Environment Agency who regulate discharge to watercourses and highway authority who will regulate discharges to a highway drain.

WATER SUPPLY

The water supply system in the immediate vicinity has insufficient capacity to serve the development and will also cause detriment to existing customers' water supply. The applicant is advised that as part of any future water connection application under Section 41 of the Water Industry Act (1991), a hydraulic modelling assessment and the delivery of reinforcement works may be required at the same time as the provision of new water mains to serve the new development under Section 41 and Section 51 of the Water Industry Act (1991).

SEWAGE TREATMENT

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

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

Conditions:

No development shall take place until a point of connection for foul flows on the public sewerage system has been identified by a hydraulic modelling assessment, which shall be first submitted to and approved by the local planning authority. Thereafter the connection shall be made in accordance with the recommended connection option following the implementation of any necessary reinforcement works to the sewerage system, as may be identified by the hydraulic modelling assessment.

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

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

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

5.18.2 30/5/23 - We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

SEWERAGE

The proposed development would hydraulically overload the existing public sewerage system thereby leading to increased risk of pollution of the environment and risk to public health and safety of existing residents. No improvements are planned within Dwr Cymru Welsh Water's Capital Investment

Programme.

With regards to surface water, Dwr Cymru Welsh Water has no objection to the proposed attenuated discharge into the nearby water course and highway drain however, 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 and the highway authority with regards to discharging into the highway drain.

WATER SUPPLY

The water supply system in the immediate vicinity has insufficient capacity to serve the development and will also cause detriment to existing customers' water supply. The applicant is advised that as part of any future water connection application under Section 41 of the Water Industry Act (1991), a hydraulic modelling assessment and the delivery of reinforcement works may be required at the same time as the provision of new water mains to serve the new development under Section 41 and Section 51 of the Water Industry Act (1991).

information relating to our Hydraulic Modelling Assessment process is available on our website and within our guidance notes. The area planning officer will also be able to provide you within information relating to this process.

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

Conditions

No development shall take place until a point of connection on the public sewerage system has been identified by a hydraulic modelling assessment, which shall be first submitted to and approved by the local planning authority. Thereafter the connection shall be made in accordance with the recommended connection option following the implementation of any necessary reinforcement works to the sewerage system, as may be identified by the hydraulic modelling assessment.

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

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

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

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

In accordance with National Planning Policy Framework (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

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

- 5.19 Natural England – comment;
4/12/23 - 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. This is on the basis of nutrient neutrality being secured.
- 5.20 Herefordshire Wildlife Trust – no response.
- 5.21 The Ramblers Association (Herefordshire) – no response.
- 5.22 Open Spaces Society – no response.

5.23 West Mercia Police (Hereford)

- 5.23.1 14/7/23 - I am responding to this planning application on behalf of West Mercia Police, in relation to Crime Reduction and Community Safety matters as the assigned Design Out Crime Officer for Herefordshire. This is a proposed development is a significant one for the residents and infrastructure of Bromyard and will undoubtedly have opportunities for designing out crime and anti-social behaviour.

I have examined the planning application, together with the plans submitted. This has been done with reference to the advice contained within National Planning Policy Framework para's 92b, 97, 130f and the Crime and Disorder act 1998. I cannot find any inclusion as to the provision for security measures to be applied to the site as a whole, the build security of the 250 dwellings, or the additional build of the school.

The security requirements for dwellings are set out in Part Q of Schedule 1 of the Building Regulations, however I would recommend that all doors and windows meet the PAS 24:2016 standard and are third party certified, such as those companies that achieve Secured by Design accreditation.

I would ask that the applicant/ agent adopts the principles of 'secured by design' and evidence how they have designed in features to deter crime and anti-social behavior as per Sustainable Design and Construction Supplementary Planning Document 2020, section 17.

https://www.securedbydesign.com/images/downloads/HOMES_BROCHURE_2019_update_Ma_y.pdf

5.24 Hereford and Worcester Fire Service (Hereford)

- 5.24.1 24/7/23 - With regard to the attached Planning consultation letter regarding the application detailed:

Hereford & Worcester Fire Rescue Service (HWFRS) Fire Safety department - wish to make the following comments:

Fire Service Vehicle access to the new dwellings may need to comply with the requirements of ADB 2019 Vol. 1 B5, section 13 & Table 13.1

In particular there should be Fire Service vehicle access for a Fire Appliance to within 45 metres of all points inside the new dwellings.

Access road to dwelling should be in accordance with ADB 2019 Vol. 1 Table 13.1

The above matters may be assessed through the Consultation process with Local Authority or Approved Inspector Building Control bodies to ensure that the requirements of the Building Regulations (2010) are satisfied and matters to be addressed, under the Fire Safety Order (2005), once the building is occupied.

6. **Community Representations**

- 6.1 As the nature and extent of the proposed development has changed in a significant and material manner since the application was submitted to the Local Planning Authority in 2016, only the comments received in relation to the revised submission (up to 250 dwellings) received in 2023 are summarised below. Nevertheless, all comments received prior have been considered accordingly.

All comments received are accessible in full on the Herefordshire Council website via the following link; -

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163932

6.2 Bromyard Town Council – comment; -

6.2.1 13/12/23 - The committee resolved to accept this proposal in principle

3/10/23 – Members discussed the application in detail and resolved to support it in principle with the condition that the A44 footway access be EXCLUDED, as there are three other alternative access routes proposed for pedestrians and cycling via Winslow Road.

The Town Council remains OPPOSED to the inclusion of a footway (pedestrian) route along the A44 which is not achievable to the standard required and is not required for this development.

4/7/23 - At the meeting of the Town Council's Planning and Economic Development Committee last night members considered the re-consultation for application 163932, Land at Hardwick Bank. After a lengthy discussion, the committee decided to object as this particular application continues to rely on a pedestrian access along the northern route (A44) without any legal certainty of deliverability.

I was unable to upload the committee's decision via the Planning Portal as the usual link is not provided.

8/5/23 - It was RESOLVED that the Town Council opposes this application and strongly recommends that planning permission is refused on the basis that safe access including footpaths, verges and cycleways is not proven in this application.

6.3 Press (Hereford Times) / Site Notices - 21 individual letters of representation in objection to the application. The comments can be summarised within the broad topic headings as follows; -

Principle of the development

- There are other applications for housing under consideration
- Loss of undeveloped land / green fields
- Brownfield sites should be used

Access and highways safety

- Vehicular access onto the A44 is dangerous given proximity to other junctions
- Vehicular access onto the A44 is dangerous given proximity to brow of hill
- Pedestrian access along A44 would be unsafe given the road's insufficient width
- Pedestrian and cycle access should be re-routed via Broxash Close
- Widening of the existing footway along the A44 would encroach onto private property.
- Development would increase traffic on Winslow Road (used as rat-run to primary school and co-op supermarket)
- Parking around the primary school is inadequate and car park along Winslow Road during drop-off / pick-up times.
- Lack of employment in Bromyard will result in increased traffic movements for out-commuting.
- The existing development off Tenbury Road is dangerous as it has no footway.
- Additional crossings required to prevent children from running onto the road.
- Local bus service is intending to increase fares / services are not sufficiently subsidised.

Housing

- The quantum of social housing has not been shown within the submission.

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

Flooding and drainage

- No reference to potential surface water run-off or flood mitigation within the submission

Ecology

- Site is very close to a SSSI which hosts species such as newts, bats and other rare wildlife

Infrastructure

- Development could increase the population of Bromyard by between 20 – 25%.
- Existing health infrastructure within Bromyard is at stretched / over-capacity.
- Fragile and in unreliable sewage system
- Local schools are over-capacity.
- Consideration should be given to increasing resources for local police and fire and rescue services.
- Low water pressure observed at Damson Tree Close.

Amenity and community wellbeing

- Existing residents will no longer be able to enjoy peace and tranquillity
- Adverse impact on mental health and community well-being
- Loss of amenity / outdoor space for dog walking and recreation.
- There is little social opportunities for children and young people in Bromyard
- Loss of views
- Noise and pollution from additional traffic
- No details on workforce propriety within the submission.
- No details on ensuring potential crime / anti-social behaviour sports are avoided / addressed, within the submission.
- Overshadowing and overlooking – especially where the development would abut existing single-storey dwellings.

1 letter of representation neither in support or objection received. The comments can be summarised as follows; -

- Safe walking and cycling should be pre-requisite of development
- Should connect to key destinations within Bromyard, as well as the proposed Worcester Bromyard Leominster Greenway project.

1 letter of representation in support received. The comments can be summarised as follows; -

- Development should use old railway line where possible to integrate with the proposed Greenway project.

7. Officer's Appraisal

Principle of development

7.1 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."

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

7.3 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 was updated in 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 applications. In this case the relevant policies have been reviewed and are considered entirely consistent with the NPPF and therefore can be attributed significant weight.

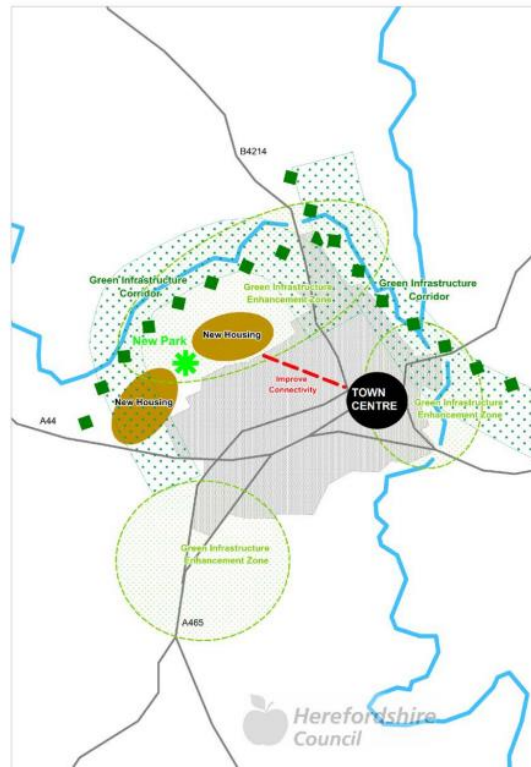
- 7.4 Herefordshire Council are able to demonstrate a 5 year housing land supply. Accordingly, this renders the housing supply policies as contained within the Core Strategy as being compliant with the principles as set out within the NPPF and therefore are up-to-date. They therefore attract full-weight for decision-taking purposes in terms of applying the presumption in favour of sustainable development as set out within Paragraph 11 of the NPPF.
- 7.5 In accordance with the NPPF, the delivery of sustainable housing development to meet objectively assessed need is a central theme of the Core Strategy. Policy SS2 confirms that Hereford City, with the market towns in the tier below, is the main focus for new housing development. In the rural areas new housing development will be acceptable “where it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community”.
- 7.6 Policy SS2 makes an overall provision for the delivery of a minimum 16,500 homes in Herefordshire between 2011 and 2031 to meet market and affordable housing need. Of these, just over two thirds are directed to Hereford City and the market towns.
- 7.7 Policy BY1 of the Core Strategy sets out that Bromyard will accommodate a minimum of 500 new homes with around 5 hectares of employment land during the plan period. It states that the majority of new homes will be located in the northwestern areas of the town, with a minimum of 250 new homes.

Core Strategy Policy BY2 identifies Land at Hardwick Bank to deliver a sustainable urban extension for Bromyard which would deliver a minimum of 250 new homes at a density of up to 25 dwellings per hectare and comprising a mix of open-market and affordable provision. The policy advises that any planning application should include, but not be limited to the following;

- 40% affordable housing;
- formal park with new play and sports facilities and allotments;
- suitable vehicular access, likely taken from the A44;
- residential routes off Winslow Road should provide sustainable links to the town (pedestrian and cycle) as well as public transport links;
- contributions towards new and improved facilities;
- improvements to classroom provision for primary school;
- high standard of design and layout which reflects the townscape, landscape and green infrastructure of area;
- sustainable design and construction;
- incorporate landscape buffers;
- an evaluation of archaeological importance to ensure protection of heritage assets; and
- comprehensive sustainable urban drainage system.

- 7.8 The proposal has been amended since the application was submitted to the Local Planning Authority. The application site now only covers approximately half of the land identified within the Core Strategy (see extract from Core Strategy below) but would still provide for 250 dwellings.

Figure 4.5: Bromyard Key Diagram



- 7.9 Although comments received citing the loss of agricultural land and the preference for the use of brownfield sites as reasons for resisting the development are noted, the quantum of housing required to be delivered cannot be met in this manner alone. The site has been identified within the Core Strategy as suitable for housing development but nevertheless does not in itself render other sites under consideration as being unsuitable.
- 7.10 As such, the principle of housing delivery at this site can therefore be accepted subject to the above provisions. It is necessary however to determine the extent to which the proposal is also capable of complying with other relevant development plan policies and any other material considerations.

Design and layout

- 7.11 As well as the expectations of development of this site set out through Policy BY2 of the Core Strategy, Policy SD1 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 also seeks the inclusion of physical sustainability measures, including orientation of buildings, provision of water conservation measures, storage for bicycles and waste, including resources for recycling and enabling renewable energy and energy conservation infrastructure.
- 7.12 The application is made in outline, although detailed consideration of both access and layout form part of this application. Matters relating to scale, appearance and landscaping are reserved for future consideration.
- 7.13 A site wide masterplan has been submitted which details the proposed layout, but also in some cases includes details which may be considered to form part of the other 'reserved matters' which would fall to be considered at a later stage, through any forthcoming application for the approval of the respective matters.

- 7.14 The Town and Country Planning (Development Management Procedure) (England) Order 2015 defines 'layout' as the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- 7.15 The layout comprises a three-arm junction to the southern boundary of the site which would provide access from the A44. Given the topography where the ground rises steeply north from the A44, this southern area would be reserved for planting / landscaping and drainage infrastructure, absent of any residential development. Thereafter residential development would flank a spine road which would run through the site taking a curved, sinuous design from which residential roads and provide shared drives would be taken. It is considered that the layout would create an extension which is akin in its form and pattern to Winslow Road whereby smaller residential routes are taken from a principal street.
- 7.16 Along the spine road, dwellings would be spaced to allow generally tandem-parking or set-back garages, removing excess bulk and clutter from the street-scene. Nevertheless, in attempt to form a street hierarchy within the development, densities here would be higher through the provision of some terraces / flats which would help distinguish and provide variety from the less dense residential areas towards the site's edges. The curved design of the spine road would lend some variation and privacy to the street scene, as well as surveillance. It would also be sized as to provide a 3-metre foot-cycleway on the eastern side and a 2-metre footway on the western side throughout. The former would provide a sustainable link to the east of the site to Cherry Tree Close via St Peter's Primary School. In all cases, the residential routes off the spine-road terminate with footway connections to provide pedestrian connectivity around the site.
- 7.17 As part of the layout, land is allocated for the expansion of St Peter's Primary School and therefore addressing any future identified need for new or improved classroom provision, an expectation that Policy BY2 of the Core Strategy places upon any development of this site. The Section 106 would secure that the parcel of land is transferred to the Local Education Authority (LEA) and in the case where after all reasonable endeavours this is not successful, an in lieu contribution would be made to the LEA towards St Peter's Primary School. Consideration has been given to the placement of a drop-off parking area to serve the school however this is not included within the school expansion land to ensure that development potential and flexibility in the future is not compromised or restricted. The proposed 3-metre foot-cycleway as above set out would be delivered in the first phase (secured by condition) and therefore would encourage new active travel and sustainable patterns of movement which may otherwise be tempered should dedicated school drop-off parking be provided at an initial stage. With this, there is no initial proposal to provide a one-way system through this part of the development. This would in any case require a Traffic Regulation Order (TRO) but may be considered at a point in time.
- 7.18 The design of the layout would broadly take account of the site's context and constraints in terms of the topography, existing field parcels and delineations as well as the proximity to the surrounding open-countryside. Upper Hardwick Lane, forming part of the local highway network, invariably divides the site in to component parts and this has presented both limitations and opportunities for the scheme. The positioning of buildings to the immediate west of the point in which Upper Hardwick Lane would cross the spine-road has been a priority consideration in the formulation of the layout, principally in order to achieve a degree of permeability across the two component parts of the development and to aid and encourage connectivity and integration. This has been secured through buildings set further back from the spine-road with opportunities for landscaping to create a destination / focal point within the site – linking to the park and open-space to the north.
- 7.19 At the northwestern extent of the site provision is made for drainage infrastructure with residential development set away from the boundary but roughly following the contours of the site. To the other northern, western and eastern boundaries of the site, residential development would generally not sit immediately adjacent to open-countryside – with the provision of footways or

space for other landscaping providing a buffer. In such edge of development locations, the layout would make efficient use of the site through accommodating allotments, communal gardens and children's play on the way features. In all case, the layout is designed to provide natural surveillance to these features within the development.

- 7.20 The layout allows for sufficient landscape buffers along the edge of the application site, as well as being formed through existing trees and vegetation along existing internal boundaries within the site. The layout's response to this would go some way in responding to the local context and green infrastructure of the area and visually disaggregate the development.
- 7.21 In the round, the layout is considered broadly satisfactory whereby it would help facilitate, in conjunction with any forthcoming consideration of acceptable reserved matters, residential development that would comply with the site specific requirements of Policy BY2.

Access, highway safety and connectivity

- 7.22 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'.
- 7.23 Core Strategy policy MT1 of the Core Strategy, 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. The NPPF requires development proposals to give genuine choice as regards movement. Core Strategy Policy SS4 requires developments to minimise the impacts on the transport network.
- 7.24 As previously rehearsed, Policy BY2 states that housing development would be accessed off the A44, likely in the form of a roundabout. In the evolution of the proposal and taking account land constraints, a new three-arm signal-controlled junction on the A44 is proposed. As set out within the updated Transport Assessment (TA), traffic surveys were undertaken and completed in 2022 as well as modelling of the proposed site access junction (this also included a scenario where the junction hosts a fourth-arm to serve potential residential development of the site to the south of the A44 (190111 refers). Nevertheless, the TA confirms that the junction could operate within capacity and is designed to an acceptable, adoptable standard. The existing 30mph speed limit would be re-located to the west of the site access, roughly in line with Stonehouse Farm. This would change the nature of the road environment on the approach to Bromyard from the west and would be secured by way of a TRO.
- 7.25 The access and internal layout of the site has evolved following extended discussions between the applicant and the LPA and LHA. The access from the A44, together with the width of the spine-road carriageway (6-metres) running through the development would be such which would enable to provide the requisite capacity should the remainder of the area of land identified for housing to the north and east come forward at a later stage – on the basis of it connecting with a junction on the B4214 Tenbury Road. It is crucial to note however that while the spine-road is designed to suitably accommodate the quantum of development which may be realised through the strategic site in its entirety, as well as buses, it is not designed to accommodate HGVs or otherwise serve as a by-pass for the town or diversion of through traffic to and from the A44 and B4214.
- 7.26 As set out within the latest comments from the LHA, there are a number of persisting issues relating to the design of the spine road. These relate to incorrectly drawn and demonstrated visibility splays. These broadly would appear to compromise the delivery of the layout of the development as currently under consideration and therefore officers are satisfied that details

could be supplied at a later stage, through planning conditions. Such details would be required for the road to be adopted through Section 38 of the Highways Act, but are otherwise required to be set out in the interests of highway safety in accordance with Policy MT1 of the Core Strategy.

- 7.27 There are similar implications for the residential roads off the spine road whereby the required visibility splays are not accurately or correctly identified on the submitted plans when considering the layout. While this is regrettable and ought to have been addressed following consistent input from the LHA, there would again appear to be no substantive reason as to why the required splays cannot be achieved within the layout. It should be noted that scale is a reserved matter and this concerns, inter alia, the width and length of buildings. As such, it may prove necessary that any forthcoming reserved matters application(s) which deals with scale results in slight adjustments to the footprint of some of the buildings shown on the layout plan, in order to demonstrate the provision of the required visibility splays throughout the site, to ensure highway safety.
- 7.28 There are other issues identified on the submitted plans which relate to the provision of one-way-systems, absence of service strips and radius of the corner within the central square. These are matters which would be considered further should the road be put forward for adoption but do not raise any particular highway safety implications.
- 7.29 The development of the site would dissect Upper Hardwick Lane and bollards are proposed to the southern part of the intersection with the spine road, to prohibit vehicle from travelling this way from the northern part of the development. This would provide benefits to pedestrians using Upper Hardwick Lane and would be managed and secured through a TRO.
- 7.30 The level and space apportioned for plot and visitor parking is considered acceptable having regard to the HC Highway Design Guide for New Developments and vehicle tracking (swept path analysis) has been provided where requested by the LHA to provide assurance that larger vehicles can safely access and traverse the site – this is with specific regard to Upper Hardwick Lane north of the spine road. The Council’s Waste and Recycling Team have reviewed the latest layout and are satisfied that Refuse Collection Vehicles (RCV) would safely and appropriately be able to serve the development, with the site being built to an adoptable standard. The submitted refuse strategy for the site sets out that the layout has taken account of the distances in which waste and recycling crews are able to physically move recycling bins in areas in which they cannot traverse with the RCV (non-adopted areas) and have provided suitable collection points.
- 7.31 Policy BY2 of the Core Strategy expects that development of the site would provide for sustainable links (including pedestrian and cycle) to and from the residential roads which are taken from Winslow Road and generally flank the southern and eastern boundaries of the site. Policy BY1 also places an expectation on new development in facilitating a genuine choice of modes of travel which inter alia, includes cycling and walking.
- 7.32 There have been numerous iterations of the proposed development which have influenced, amongst other constraints, the current proposed pedestrian and cycle links which would serve the development. The proposed links can be summarised as follows;
- Connection north of site from Upper Hardwick Lane to existing PRoW WN1.
 - New 3-metre pedestrian and cycle-way running from central spine-road along the southern boundary of the site and school expansion land to connect with St Peter’s Primary School and Cherry Tree Close, providing access thereafter to Winslow Road. It is confirmed within the revised phasing plan that this would be delivered in Phase 1 and therefore encourage and facilitate active travel and sustainable patterns of movement from the outset.
 - Connection from spine-road to existing PRoW WN2 to rear of proposed properties and Damson Tree Close, providing access thereafter to Winslow Road.

- New pedestrian access from southern end of spine-road, across Upper Hardwick Lane to provide connection to Flaggoner's Close, providing access thereafter to Winslow Road and the A44 West Hill and Panniers Lane for the Queen Elizabeth High School. There would be highway works to the bend in the road on Upper Hardwick Lane to improve safety.

7.33 There is an acknowledgement that sustainable links would optimally be taken from all residential roads leading from Winslow Road, including Hardwick Close and Damson Tree Close as per Policy BY2 of the Core Strategy. Regrettably, due to land constraints, new connections to and from the development are not possible in all of these locations (apart from the existing narrow PRow connection to Damson Tree Close as above outlined). This does result in a quite significant impermeable eastern edge to the development.

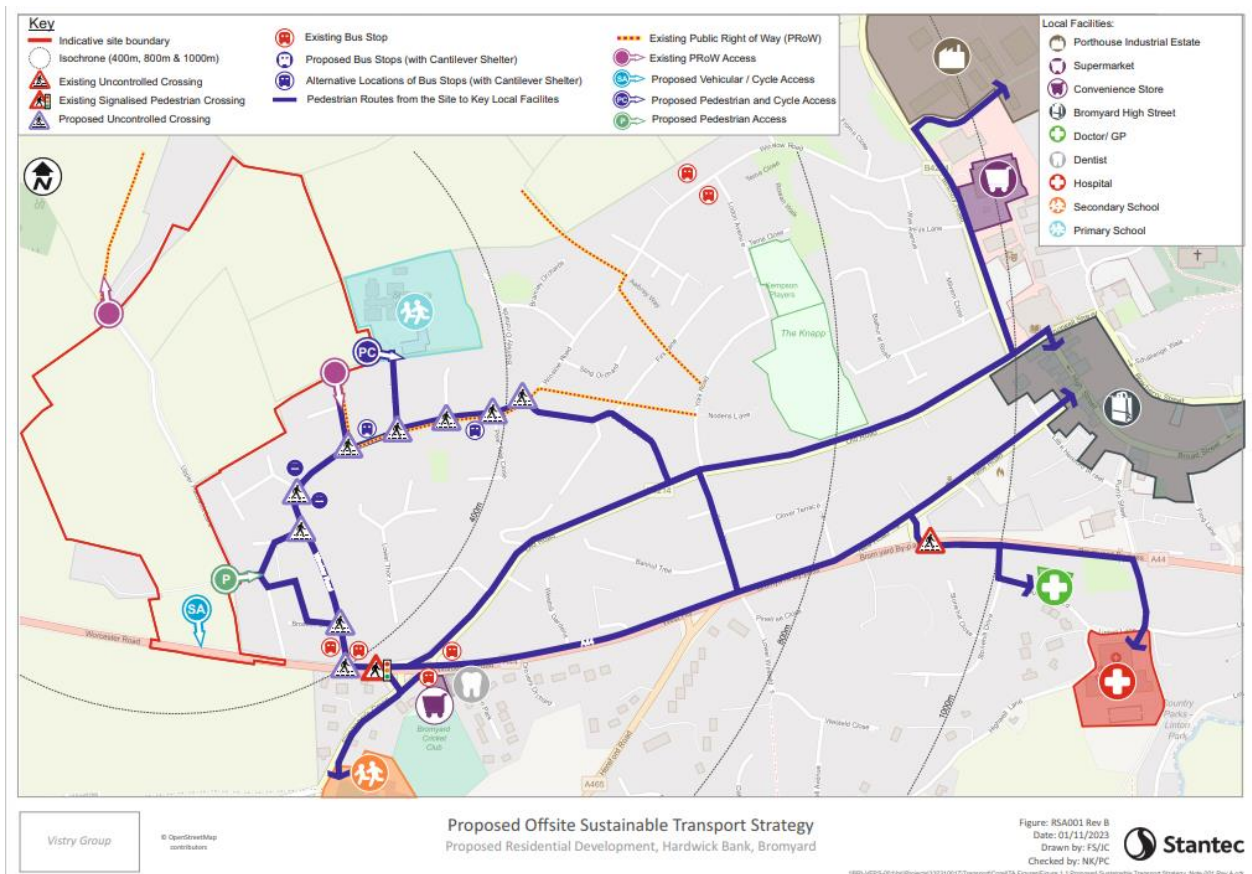


Figure 2 – Proposed off-site sustainable drainage strategy

7.34 The 3-metre shared cycle-footway would be provided prior to the first occupation of any of the dwelling in the first phase of development, secured through condition. As illustrated by **Figure 2**, the broad positioning of the site relative to the principal services and facilities afforded within Bromyard town-centre means that the proposed pedestrian and cycle route which runs centrally through the site along the spine-road and then connects with Cherry Tree Close at St Peter's Primary School would provide a relatively direct route to the town-centre for the majority of the development. Crucially, the link would provide an appropriate safe and secure means of access to the primary school and should therefore not result in the development exacerbating parking issues associated with school drop-off / pick up along Winslow Road. With this in mind, although the extent of the impermeable edge to the eastern boundary of the development (caused by an inability to create connections to Hardwick Close and Damson Tree Close) is unfortunate, it is not considered so impactful on the overall objectives of encouraging sustainable movement within the development and the wider locale as to substantiate refusal of the application.

- 7.35 It should be noted that no alterations are proposed to the southern end of Upper Hardwick Lane and no pedestrian or cycle provision is proposed from the site access with the A44 along to the junction with Upper Hardwick Lane and Winslow Road. Upper Hardwick Lane where it crosses the spine-road to access Stonehouse Farm would be adopted. The applicant has omitted proposed upgrades to Upper Hardwick Lane and improved footway provision along the A44 to Winslow Road following discussions with Bromyard Town Council. The formal footway connection to the south of the site therefore relies on Flaggoners Close and Winslow Road. As set out within the comments from the LHA, it is acknowledged that a connection which relies on Upper Hardwick Lane and the A44 would likely provide a more direct means of pedestrian access to the services and facilities and bus stop at the junction of West Hill and Panniers Lane (and the Queen Elizabeth High School) 'as the crow flies', despite the formalisation of an indirect route as is proposed. Nevertheless, subject to additional contributions being sought to provide the A44 footway improvements when required (would not be prior to occupation) on balance, the current scheme is considered adequate whereby pedestrians would be routed via an existing residential area (Flaggoner's Close and Winslow Road) before reaching the aforementioned destinations. Therefore, absent of any required upgrades to the existing footway provision between Upper Hardwick Lane and Winslow Road as part of the proposal itself, the proposed alternative is judged as satisfactory.
- 7.36 Policy BY2 of the Core Strategy states that new highway infrastructure which comes forward as part of the strategic site development should be designed as to not prejudice the delivery of additional development beyond the plan. Although the proposal in itself does not sterilise development opportunities for the remainder of the strategic site as identified within the Core Strategy extending east to Tenbury Road, the LHA have requested a 3-metre land strip between the site access off the A44 and the southern terminus of the foot-cycleway for potential future cycle routes to develop within Bromyard. This has been withdrawn as part of the submission by the applicant. The only cycling access to the development, aside from the carriageway, is through Cherry Tree Close. It is most regrettable that this is the case as this could raise implications in delivering sustainable connectivity should further development within the north and west of Bromyard come forward either during or beyond the current plan period. Indeed, should the remainder of the strategic site come forward – implications could arise in terms of providing suitable pedestrian and cycle connectivity to the west of the town, principally the Queen Elizabeth High School
- 7.37 Limited opportunities exist for such facilities, making this a valuable chance for future connections. The applicant's refusal to incorporate this potentially hampers the LHA's ability to adopt the land, possibly leading to challenges similar to the applicant's own whereby some desired connections to residential roads off Winslow Road cannot be achieved. Future residential developments and longer-distance cycle routes would benefit, but these opportunities hinge on the strip's availability. The LHA requests a planning condition for the 3-metre strip to be provided. The absence of such may give rise to potential sterilisation of future cycle connections should adoption not be possible; as adoption requires serving wider public interests. The LHA believes the removal of this potential link means the wider public would not benefit from site adoption.
- 7.38 Additionally, as part of the off-site highways works to accommodate and facilitate the above set out links from the development, a number of strategically located un-signalised crossing are proposed along Winslow Road as well as bus stop locations close to the junctions with Hardwick Close and Damson and Cherry Tree Close. Noting the concerns raised with respect to increased traffic along Winslow Road generated by the development, these measures should help to encourage active travel through the site and stimulate onward use of public transport. These would be secured through the Section 278 process. The prices of bus fares is not strictly a material planning consideration, nor can the LPA enforce or provide a guarantee of a particular level of service provision; the development would however facilitates public transport links.

7.39 When having regard to the above considerations, the proposal is judged to be such which would demonstrate that local highway network could absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network, as well as, on balance and subject to further details, being designed and laid out to achieve safe entrance and exit and have appropriate operational and manoeuvring space throughout. When having regards to the expectations of the Core Strategy for this strategic site, it is considered that the development would provide sustainable pedestrian and cycle links which are generally satisfactory to encourage sustainable patterns of movement, as well as facilitating the use of public transport and reducing the reliance of private modes. As such, in terms of access arrangements and overall highway safety and connectivity throughout the site, the proposal in the round can be considered for the most part, to accord with Policy BY1, BY2, MT1 and SS4 of the Core Strategy, as well as the principles outlined in Chapter 9 of the NPPF, in particular Paragraphs 114 – 115 which advises that it should ensure that safe and suitable access can be achieved for all users and that development should only be refused on highways grounds if there would be an unacceptable impact on highways safety.

Landscape and visual impact

7.40 Policy LD1 requires proposals to demonstrate that the character of the landscape and townscape has positively influenced the design, scale, nature and site selection of the development, as well as the protection and enhancement of the setting of settlements and designated areas. Development proposals should conserve and enhance the natural, historic and scenic beauty of important landscapes and features (specifically designated assets) through the protection of the area's character and by enabling appropriate uses, design and management. New landscape schemes along with their management should ensure development integrates appropriately into its surroundings and maintains tree cover. In wider terms, Policy SS6 sets out that development proposals should conserve and enhance environmental assets that contribute towards the county's distinctiveness, in particular its settlement pattern, landscape, biodiversity, heritage assets, and especially those with specific environmental designations. All proposals should be shaped through an integrated approach to planning to ensure environmental quality and local distinctiveness.

7.41 The application is accompanied by a Landscape and Visual Impact Appraisal (LVIA), with an addendum to the original supplied as part of the substantive revision to the scheme in 2023. The key conclusions of the LVIA are as follows; -

- Due to the reduction in site area, the overall effects on the landscape character would be highly localised and diminish as distance to the site increases; and
- Due to the reduction in site area, there would be a lesser effect on views from the surrounding countryside (including residential receptors and uses of PRow)

7.42 The site is not subject to any local or national landscape designations. The site falls within NCA 101 – Herefordshire Plateau of the National Character Assessment and within the Timbered Plateau Landscape Character Type of the Herefordshire Landscape Character Assessment (2009). The LVIA acknowledges that the application site lies within the 'Hardwick Hill' zone within Herefordshire Council's Urban Fringe Sensitivity Analysis (2010). This zone is identified as having a 'high' sensitivity.

7.43 As also referenced within the LVIA, the application site contains the remains of a former arable landscape associated with the historic core of the town. Recent residential development (the likes of Winslow Road and associated roads leading off) have extended across this landscape and this has left an abrupt edge between the settlement and the open-countryside. This is captured within the Herefordshire Green Infrastructure Strategy (HGIS) (BroLEZ 3) and broadly informs the area known as Hardwick Bank as identified for residential development through Policy BY2 of the Core Strategy.

- 7.44 In terms of the proposals impact on the character of the landscape, the Council's Built and Natural Environment Team (Landscape) have previously accepted the conclusions of the LVIA which relates to the original scheme of up to -500 dwellings over the original and much larger site. There is general agreement that the development in its current form would extend built form across the site and therefore altering the character at a site level. However, it would read as a natural extension to the existing settlement and edge and therefore would not be discordant with the site's context. There would be an overall minimised impact on receptors given the retraction in the built form and site area compared to the scheme as originally deposited.
- 7.45 In terms of the visual impact of the proposed layout on the development, the Council's Built and Natural Environment Team (Landscape) have raised a number of issues. Firstly, there are concerns surrounding the visual impact of the balancing pond to the northwest of the site, required as part of the surface water strategy. Due to the topography of the site, within the layout currently under consideration there would be a requirement for a retaining feature, indicated at this stage as being a 2.5-metres wall. Although this degree of engineering would invariably present as a potentially oppressive feature within the development, it would be read against a backdrop of residential development and other associated hard landscaping and infrastructure. It is only the acceptability of the layout which is for consideration at this stage. Therefore, although the layout as deposited would require this feature – it would be incumbent on any forthcoming reserved matters application that deals with scale, appearance and landscaping to demonstrate that the feature could be incorporated within the scheme without any discernible visual harm to the landscape. Nevertheless, there would be space within the layout to provide some peripheral / marginal landscaping along the retaining wall.
- 7.46 As previously underlined, the overall layout is considered broadly acceptable, reflecting existing patterns of development found to the east. Building lines and the positioning of plot specific parking and detached garages are generally such which would be conducive to an attractive street-scene but acceptable details submitted pursuant to the remaining reserved matters would be required to ensure that the development would not have an unacceptable visual impact. Some concern has also been raised by the Built and Natural Environment Team (Landscape) with respect to the fact that the submission indicates tree planting to be located within individual respective plots. The submitted illustrative landscape plan however does illustrate significant potential for landscaping strategically located throughout the open-space and along the site's edges – both in the form of new planting and the retention of existing trees and hedgerows. Street trees are indicatively proposed to be located along the spine road and while these are not consistent, it may not be entirely characteristic in this location to insist on a formalised boulevard type arrangement given the distinctively rural and edge of settlement character of the site. Furthermore, it would need to be demonstrated that proposed trees are located appropriately, in accordance with arboricultural guidance to ensure that they establish themselves successfully. In any case, such details would be formally considered as part of landscaping with any forthcoming reserved matters application but crucially, the layout is not considered such which would prejudice an acceptable landscaping strategy for the site.
- 7.47 Comments in terms of the surfacing (roads and footpaths) are noted but these would be considered as part of landscaping at any forthcoming reserved matters application and ultimately, would be subject to meeting an acceptable specification to be submitted as part of details secured by condition and / or for adoption as part of the Section 38 process.
- 7.48 Further details with respect to landscaping throughout the Public Open Space (POS) would again come forward as part of any forthcoming reserved matters application. It is again not considered that the layout as deposited would compromise the ability for a visually attractive public open space to be delivered which encourages use and connectivity thereto.
- 7.49 The applicant has submitted an Arboricultural Impact Assessment which outlines the trees to be removed and those identified for retention as part of the development. Some trees proposed for

removal have been done so on the basis that they are understood to have Ash die-back. In total, 5no trees are proposed for removal, with 8no. being affected (development encroaching onto root protection areas). The submitted Landscape Technical Note identifies extensive replacement planting opportunities throughout the site.

- 7.50 It should be noted that a group Tree Preservation Order (TPO_681) has been served by Herefordshire Council, this covers 12no. individual trees and 4no. groups of trees within the bounds of the application site. The applicant contests this on the basis that three of the trees covered by the TPO are identified for removal in order to facilitate development. These are located within the POS and due to alleged die-back, their removal is considered necessary to ensure that publicly accessible areas are safe. It is noted that there are separate processes available to the applicant for challenging the TPO / applying for its (partial removal). Therefore, the granting of this outline planning permission would not hinder the applicant's ability to seek removal of these trees should there be considered a safety implication requiring such. Otherwise, the trees covered by the TPO would not conflict with the layout under consideration.
- 7.51 Therefore, when considering both the impact of the development on the character of the landscape as well as overall visual amenity, the quantum of development proposed together considering the revised layout is not considered such which would give rise to any discernible tension with Policy LD1 of the Core Strategy. It would allow for development that both respects the townscape, landscape and green infrastructure of the area, as well as enabling landscape buffers to mitigate the impact of the development on the wider landscape. The proposal is therefore in accordance with the expectations of Policy BY2 of the Core Strategy.

Public open space

- 7.52 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. Policy BY2 of the Core Strategy states that a new formal park should form part of the residential development, complemented by new play and sports facilities and allotments.
- 7.53 The layout of the site allows for an extensive POS (in total amounting to 0.23ha) which would feature centrally positioned POS within the development. This enables pedestrian connectivity from the western side of the development (other side of Upper Hardwick Lane) as well as from the spin-road to the south and from pedestrian connectivity routes taken from the end of residential roads. The park and open-space would take advantage of the topography of the site in order for abutting residential development to provide natural surveillance. Children's play has been sited throughout the site, increasing connectivity and overall multi-functionality. Maintenance and management would be secured by way of the Section 106 agreement and the landscaping, scale and appearance of these elements would be considered as part of any forthcoming reserved matters application(s).
- 7.54 Allotments and community gardens are suitably located throughout the site and the management of these would also be secured through the Section 106 agreement.
- 7.55 The provision is considered such which complies with the requirements of Core Strategy policies OS1, OS2 and BY2.

Public rights of way

- 7.56 PRoW WN2 runs north and then west through the northeastern part of the site. The layout under consideration would impact on the current definitive route of the PRoW. In such circumstances, the applicant would need to obtain a separate consent in respect of the rerouting of the PRoW. This process would take place outside, and separate to the determination of this application and

should any issues arise which result in changes to the PRow not being supported, the applicant would have to seek alterations to the approved layout utilising the most appropriate mechanism depending on the scale and nature of the required changes. It is important to emphasise that the granting of planning permission does not override this other legislation (Highways Act). As such, any concerns relating to the impact of the layout on the existing PRow should not delay the determination of this planning application, nor would it be reasonable to refuse the application on that basis.

- 7.57 As above outlined, the development looks to utilise WN2 as an off-site connection where it runs along the southern boundary of the site and provides access to Damson Tree Close. Although it is not possible to widen this relatively narrow link, the proposal would upgrade this to tarmac surfacing which would make it more user-friendly for pedestrians and provide an alternative link to the 3-metre pedestrian-cycle way which links the site with Cherry Tree Close at St Peter's Primary School.

Impact on residential amenity

- 7.58 Policy SD1 of the Core Strategy seeks to ensure development does not give rise to any adverse impacts on the amenity of existing or future occupiers. For a residential scheme, this could be as a result of overlooking, overshadowing and loss of light. Additionally, during the construction phase there could be impacts in terms of noise, dust and other pollution.
- 7.59 The NPPF recognises the need to make efficient use of land, whilst ensuring safe and healthy living conditions and that developments should create safe, inclusive and accessible places that promote health and well-being with a high standard of amenity for existing and future users – where crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 7.60 Development on the site has the potential to impact on existing residents, particularly where residential development is to be positioned close to the boundary with existing dwellings. The scale and mass of any building sited within close proximity to existing dwellings may result in development that would appear overbearing and obtrusive or result in a loss of light. In addition first floor windows in the elevations of any new buildings sited close to existing properties might result in unacceptable overlooking and a loss of privacy.
- 7.61 In this case, layout it to be considered as part of this outline application. The area in which proposed development is to be located closest to existing residential properties is to the north of Hardwick Close and Damson Tree Close. Whilst Herefordshire Council does not currently have any guidance on spatial standards for housing, typically distances of between 21 and 23-metres between the rear and opposing dwellings are used for assessing whether there would be any loss of privacy (and slightly less between the rear of a dwelling and a side gable-end wall).
- 7.62 In terms of Hardwick Close, the closest arrangement would be 16-metres between No 31. Hardwick Close and the proposed dwelling positioned to the corner of Upper Hardwick Lane and the spine road. This would likely be a gable-end / rear of dwelling arrangement and the impact would be mitigated through the retention of the existing boundary trees and vegetation which could be further considered as part of any reserved matters application relating to scale and landscaping. A similar arrangement and distance would be present to the north of No. 16 Hardwick Close. Here, there is currently less robust boundary vegetation with a post and wire fence at the end of Upper Hardwick Close providing extensive views into the site. As indicated on the illustrative site masterplan, in this location a landscape buffer is proposed and this would go some way in diminishing the impact of the new development to the immediate north.
- 7.63 Other rear to rear opposing distances would be in excess of 21-metres at both Hardwick Close and Damson Tree Close. There would much greater separation between existing properties along the west of Hardwick Close and Flaggoners Close, in-part a consequence of Upper Hardwick

Lane which intervenes and provides additional screening / barriers between new development and existing properties.

- 7.64 Within the site, distances between properties vary but are broadly acceptable. Rear to rear distances between the properties in the cluster to the immediate west of the school expansion land are around 16-metres and there are a small number of other areas throughout the development where the layout indicates less than what may *usually* be considered as an acceptable separation distances. However, details of scale, appearance and landscaping are reserved for future consideration. It is not considered that the layout is such which would prohibit acceptable levels of amenity being afforded to future occupiers and it would be dependent on appropriate scale and fenestration arrangements. In the absence of any supplementary guidance on this matter, it is not considered that refusal of the application on grounds of amenity when solely considering layout would be adequately substantiated.
- 7.65 Whilst concern in respect of the loss of views is understood, it is a well-established principle that there is no right to a private view and the loss of such is not a material planning consideration. This issue is not material to decision-making and must not be attributed any weight.
- 7.66 In terms of the impact of the existing acoustic environment on future occupiers, the Council's Environmental Health (Noise) Team have not raised any notable objection to the proposal. The development would be set well back from the A44, principally due to topographical and landscape constraints and this means that no proposed dwellings would be positioned proximal to the A44. There is an existing telecommunications mast located to the far southwestern corner of the site and this has been recorded to emanate some sound. This has not been identified as a cause for concern by the Environmental Health Team and the proposed dwellings would be positioned roughly equidistant from the mast as is Stonehouse Farm to the south. However, to ensure acceptable standards of amenity, safeguarding conditions are recommended which seek further details to ensure internal habitable accommodation is subject to acceptable levels of noise.
- 7.67 A construction management plan for each phase condition has been recommended in order to control and minimise disturbance during the construction phase, given the proximity of the site to residential receptors. Once completed, the development should have no greater implications for noise generation or nuisance than any other residential use.

Drainage, flooding and water resources

- 7.68 Policy SD3 expects that new development comprises effective and sustainable water management in order to reduce flood risk. This includes ensuring that development proposals are located in accordance with the sequential test and exception tests where appropriate, consistent with the overarching guidance and principles as set out within the NPPF. Furthermore, development should include appropriate sustainable drainage systems (SuDS) to manage surface water according to the hydrological setting of the site.
- 7.69 As required, the application is supported by a Flood Risk Assessment (FRA). It confirms that the site is location within Flood Zone 1 which is at the lowest risk of flooding, with the effects of climate change. The site is not at risk of surface water flooding, or from any other sources.
- 7.70 As expected from the layout and any form of development of this quantum, the amount of impermeable area would increase and this can in turn lead to increased runoff rates. In this case, the proposed outfall is to a ditch upstream of the River Frome and therefore any increased flows would lead to flooding on remote agricultural land, away from developed areas. Where there is an increase of impermeable areas, water runs quicker into rivers and streams and this has implications when taking account of receptive volumes, increasing the risk of downstream flooding.

- 7.71 Some limited infiltration testing has been undertaken on site although infiltration is likely only viable in certain isolated areas of the site. Additional testing would be required and supplied as part of further details to highlight where infiltration to ground could be incorporated within the site wide drainage strategy.
- 7.72 On the basis that infiltration is broadly not an option across the site, attenuation basins are proposed with controlled discharge. It is acknowledged that it is difficult due to the topography of the site to size a basin which can store the 100 year + climate change storm. It is therefore proposed to use additional flow controls, and the BBLP Land Drainage Team are satisfied that further details could be provided at a later stage and secured through appropriately worded planning conditions. For example, the strategy could include below ground storage within areas of open space (in the form of geocellular crates) uphill of the attenuation basin, or beneath it. Consideration would need to be given to ensuring that controls are in place to ensure that water from small rain events drains to the basin and is not stored within the creates, otherwise the basin would remain dry which can lead to a number of implications relating to visual impact, overall amenity and adoption.
- 7.73 It should be noted that above ground features would not be adopted by DCWW; therefore the basins would be adopted by Herefordshire Council, or via a private management company and a condition is recommended to secure such details.
- 7.74 Consideration has been given to instances where blockages occur or where rainfall events occur that exceed the capacity of designed strategy. Exceedance routes have been provided which details the overland flows which are considered acceptable. Nevertheless, details would need to be supplied on plans as part of details secured by condition or at any forthcoming reserved matters submission(s).
- 7.75 The BBLP Land Drainage Team have recommended that the applicant engage in discussions with DCWW in achieving a solution which is capable of adoption. Nevertheless, the constraints of the site and the layout as deposited are considered satisfactory to provide comfort that further details could be secured through condition.
- 7.76 In terms of foul water, there would be a requirement to connect to the existing mains sewer served by DCWW within Bromyard. DCWW have advised that there is insufficient capacity in the network to accommodate the development. As required by DCWW, a pre-commencement to facilitate a hydraulic modelling assessment is recommended to be attached to any outline planning permission. This would determine the point of connection following any require reinforcement works to the system.
- 7.77 Some concern has been raised with respect to low water supply issues within the immediate locality, namely Damson Tree Close. DCWW advise that there are existing capacity issues and that the supply system would not be able to serve the development without having a detrimental impact on existing customers' water supply. Therefore, a hydraulic modelling assessment would be required and the potential delivery of reinforcement works as well as the provision of a new water main to serve the development. This is regulated through the relevant sections of the Water Industry Act (1991) and therefore it would be necessary to impose planning conditions relating to matters of potable water supply.
- 7.78 In the round, the proposal development, taking account the layout under consideration is judged as satisfactory insofar further details could be secured at a later stage in order to make the development acceptable from a flood risk and drainage perspective. As such, no tension with Policy SD3 and SD4 is identified.

Ecology

- 7.79 Policy LD2 of the Core Strategy seeks to ensure that development proposals conserve, restore and enhance biodiversity assets of Herefordshire. Important sites, habitats and species shall be retained and protected in accordance with their status. Relevant guidance and principles are set out within the NPPF at Chapter 15.
- 7.80 Given the period of time in which the application has been under consideration by the LPA, a number of ecological surveys and updates have been completed over this extended period to reflect any potential changes over time and to ensure that they are relevant for consideration.
- 7.81 As set out in the comments provided by the Principal Built and Natural Environment Team (Ecology), the submission identifies some specific areas of ecological interest throughout the site where there are some small populations of protected species, often associated with existing ecological corridors of trees and hedgerows.
- 7.82 Although the application is made in outline (with access and layout for consideration at this stage), the illustrative plans do indicate the retention or significant amounts of green infrastructure. Indeed, the layout itself assists in adding to the biodiversity of the site through the location of POS along retained green infrastructure and ecology corridors. This is considered sufficient to inform more detailed ecological enhancements which would come forward at a later stage (through conditions or landscaping reserved matter(s)) and ensure accordance with Policy LD2 of the Core Strategy.

Impact on the River Lugg / Wye Special Area of Conservation

- 7.83 The application site lies within the hydrological catchment of the River Lugg, which forms part of the River Wye Special Area of Conservation (SAC) currently failing its conservation status as a result of phosphate levels within the river.
- 7.84 As the competent authority, Herefordshire Council is required to complete an Appropriate Assessment of the implications of the plan or project for that site in view of that site's conservation objectives. Regulation 63 (5) directs that the competent authority may agree to the project (i.e. grant planning permission) only after having ascertained that it will not adversely affect the integrity of the European site. Regulation 63 (3) requires consultation and regard to representations made by the relevant statutory body, which in this case is Natural England.
- 7.85 The Applicant in this case has utilised Natural England's 'Nutrient Neutrality Budget Calculator – River Lugg Catchment' to determine that the development would create an annual phosphorus load of 35.08kg TP/year (including 20% buffer) which must be managed against in order to avoid detriment to the River Lugg. The Council's Built and Natural Environment Manager (Ecology) has quality checked and confirmed these figures as accurate.
- 7.86 Noting the above, the Applicant has applied for, and received, an allocation of phosphate credits from Herefordshire Council. In purchasing these credits, the Applicant will be funding the delivery of the wetland project which, in turn, will mitigate for the effects of their development and deliver net betterment to the Lugg. The amount of credits to be purchased must therefore be commensurate with the impact that requires mitigation. The Council's Phosphate Credit Pricing and Allocation Policy April (2022) sets a charge of £14,000 per Kg of phosphate generated. Based upon the annual phosphorus load of 35.08kg TP/year, the Applicant is required to purchase credits to the value of £491,120. This would be secured by a Section 106 legal agreement.
- 7.87 The Council continues to explore the option with the applicants to offer a phased approach to the purchase of the credits and the use of Section 106 agreements to be able to facilitate this but this is dependent upon alternative mitigation (such as a further wetland) being progressed. The recommendation below allows some flexibility with this approach to allow for the further exploration of this.

- 7.88 The Council's Built and Natural Environment Team (Ecology) has completed an Appropriate Assessment (**Appendix 5**). This assessment concludes, subject to appropriate mitigation being secured in the form of Phosphate Credits, that the proposal would not give rise to any adverse effects on the integrity of the River Lugg / River Wye SAC. It is therefore the view of the Council, as the competent authority, that the proposed development is nutrient neutral and as such compliant with the Conservation of Habitats Regulations (2017) (as amended) and that there is no conflict with policies LD2 and SD4 of Core Strategy.

Climate change

- 7.89 Core Strategy 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.
- 7.90 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 and sustainable modes (as defined by the NPPF). The NPPF sets out that in assessing sites for specific applications for development Local Planning Authorities should ensure that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up. Further to this it looks to ensure development is 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.
- 7.91 The site is located, as set out above, to deliver sustainable development amongst which includes reducing the need to travel by private car, on the edge of Bromyard. The location lends itself to the ability to walk or cycle to the town centre and other services and facilities nearby including primary and secondary schools.
- 7.92 The development would also deliver substantial open and recreational space within it, secured through a Section 106 agreement with details delivered in matters reserved for future consideration. Accordingly, the proposal is located whereby many day to day functions and journeys by future occupiers could be undertaken without the need to use a private vehicle.

The development includes significant areas of formal and amenity open space along with opportunities for a substantial amount of new planting exceeding previous green coverage on the site with regards to trees, hedgerow and habitats. Precise details would be secured through a combination of the Section 106 agreement and within any subsequent reserved matters application(s), however with regards to the requirements of Policy BY2 of the Core Strategy and illustrative masterplan, it is clear enhancements and gains would be achieved.

- 7.93 Furthermore, the application is supported by an 'Energy and Sustainability Statement' which seeks to demonstrate how the development would achieve optimum energy efficiency and carbon reduction in line with policy requirements and other regulatory standards. A 'fabric first' approach is proposed, incorporating high standards of thermal insulation, airtightness, and thermal bridging together with efficient heating and lighting systems. It also appraises the feasibility of low carbon and renewable energy systems. With this, it advises that air source heat pumps are likely the best option for delivering low carbon heating to all dwellings. Solar photovoltaic systems would be feasible for the development and would make efficient use of south facing elevations throughout the development.

Affordable Housing / Housing Mix

- 7.94 Policy H1 of the Core Strategy sets the threshold for the delivery of affordable housing at sites of more than 10 dwellings. Policy H3 expects development to provide a range and mix of housing units which can contribute to the creation of balanced and inclusive communities and as set out through Policy BY2, this means providing a target of 40% affordable housing.
- 7.95 The proposal looks to provide 125 open-market dwellings (50%) and 125 affordable dwellings (50%) which is inclusive of 25 (10%) additionality grant funded units on top of the target 40% otherwise provided as part of the development.
- 7.96 In terms of open-market provision, the mix provided would be 15% 2-bedroom (houses and bungalows), 65% 3-bedroom and 20% 4-bedroom. When having regard to the Herefordshire Housing Market Area Needs Assessment 2021 (HMANA) for Bromyard (Urban) Housing Market Area (HMA), the mix as deposited is slightly skewed towards the larger bedroom numbers but is generally responsive to the overall HMA need and would include the provision of both houses and bungalows which, in context of limited housing delivery within Bromyard through the plan period so far, is acknowledged as an overall benefit with the HC Strategic Housing Team raising no objection in this regard.
- 7.97 In terms of the affordable rented provision (45 units), this would come forward as 18% 1-bedroom (flats and maisonettes), 42% 2-bedroom (flats, bungalows and houses), 22% 3-bedroom and 18% 4-bedroom. This is broadly considered an appropriate mix and although there is some disagreement in the submission with the HC Strategic Housing Team with respect to the provision of 1-bedroom accommodation (especially in terms of flats), the mix as deposited does respond to the HMANA in which Policy BY2 directs to, irrespective of potential more recent demand changes. Concerns with respect to maintenance and associated perceived disbenefit of flatted accommodation are noted but this is considered a management issue of any forthcoming registered provider and cannot of itself substantiate the overall resistance of such affordable provision.
- 7.98 30no. units of shared ownership homes would be provided at a 50:50 split between 3 and 4-bedroom. A policy compliant (25) amount of First Homes would be provided in the way of 19 2-bedroom, 5 3-bedroom and 1 4-bedroom.
- 7.99 As required, the additionality grant funded units would be tender neutral and would be agreed based on up to date evidenced local need between the LPA and any registered provider. If these additional affordable units are not delivered as such, the dwellings would be provided as open-market and contributions would be sought on these units (this requiring a variation to any approved outline planning permission given the consideration and approval of layout at this stage).
- 7.100 It should be noted that the proposed 2 out of 6 of the 2-bedroom bungalows proposed for affordable rent, have been amended to be M4(3) wheelchair accessible bungalows. The remaining bungalows would be M4(2) accessible and adaptable. It is considered that this broadly demonstrates accordance with Policy H3 as it would provide housing capable of meeting the specific needs of the elderly population.
- 7.101 The layout and tenure plan demonstrates that the affordable provision would be pepper-potted throughout the site and evenly distributed across both Phase 1 and Phase 2 to ensure appropriate and responsive delivery.
- 7.102 The affordable provision which prioritises local connection to Bromyard would be secured through the Section 106 agreement as detailed below, with the housing mix secured by way of planning conditions.

Section 106 - Planning Contributions

- 7.103 Core Strategy Policy ID1 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 must satisfy all of the following:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 7.104 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). The agreement would also provide for the transfer of the land identified for the expansion of St Peter's Primary School to the LEA.
- 7.105 These contributions are set out within the draft Section 106 agreement and also includes the mechanism for the securing of the requisite purchase and allocation of phosphate credits to mitigate the phosphate impacts of the development as above set out. A summary is set out below in **Figure 3**.

Infrastructure	Quantum of contribution
Affordable Housing	40% of the residential units will be affordable dwellings intended for occupation as First Homes, Affordable Rented and Shared Ownership tenure with local priority to Bromyard.
Healthcare contribution	A financial contribution of £375.36 (index linked) per dwelling to provide infrastructure for the provision of primary and community healthcare services in Bromyard.
Education contribution	<p>A financial contribution of;</p> <ul style="list-style-type: none"> • £4,566.00 (index linked) per 2 bedroom open market dwelling • £4,566.00 (index linked) per 3 bedroom open market dwelling • £8,798.00 (index linked) per 4 bedroom open market dwelling <p>to provide the education facilities at Bromyard Early Years, St Peters Primary School, Queen Elizabeth Humanities College, Bromyard Youth and Special Education Needs.</p> <p>In addition the developer is required to transfer land for an extension to St Peters Primary School at nil consideration with all rights of access.</p> <p>If the transfer does not proceed having used all reasonable endeavours to do so then the payment of a financial contribution towards St Peters will be paid in lieu of the land as follows;</p> <ul style="list-style-type: none"> • £3,063.00 (index linked) per 2 bedroom open market dwelling • £3,063.00 (index linked) per 3 bedroom open market dwelling

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

	<ul style="list-style-type: none"> • £5,018.00 (index linked) per 4 bedroom open market dwelling
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 £1,398.00 (index linked) per open market dwelling to provide sports facilities for football, cricket, rugby, tennis, shooting, archery and skate park in Bromyard
Transport contribution	<p>A financial contribution of;</p> <ul style="list-style-type: none"> • £2,458.00 (index linked) per 2 bedroom open market dwelling • £3,690.00 (index linked) per 3 bedroom open market dwelling • £4,917.00 (index linked) per 4 bedroom open market dwelling <p>The monies shall be used by Herefordshire Council towards the costs of public realm improvements and supporting active travel measures.</p>
On site Public Open Space and Play	<p>The developer covenants with Herefordshire Council to provide a <u>minimum</u> of 6,900ha (6900sqm) of on-site green infrastructure comprising;</p> <ul style="list-style-type: none"> • 0.23 ha (2300sqm) of Public Open Space (@ 0.4ha per 1000 population) • 0.46ha (2200sq m) of Children’s Play (@ 0.8ha per 1000 population) of which 0.14ha (1,400sqm) should be formal children’s play. (@ 0.25ha per 1000 population) to the value of £182,000.00 <p>The management and maintenance of any on site POS and allotments will be by two management companies which is demonstrably adequately self-funded or will be funded through on going arrangement; or through local arrangements such as the parish council and/or a Trust set up for the new community.</p>
Phosphate credit purchase	<p>Purchase of phosphate credits to ensure that the development is phosphate neutral and will not adversely affect the catchment as a habitat site;</p> <ul style="list-style-type: none"> • 35.08kg = £491,120.00

Figure 3 – Summary draft Heads of Terms

Other matters

7.106 Received representation has raised concerns with respect to the widening of the footway between upper Hardwick Lane and Winslow Road insofar that it would encroach onto private property. Footway provision along this stretch has been omitted from the proposal but nevertheless it should be noted that the LHA have been to site to measure and it is confirmed that the improvements could be accommodated within highway land. In any case, notwithstanding the existing structures (steps etc.) that exist here, adverse possession cannot be claimed for highway land.

CONCLUSION

- 7.107 The proposed development forms part of a strategic site and would deliver 250 dwellings, the minimum requirement for the site as a whole. The site is within easy reach of the market town of Bromyard, the local highway network and existing services and facilities within the town. It is therefore considered to be a sustainable location. The proposed layout is considered broadly acceptable whereby it would provide, and allow for, the requisite level of open-space and associated infrastructure without compromising visual amenity or resulting in any notable adverse landscape impacts. Highways and connectivity matters have largely been satisfactorily resolved; the proposal would enable active travel links to surrounding residential areas and services and facilities and; would not sterilise the ability for further development of the remainder of the strategic site.
- 7.108 The development would give rise to both social and economic benefits which would include but not be limited to the initial boost to the local economy during the construction phase, albeit the extent and magnitude of this cannot be guaranteed. There would however be inevitable spend from future occupiers and additional dwellings to increase choice within the market including affordable provision. The securing of an appropriate mix of open-market and affordable housing would also help to contribute towards a mixed and balanced community.
- 7.109 Financial contributions would also be secured and these would provide for additional local infrastructure capacity where required, including local education and GP provision, noting acknowledged strains. In the context of local concerns with respect to capacity, this is considered to be a benefit of the development.
- 7.110 Subject to a well-considered reserved matters application(s), it is reasonable to conclude that there would be no discernible adverse environmental impacts; or if any do arise, that they would be of such insufficient magnitude to outweigh the benefits of providing residential development, including affordable housing, in a sustainable location.
- 7.111 The proposals are considered to represent sustainable development and are generally in accordance with the development plan. Consequently the 'presumption in favour' set out in local and national planning policy applies. Approval is therefore recommended subject to the conditions and a legal agreement providing for affordable housing (and other) contributions, including the purchase of phosphate credits from Herefordshire Council to make the development nutrient neutral.

RECOMMENDATION

That subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement within 6 months of the date of Planning Committee to secure:

- **Contributions as set out / requires**
- **Purchase of Phosphate Credits (in full or phased)**

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

Standard

- 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 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 as far as it relates to access and layout ;

- 0687-101 A Amended Location Plan
- 332310017-STN-HDG-XX-DR-CH-0571-P01 Long Section West Pond
- 332310017-STN-HDG-XX-DR-CH-0572-P02 Long Section South Pond
- 332310017-STN-HML-XX-DR-CH-0110-P03 Engineering Strategy
- 332310017-STN-HML-XX-DR-CH-0111-P03 Engineering Strategy
- 332310017-STN-HML-XX-DR-CH-0112-P03 Engineering Strategy
- 0687-102 B-A0L Composite Planning Layout
- 0687-102-1 B Planning Layout-A0L
- 0687-102-2 B Planning Layout-A0L
- 0687-104-1 B External Works Layout-A0L
- 0687-104-2 B External Works Layout-A0L
- 0687-104-3 B External Works Layout-A0L
- 0687-104-4 B External Works Layout-A0L
- 0687-104-5 B External Works Layout-A0L
- 0687-104-6 B External Works Layout-A0L
- 0687-104-7 B External Works Layout-A0L
- 0687-104-8 B External Works Layout-A0L
- 0687-111-1 B Refuse Strategy Plan-A0L
- 0687-111-2 B Refuse Strategy Plan-A0L
- 0687-112 B Tenure Allocation Plan-A0L
- 0687-113 B Land Budget Plan-A1P
- 0687-114 B Phasing Plan-A0L
- 332310017-STN-HML-XX-DR-CH-0014-P07 Section 278 Plan
- 332310017-STN-HML-XX-DR-CH-0151- P03 Swept Path Analysis
- 332310017-STN-HML-XX-DR-CH-0152- P03 Swept Path Analysis
- 332310017-STN-HML-XX-DR-CH-0153- P03 Swept Path Analysis
- 332310017-STN-HML-XX-DR-CH-0154- P02 Swept Path Analysis
- 332310017/6001/001 Proposed A44 Site Access Junction Layout

except where otherwise stipulated or approved 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 MT1 and BY2 of the

Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

Pre-commencement

5 Prior to the commencement of development of any phase, a Detailed Development Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority identifying the phasing, if any, for the development and shall specify the following;

- Residential phases
- Timing of delivery of on-site highway works (including but not limited to on-site roads, footways, cycleways)
- Timing of delivery of offsite highways improvements
- Timing of delivery of public open space
- Timing of delivery of public open space
- Delivery of drainage infrastructure
- Procedures for amending the phasing plan if subsequently deemed necessary

The development, including the completion and delivery of infrastructure shall be constructed in accordance with the agreed 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 Prior to the commencement of the development details of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the Local Planning Authority.

The Surface Water drainage strategy shall include, but may not be limited to the following;

- Infiltration testing to support the optimum use of SuDS where appropriate;
- 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 River Frome).
- 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
- phasing of delivery to be included in the approved drainage scheme

The approved scheme shall be implemented before the first use occupation of any of the dwellings hereby approved,

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 7** Prior to the commencement of the development or forming part of any forthcoming reserved matters application(s) which relate to appearance and landscaping, a Noise Risk Assessment of the site shall be submitted in accordance with Stage 1 of the ProPG* guidance and relate to all residential properties to the west of Upper Hardwick Lane. If the risk is found to be more than negligible, then an Acoustic Design Statement must be required in accordance with Stage 2 of the guidance. The statement should demonstrate how the acoustic environment has been taken into account in the design and layout of the site ensuring that the desirable standards set out in BS8233 are achievable wherever possible with the windows partially open.

Reason: In order to protect the amenity of the occupiers of the proposed dwellings when having regard to noise generated by roads and utility services, so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

- 8** Notwithstanding the visibility splays illustrated on drawing 0687-102 B, no development shall take place until a plan demonstrating visibility splays of 2.4-metres x 33-metres with the splay being delineated by the back of the footway at all junctions, should be provided prior for the approval by the Local Planning Authority.

The approved details shall be maintained accordingly in perpetuity and nothing over 0.6-metre in height should be placed within the splays.

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

- 9** Development shall not begin until a specification of the vehicle access construction at a gradient not steeper than 1 in 12 is submitted to and approved in writing by the Local Planning Authority.

The construction of the vehicular access shall be carried out in accordance with the approved specification.

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.

- 10** 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 works shall include, but may not be limited to the following;

- Footway/cycleway from Cherry Tree Close to site (if necessary as part of Section 278)
- Bus stops/shelters on Winslow Road
- Lighting of Upper Hardwick Lane between site pedestrian access and footpath to Flaggoners Close
- Start and fund TRO process to install bollards on Upper Hardwick Lane

The development shall not be occupied until the scheme has been constructed in accordance with the approved details.

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.

- 11 Development (in each phase) in relation to the provision of road and drainage infrastructure shall not begin until the following details are submitted to and approved in writing to the local planning authority:**

- Surface finishes**
- Drainage details**
- Lighting details**
- Future maintenance arrangements**

The development shall be carried out and thereafter maintained in accordance with the approved details. The works shall be completed prior to the first occupation of any dwelling in the phase.

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied and to conform to the requirements of Policy MT1, LD1 and LD2 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 12 No development other than demolition and site clearance works shall be undertaken for any phase of the development unless and until details of existing and proposed site levels at and surrounding the site have been submitted to and approved in writing by the local planning authority. The details supplied shall include information on the levels of all buildings, hard and soft surfaced areas. The development shall be undertaken and completed at the levels shown on the approved drawing before the phase is brought into use.**

Reason: In the absence of sufficient detailed information, the clarification of slab levels is a necessary initial requirement before any groundworks are undertaken so as to define the permission and ensure that the development is of a scale and height appropriate to comply with Policy SD1, LD1 and BY2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 13 No development shall commence until a fully detailed Landscape Ecological Management Plan (LEMP) to cover all phases of development has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include, but may not be limited to:**

i. Aims and objectives of the scheme;

ii. A plan with annotations showing the landscape and habitat or features to be retained, created and managed, including detailed advanced planting scheme covering each phase and any other areas of the site; the restoration, enhancement and management of existing boundary trees and hedgerows;

iii. Measures (including establishment, enhancement and aftercare) for achieving the aims and objectives of management, with time-specific criteria denoting success or a need to implement contingency measures;

iv. A work and maintenance schedule for 30 years and arrangements for beyond this time;

v. The LEMP shall require the collection and removal of any plastic tree guards on

completion of aftercare, or specify use of bio-degradable tree guards, and that the application of insecticide or fungicides shall be avoided as shall the use of peat anywhere within the restoration scheme. No fertilisers shall be required or are desirable within the acid grassland habitat.

vi. Monitoring and remedial or contingency measures covering habitats, vegetation, breeding birds, bats, great crested newts, reptiles, notable invertebrates and mammals plus any invasive species or injurious weeds. This shall include measures setting out that in the event of any trees, shrub or hedgerow being damaged or removed by the development, they shall be replaced with like species and equivalent size, which in the case of a mature tree may entail multiple plantings, in the next planting season;

vii. Measures to control and prevent the spread of non-native invasive species; and

viii. Those responsible for implementation of the scheme

The approved plan will be implemented in accordance with the approved details.

Reason: To protect, conserve and enhance the site's value for biodiversity and to maintain the visual and environmental quality of the site, in accordance with Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

14 No development shall commence for that phase, 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 is dealt with in an appropriate manner and follows the waste hierarchy. The Plan shall include, but may 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 SD1, SD3, SD4, LD1, LD4 of the Herefordshire Local Plan - Core Strategy and Policy SP1 of the emerging Herefordshire Minerals and Waste Local Plan.

15 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 remediation scheme submitted to the local planning authority for written approval.

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

16 Development (in each phase) shall not begin until details and locations 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 and specification
- Parking for site operatives
- 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.

17 Development (in each phase) shall not begin 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
- Dust management and mitigation measures
- Storage of materials

The approved CEMP shall be implemented in full for the duration of all construction works at the site 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 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.

18 Development (in each phase) shall not begin until a Resource Audit to identify the approach to materials. The Resource Audit shall include the following;

- The amount and type of construction aggregates required and their likely source;
- the steps to be taken to minimise the use of raw materials (including hazardous materials) in the construction phase, through sustainable design and the use of recycled or reprocessed materials;
- The steps to be taken to reduce, reuse and recycle waste (including hazardous wastes) that is produced through the construction phase;
- The type and volume of waste that the development will generate (both through the construction and operational phases);
- End of life considerations for the materials used in the development; and
- Embodied carbon and lifecycle carbon costs for the materials used in the development.

Construction works shall thereafter be carried out in full accordance with the details of the approved Resource Audit unless agreed in writing by the Local Planning Authority.

Reason: The treatment/handling of any site waste is a necessary initial requirement before any groundworks are undertaken in the interests of pollution prevention and efficient waste minimisation and management so as to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework and emerging policy SP1 of the Herefordshire Minerals and Waste Local Plan.

19 No development shall take place until a point of connection for foul flows on the public sewerage system has been identified by a hydraulic modelling assessment, which shall be first submitted to and approved by the local planning authority. Thereafter the connection shall be made in accordance with the recommended connection option following the implementation of any necessary reinforcement works to the sewerage system, as may be identified by the hydraulic modelling assessment.

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.

Pre-occupancy or other stage

20 With the exception of any site clearance and groundwork no further development for each phase of the development hereby approved shall commence until details

of the play facilities proposed for that respective phase have been submitted and approved in writing. These details should include:

- a) Detailed specification of the equipment to be provided
- b) Finished levels and contours
- c) Surfacing,
- d) Landscaping,
- e) Means of enclosure,
- f) Street furniture.

The play area shall be constructed in accordance with the approved plans and made available for use prior to the first occupation of the dwellings in each phase hereby approved and thereafter retained.

Reason: In order to comply with Policy OS1, OS2 and BY2 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

- 21 Prior to the first occupation of any dwelling within any phase of residential development hereby approved, and in addition to any landscaping or green infrastructure that may otherwise be required, a detailed scheme detailing locations and specifications for 'hard' habitat enhancements to be built into, or attached, to new dwellings including provision of bat roosting bricks/boxes, bird boxes for sparrow and other species (as identified in ecological surveys) and details of hedgehog 'highways' through all impermeable boundary features (unless directing hedgehogs on to main distribution roads) should be supplied to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that biodiversity net gain is secured 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; and the council's declared Climate Change and Ecological Emergency

- 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.

The works shall be carried out in accordance with the approved details prior to the occupation of the dwelling to which it serves.

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 Prior to the first occupation of any phase of the development hereby approved, a Travel Plan which contains measures to promote alternative sustainable means of transport for staff 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 until all dwellings are occupied.

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.

- 24 Prior to the first occupation of any phase of the development hereby approved, a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 shall be submitted to and approved in writing by the Local Planning Authority and implemented as approved.

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

- 25 Prior to the first occupation of any phase of the development hereby approved, 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 dwelling to which this relates 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.

- 26 Prior to the first occupation of any phase of the development hereby approved, details of landscape, open space, allotment and community garden management taking account of all areas outside of the curtilage of the dwellinghouses shall be submitted to and approved in writing by the Local Planning Authority.

The details shall include, but may not be limited to the following; -

- a) a map or plan indicating the management responsibility of each respective area of the proposed development.
- b) a schedule of implementation and maintenance of non-private landscaped areas / open space
- c) Delivery and maintenance shall be carried out in accordance with this approved details.

Reason: To ensure the implementation and future establishment of the approved scheme, in order to protect and enhance the visual amenities of the area and and to ensure that the development complies with the requirements of Policy BY1, LD1,

and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

Compliance

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

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

- 28 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

- 29 No external lighting within residential areas shall be provided other than the maximum of one external LED down-lighter above or beside each external door (and below eaves height) with a Corrected Colour Temperature not exceeding 2700K and brightness under 500 lumens. Every such light shall be directed downwards with a 0 degree tilt angle and 0% upward light ratio and shall be controlled by means of a PIR sensor with a maximum over-run time of 1 minute. The Lighting shall be maintained thereafter in accordance with these details.**

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; ; and the council's declared Climate Change and Ecological Emergency

- 30 The mix of open-market and affordable housing delivered shall conform with the housing mix as set out on approved plan 0687-112 B unless a scheme with a revised mix of housing is subsequently submitted to the Local Planning Authority and approved in writing under the terms of this condition. In such circumstances the mix of housing delivered shall be in accordance with the approved revised scheme.**

Reason: To ensure that the development provides an appropriate mix of open-market and affordable housing and to comply with Policies BY2 and H3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

- 31 The Remediation Scheme, as approved pursuant to Condition 16 above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that**

all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

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

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

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

- 33 Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan:

EDP - Arboricultural Impact Assessment - edp2364_r012b

Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 34 Any forthcoming reserved matters application(s) of scale, appearance and landscaping for the relevant phase shall include full details of the proposed allotments.

Reason: In order to ensure an appropriate standard of facility in accordance with Policy BY2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 35 Any forthcoming reserved matters application(s) of scale, appearance, and landscaping for the relevant phase shall include full details of the proposed play facilities. These details should include:

- a) Detailed specification of the equipment to be provided
- b) Finished levels and contours
- c) Surfacing,
- d) Landscaping,
- e) Any means of enclosure,
- f) Street furniture.

The play facilities shall be constructed in accordance with the approved plans and made available for use prior to the first occupation of the dwellings in each phase hereby approved and thereafter retained.

Reason: In order to comply with Policy OS1, OS2 and BY2 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

- 36 For a period of 5 years from the date of this permission, should development to the south of the A44 and / or the extension of the Hardwick Bank Strategic in an easterly direction to Tenbury Road be permitted, a 3-metre wide strip of land on the eastern side of the access road between the A44 and the shared footway/cycleway along the spine road shall be made available for adoption by Herefordshire Council and shall be kept free of development and any landscaping, in order to provide links to the wider network.**

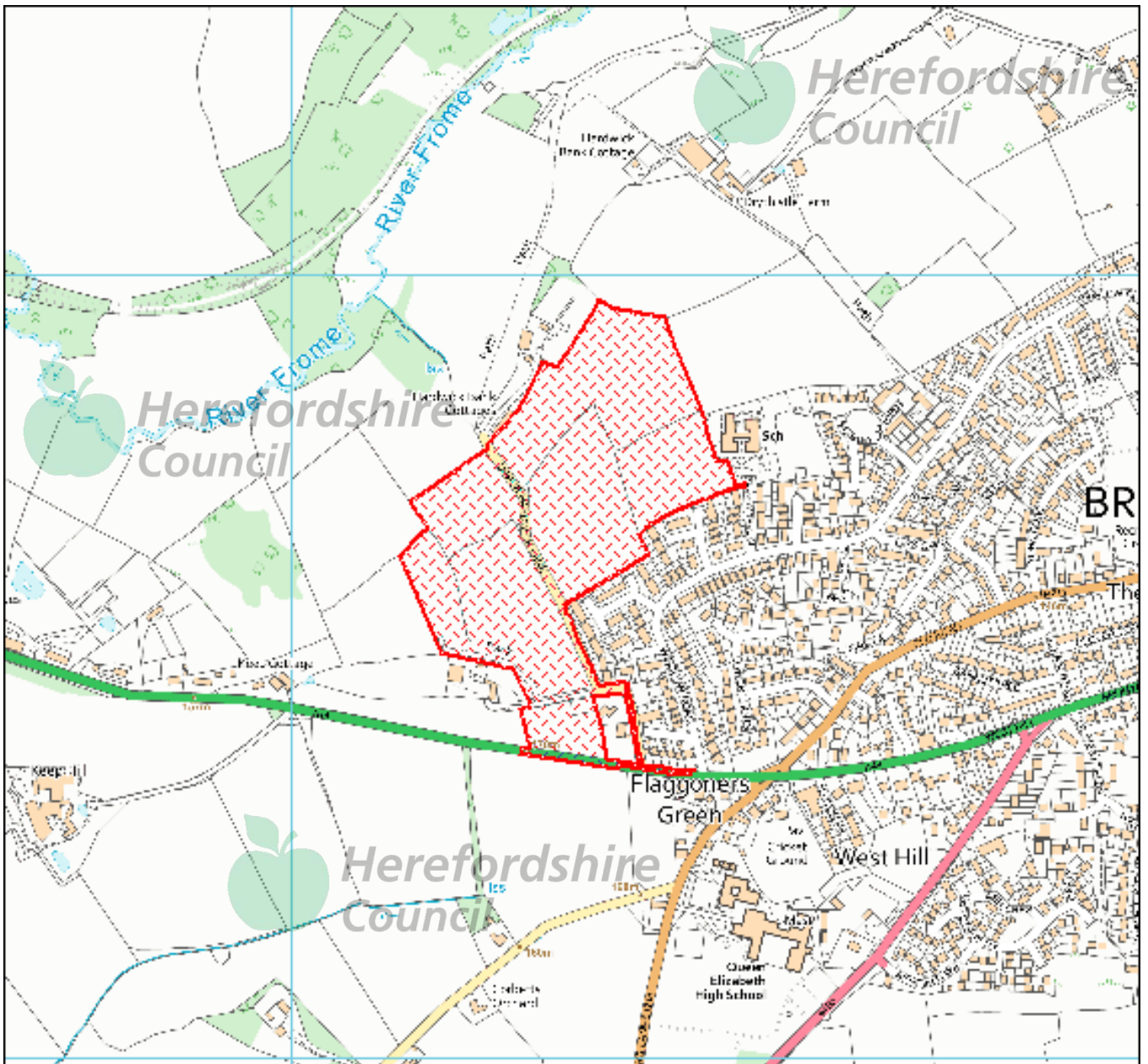
Reason: To enable future connectivity and to safeguard against the sterilisation of wider development and future land uses within Bromyard through the plan period and in the interests of encouraging active travel, in accordance with Policy BY1, BY2, MT1 and SS4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Background Papers

None identified.

List of Appendices:

- Appendix 1** – Local Highway Authority comments dated 6 October 2023
- Appendix 2** – BBLP Land Drainage comments dated 20 December 2023
- Appendix 3** – BBLP Land Drainage comments dated 28 November 2023
- Appendix 4** – BBLP Land Drainage comments dated 18 July 2023
- Appendix 5** – Habitat Regulations Assessment



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

APPLICATION NO: 163932

SITE ADDRESS : LAND AT HARDWICK BANK, BROMYARD, HEREFORDSHIRE

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MEMORANDUM

To : Consultee
From : Mr Ollie Jones, Planning Services, Blueschool House - H31
Tel : 01432 260504 My Ref : 163932
Date : 15/09/2023

**APPLICATION NO &
SITE ADDRESS:
DESCRIPTION:** Planning Re-consultation - 163932 - Land at Hardwick Bank,
Bromyard, Herefordshire,
Outline planning application for a sustainable urban extension
comprising: up-to 250 dwellings; open space, allotments and
landscaping; school expansion land; areas of children's play;
sustainable urban drainage infrastructure; internal roads; and
associated infrastructure. Detailed approval is sought for principal
means of access and layout with all other matters reserved.

APPLICANT(S): The Owner and/or Occupier
GRID REF: OS 364358, 254665
APPLICATION TYPE: Outline
WEBSITE LINK: <http://www.herefordshire.gov.uk/searchplanningapplications>


Amended Additional Amended and Additional New or Re-Consultation

The local highway authority (LHA) has the following comments to make on the updated scheme, albeit it should be noted that these comments are made prior to sight of the Stage 1 RSA which is understood to be in progress:

LHA Original Comment	Applicant's Response	LHA Final Response
It is assumed the layby on the access road just north of the proposed site access is for servicing the gas governor, however, the LHA would not wish to adopt the layby therefore it should be placed behind the footway.	Correct the layby is for servicing the gas governor and will only be used intermittently. The layby has been changed to a perpendicular parking space and placed behind the footway. It will be surfaced in grasscrete to integrate with the landscape. A demountable bollard and signage will be installed to prevent incidental use.	Accepted
The LHA will not adopt visitor spaces therefore the footway should run in front of the spaces not behind, for example, adjacent to plots 96/97.	All visitor spaces have been paced behind the footway and are not intended to be adoptable.	Accepted
The 3m cycleway should continue through the school expansion land to Cherry Tree Close. This should be shown on a plan, including the S38 plan as the LHA would wish to adopt it.	This has been shown on all plans including the S38 plan.	Accepted, however, a 2m x 2m pedestrian vision splay should be provided on the northern side where it meets Cherry Tree Close, at present it is bordered by a high fence right up to the footway.
The (presumably) school drop-off laybys by the expansion area should be one long bay rather than broken up and the northern corner should be tightened up/remove excess space with a conventional radius. However, ideally the school drop-off area should be within the expansion land so that the school can control it and residents won't park in it.	The road to the school expansion land has been revised with visitor parking placed to the south of the hedgerow to avoid conflict with residential parking. It is proposed that the street will be one way to reduce potential conflicts at pick up and drop off times. The design of the school expansion will come forward as a separate planning application and it is appropriate that any drop off area that may be required within the school expansion land is considered as part of that application.	There is nothing to force the school to include a drop-off area in the expansion land and an application may not be forthcoming for a number of years but if parents drop-off at this location residents may complain and it will be the schools/Council's responsibility to address the issue. A one-way system is not enforceable without a TRO and the road is too wide to encourage its operation as a one-way system. In addition, it is likely that the two 4 bed dwellings opposite the visitor spaces will occupy at least 2 of the visitor spaces as they have three tandem spaces so the third space is unlikely to be used.
Access for pedestrians/cyclists to the school via the school expansion land should be provided during Phase 1 of the development to ensure good travel habits are formed from the start and walking and cycling is encourage/enabled.	An initial phase has been proposed that will allow access for pedestrians/cyclist to the school via the school expansion land to be delivered as part of that phase.	The Phasing Plan shows the link to the school to be provided in Phase 2. This is not acceptable as travel habits will be established prior to its construction. It should form a condition of planning that the link is provided prior to first occupation of any dwelling. The applicant should also confirm their commitment to provide the link in full (e.g. surfacing, lighting) as part of this application.

<p>Link through hedge/trees should be a cycleway and we would want to adopt it.</p>	<p>The link through the hedge/trees has been removed for sound arboricultural and ecological reasons, which outweigh the limited benefit of providing a cut through in this location.</p>	<p>Accepted</p>
<p>Footway along the A44 between the proposed site access road off the A44 and Upper Hardwick Lane should be removed and the link from the access road onto Upper Hardwick Lane should be included in the S38 plan as the LHA would wish to adopt it. The link towards Stonehouse Farm should also be adopted. Upper Hardwick Lane should be provided with lighting as it will be the main pedestrian access route to this part of the site.</p>	<p>The removed footway along the A44 between the proposed site access road and Upper Hardwick Lane has been removed. To better accommodate pedestrians along Upper Hardwick Lane to the A44, forward visibility around the bend has been improved, as shown on the revised A44 site access drawing, as Stantec drawing 332310017/6001/001 P02. Lighting and resurfacing of Upper Hardwick Lane is proposed, subject to technical review.</p> <p>The link from the access road to Upper Hardwick Lane and the link to Stonehouse Farm are included within the S38 plans, refer to Stantec drawings 332310017-STN-HML-XX-DR-CH-0011 0013.</p>	<p>Accepted. However, the link to Stonehouse Farm is not shown on the S38 plans. In addition, a second link onto Upper Hardwick Lane is shown on the S38 plans and the paths around the western/north-western edge of the development are included. Following our last meeting, these paths were understood to just be mown 'leisure routes' and therefore not adoptable and so should not be included on the S38 plan. Clarification is sought on this point.</p> <p>The improvements to Upper Hardwick Lane and the link from the access road to Upper Hardwick Lane will need to be conditioned as being required to be provided in full prior to occupation of the first dwelling.</p>
<p>The cycleway from the access onto Upper Hardwick Lane to the proposed site access junction with the A44 should be removed but the land reserved so that if the site to the south comes forward then it can be added and a link between the two sites provided.</p>	<p>This has been shown on the revised A44 site access drawing, as Stantec drawing 332310017/6001/001 P02.</p>	<p>Accepted. However, a 3m service strip along the access road between the link to Upper Hardwick Lane and the proposed A44 access should be provided to 'reserve' the land for future cycleway development.</p>
<p>The proposed footway between Upper Hardwick Lane and Winslow Road should be included within the red line and S278 plans.</p>	<p>This has been shown on plans see drawing number 332310017-STN-HML-XX-DR-CH-0011 TO 0014.</p>	<p>This is not included on the S278 plans, only the off-site works plans. It should be included on the S278 plan and the developer is required to fund the works, not S106.</p>
<p>The 30mph speed limit should be relocated to the west of the proposed junction for the Stonehouse Farm access on the A44.</p>	<p>This has been shown on the revised A44 site access drawing, as Stantec drawing 332310017/6001/001 P02.</p> <p>The relocation of the 30mph speed limit change is supported by the development but will be subject to a successful TRO. However, it is</p>	<p>Whilst it is accepted that the outcome of a TRO cannot be guaranteed we would require the developer to fund the TRO process.</p>

	<p>considered that the relocation of speed limit change is not required to provide the site access junction.</p> <p>Should the TRO not be successful, the sight stopping distance of 160m to the signal heads at the site access junction is shown to be achievable, in accordance with the recorded 85th percentile speed, for a design speed of 50mph.</p>	
The LHA would prefer to adopt the outer cycle route which skirts the development to the west from the pond to southern extent of dwellings as it is considered that this would be in the best interests of the public.	As previously agreed with the LHA, the primary cycle route is via the spine road. The paths shown within the public open space are not intended as cycle routes. The paths are not to be provided to adoptable standards as this would conflict with informal landscape character of the areas and ecological enhancements.	Accepted but paths are shown on the S38 plans so will need to be removed from the plans.
A link through from the site onto Damson Tree Close should be provided if the hedge ownership allows.	This is not deliverable due to land ownership reasons.	As agreed during our last meeting the PROW is to be provided with a tarmacked surface to allow for all weather use, albeit it is recognised that it wouldn't be considered a primary access route due to its narrow width.
Grass verges will not be adopted therefore visibility splays should be demarked by footway rather than verge.	All grass verges and areas of public realm planting have been placed behind footways.	There are a number of places where the grass verge is within the splay areas, for example by plot 143. In addition the planning layout (dwg 0687-102 A) does not show the footway following the forward visibility splay line and the splay is blocked by the parking space for plot 144.
Forward visibility should be 33m and should be shown on plans.	This has been shown on the planning layout see 0687-102 A	Footway does not define/follow the splay line by plots 19, 21, 59, 60, 83 and 143.
Minimum centreline radii should be 25m. This should be demonstrated on a plan.	This has been shown on the planning layout see 0687-102 A	Could this be demonstrated on a larger scale plan (1:500).
Visibility splays should be 2.4m x 33m and be demonstrated on a plan.	This has been shown on the planning layout see 0687-102 A	Visibility splay has not been provide for the junction of Upper Hardwick Lane with the new spine road.
2m x 2m pedestrian vision splays should be provided at all driveways to ensure visibility of pedestrians when vehicles are reversing on/off driveways/parking spaces. These should be provided as per the extract from our Highway Design Guide below. As per visibility splays, nothing over 0.6m in height should be placed within the splay.	This has been shown on the planning layout see 0687-102 A	It is not clear from the key what the green hatched areas are but they should not include planting over 0.6m in height.

		
<p>The footway provision along some roads throughout the site appears to be broken up in places, for example, as shown below. A continuous footway should be provided along adoptable roads.</p>	<p>Continuous footways have now been provided along all adoptable roads.</p>	<p>Accepted</p>
<p>How Upper Hardwick Lane to the north of the spine road is accessed is not clear. Swept paths of a large tractor and a fire tender turning into and out of the lane should be provided, as should visibility splays at the junction with the spine road. Visibility splays for the section of Upper Hardwick Lane to the south of the spine road should also be provided.</p>	<p>Stantec have provided the swept path analysis for a tractor and trailer and a fire tender accessing Upper Hardwick Lane from the spine road. This is shown in drawing 332310017-STN-HML-XX-DR-CH-0153.</p>	<p>The swept path of a fire tender has difficulty turning into the northern part of Upper Hardwick Lane and whilst it is recognised that it would be unusual for a fire tender to turn up there and therefore using both sides of the carriageway would be acceptable there may be regular instances when an HGV may have to turn up there and this would be an issue if it was a regular occurrence. Could an HGV be tracked to see if there is an issue and if so would providing some widening help. In addition, visibility splays for the junction of the southern part of Upper Hardwick Lane with the new spine road should be provided in case the TRO to stop up the lane fails.</p>
<p>Raised tables should not be required as roads should be designed to keep speeds down.</p>	<p>The main spine road has been designed to keep speeds down. An assessment has shown that there is one straight section which might encourage higher speeds and so a build out is proposed close to the central open space to mitigate this.</p>	<p>Raised table will not be adopted and the planning layout shows number rumble strips which will also not be adopted.</p>
<p>Block paving will not be adopted. Only standard materials such as black top should be used.</p>	<p>Block paving has been removed from adoptable roads.</p>	<p>Accepted.</p>

<p>All shared private drives under 25m in length should be provided with a turning head capable of turning a large estate car around via a three point turn with all of the car parking spaces occupied. Shared private drives over 25m in length should be provided with a turning head capable of turning a LWB Transit type van around via a three point turn with all of the car parking spaces occupied IF Waste have confirmed that a refuse vehicle would not have to travel down it. Vehicle swept paths of these manoeuvres should be provided for all shared private drives.</p>	<p>Tracking has been demonstrated across the site for the points raised. This is shown in drawings 332310017-STN-HML-XX-DR-CH-0151 TO 0153.</p>	<p>Shared private drives have not been tracked.</p>
<p>Car parking should be provided as follows:</p> <ul style="list-style-type: none"> • One bedroom dwelling – One space • Two/Three bedroom dwellings – Two spaces • Four bedroom plus dwellings – Three spaces <p>Ideally three tandem spaces in a row should not be provided as this is likely to result in at least one vehicle parking on-street for ease of movement.</p>	<p>As set out in the TA, the development proposes a total of 525 car parking spaces for residents and 47 visitor parking spaces. The car parking provision is provided in accordance with HC requirements of:</p> <ul style="list-style-type: none"> • One bedroom dwelling – One space • Two/Three bedroom dwellings – Two spaces • Four bedroom plus dwellings – Three spaces <p>Where possible, three tandem spaces have been removed, however there are a few locations where two tandem spaces and a garage are required.</p>	<p>Accepted</p>
<p>Parking courts should be avoided where possible, for example, plots 74 – 81.</p>	<p>There are just two locations where small parking courts are provided, which are directly linked to the proposed apartment blocks. These are secure and benefit from good surveillance. Accommodating this parking on street frontages would be detrimental to the proposed streetscene.</p>	<p>Accepted</p>
<p>Cycle storage should be provided for all dwellings, for example plots 74 – 81. Facilities to charge e-bikes should also be provided, particularly in communal stores.</p>	<p>Details of cycle storage to be provided as part of reserved matters of landscape.</p>	<p>It will have to be conditioned as part of this application as it is part of accessing the development and encouraging travel by sustainable modes.</p>
<p>The proposed bus stops on Winslow Road should be positioned closer to an access into the site, i.e. Cherry Tree Close if possible.</p>	<p>The eastbound and westbound bus stop locations as shown on Stantec Drawing 332310017/6001/002 (as submitted with TA), are the preferred locations in the vicinity of Cherry Tree Close and Flaggoner's Close, based on a technical review, which included;</p> <ul style="list-style-type: none"> • Location of private drives – to consider that a bus does not block access. • Location along Winslow Road – consider location due to steep gradient along Winslow Road, to the east of Cherry Tree Close. • Visibility splay – consider location which has least impact on junction visibility splays. <p>Alternative locations closer to the access were considered but discounted due to issues with gradient, visibility and or blocking private drives.</p>	<p>The location details can be discussed further during the S278 process. The bus stops will need to be added to the S278 plans.</p>
<p>A Stage 1 Road Safety Audit (RSA) should be provided once the above amendments have been incorporated. The RSA should include the proposed footway improvements along the A44 between Upper Hardwick Lane and Winslow Road. The LHA would wish to have sight of the Audit Brief prior to the commissioning of the RSA.</p>	<p>An Audit Brief for a Stage 1 Road Safety Audit RSA brief has been provided to the LHA for their comment and approval.</p>	<p>Comments on the Brief have been provided. Awaiting completed Audit.</p>

Outline Planning Applications: Flood Risk and Drainage Checklist

This document provides a list of the information that, in general, must be submitted to support outline planning applications in relation to flood risk and drainage.

Application details

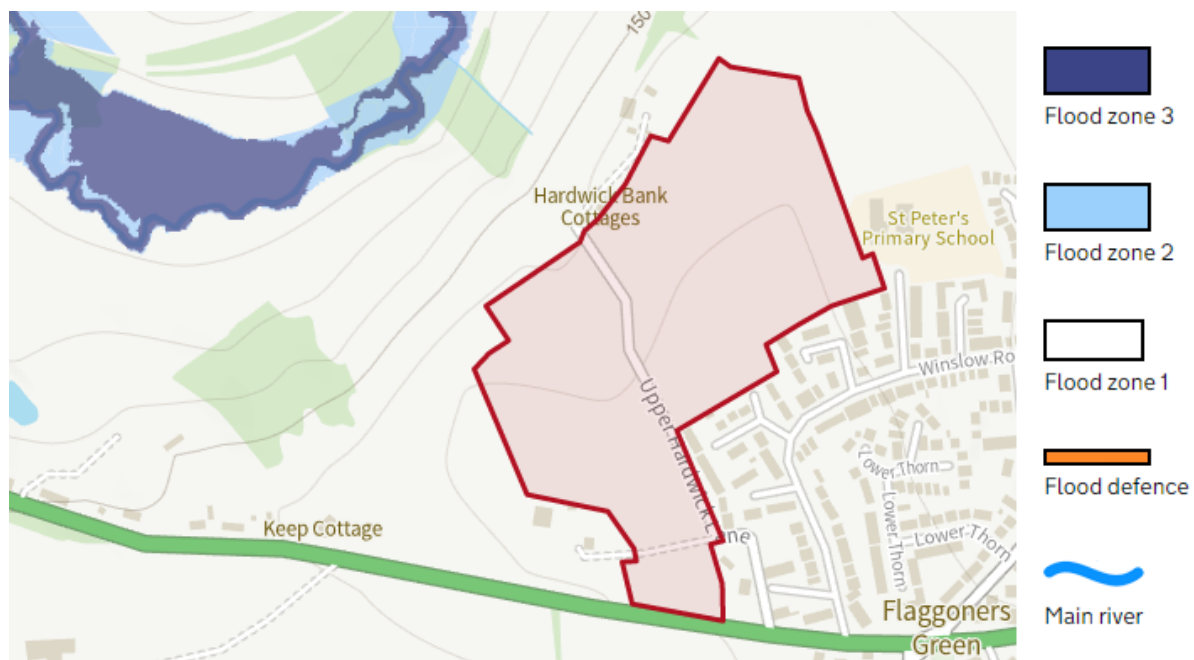
SITE:	Land at Hardwick Bank, Bromyard, Herefordshire.
DESCRIPTION:	Outline planning application for a sustainable urban extension comprising: up to 250 dwellings; open space, allotments and landscaping; school expansion land; areas of children's play; sustainable urban drainage infrastructure; internal roads; and associated infrastructure. Detailed approval is sought for principal means of access and layout with all other matters reserved.
APPLICATION NO:	163932
GRID REFERENCE:	OS 364676, 254881
APPLICANT:	Bovis Homes Limited & Mosaic Estates C/o Agent
AGENT:	Walsingham Planning
DATE OF THIS RESPONSE:	19/12/2023

This response is in regard to flood risk and land drainage aspects, with information obtained from the additional sources following our initial consultation in April 2019:

- Location Plan drawing (Ref: 0687-101)
- Flood Risk Assessment (January 2023);
- Proposed Drainage Plan Sheet 1 of 1, 2, 3 (Rev P05).Nov 2023
- Covering Letter from McLoughlin Planning 8th Sept 2023
- Long Section through South Pond 6th Sept 2023
- Stantec Technical Note 30th Oct 2023 , response to LLFA comments 28th Nov 2023
- Overland Flow Assessment drawing , Overland Exceedance Route drawing
- Utility Mapping and CCTV drawing
- Micro drainage calculations (north pond, south pond)

Site location and extract of flood map(s)

Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), May 2023



Development description

The Applicant proposes the construction of up to 250 dwellings, open space, allotments and landscaping, school expansion land and children's play areas. The site occupies an area of c. 11ha and is currently used for agricultural purposes. The topography of the site slopes down from approximately 169m AOD in the west to approximately 130m AOD in the east. The River Frome is located approximately 250m to the north and west of the site.

Identifying the need for a Flood Risk Assessment

Information required	Reviewers comments
Confirmation of the site area in hectares or square metres	Site area confirmed as c.11.2 hectares.
Identification of all designated main rivers within 20m of the site boundary	The site is not located within 20m of any main rivers.
Identification of all designated ordinary watercourses and land drains within 20m of the site boundary	There are no ordinary watercourses within 20m of the site boundary.
Confirmation of the site's location in Flood Zone 1, Flood Zone 2 or Flood Zone 3, and taking climate change effects into account	The submitted FRA confirms the location of the site in the low risk Flood Zone 1, and is likely to remain in Flood Zone 1 with the effects of climate change.
Confirmation and supporting justification of whether the site is at significant risk of flooding from other sources, including surface water flood risk or flood risk from minor watercourses with unmapped flood extents	The submitted FRA indicates that the site is not at risk of surface water flooding or other sources.

Completing a Flood Risk Assessment


A Flood Risk Assessment (prepared in accordance with NPPF and EA Standing Advice) must support the planning application for any development:

- Located in Flood Zone 2 or Flood Zone 3¹.
- With a site area greater than 1 hectare.
- Located in an area identified to be at significant risk of flooding from other sources, including surface water flood risk or flood risk from minor watercourses with unmapped flood extents.

Complying with the above guidance, the Applicant has submitted a FRA to support this outline planning application.

¹ Note that the Council may also request an assessment of flood risk where the development is indicated to be at risk of flooding when the potential effects of climate change are taken into account.

Information required	Reviewer comments	✓ ✘
Sources of risk		
Assessment of Flood Zone 2 and 3 taking the effects of climate change into account, including predicted flood depths for the 1 in 100 and 1 in 1000 annual probability events	The proposed scheme is located entirely within Flood Zone 1. The site is not considered to be at risk of fluvial flooding when the effects of climate change are considered.	✓
Assessment of areas protected by flood defences and risk of flooding in the event of breach, taking the effects of climate change into account	The site not at risk of flooding in the event of defence breach.	n/a
Assessment of fluvial flood risk from other watercourses in close proximity (c.20m) to the site including those with no mapped flood extent, and taking the effects of climate change into account	There are no known other sources of fluvial flooding associated with minor or unmapped flood extents.	✓
Assessment of mapped surface water flood risk	Review of the EA's Risk of Flooding from Surface Water map indicates that the site is not located within an area at significant risk of surface water flooding. The Flood Risk Assessment (FRA) indicates that there is a small area at high risk of surface water flooding noting that it is a low spot in the topography of the site. Our own review indicates a very slight valley located within the centre of the site with the potential for slight concentration of overland flow between Bromyard's existing urban extent and Drythistle Farm, although this is not considered to pose risk to the site or elsewhere.	✓
Assessment of flood risk associated with potential overland flow from adjacent steeply sloping land	Review of topography indicates that the site is located at a local high point and is therefore not at risk from overland flow.	✓
Assessment of groundwater flood risk	The submitted FRA states that the site is not at risk from groundwater flooding. We concur with this statement although highlight the presence of groundwater springs within the steeper sloping land to the north-west (towards the River Frome) and south-west of the site (towards Hackley Brook that is a tributary of the River Frome), indicated to emerge between the 145-155m contour lines.	✓

Information required	Reviewer comments	✓ ✗
<p>Assessment of flooding from surface water, foul water and highway sewers</p>	<p>The submitted FRA states that the site is not at risk of flooding from sewers. We concur with this statement</p> <p>18.7.23 The applicant should provide a Surface Water Exceedance Plan to demonstrate how surface water will flow in the event of the highway gullies being overwhelmed. From our own review we note that provision may be needed to accommodate surface water runoff at the following locations, but the designer should complete a site wide review. Some properties may need to be raised 300mm.</p> <p>Upper Hardwick Lane runs very close to the location below. A direct discharge point may be created onto the public highway as the lane is lower down than the proposed site road, this may create an ice hazard.</p>  <p>28.11.2023 The applicant has presented an Overland Flow Assessment drawing. We note that the service road alongside Upper Hardwick Lane has been deleted. The applicant has advised that surface water will be directed along Upper Hardwick Lane, advising that there are no receptors that would be affected. We note that Upper Hardwick Lane forms part of the impermeable area throughout the site. The flow assessment has demonstrated the significance of this flow route. We consider that at Reserved Matters stage, a highway grip/ditch should be added, along with a swale to divert exceedance flow from the lane into the proposed balancing pond. This would need to be located at the eastern end of the pond.</p> <p>19.12.2023 A culvert has been added to the Overland Flow drawing. A ditch/swale is referenced in the applicant's response</p>	<p>✓ ✗</p> <p>✓</p>

Information required	Reviewer comments	✓ ✗
Assessment of flood risk from any other manmade sources, including reservoirs, ponds, detention basins etc.	The submitted FRA states that the site is not at risk of flooding from artificial sources such as canals, lake and ponds. We concur with this statement	✓
Summary of historic flooding records and anecdotal evidence	The submitted FRA states that no records of historic flooding were identified in their assessment. We agree that the Council hold no records historic flooding events that have occurred within or immediately adjacent to the site, although highlight a number of known historic flooding events that have affected property and infrastructure downstream of the site, most notably fluvial flooding from the River Frome. This may influence discharge of runoff as discussed elsewhere.	✓ (with note)
Other works that could pose risk		
Are there any other proposed works that could lead to increase of flood risk to the site or elsewhere, for example culverting or diversion of watercourses?	There are no other known works that would pose increased flood risk to the site or elsewhere.	✓
Sequential approach		
Assessment of the acceptability of the development within the identified Flood Zone, in accordance with the Sequential Test outlined in the National Planning Policy Framework	The site is located entirely within Flood Zone 1 and therefore passes the Sequential Test.	✓

Information required	Reviewer comments	✓ x
<p>Demonstration of how a sequential approach has been taken to locate development in the lowest risk areas of the site, including the risk of flooding from other sources</p>	<p>The site is located entirely within Flood Zone 1 and a sequential approach is not considered necessary.</p>	<p>✓</p>

Information required	Reviewer comments	✓ ✘
Mitigation		
<p>Summary of how the development has addressed the identified flood risks and incorporated appropriate mitigation into the layout and operation of the development</p>	<p>No mitigation beyond the appropriate management of surface water runoff is considered necessary.</p> <p>18.7.23 We note that Upper Hardwick Lane crosses through the site, which is lower than the existing farmland. It is impractical to convey the exceedance flows (arising from the scenario when the surface water drainage system is overwhelmed) from the north-east of the site to the proposed balancing pond.</p> <p>We note that Upper Hardwick Lane crosses the edge of the proposed Public Open Space and is shown running parallel to a new site road. A direct discharge of surface water onto the public highway needs to be avoided. The extent of the existing highway drainage on Upper Hardwick Lane needs to be reviewed as if a direct discharge were to occur then water may not be effectively conveyed via the highway drains</p> <p>28.11.2023 The applicant has advised that the service road alongside Upper Hardwick Lane has been deleted.</p> <p>The applicant refers to the use of gullies to prevent the discharge of water onto the highway. However, the exceedance route considers the scenario when these block or cannot cope with flows of water from large storms.</p> <p>The applicant refers to water being conveyed to the River Frome. However, there is a need to attenuate water arising from exceedance events.</p> <p>We consider that at Reserved Matters stage, a highway grip/ditch could be added as explained above</p> <p>19.12.2023 A culvert has been added to the Overland Flow drawing. A ditch/swale is referenced in the applicant's response.</p>	<p>✓</p>
<p>Assessment of how a safe access route(s) to Flood Zone 1 (not including dry islands) would be achieved from the development, taking flood hazard and climate change into account</p>	<p>Vehicular accesses to the site is located in Flood Zone 1 and the site is not a dry island.</p>	<p>✓</p>

Information required	Reviewer comments	✓ ✘
<p>Assessment of how the development will ensure no increased risk to people, property or infrastructure elsewhere, for example through the displacement of floodplain compensation or failure of flood defence structures, and demonstration of how mitigation will be incorporated into the design, with supporting calculations</p>	<p>The site is located entirely within Flood Zone 1 and is not assessed as being at risk from other sources of flooding. Therefore no increased risk to people, property or infrastructure is identified beyond the appropriate management of surface water runoff.</p>	<p>✓</p>
<p>Exception Test</p>		
<p>Justification for the successful application of the Exception Test, if applicable</p>	<p>The site is located entirely within Flood Zone 1 and therefore the Exception Test is not required.</p>	<p>n/a</p>

Information required	Reviewer comments	✓ ✗
Strategy		
<p>Summary of likely ground conditions including permeability and contamination risks</p>	<p>Review of information provided by applicant in the submitted FRA states that infiltration testing has been completed and concludes variable but likely unfavourable conditions for infiltration. The Applicant states the targeted soakage testing at proposed SuDS locations will be undertaken at the detailed design stage, suggesting that infiltration will be maximised if possible. We agree with this approach.</p> <p>We note that the applicant has completed only 4 soakaway tests within the red line area but TP19 and TP24 are close together. Only three areas were tested</p> <p>Ground Conditions vary across the site. Sandstone and Mudstone are recorded to alternate across the site. The beds are typically recorded to dip gently to the east, however they have been folded into a synclinal structure with its axis trending north-south through the east of the site. Strata dips may therefore be expected to be shallow and towards the west in the east of the site. At shallow depth the sandstones can be expected to weather to predominantly sand and the mudstones to clay/silt</p> <p>Around 20 of the trial pits within the red line area demonstrated the presence of sand and sandstone. However only one soakaway test (TP19) was completed in the sand - sandstone strata.</p> <p>We are unclear whether the sand layer at TP10 was underwater during the soakaway test. We assume that the soakaway test was completed within the trial pit, but we cannot be sure. It is possible that if the soakaway test pit had been filled to the surface that some soakage may have occurred. At the adjacent TP9 there is sand to a depth of 0.75m, also there is a layer of gravel. The sand bed is localised and may provide a route for dispersing water, the gravel is also likely to be permeable.</p> <p>28.11.2023 The applicant has advised that the proposed surface water strategy considers the worst-case scenario of infiltration not being viable. We consider that if some infiltration is possible then it would be in isolated areas of the site. There will be some space within the estate to accommodate soakaways. We accept that the additional infiltration testing and re-design could be completed at Reserved Matter stage.</p>	<p>✗ (with note)</p>

Information required	Reviewer comments	✓ x
<p>Summary of proposed surface water management strategy with supporting illustration, including location of proposed outfalls, attenuation structures and/or infiltration features</p>	<p>The submitted FRA states that surface water runoff will be conveyed via a mix of traditional piped systems and on-ground conveyance features to attenuation basins located throughout the site. From the attenuation basins, surface water runoff from the vast majority of the site will be discharged to the River Frome at a controlled rate.</p> <p>18.7.23 <u>Detention Basin 1</u></p> <p>The applicant has suggested that a variable flow control would be installed that would ensure that the flow rate discharged at the pond would change with different storms. There is no technical evidence that supports this proposal.</p> <p>Table 6.1 shows the discharge rate for four storms. The submission does not demonstrate how the flow control would be designed for intermediate storms (for example those between 2 years and 30 years). If a 5 year storm were to occur, would the flow rate be the flow rate associated with a 2 year storm or the flow rate associated with a 30 year storm? Conversely if a 29 year storm were to occur then if the flow control delivered the flow rate for a 30 year storm there would be a net increase in runoff for the site.</p> <p>We remind the applicant that the post development flows <u>and volumes</u> should not increase for all design storms. It is for this reason that most developers choose to design the attenuation on a discharge rate of Q Bar (2year storm) for all design storm as then the volumetric requirements are met in every design storm. As this is a large development, we would expect the applicant to consider more frequent storms such as the 15 year storm in their assessment.</p> <p>The submitted microdrainage calculations have been reviewed. The simulation did not feature the use of a variable flow control.</p> <p>The drawing shows that the pond would have a base level of 158.100m, but the simulation shows node 1.017 has a level of 157.45m. We respect that the same storage may be provided higher up, but the extra hydraulic head would lead to an increased flow through the hydrobrake. The model outputs suggest that the base was modelled at 157.70m (we note that the 30 year water level at node 1.018 is 158.564m and the predicted depth is 0.864m)</p> <p>Based on the hydrobrake flow curve, the pass forward flows are higher than the flows defined in Table 6.1 :</p> <p>30 year – 0.864m and so 28.1 litres/sec 100 year – 2.301m and so 45.7 litres/ sec</p> <p>If the hydrobrake was installed at 157.40m as suggested then these figures would be even higher :</p> <p>30 year – 1.114m and so 32 litres/sec 100 year – 2.551m and so 48 litres/ sec</p>	<p>✓ x</p>

Information required	Reviewer comments	✓ x
	<p>The submission should have demonstrated that the volumetric criteria are met. There are insufficient details to confirm that the proposed design would work adequately</p> <p>The pond does not feature an overflow, which would normally be provided in case the flow control blocks. The level of the earth bunding needs to be a minimum of 300mm higher than the top water level in accordance with the Herefordshire SuDS Handbook. This level remains to be confirmed.</p> <p>13.10.23 The Long Section through the Southern Pond shows a 2.5m tall retaining wall. There is a Childs Play Area nearby.</p> <p>The covering letter advises as follows “.....without significant retaining walls or over engineered appearance”.</p> <p>The presence of a retaining wall presents risks of falling to the general public. The designer has a duty to mitigate such risks through design, ideally removing the risk of falling by re-design. The designer needs to consider how the risk of people (particularly children) falling of the wall can be mitigated.</p> <p>28.11.2023 The applicant has advised in their technical note that the variable flow control has been removed and that the flow discharging from the site has now been designed to meet greenfield rate for all storms.</p> <p>The applicant has also presented revised micro drainage calculations simulating the 30 year and 100 year + 40% Climate Change Storms.</p> <p>Water levels in the pond is shown as 1.432m deep in a 30 year storm and 1.432m deep in a 100 year storm (node 1.018, manhole S78). This water level is consistent with the modelled cover level of manhole S78. <u>In both storms the pond is modelled as overflowing.</u></p>	

Information required	Reviewer comments	✓ x
	<p>There is no simulation for the 1 or 2 year storm (QBar). The flow control control head/discharge table shows that 30.8 litres/sec would be discharged if the water in the pond was 300mm deep.</p> <p>Section 6.6.3 of the Flood Risk Assessment identifies the discharge rates associated with Q Bar as 12.2 litres/second. Without provision of the calculations it is evident that the pass forward flows would be higher than the greenfield rates. <u>Most significantly there would be a net increase in the volume of rainwater discharged in lower storm events</u> (noting that these are the most common types of rainstorm).</p> <p>Section 4.4.4 of the Flood Risk Assessment defines the climate change figures to be used (40% for the 30 year event and 45% for the 100 year event). However, we note that the simulation uses the lower figure of 40%, which is not consistent with current guidelines.</p> <p>The proposed design does not meet the National Standards for Peak Flow and Volume Control</p> <p>The designer has advised that the risk of falls has been mitigated by reducing gradients to 1:4 and providing a flat plateau at the bottom of the wall. There are also proposals for a post and rail fence.</p> <p>There is no drawing giving precise dimensions of the length of the proposed wall. However by scaling off contoured plans the length of the wall appears to be around 90m</p> <p>Section 1.4.3 of the Flood Risk Assessment refers to responsibilities under the Construction Design and Management Regulations 2015. There are opportunities at Outline stage to alter the design so that the wall may be lower or even to remove the wall entirely.</p> <p>The SuDS Manual offers guidance on slope design, typically a 1: 3 graded slope is considered appropriate.</p> <p>We note that there is land within the masterplan to the north west of the proposed balancing pond. The pond could be re-positioned to utilise a gently graded earth slope instead.</p> <p>19.12.2023 The applicant has also presented additional micro drainage calculations simulating the 30 year and 100 year + 45% Climate Change Storms</p> <p>The revised calculations include different hydrobrake levels to the original design. The pond is not shown overflowing. The correct climate change figure has been used (45%)</p>	<p>✓ x</p>

Information required

Reviewer comments



Return Period	Post-development Discharge Runoff Rate for Detention Basin 1 (l/s)
1 in 1 year	10.2
QBAR (1 in 2.3 year)	12.2
1 in 30 year	24.4
1 in 100 year	31.3
1 in 100 year plus 45% climate change allowance	31.3

Table 6-1 - Peak Allowable Discharge Rates for Detention Basin 1

The above table is extracted from the applicant's own FRA

The results show the 2 year flow to be 29.8 l/s, which is 17.6 l/s more than greenfield rate. The 30 year flow is 30.8 l/s, which is 6.4 l/s more.

The proposed design shown on the drawing and as simulated would increase flood risk downstream. Most significantly the volume of floodwater released will be higher than under the existing scenario.

The proposed design does not meet the National Standards for Peak Flow and Volume Control.

However, there are conflicting comment in the applicants Response Log. The notes suggest the intent to provide geocellular crates below the proposed basin. There are also some proposals to install separate flow controls to allow different flow rates in different storms.

Although the submitted Microdrainge simulation does not demonstrate that this proposal could work, we accept that it should be possible to provide some extra storage below ground. It would also be possible to utilise multiple flow controls to refine the design in order to meet the respective design criteria.

The Response Log advises that the basin has been re-graded to 1 in 3 and the wall has been removed. We note that the 30 year storm was modelled with CC, although our understanding is that Sewers for Adoption does not reference CC

Detention Basin 2

It has been proposed that a small area of proposed access road and roundabout in the south-west of the site will be discharged to existing highways drainage in the A40 at a controlled rate. However the proposed discharge rate (QBar) is only 0.4 litres/second. Herefordshire Highways have a policy of utilising flow controls with a minimum 100mm orifice, accordingly the pass forward flow would be around 5 litres/second. If this flow control were proposed, then due to the small catchment only a small amount of water would be attenuated within the pond. Please refer to our remarks under regarding TP09 and TP10. We consider that it may be possible to utilise a soakaway basin at this location. Further testing is requested to refine the design.

28.11.2023 The applicant has advised that further investigations may demonstrate that infiltration is viable. A utilities survey plan has been presented showing that highway drainage discharges to the west.

We accept that a detailed design could be progressed at Reserved matters stage

Information required	Reviewer comments	✓ x
<p>Demonstration that the SuDS hierarchy has been considered in accordance with NPPF and justification for the proposed method of surface water discharge</p>	<p>The submitted FRA demonstrates that consideration has been given to the SuDS hierarchy. Infiltration testing indicates that ground conditions may be unfavourable hence discharge to a watercourse is promoted. However the FRA recommends that further infiltration testing is undertaken to inform the detailed design at the proposed location of drainage features and we agree with this approach. The results of this testing will need to be submitted as part of the reserved matters application.</p>	<p>✓ (with note)</p>
<p>Demonstration that best practice SuDS have been promoted, appropriate to the size and nature of development</p>	<p>The outline drainage strategy and FRA indicates that good practice SuDS are proposed. In addition to further investigation of infiltration as discussed above, the FRA also states that consideration should be given to other SuDS features such as <u>permeable paving</u> and swales. Given the strategic importance of this site we expect to see further consideration of this as part of the reserved matters application.</p>	<p>✓ (with note)</p>
<p>If pumped systems are proposed, justification for the use of these systems, summary of key design principles and assessment of residual risk</p>	<p>No pumped systems are proposed.</p>	<p>n/a</p>

Information required	Reviewer comments	✓ x
Off-site discharge		
<p>For discharge to a watercourse, sewer or local authority asset, confirmation of the relevant authority from which consent will be required</p>	<p>We are unclear exactly where the proposed headwall HW 04 would be located. Any works within 8m of the River Frome will require a Flood Risk Activities Permit.</p> <p>Email correspondence in the 2016 FRA discusses correspondence with Welsh Water regarding sewer requisition opportunities to facilitate the proposed discharge to the River Frome. The applicant will need to confirm how the proposed surface water drain will be installed on third party land.</p> <p>18.7.23 If the intent is to have the roads adopted by HC, then the surface water drainage will need to be maintained by a Statutory Authority such as Welsh Water or Albion Water or Ancala Water. Welsh Water do not adopt Balancing Ponds but the incoming surface water drainage network could be adopted by Welsh Water. Subject to discussion the pond could be adopted by HC or the Lugg Internal Drainage Board.</p> <p>13.10.23 The South Pond Elevation drawing shows a 2.5m high retaining wall. We note that the wall retains ground that is higher than the top water level of the pond, can the applicant please confirm which party will be responsible for maintenance of the wall and for the provision of any safety barriers that may run along the top of the wall. We note that there are no such barriers shown on the drawings.</p> <p>Subject to discussion, it may be possible for the surface water drain downstream of the balancing pond (and the flow control) to be adopted by HC. However, easements would be required for access. HC cannot deliver a sewer requisition to allow the drain to be built. Accordingly, the applicant may need to consider approaching Albion Water or Ancala Water.</p> <p>The proposed discharge the highways drainage network will require consent from the Council's highways authority. As explained above the existing highway drain may already drain into the field. A soakaway pond may be easier to install.</p> <p>28.11.2023 The Skanska Technical Note does not provide any commentary on proposed adoption issues.</p> <p>Progression of the housing development relies on the surface water pipeline being installed though third party land. Conversely Outline Planning considers all aspects related to compliance with policy and practice.</p> <p>19.12.2023 The applicant's response log advises that crates would be installed below the basin. This would allow Welsh Water to adopt the entire surface water drainage system although the basin would remain private</p>	<p>x</p>

Information required	Reviewer comments	✓ x
<p>For discharge to a watercourse, sewer or local authority asset, summary of greenfield and, if relevant, current runoff rates calculated using the methods outlined in The SuDS Manual 2015 for the 1 in 1 year, Qbar and 1 in 100 year events</p>	<p>The FRA states that existing greenfield runoff rates are as follows: 1 in 1 year event: 2.5 l/s/ha 1 in 30 year event: 6.0 l/s/ha 1 in 100 year event: 7.7 l/s/ha</p> <p>18.7.23 Section 5.7 refers to Long Term Storage and references a 2 l/s/ha flow rate, however we note that Table 5.1 shows the rates above. The SuDS Manual includes the 2 l/s/ha figure for scenarios where the greenfield runoff rate is lower than this figure. We recognise that the figures in Table 5.1 are being used at this site for the volumetric storage calculations</p>	<p>✓</p>
<p>For discharge to a watercourse, sewer or local authority asset, summary of proposed discharge rates and volumes calculated using the methods outlined in The SuDS Manual 2015 for the 1 in 1 year, Qbar and 1 in 100 year events</p>	<p>The FRA states that the Greenfield runoff rates stated above will be achieved for the corresponding 1 year, 30 year and 100 year events (allowing for climate change effects for the 100 year event). The FRA also states that additional storage will be provided to achieve required volumetric discharge restrictions. Whilst the proposals are acceptable in principle, we highlight that these are considered to be the minimum expected requirements. It is expected that a development of this size would go beyond minimum requirements and strive to achieve betterment, particularly as there are a number of historic flood records downstream of the site associated with the River Frome. We note the FRA's recommendation to maximise infiltration, permeable paving and swales which will assist in providing betterment. However as part of the reserved matters application it is expected that further restriction on proposed discharge rates in achieved, ideally restricting discharge rates and volumes to a value closer to Qbar for all events.</p> <p>19.12.2023 As explained above, the discharge rates increase for most of the storms. Accordingly, the volume of rainwater stored during most storms is inadequate to meet the volumetric discharge criteria.</p> <p>The applicants Response Log includes proposals regarding the discharge rates that the basin/crate system would be designed for. These proposals do not comply with the National Standards. Different figures would need to be agreed with the LLFA before detailed design work commenced to avoid re-work of the design submission.</p>	<p>x</p>
<p>For discharge to a watercourse, sewer or local authority asset, summary of proposed attenuation volume to manage the rate and volume of runoff to greenfield or current rates and volumes, allowing for climate change effects and demonstrating sufficient space within the site</p>	<p>The submitted FRA states that attenuation will be provided to cater for the 1 in 100 year event plus a 40% increase in rainfall intensity to accommodate climate change effects – giving consideration to both peak discharge and volumetric discharge requirements. As discussed above this is considered acceptable in principle, although a greater volume of attenuation is expected as part of the reserved matters application.</p> <p>19.12.2023 The requirement is now 45%</p>	<p>✓ (with note)</p>
<p>Assessment of potential failure of any above-ground attenuation features, including assessment of residual risks to downstream receptors, and proposed mitigation and management measures</p>	<p>The Applicant proposes an attenuation basin.</p>	<p>✓</p>

Information required	Reviewer comments	✓ x
<p>Drawing to illustrate that attenuation structures are not located within an area at risk of fluvial flooding up to the 1 in 100 annual probability event and taking the effects of climate change into account, unless it can be demonstrated that the capacity of the drainage system will not be reduced and that any loss of fluvial flood storage can be compensated for elsewhere without increasing risk to people, property or infrastructure</p>	<p>The site is located entirely within Flood Zone 1, therefore no loss of fluvial flood storage will occur.</p>	<p>✓</p>
<p>For discharge to a watercourse, sewer or local authority asset, demonstration that a viable connection can be made and that the suitability and capacity of the downstream system has been explored in consultation with the relevant authority</p>	<p>Given the elevation of the site above the River Frome it is unlikely that a connection cannot be achieved. However we highlight that the applicant will need to give consideration to the impact of surcharged outfalls on the ability to discharge during flooding events when river levels may be high.</p> <p>18.7.23 If a connection to the highway drainage system is needed then the suitability and capacity of the system will need to be discussed with the Council's highways authority.</p> <p>13.10.23 The applicant will need to demonstrate the route of the existing highway drainage system.</p> <p>19.12.2023 A CCTV and Utility drawing has been issued .</p>	<p>✓</p>
<p>General</p>		
<p>If the development is to be delivered in phases, demonstration of proposed delivery and ability to maintain key design criteria</p>	<p>It is understood that these proposals relate to Phase 1 and a separate strategy may be used if the site is extended</p>	<p>✓</p>
<p>Exceedance</p>		
<p>Assessment of natural surface water flow paths through the site, noting that natural flow paths should be retained as far as practicable within a development layout, and demonstration that consideration has been given to the potential for overland flow to overwhelm the capacity of the proposed drainage system</p>	<p>The Flow Exceedance plan shows the alignment of the flow routes</p>	<p>✓</p>

Information required	Reviewer comments	✓ x
<p>Demonstration of how surface water that exceeds the capacity of drainage features will be managed within the site up to and including the 1 in 100 annual probability event to ensure no unacceptable flood risk to the development and no increased flood risk to people, property and infrastructure elsewhere</p>	<p>The submitted FRA discusses residual risks in terms of blockage or events that exceed the capacity of the design storm. Whilst these are valid and must be considered, we also highlight that consideration must also be given to events that exceed the inlet capacity of gullies or exceed the design capacity of below ground and above ground conveyance features.</p> <p>As part of the reserved matters application the applicant must demonstrate how temporary exceedance of inlet systems such as gullies is managed to allow water to enter the drainage system up to the 30 year event as minimum; and how exceedance of conveyance systems will be managed during events greater than the 30 year event to route overland flows towards the proposed attenuation basins – demonstrating that this water will not flow off site up to the 100 year + CC event.</p> <p>19.12.2023 This issue has been considered, although additional gullies will need to be provided on the drawings at a later stage</p>	<p>x</p>
<p>Access, adoption and maintenance</p>		
<p>Confirmation if access or works to third party land will be required and, if so, confirmation of the party with which agreement will be required</p>	<p>Access to third party land will be required to achieve connection to the River Frome. This is not discussed in detail in the submitted FRA. It is suggested that Welsh Water can assist with these connections. Confirmation of the approach and any agreements in principle with relevant land owners will be required as part of the reserved matters application.</p> <p>18.7.23 If the intent is to have the roads adopted by HC, then the surface water drainage will need to be maintained by a Statutory Authority such as Welsh Water or Albion Water or Ancala Water. Welsh Water do not adopt Balancing Ponds but the incoming surface water drainage network could be adopted by Welsh Water. Subject to discussion the pond could be adopted by HC or the Lugg Internal Drainage Board. Subject to discussion, it may be possible for the surface water drain downstream of the balancing pond (and the flow control) to be adopted by HC. However, easements would be required for access. HC cannot deliver a sewer requisition to allow the drain to be built. Accordingly, the applicant may need to consider approaching Albion Water or Ancala Water.</p> <p>19.12.2023 We understand the intent to provide crates below the basin so that the basin can be adopted by Welsh Water</p>	<p>x</p>
<p>Confirmation of proposed adoption and maintenance arrangements for the surface water drainage system</p>	<p>Proposed adoption of the drainage system has not been clarified. Welsh Water will not adopt above ground storage features, and would not adopt features that attenuate between the 30 year and 100 year events. If Welsh Water adoption of the below ground network is required, Herefordshire Council would be required to adopt the ponds. The applicant also references the option for third-party adoption by a management company. As the drainage strategy promotes discharge to a watercourse rather than public sewer then adoption by a management company could be acceptable if Welsh Water and Herefordshire Council cannot adopt the proposed drainage system. If adoption by Herefordshire Council is promoted, reference must be made to the Herefordshire SuDS Handbook.</p> <p>.19.12.2023 We understand the intent to provide crates below the basin so that the basin can be adopted by Welsh Water</p>	<p>x</p>

Information required	Reviewer comments	✓ x
Demonstration that appropriate access is available to maintain SuDS features (including pumping stations)	Review of the site layout indicates that access to SuDS features should be achievable. We stress that this must be demonstrated as part of the reserved matters application – noting that vehicular access must be available. If adoption by Herefordshire Council is promoted, reference must be made to the Herefordshire SuDS Handbook that clarifies maintenance requirements. We note that the pond would be on two staggered levels	✓

Foul Water Management Strategy

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

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

Information required	Reviewers comments	✓ x
Description of the proposed foul water drainage system including proposed discharge locations	The Applicant proposes to discharge foul water to the nearby Welsh Water sewer network. The connection point is unclear.	✓
Identification of the public foul sewerage network within the vicinity of the development and assessment of the viability to connect to this network	The Applicant has been in contact with Welsh Water regarding the capacity of the network located to the south of the site. As the development is located on the periphery of Bromyard it is expected that a public sewerage connection is sought. Pumping to the Welsh Water sewerage network will be required.	✓
Discharge to sewerage network		
Demonstration that the suitability and capacity of the public sewerage system has been explored in consultation with the relevant authority, and that a viable connection can be made	Consultation has been undertaken with Welsh Water regarding the intended connection. Whilst this is acceptable in principle, Welsh Water has confirmed that there is currently insufficient capacity in the network to receive foul discharge from the development. It is understood that ongoing discussions are being held between Welsh Water and the applicant to agree the required upgrade works.	✓
General		
If the development is to be delivered in phases, demonstration of proposed delivery and ability to maintain key design criteria	It is understood that these proposals relate to Phase 1 and a separate strategy may be used if the site is extended	✓
Access, adoption and maintenance		
Confirmation if access or works to third party land will be required and, if so, confirmation of the party with which agreement will be required	It is unclear if access to third party land will be required, although it is considered likely that the connection to the public sewerage network can be achieved by the adopted road network and not via private land.	✓
Confirmation of proposed adoption and maintenance arrangements for the foul water drainage system	It is assumed that the foul drainage system will be adopted in its entirety by Welsh Water or another water company.	✓

Information required	Reviewers comments	✓ x
Demonstration that appropriate access is available to maintain drainage features (including pumping stations)	The Applicant will need to demonstrate that appropriate access is available for the foul water pumping stations. This can be demonstrated as part of the reserved matters application.	x

Overall Comment

APPROVAL

The drawings issued do not demonstrate that Pond 1 has been adequately sized to accommodate rainfall arising from the respective design storm referenced above. However, we accept that it should be possible to install geocellular crates to meet the design criteria described below.

Development sites usually increase the amount of impermeable area. This leads to an increased runoff rate.

At this site the proposed outfall is into a ditch upstream of the River Frome. The impact of an increased flow rate in the ditch could cause localised surface water flooding at the ditch, but this would be on a remote area of farmland.

The increased runoff rate leads to an increased volume of water being conveyed into the river in less time. This causes extra flow in the river. The implications are that downstream areas are more likely to flood. This cannot be allowed to happen. Accordingly, the SuDS should be designed to retain the extra runoff volume on the site during the respective rainstorms. This is why the National Standards for Peak Flow and Volume Control were introduced.

National Standards for Peak Flow and Volume Control

Peak flow control

S2 For Greenfield developments, the peak runoff rate from the development to any highway drain, sewer or surface water body for the 100% Annual Exceedance Probability rainfall event and the 1% Annual Exceedance Probability rainfall event should never exceed the peak Greenfield runoff rate for the same event.

S3 For developments which were previously developed, the peak runoff rate from the development to any drain, sewer or surface water body for the 100% Annual Exceedance Probability rainfall event and the 1% Annual Exceedance Probability rainfall event must be as close as reasonably practicable to the Greenfield runoff rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development prior to redevelopment for that event.

Volume control

S4 Where reasonably practicable, for Greenfield development, the runoff volume from the development to any highway drain, sewer or surface water body in the 1% Annual Exceedance Probability, 6 hour rainfall event should never exceed the Greenfield runoff volume for the same event.

S5 Where reasonably practicable, for developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 1% Annual Exceedance Probability, 6 hour rainfall event must be constrained to a value as close as is reasonably practicable to the Greenfield runoff volume for the same event, but should never exceed the runoff volume from the development site prior to redevelopment for that event.

S6 Where it is not reasonably practicable to constrain the volume of runoff to any drain, sewer or surface water body in accordance with S4 or S5 above, the runoff volume must be discharged at a rate that does not adversely affect flood risk.

As explained above, although the Peak Flow Control is quoted in DEFRA literature, there would be no immediate implications to the residents of Bromyard if the peak flow in some rainstorms exceeded greenfield rates.

However, there would be increased flood risk if the Volume Criteria were not met.

We recognise that due to the inclined nature of the site it is difficult to design a Basin that can store a large amount of water. To meet both the Peak Flow Control and Volume Control criteria it would be necessary to store all water relating to a 100 year +CC storm and discharge it at a 2 year storm flow rate. Clearly this creates a large storage volume that would need to be accommodated in the pond.

The applicant has suggested using two or more flow controls, this concept is accepted subject to further discussion

The applicant has included a Sediment Treatment Proposals document in their submission. The basin is an integral component of the SuDS and it's use would improve water cleanliness. If the crates were used then details in this document would hold no meaning. However we understand that there are no SACs in the immediate vicinity of the site, however the issue of sediment transport needs to be considered.

We assume the intent is to present the entire surface water drainage system to Welsh Water for adoption.

Because there are no SuDS Approval Bodies (SABs) in England, Welsh Water have needed to alter their adoption strategy to accommodate below ground storage at drainage basins built in England. This is normally achieved by providing adoptable below ground storage (geocellular crates) located below a Dry Basin, sized to meet the 30 year storm criteria referenced in Sewers for Adoption. The dry basin is provided to facilitate the outstanding attenuation requirements up to the 100 year + Climate Change storm criteria

The Herefordshire SuDS Handbook explains that at Strategic Sites, an exemplar approach to the design of SuDS is required. Accordingly, site layouts should seek to incorporate green SuDS which mimic natural processes to clean water.

The original surface water attenuation proposals relied on the provision of a Drainage Basin that would store ALL stormwater to 100 years + Climate Change. Deviating from this design to rely on the provision of below ground storage would lead to the following :-

- During daily rainfall events, no water would collect in the Drainage Basin. The basin itself would remain dry and would only receive water once every few decades. This may have biodiversity implications and the vegetation shown on the landscape drawings would not grow
- The basin would not function as a Pollution Control feature (refer to the Herefordshire SuDS Handbook item 7.8).

The water companies that operate within England hold different approaches to adopting basins. We consider that it would be beneficial to engage with Welsh Water to explore opportunities to explore the concept of aligning their own adoption policies with recent changes made to adoption criteria by other companies.

Severn Trent have researched the legalities of defining a line on the base of the basin as a sewer. This allows them to adopt a strip along the base of the basin. Severn Trent hold access rights to desilt the base of the pond. Maintenance of the pond normally falls to the landowner or a private management company.

Recently the government has expressed their intent to implement Schedule 3 of the Flood and Water Management Act during 2024. This measure would create SABs in England. This may present a means for Local Authorities to receive funding to maintain basins.

As LLFA we recognise the impracticalities of seeking to deliver green SuDS on a sloping site. Owing to the isolated location of the outfall we can offer the applicant revised discharge criteria that could be used to develop an alternative design.

The revised design could feature below ground storage (possibly geocellular crates) uphill of the attenuation basin. These crates would need to be designed to fill up throughout a short duration rainstorm. Accordingly, a flow control would need to be selected to operate throughout the short duration rainstorm. A weir would allow incoming water arising from larger storms to cascade on into the basin. This would allow more water to be stored within the site.

We recognise that there is sufficient space within the open spaces to accommodate below ground storage.

The basin would then need to be designed allowing for a 1 in 3 slope, which may create more storage than the 1 in 4 slopes that have been proposed. As explained in our commentary we also consider the tall retaining wall to be a risk to all site users, so efforts would need to be made to reduce the likelihood of personnel injury arising from the inclusion of the wall. The applicant should also consider moving the pond towards the north west.

Subject to further design it may be possible to lower the discharge rate to the 30 year rate, which would mobilise more storage in the pond. The volumetric criteria for the 30 year and 100 year + CC storms would however need to be achieved

The submission included Section 38 drawings related to the proposed adoption of highways. As explained in our commentary the roads could only be adopted if all of the surface water sewers were adopted by a Water Authority.

In summary, we recognise the desire to ensure that the surface water drainage is adopted by Welsh Water. We recommend discussions are held with Welsh Water to establish whether changes can be made to their adoption policy. This may allow a design to be developed that utilises crates that are installed on higher land, so that the water all drains through the basin. The alternative would be to install the crates below the basin.

We recognise that the details presented for the outline submission require refinement, but in principle we can accept the proposal that this design can be delivered under a drainage condition. This drainage condition should include a focus on the desire to take all reasonable steps to facilitate a design utilising green SuDS.

Outline Planning Applications: Flood Risk and Drainage Checklist

This document provides a list of the information that, in general, must be submitted to support outline planning applications in relation to flood risk and drainage.

Application details

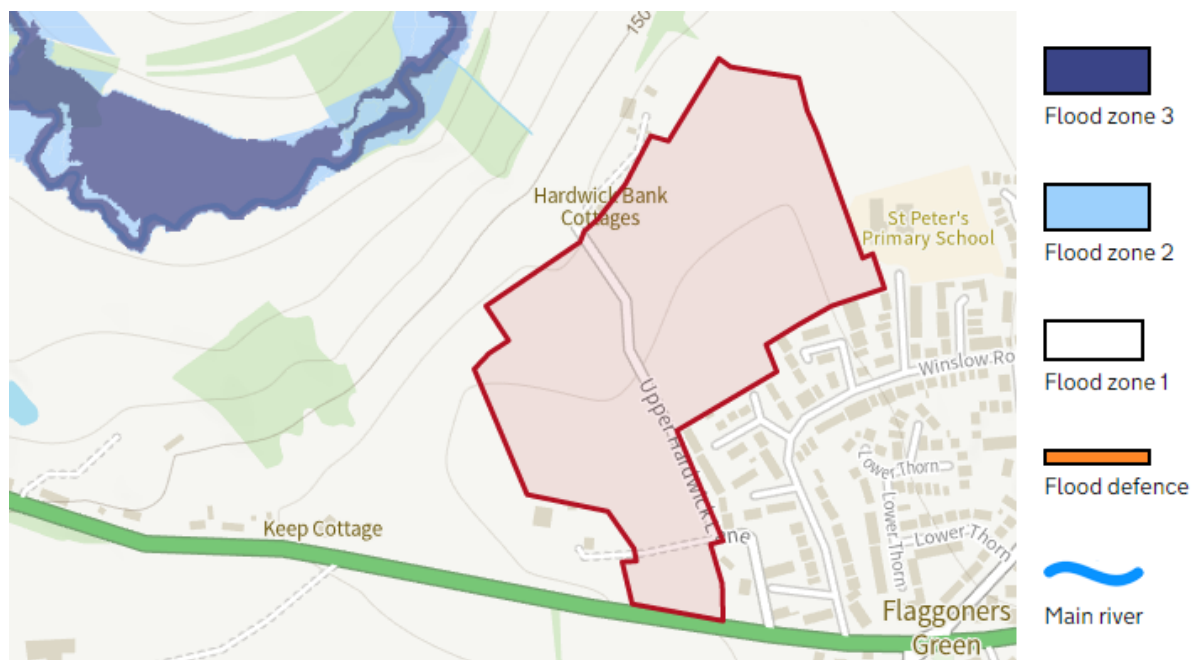
SITE:	Land at Hardwick Bank, Bromyard, Herefordshire.
DESCRIPTION:	Outline planning application for a sustainable urban extension comprising: up to 250 dwellings; open space, allotments and landscaping; school expansion land; areas of children's play; sustainable urban drainage infrastructure; internal roads; and associated infrastructure. Detailed approval is sought for principal means of access and layout with all other matters reserved.
APPLICATION NO:	163932
GRID REFERENCE:	OS 364676, 254881
APPLICANT:	Bovis Homes Limited & Mosaic Estates C/o Agent
AGENT:	Walsingham Planning
DATE OF THIS RESPONSE:	28/11/2023

This response is in regard to flood risk and land drainage aspects, with information obtained from the additional sources following our initial consultation in April 2019:

- Location Plan drawing (Ref: 0687-101)
- Flood Risk Assessment (January 2023);
- Proposed Drainage Plan Sheet 1 of 1, 2, 3 (Rev P05).Nov 2023
- Covering Letter from McLoughlin Planning 8th Sept 2023
- Long Section through South Pond 6th Sept 2023
- Stantec Technical Note 30th Oct 2023
- Overland Flow Assessment drawing
- Utility Mapping and CCTV drawing
- Micro drainage calculations (north pond, south pond)

Site location and extract of flood map(s)

Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), May 2023



Development description

The Applicant proposes the construction of up to 250 dwellings, open space, allotments and landscaping, school expansion land and children's play areas. The site occupies an area of c. 11ha and is currently used for agricultural purposes. The topography of the site slopes down from approximately 169m AOD in the west to approximately 130m AOD in the east. The River Frome is located approximately 250m to the north and west of the site.

Identifying the need for a Flood Risk Assessment

Information required	Reviewers comments
Confirmation of the site area in hectares or square metres	Site area confirmed as c.11.2 hectares.
Identification of all designated main rivers within 20m of the site boundary	The site is not located within 20m of any main rivers.
Identification of all designated ordinary watercourses and land drains within 20m of the site boundary	There are no ordinary watercourses within 20m of the site boundary.
Confirmation of the site's location in Flood Zone 1, Flood Zone 2 or Flood Zone 3, and taking climate change effects into account	The submitted FRA confirms the location of the site in the low risk Flood Zone 1, and is likely to remain in Flood Zone 1 with the effects of climate change.
Confirmation and supporting justification of whether the site is at significant risk of flooding from other sources, including surface water flood risk or flood risk from minor watercourses with unmapped flood extents	The submitted FRA indicates that the site is not at risk of surface water flooding or other sources.

Completing a Flood Risk Assessment


A Flood Risk Assessment (prepared in accordance with NPPF and EA Standing Advice) must support the planning application for any development:

- Located in Flood Zone 2 or Flood Zone 3¹.
- With a site area greater than 1 hectare.
- Located in an area identified to be at significant risk of flooding from other sources, including surface water flood risk or flood risk from minor watercourses with unmapped flood extents.

Complying with the above guidance, the Applicant has submitted a FRA to support this outline planning application.

¹ Note that the Council may also request an assessment of flood risk where the development is indicated to be at risk of flooding when the potential effects of climate change are taken into account.

Information required	Reviewer comments	✓ ✘
Sources of risk		
Assessment of Flood Zone 2 and 3 taking the effects of climate change into account, including predicted flood depths for the 1 in 100 and 1 in 1000 annual probability events	The proposed scheme is located entirely within Flood Zone 1. The site is not considered to be at risk of fluvial flooding when the effects of climate change are considered.	✓
Assessment of areas protected by flood defences and risk of flooding in the event of breach, taking the effects of climate change into account	The site not at risk of flooding in the event of defence breach.	n/a
Assessment of fluvial flood risk from other watercourses in close proximity (c.20m) to the site including those with no mapped flood extent, and taking the effects of climate change into account	There are no known other sources of fluvial flooding associated with minor or unmapped flood extents.	✓
Assessment of mapped surface water flood risk	Review of the EA's Risk of Flooding from Surface Water map indicates that the site is not located within an area at significant risk of surface water flooding. The Flood Risk Assessment (FRA) indicates that there is a small area at high risk of surface water flooding noting that it is a low spot in the topography of the site. Our own review indicates a very slight valley located within the centre of the site with the potential for slight concentration of overland flow between Bromyard's existing urban extent and Drythistle Farm, although this is not considered to pose risk to the site or elsewhere.	✓
Assessment of flood risk associated with potential overland flow from adjacent steeply sloping land	Review of topography indicates that the site is located at a local high point and is therefore not at risk from overland flow.	✓
Assessment of groundwater flood risk	The submitted FRA states that the site is not at risk from groundwater flooding. We concur with this statement although highlight the presence of groundwater springs within the steeper sloping land to the north-west (towards the River Frome) and south-west of the site (towards Hackley Brook that is a tributary of the River Frome), indicated to emerge between the 145-155m contour lines.	✘ (with note)

Information required	Reviewer comments	✓ ✗
<p>Assessment of flooding from surface water, foul water and highway sewers</p>	<p>The submitted FRA states that the site is not at risk of flooding from sewers. We concur with this statement</p> <p>18.7.23 The applicant should provide a Surface Water Exceedance Plan to demonstrate how surface water will flow in the event of the highway gullies being overwhelmed. From our own review we note that provision may be needed to accommodate surface water runoff at the following locations, but the designer should complete a site wide review. Some properties may need to be raised 300mm.</p> <p>Upper Hardwick Lane runs very close to the location below. A direct discharge point may be created onto the public highway as the lane is lower down than the proposed site road, this may create an ice hazard.</p>  <p>28.11.2023 The applicant has presented an Overland Flow Assessment drawing. We note that the service road alongside Upper Hardwick Lane has been deleted.</p> <p>The applicant has advised that surface water will be directed along Upper Hardwick Lane, advising that there are no receptors that would be affected.</p> <p>We note that Upper Hardwick Lane forms part of the impermeable area throughout the site. The flow assessment has demonstrated the significance of this flow route. We consider that at Reserved Matters stage, a highway grip/ditch should be added, along with a swale to divert exceedance flow from the lane into the proposed balancing pond. This would need to be located at the eastern end of the pond.</p>	<p>✓ ✗</p> <p>✓</p>

Information required	Reviewer comments	✓ ✗
Assessment of flood risk from any other manmade sources, including reservoirs, ponds, detention basins etc.	The submitted FRA states that the site is not at risk of flooding from artificial sources such as canals, lake and ponds. We concur with this statement	✓
Summary of historic flooding records and anecdotal evidence	The submitted FRA states that no records of historic flooding were identified in their assessment. We agree that the Council hold no records historic flooding events that have occurred within or immediately adjacent to the site, although highlight a number of known historic flooding events that have affected property and infrastructure downstream of the site, most notably fluvial flooding from the River Frome. This may influence discharge of runoff as discussed elsewhere.	✓ (with note)
Other works that could pose risk		
Are there any other proposed works that could lead to increase of flood risk to the site or elsewhere, for example culverting or diversion of watercourses?	There are no other known works that would pose increased flood risk to the site or elsewhere.	✓
Sequential approach		
Assessment of the acceptability of the development within the identified Flood Zone, in accordance with the Sequential Test outlined in the National Planning Policy Framework	The site is located entirely within Flood Zone 1 and therefore passes the Sequential Test.	✓
Demonstration of how a sequential approach has been taken to locate development in the lowest risk areas of the site, including the risk of flooding from other sources	The site is located entirely within Flood Zone 1 and a sequential approach is not considered necessary.	✓
Mitigation		

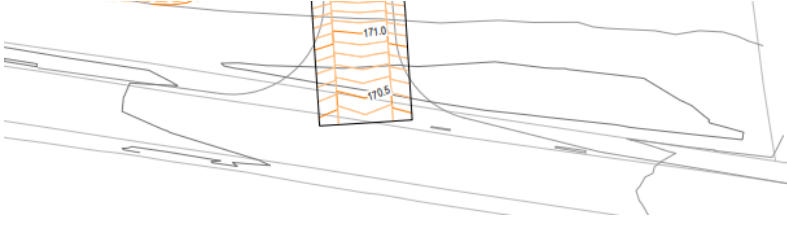
Information required	Reviewer comments	✓ ✗
<p>Summary of how the development has addressed the identified flood risks and incorporated appropriate mitigation into the layout and operation of the development</p>	<p>No mitigation beyond the appropriate management of surface water runoff is considered necessary.</p> <p>18.7.23 We note that Upper Hardwick Lane crosses through the site, which is lower than the existing farmland. It is impractical to convey the exceedance flows (arising from the scenario when the surface water drainage system is overwhelmed) from the north-east of the site to the proposed balancing pond.</p> <p>We note that Upper Hardwick Lane crosses the edge of the proposed Public Open Space and is shown running parallel to a new site road. A direct discharge of surface water onto the public highway needs to be avoided. The extent of the existing highway drainage on Upper Hardwick Lane needs to be reviewed as if a direct discharge were to occur then water may not be effectively conveyed via the highway drains</p> <p>28.11.2023 The applicant has advised that the service road alongside Upper Hardwick Lane has been deleted.</p> <p>The applicant refers to the use of gullies to prevent the discharge of water onto the highway. However, the exceedance route considers the scenario when these block or cannot cope with flows of water from large storms.</p> <p>The applicant refers to water being conveyed to the River Frome. However, there is a need to attenuate water arising from exceedance events.</p> <p>We consider that at Reserved Matters stage, a highway grip/ditch could be added as explained above</p>	<p>✗</p>
<p>Assessment of how a safe access route(s) to Flood Zone 1 (not including dry islands) would be achieved from the development, taking flood hazard and climate change into account</p>	<p>Vehicular accesses to the site is located in Flood Zone 1 and the site is not a dry island.</p>	<p>✓</p>
<p>Assessment of how the development will ensure no increased risk to people, property or infrastructure elsewhere, for example through the displacement of floodplain compensation or failure of flood defence structures, and demonstration of how mitigation will be incorporated into the design, with supporting calculations</p>	<p>The site is located entirely within Flood Zone 1 and is not assessed as being at risk from other sources of flooding. Therefore no increased risk to people, property or infrastructure is identified beyond the appropriate management of surface water runoff.</p>	<p>✓</p>
<p>Exception Test</p>		
<p>Justification for the successful application of the Exception Test, if applicable</p>	<p>The site is located entirely within Flood Zone 1 and therefore the Exception Test is not required.</p>	<p>n/a</p>

Information required	Reviewer comments	✓ ✗
Strategy		
<p>Summary of likely ground conditions including permeability and contamination risks</p>	<p>Review of information provided by applicant in the submitted FRA states that infiltration testing has been completed and concludes variable but likely unfavourable conditions for infiltration. The Applicant states the targeted soakage testing at proposed SuDS locations will be undertaken at the detailed design stage, suggesting that infiltration will be maximised if possible. We agree with this approach.</p> <p>We note that the applicant has completed only 4 soakaway tests within the red line area but TP19 and TP24 are close together. Only three areas were tested</p> <p>Ground Conditions vary across the site. Sandstone and Mudstone are recorded to alternate across the site. The beds are typically recorded to dip gently to the east, however they have been folded into a synclinal structure with its axis trending north-south through the east of the site. Strata dips may therefore be expected to be shallow and towards the west in the east of the site. At shallow depth the sandstones can be expected to weather to predominantly sand and the mudstones to clay/silt</p> <p>Around 20 of the trial pits within the red line area demonstrated the presence of sand and sandstone. However only one soakaway test (TP19) was completed in the sand - sandstone strata.</p> <p>We are unclear whether the sand layer at TP10 was underwater during the soakaway test. We assume that the soakaway test was completed within the trial pit, but we cannot be sure. It is possible that if the soakaway test pit had been filled to the surface that some soakage may have occurred. At the adjacent TP9 there is sand to a depth of 0.75m, also there is a layer of gravel. The sand bed is localised and may provide a route for dispersing water, the gravel is also likely to be permeable.</p> <p>28.11.2023 The applicant has advised that the proposed surface water strategy considers the worst-case scenario of infiltration not being viable. We consider that if some infiltration is possible then it would be in isolated areas of the site. There will be some space within the estate to accommodate soakaways. We accept that the additional infiltration testing and re-design could be completed at Reserved Matter stage.</p>	<p>✗ (with note)</p>

Information required	Reviewer comments	✓ x
<p>Summary of proposed surface water management strategy with supporting illustration, including location of proposed outfalls, attenuation structures and/or infiltration features</p>	<p>The submitted FRA states that surface water runoff will be conveyed via a mix of traditional piped systems and on-ground conveyance features to attenuation basins located throughout the site. From the attenuation basins, surface water runoff from the vast majority of the site will be discharged to the River Frome at a controlled rate.</p> <p>18.7.23 <u>Detention Basin 1</u></p> <p>The applicant has suggested that a variable flow control would be installed that would ensure that the flow rate discharged at the pond would change with different storms. There is no technical evidence that supports this proposal.</p> <p>Table 6.1 shows the discharge rate for four storms. The submission does not demonstrate how the flow control would be designed for intermediate storms (for example those between 2 years and 30 years). If a 5 year storm were to occur, would the flow rate be the flow rate associated with a 2 year storm or the flow rate associated with a 30 year storm? Conversely if a 29 year storm were to occur then if the flow control delivered the flow rate for a 30 year storm there would be a net increase in runoff for the site.</p> <p>We remind the applicant that the post development flows <u>and volumes</u> should not increase for all design storms. It is for this reason that most developers choose to design the attenuation on a discharge rate of Q Bar (2year storm) for all design storm as then the volumetric requirements are met in every design storm. As this is a large development, we would expect the applicant to consider more frequent storms such as the 15 year storm in their assessment.</p> <p>The submitted microdrainage calculations have been reviewed. The simulation did not feature the use of a variable flow control.</p> <p>The drawing shows that the pond would have a base level of 158.100m, but the simulation shows node 1.017 has a level of 157.45m. We respect that the same storage may be provided higher up, but the extra hydraulic head would lead to an increased flow through the hydrobrake. The model outputs suggest that the base was modelled at 157.70m (we note that the 30 year water level at node 1.018 is 158.564m and the predicted depth is 0.864m)</p> <p>Based on the hydrobrake flow curve, the pass forward flows are higher than the flows defined in Table 6.1 :</p> <p>30 year – 0.864m and so 28.1 litres/sec 100 year – 2.301m and so 45.7 litres/ sec</p> <p>If the hydrobrake was installed at 157.40m as suggested then these figures would be even higher :</p> <p>30 year – 1.114m and so 32 litres/sec 100 year – 2.551m and so 48 litres/ sec</p>	<p>✓ x</p>

Information required	Reviewer comments	✓ x
	<p>The submission should have demonstrated that the volumetric criteria are met. There are insufficient details to confirm that the proposed design would work adequately</p> <p>The pond does not feature an overflow, which would normally be provided in case the flow control blocks. The level of the earth bunding needs to be a minimum of 300mm higher than the top water level in accordance with the Herefordshire SuDS Handbook. This level remains to be confirmed.</p> <p>13.10.23 The Long Section through the Southern Pond shows a 2.5m tall retaining wall. There is a Childs Play Area nearby.</p> <p>The covering letter advises as follows “.....without significant retaining walls or over engineered appearance”.</p> <p>The presence of a retaining wall presents risks of falling to the general public. The designer has a duty to mitigate such risks through design, ideally removing the risk of falling by re-design. The designer needs to consider how the risk of people (particularly children) falling of the wall can be mitigated.</p> <p>28.11.2023 The applicant has advised in their technical note that the variable flow control has been removed and that the flow discharging from the site has now been designed to meet greenfield rate for all storms.</p> <p>The applicant has also presented revised micro drainage calculations simulating the 30 year and 100 year + 40% Climate Change Storms.</p>	

Information required	Reviewer comments	✓ x
	<p>Water levels in the pond is shown as 1.432m deep in a 30 year storm and 1.432m deep in a 100 year storm (node 1.018, manhole S78). This water level is consistent with the modelled cover level of manhole S78. <u>In both storms the pond is modelled as overflowing.</u></p> <p>There is no simulation for the 1 or 2 year storm (QBar). The flow control control head/discharge table shows that 30.8 litres/sec would be discharged if the water in the pond was 300mm deep.</p> <p>Section 6.6.3 of the Flood Risk Assessment identifies the discharge rates associated with Q Bar as 12.2 litres/second. Without provision of the calculations it is evident that the pass forward flows would be higher than the greenfield rates. <u>Most significantly there would be a net increase in the volume of rainwater discharged in lower storm events</u> (noting that these are the most common types of rainstorm).</p> <p>Section 4.4.4 of the Flood Risk Assessment defines the climate change figures to be used (40% for the 30 year event and 45% for the 100 year event). However, we note that the simulation uses the lower figure of 40%, which is not consistent with current guidelines.</p> <p>The proposed design does not meet the National Standards for Peak Flow and Volume Control</p> <p>The designer has advised that the risk of falls has been mitigated by reducing gradients to 1:4 and providing a flat plateau at the bottom of the wall. There are also proposals for a post and rail fence.</p> <p>There is no drawing giving precise dimensions of the length of the proposed wall. However by scaling off contoured plans the length of the wall appears to be around 90m</p> <p>Section 1.4.3 of the Flood Risk Assessment refers to responsibilities under the Construction Design and Management Regulations 2015. There are opportunities at Outline stage to alter the design so that the wall may be lower or even to remove the wall entirely.</p> <p>The SuDS Manual offers guidance on slope design, typically a 1: 3 graded slope is considered appropriate.</p> <p>We note that there is land within the masterplan to the north west of the proposed balancing pond. The pond could be re-positioned to utilise a gently graded earth slope instead.</p>	✓ x

Information required	Reviewer comments	✓ x
	<p><u>Detention Basin 2</u></p> <p>It has been proposed that a small area of proposed access road and roundabout in the south-west of the site will be discharged to existing highways drainage in the A40 at a controlled rate. However the proposed discharge rate (QBar) is only 0.4 litres/second. Herefordshire Highways have a policy of utilising flow controls with a minimum 100mm orifice, accordingly the pass forward flow would be around 5 litres/second. If this flow control were proposed, then due to the small catchment only a small amount of water would be attenuated within the pond.</p> <p>Please refer to our remarks under regarding TP09 and TP10. We consider that it may be possible to utilise a soakaway basin at this location. Further testing is requested to refine the design.</p>  <p>13.10.23 The ground adjacent to the A44 is lower than the carriageway. It is possible that the existing highway drains already discharge into this area. The applicant should complete a review of the highway gullies and establish if this is the case.</p> <p>28.11.2023 The applicant has advised that further investigations may demonstrate that infiltration is viable. A utilities survey plan has been presented showing that highway drainage discharges to the west.</p> <p>We accept that a detailed design could be progressed at Reserved matters stage.</p>	✓ x
<p>Demonstration that the SuDS hierarchy has been considered in accordance with NPPF and justification for the proposed method of surface water discharge</p>	<p>The submitted FRA demonstrates that consideration has been given to the SuDS hierarchy. Infiltration testing indicates that ground conditions may be unfavourable hence discharge to a watercourse is promoted. However the FRA recommends that further infiltration testing is undertaken to inform the detailed design at the proposed location of drainage features and we agree with this approach. The results of this testing will need to be submitted as part of the reserved matters application.</p>	<p>✓ (with note)</p>

Information required	Reviewer comments	✓ x
Demonstration that best practice SuDS have been promoted, appropriate to the size and nature of development	The outline drainage strategy and FRA indicates that good practice SuDS are proposed. In addition to further investigation of infiltration as discussed above, the FRA also states that consideration should be given to other SuDS features such as <u>permeable paving</u> and swales. Given the strategic importance of this site we expect to see further consideration of this as part of the reserved matters application.	✓ (with note)
If pumped systems are proposed, justification for the use of these systems, summary of key design principles and assessment of residual risk	No pumped systems are proposed.	n/a
Off-site discharge		

Information required	Reviewer comments	✓ x
<p>For discharge to a watercourse, sewer or local authority asset, confirmation of the relevant authority from which consent will be required</p>	<p>We are unclear exactly where the proposed headwall HW 04 would be located. Any works within 8m of the River Frome will require a Flood Risk Activities Permit.</p> <p>Email correspondence in the 2016 FRA discusses correspondence with Welsh Water regarding sewer requisition opportunities to facilitate the proposed discharge to the River Frome. The applicant will need to confirm how the proposed surface water drain will be installed on third party land.</p> <p>18.7.23 If the intent is to have the roads adopted by HC, then the surface water drainage will need to be maintained by a Statutory Authority such as Welsh Water or Albion Water or Ancala Water. Welsh Water do not adopt Balancing Ponds but the incoming surface water drainage network could be adopted by Welsh Water. Subject to discussion the pond could be adopted by HC or the Lugg Internal Drainage Board.</p> <p>13.10.23 The South Pond Elevation drawing shows a 2.5m high retaining wall. We note that the wall retains ground that is higher than the top water level of the pond, can the applicant please confirm which party will be responsible for maintenance of the wall and for the provision of any safety barriers that may run along the top of the wall. We note that there are no such barriers shown on the drawings.</p> <p>Subject to discussion, it may be possible for the surface water drain downstream of the balancing pond (and the flow control) to be adopted by HC. However, easements would be required for access. HC cannot deliver a sewer requisition to allow the drain to be built. Accordingly, the applicant may need to consider approaching Albion Water or Ancala Water.</p> <p>The proposed discharge the highways drainage network will require consent from the Council's highways authority. As explained above the existing highway drain may already drain into the field. A soakaway pond may be easier to install.</p> <p>28.11.2023 The Skanska Technical Note does not provide any commentary on proposed adoption issues.</p> <p>Progression of the housing development relies on the surface water pipeline being installed though third party land. Conversely Outline Planning considers all aspects related to compliance with policy and practice.</p>	<p>x</p>

Information required	Reviewer comments	✓ x
<p>For discharge to a watercourse, sewer or local authority asset, summary of greenfield and, if relevant, current runoff rates calculated using the methods outlined in The SuDS Manual 2015 for the 1 in 1 year, Qbar and 1 in 100 year events</p>	<p>The FRA states that existing greenfield runoff rates are as follows: 1 in 1 year event: 2.5 l/s/ha 1 in 30 year event: 3.0 l/s/ha 1 in 100 year event: 7.7 l/s/ha</p> <p>18.7.23 Section 5.7 refers to Long Term Storage and references a 2 l/s/ha flow rate, however we note that Table 5.1 shows the rates above. The SuDS Manual includes the 2 l/s/ha figure for scenarios where the greenfield runoff rate is lower than this figure. We recognise that the figures in Table 5.1 are being used at this site for the volumetric storage calculations</p>	<p>✓</p>
<p>For discharge to a watercourse, sewer or local authority asset, summary of proposed discharge rates and volumes calculated using the methods outlined in The SuDS Manual 2015 for the 1 in 1 year, Qbar and 1 in 100 year events</p>	<p>The FRA states that the Greenfield runoff rates stated above will be achieved for the corresponding 1 year, 30 year and 100 year events (allowing for climate change effects for the 100 year event). The FRA also states that additional storage will be provided to achieve required volumetric discharge restrictions. Whilst the proposals are acceptable in principle, we highlight that these are considered to be the minimum expected requirements. It is expected that a development of this size would go beyond minimum requirements and strive to achieve betterment, particularly as there are a number of historic flood records downstream of the site associated with the River Frome. We note the FRA's recommendation to maximise infiltration, permeable paving and swales which will assist in providing betterment. However as part of the reserved matters application it is expected that further restriction on proposed discharge rates in achieved, ideally restricting discharge rates and volumes to a value closer to Qbar for all events.</p>	<p>✓ (with note)</p>
<p>For discharge to a watercourse, sewer or local authority asset, summary of proposed attenuation volume to manage the rate and volume of runoff to greenfield or current rates and volumes, allowing for climate change effects and demonstrating sufficient space within the site</p>	<p>The submitted FRA states that attenuation will be provided to cater for the 1 in 100 year event plus a 40% increase in rainfall intensity to accommodate climate change effects – giving consideration to both peak discharge and volumetric discharge requirements. As discussed above this is considered acceptable in principle, although a greater volume of attenuation is expected as part of the reserved matters application.</p>	<p>✓ (with note)</p>
<p>Assessment of potential failure of any above-ground attenuation features, including assessment of residual risks to downstream receptors, and proposed mitigation and management measures</p>	<p>The Applicant proposes an attenuation basin.</p>	<p>✓</p>

Information required	Reviewer comments	✓ ✗
<p>Drawing to illustrate that attenuation structures are not located within an area at risk of fluvial flooding up to the 1 in 100 annual probability event and taking the effects of climate change into account, unless it can be demonstrated that the capacity of the drainage system will not be reduced and that any loss of fluvial flood storage can be compensated for elsewhere without increasing risk to people, property or infrastructure</p>	<p>The site is located entirely within Flood Zone 1, therefore no loss of fluvial flood storage will occur.</p>	<p>✓</p>
<p>For discharge to a watercourse, sewer or local authority asset, demonstration that a viable connection can be made and that the suitability and capacity of the downstream system has been explored in consultation with the relevant authority</p>	<p>Given the elevation of the site above the River Frome it is unlikely that a connection cannot be achieved. However we highlight that the applicant will need to give consideration to the impact of surcharged outfalls on the ability to discharge during flooding events when river levels may be high.</p> <p>18.7.23 If a connection to the highway drainage system is needed then the suitability and capacity of the system will need to be discussed with the Council's highways authority.</p> <p>13.10.23 The applicant will need to demonstrate the route of the existing highway drainage system.</p>	<p>✗</p>
General		
<p>If the development is to be delivered in phases, demonstration of proposed delivery and ability to maintain key design criteria</p>	<p>It is understood that these proposals relate to Phase 1 and a separate strategy may be used if the site is extended</p>	<p>✓</p>
Exceedance		
<p>Assessment of natural surface water flow paths through the site, noting that natural flow paths should be retained as far as practicable within a development layout, and demonstration that consideration has been given to the potential for overland flow to overwhelm the capacity of the proposed drainage system</p>	<p>The Flow Exceedance plan shows the alignment of the flow routes</p>	<p>✓</p>

Information required	Reviewer comments	✓ ✘
<p>Demonstration of how surface water that exceeds the capacity of drainage features will be managed within the site up to and including the 1 in 100 annual probability event to ensure no unacceptable flood risk to the development and no increased flood risk to people, property and infrastructure elsewhere</p>	<p>The submitted FRA discusses residual risks in terms of blockage or events that exceed the capacity of the design storm. Whilst these are valid and must be considered, we also highlight that consideration must also be given to events that exceed the inlet capacity of gullies or exceed the design capacity of below ground and above ground conveyance features.</p> <p>As part of the reserved matters application the applicant must demonstrate how temporary exceedance of inlet systems such as gullies is managed to allow water to enter the drainage system up to the 30 year event as minimum; and how exceedance of conveyance systems will be managed during events greater than the 30 year event to route overland flows towards the proposed attenuation basins – demonstrating that this water will not flow off site up to the 100 year + CC event.</p>	✘
<p>Access, adoption and maintenance</p>		
<p>Confirmation if access or works to third party land will be required and, if so, confirmation of the party with which agreement will be required</p>	<p>Access to third party land will be required to achieve connection to the River Frome. This is not discussed in detail in the submitted FRA. It is suggested that Welsh Water can assist with these connections. Confirmation of the approach and any agreements in principle with relevant land owners will be required as part of the reserved matters application.</p> <p>18.7.23 If the intent is to have the roads adopted by HC, then the surface water drainage will need to be maintained by a Statutory Authority such as Welsh Water or Albion Water or Ancala Water. Welsh Water do not adopt Balancing Ponds but the incoming surface water drainage network could be adopted by Welsh Water. Subject to discussion the pond could be adopted by HC or the Lugg Internal Drainage Board. Subject to discussion, it may be possible for the surface water drain downstream of the balancing pond (and the flow control) to be adopted by HC. However, easements would be required for access. HC cannot deliver a sewer requisition to allow the drain to be built. Accordingly, the applicant may need to consider approaching Albion Water or Ancala Water.</p>	✘
<p>Confirmation of proposed adoption and maintenance arrangements for the surface water drainage system</p>	<p>Proposed adoption of the drainage system has not been clarified. Welsh Water will not adopt above ground storage features, and would not adopt features that attenuate between the 30 year and 100 year events. If Welsh Water adoption of the below ground network is required, Herefordshire Council would be required to adopt the ponds. The applicant also references the option for third-party adoption by a management company. As the drainage strategy promotes discharge to a watercourse rather than public sewer then adoption by a management company could be acceptable if Welsh Water and Herefordshire Council cannot adopt the proposed drainage system. If adoption by Herefordshire Council is promoted, reference must be made to the Herefordshire SuDS Handbook.</p> <p>This must be clarified and agreed with the relevant authority prior to submitting the reserved matters application.</p>	✘

Information required	Reviewer comments	✓ ✘
Demonstration that appropriate access is available to maintain SuDS features (including pumping stations)	Review of the site layout indicates that access to sSuDS features should be achievable. We stress that this must be demonstrated as part of the reserved matters application – noting that vehicular access must be available. If adoption by Herefordshire Council is promoted, reference must be made to the Herefordshire SuDS Handbook that clarifies maintenance requirements. We note that the pond would be on two staggered levels	✓

Foul Water Management Strategy

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

- ✓ Information provided is considered sufficient
- ✘ Information provided is not considered sufficient and further information will be required

Information required	Reviewers comments	✓ ✘
Description of the proposed foul water drainage system including proposed discharge locations	The Applicant proposes to discharge foul water to the nearby Welsh Water sewer network. The connection point is unclear.	✓
Identification of the public foul sewerage network within the vicinity of the development and assessment of the viability to connect to this network	The Applicant has been in contact with Welsh Water regarding the capacity of the network located to the south of the site. As the development is located on the periphery of Bromyard it is expected that a public sewerage connection is sought. Pumping to the Welsh Water sewerage network will be required.	✓
Discharge to sewerage network		
Demonstration that the suitability and capacity of the public sewerage system has been explored in consultation with the relevant authority, and that a viable connection can be made	Consultation has been undertaken with Welsh Water regarding the intended connection. Whilst this is acceptable in principle, Welsh Water has confirmed that there is currently insufficient capacity in the network to receive foul discharge from the development. It is understood that ongoing discussions are being held between Welsh Water and the applicant to agree the required upgrade works.	✓
General		
If the development is to be delivered in phases, demonstration of proposed delivery and ability to maintain key design criteria	It is understood that these proposals relate to Phase 1 and a separate strategy may be used if the site is extended	✓
Access, adoption and maintenance		
Confirmation if access or works to third party land will be required and, if so, confirmation of the party with which agreement will be required	It is unclear if access to third party land will be required, although it is considered likely that the connection to the public sewerage network can be achieved by the adopted road network and not via private land.	✓
Confirmation of proposed adoption and maintenance arrangements for the foul water drainage system	It is assumed that the foul drainage system will be adopted in its entirety by Welsh Water or another water company.	✓

Information required	Reviewers comments	✓ x
Demonstration that appropriate access is available to maintain drainage features (including pumping stations)	The Applicant will need to demonstrate that appropriate access is available for the foul water pumping stations. This can be demonstrated as part of the reserved matters application.	x

Overall Comment

OBJECTION

The outline submission does not demonstrate that Pond 1 has been adequately sized to accommodate rainfall arising from the respective design storm referenced above. We object to the proposed development because the surface water drainage strategy is inadequate. A revised submission will be required that may demonstrate that adequate attenuation can be provided within the extent of the site for all design storms.

The submission included Section 38 drawings related to the proposed adoption of highways. As explained in our commentary the roads could only be adopted if all of the surface water sewers were adopted by a Water Authority.

The designer should consider the risks of people falling off the proposed retaining wall and consider how this risk may be mitigated through redesign. This may involve increasing the gradient of the pond banks and moving the pond towards the north west.

On the submission of the above information, we will then be able to confirm which items of outstanding information may be required to support a reserved matters application.

Outline Planning Applications: Flood Risk and Drainage Checklist

This document provides a list of the information that, in general, must be submitted to support outline planning applications in relation to flood risk and drainage.

Application details

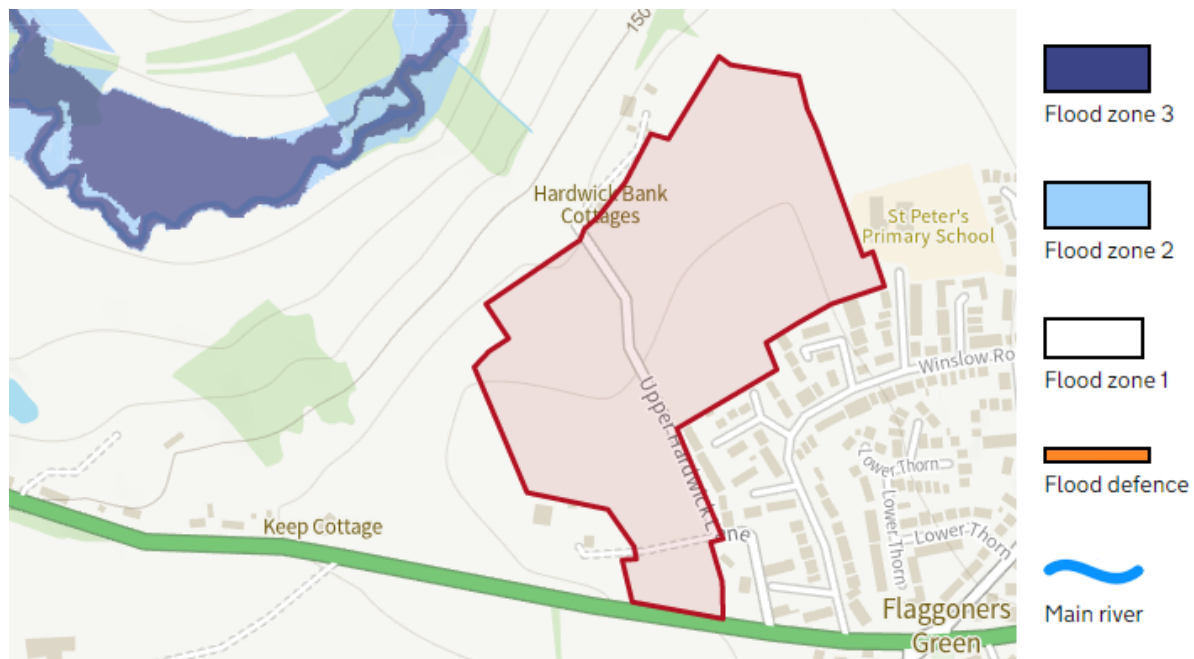
SITE:	Land at Hardwick Bank, Bromyard, Herefordshire.
DESCRIPTION:	Outline planning application for a sustainable urban extension comprising: up to 250 dwellings; open space, allotments and landscaping; school expansion land; areas of children's play; sustainable urban drainage infrastructure; internal roads; and associated infrastructure. Detailed approval is sought for principal means of access and layout with all other matters reserved.
APPLICATION NO:	163932
GRID REFERENCE:	OS 364676, 254881
APPLICANT:	Bovis Homes Limited & Mosaic Estates C/o Agent
AGENT:	Walsingham Planning
DATE OF THIS RESPONSE:	18/07/2023

This response is in regard to flood risk and land drainage aspects, with information obtained from the additional sources following our initial consultation in April 2019:

- Location Plan drawing (Ref: 0687-101)
- Flood Risk Assessment (January 2023);
- Proposed Drainage Plan Sheet 1 of 1, 2, 3 (Rev P02). Jan 2023

Site location and extract of flood map(s)

Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), May 2023



Development description

The Applicant proposes the construction of up to 250 dwellings, open space, allotments and landscaping, school expansion land and children's play areas. The site occupies an area of c. 11ha and is currently used for agricultural purposes. The topography of the site slopes down from approximately 169m AOD in the west to approximately 130m AOD in the east. The River Frome is located approximately 250m to the north and west of the site.

Identifying the need for a Flood Risk Assessment

Information required	Reviewers comments
Confirmation of the site area in hectares or square metres	Site area confirmed as c.11.2 hectares.
Identification of all designated main rivers within 20m of the site boundary	The site is not located within 20m of any main rivers.
Identification of all designated ordinary watercourses and land drains within 20m of the site boundary	There are no ordinary watercourses within 20m of the site boundary.
Confirmation of the site's location in Flood Zone 1, Flood Zone 2 or Flood Zone 3, and taking climate change effects into account	The submitted FRA confirms the location of the site in the low risk Flood Zone 1, and is likely to remain in Flood Zone 1 with the effects of climate change.
Confirmation and supporting justification of whether the site is at significant risk of flooding from other sources, including surface water flood risk or flood risk from minor watercourses with unmapped flood extents	The submitted FRA indicates that the site is not at risk of surface water flooding or other sources.

Completing a Flood Risk Assessment


A Flood Risk Assessment (prepared in accordance with NPPF and EA Standing Advice) must support the planning application for any development:

- Located in Flood Zone 2 or Flood Zone 3¹.
- With a site area greater than 1 hectare.
- Located in an area identified to be at significant risk of flooding from other sources, including surface water flood risk or flood risk from minor watercourses with unmapped flood extents.

Complying with the above guidance, the Applicant has submitted a FRA to support this outline planning application.

¹ Note that the Council may also request an assessment of flood risk where the development is indicated to be at risk of flooding when the potential effects of climate change are taken into account.

Information required	Reviewer comments	✓ ✘
Sources of risk		
Assessment of Flood Zone 2 and 3 taking the effects of climate change into account, including predicted flood depths for the 1 in 100 and 1 in 1000 annual probability events	The proposed scheme is located entirely within Flood Zone 1. The site is not considered to be at risk of fluvial flooding when the effects of climate change are considered.	✓
Assessment of areas protected by flood defences and risk of flooding in the event of breach, taking the effects of climate change into account	The site not at risk of flooding in the event of defence breach.	n/a
Assessment of fluvial flood risk from other watercourses in close proximity (c.20m) to the site including those with no mapped flood extent, and taking the effects of climate change into account	There are no known other sources of fluvial flooding associated with minor or unmapped flood extents.	✓
Assessment of mapped surface water flood risk	Review of the EA's Risk of Flooding from Surface Water map indicates that the site is not located within an area at significant risk of surface water flooding. The Flood Risk Assessment (FRA) indicates that there is a small area at high risk of surface water flooding noting that it is a low spot in the topography of the site. Our own review indicates a very slight valley located within the centre of the site with the potential for slight concentration of overland flow between Bromyard's existing urban extent and Drythistle Farm, although this is not considered to pose risk to the site or elsewhere.	✓
Assessment of flood risk associated with potential overland flow from adjacent steeply sloping land	Review of topography indicates that the site is located at a local high point and is therefore not at risk from overland flow.	✓
Assessment of groundwater flood risk	The submitted FRA states that the site is not at risk from groundwater flooding. We concur with this statement although highlight the presence of groundwater springs within the steeper sloping land to the north-west (towards the River Frome) and south-west of the site (towards Hackley Brook that is a tributary of the River Frome), indicated to emerge between the 145-155m contour lines.	✘ (with note)

Information required	Reviewer comments	✓ ✗
<p>Assessment of flooding from surface water, foul water and highway sewers</p>	<p>The submitted FRA states that the site is not at risk of flooding from sewers. We concur with this statement</p> <p>The applicant should provide a Surface Water Exceedance Plan to demonstrate how surface water will flow in the event of the highway gullies being overwhelmed. From our own review we note that provision may be needed to accommodate surface water runoff at the following locations, but the designer should complete a site wide review. Some properties may need to be raised 300mm.</p> <p>Upper Hardwick Lane runs very close to the location below. A direct discharge point may be created onto the public highway as the lane is lower down than the proposed site road, this may create an ice hazard.</p> 	<p>✓ ✗</p> <p>✓</p>
<p>Assessment of flood risk from any other manmade sources, including reservoirs, ponds, detention basins etc.</p>	<p>The submitted FRA states that the site is not at risk of flooding from artificial sources such as canals, lake and ponds. We concur with this statement</p>	<p>✓</p>

Information required	Reviewer comments	✓ ✘
Summary of historic flooding records and anecdotal evidence	The submitted FRA states that no records of historic flooding were identified in their assessment. We agree that the Council hold no records historic flooding events that have occurred within or immediately adjacent to the site, although highlight a number of known historic flooding events that have affected property and infrastructure downstream of the site, most notably fluvial flooding from the River Frome. This may influence discharge of runoff as discussed elsewhere.	✓ (with note)
Other works that could pose risk		
Are there any other proposed works that could lead to increase of flood risk to the site or elsewhere, for example culverting or diversion of watercourses?	There are no other known works that would pose increased flood risk to the site or elsewhere.	✓
Sequential approach		
Assessment of the acceptability of the development within the identified Flood Zone, in accordance with the Sequential Test outlined in the National Planning Policy Framework	The site is located entirely within Flood Zone 1 and therefore passes the Sequential Test.	✓
Demonstration of how a sequential approach has been taken to locate development in the lowest risk areas of the site, including the risk of flooding from other sources	The site is located entirely within Flood Zone 1 and a sequential approach is not considered necessary.	✓
Mitigation		
Summary of how the development has addressed the identified flood risks and incorporated appropriate mitigation into the layout and operation of the development	<p>No mitigation beyond the appropriate management of surface water runoff is considered necessary.</p> <p>We note that Upper Hardwick Lane crosses through the site, which is lower than the existing farmland. It is impractical to convey the exceedance flows (arising from the scenario when the surface water drainage system is overwhelmed) from the north east of the site to the proposed balancing pond.</p> <p>We note that Upper Hardwick Lane crosses the edge of the proposed Public Open Space and is shown running parallel to a new site road. A direct discharge of surface water onto the public highway needs to be avoided. The extent of the existing highway drainage on Upper Hardwick Lane needs to be reviewed as if a direct discharge were to occur then water may not be effectively conveyed via the highway drains</p>	✘
Assessment of how a safe access route(s) to Flood Zone 1 (not including dry islands) would be achieved from the development, taking flood hazard and climate change into account	Vehicular accesses to the site is located in Flood Zone 1 and the site is not a dry island.	✓

Information required	Reviewer comments	✓ ✗
Assessment of how the development will ensure no increased risk to people, property or infrastructure elsewhere, for example through the displacement of floodplain compensation or failure of flood defence structures, and demonstration of how mitigation will be incorporated into the design, with supporting calculations	The site is located entirely within Flood Zone 1 and is not assessed as being at risk from other sources of flooding. Therefore no increased risk to people, property or infrastructure is identified beyond the appropriate management of surface water runoff.	✓
Exception Test		
Justification for the successful application of the Exception Test, if applicable	The site is located entirely within Flood Zone 1 and therefore the Exception Test is not required.	n/a

Surface Water Management Strategy

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

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

Information required	Reviewer comments	✓ ✗
Strategy		
Summary of likely ground conditions including permeability and contamination risks	<p>Review of information provided by applicant in the submitted FRA states that infiltration testing has been completed and concludes variable but likely unfavourable conditions for infiltration. The Applicant states the targeted soakage testing at proposed SuDS locations will be undertaken at the detailed design stage, suggesting that infiltration will be maximised if possible. We agree with this approach.</p> <p>July 2023- We note that the applicant has completed only 4 soakaway tests within the red line area but TP19 and TP24 are close together. Only three areas were tested</p> <p>Ground Conditions vary across the site. Sandstone and Mudstone are recorded to alternate across the site. The beds are typically recorded to dip gently to the east, however they have been folded into a synclinal structure with its axis trending north-south through the east of the site. Strata dips may therefore be expected to be shallow and towards the west in the east of the site. At shallow depth the sandstones can be expected to weather to predominantly sand and the mudstones to clay/silt</p> <p>Around 20 of the trial pits within the red line area demonstrated the presence of sand and sandstone. However only one soakaway test (TP19) was completed in the sand - sandstone strata.</p> <p>We are unclear whether the sand layer at TP10 was underwater during the soakaway test. We assume that the soakaway test was completed within the trial pit, but we cannot be sure. It is possible that if the soakaway test pit had been filled to the surface that some soakage may have occurred. At the adjacent TP9 there is sand to a depth of 0.75m, also there is a layer of gravel. The sand bed is localised and may provide a route for dispersing water, the gravel is also likely to be permeable.</p>	✗ (with note)
Confirmation of whether the site is located in a Source Protection Zone or Principal Aquifer	Review of the EA's Groundwater map indicates that the site is not located within a designated Source Protection Zone or Principal Aquifer.	✓

Information required	Reviewer comments	✓ x
<p>Summary of proposed surface water management strategy with supporting illustration, including location of proposed outfalls, attenuation structures and/or infiltration features</p>	<p>The submitted FRA states that surface water runoff will be conveyed via a mix of traditional piped systems and on-ground conveyance features to attenuation basins located throughout the site. From the attenuation basins, surface water runoff from the vast majority of the site will be discharged to the River Frome at a controlled rate.</p> <p><u>Detention Basin 1</u></p> <p>The applicant has suggested that a variable flow control would be installed that would ensure that the flow rate discharged at the pond would change with different storms. There is no technical evidence that supports this proposal.</p> <p>Table 6.1 shows the discharge rate for four storms. The submission does not demonstrate how the flow control would be designed for intermediate storms (for example those between 2 years and 30 years). If a 5 year storm were to occur, would the flow rate be the flow rate associated with a 2 year storm or the flow rate associated with a 30 year storm? Conversely if a 29 year storm were to occur then if the flow control delivered the flow rate for a 30 year storm there would be a net increase in runoff for the site.</p> <p>We remind the applicant that the post development flows <u>and volumes</u> should not increase for all design storms. It is for this reason that most developers choose to design the attenuation on a discharge rate of Q Bar (2year storm) for all design storm as then the volumetric requirements are met in every design storm. As this is a large development, we would expect the applicant to consider more frequent storms such as the 15 year storm in their assessment.</p> <p>The submitted microdrainage calculations have been reviewed. The simulation did not feature the use of a variable flow control.</p> <p>The drawing shows that the pond would have a base level of 158.100m, but the simulation shows node 1.017 has a level of 157.45m. We respect that the same storage may be provided higher up, but the extra hydraulic head would lead to an increased flow through the hydrobrake. The model outputs suggest that the base was modelled at 157.70m (we note that the 30 year water level at node 1.018 is 158.564m and the predicted depth is 0.864m)</p> <p>Based on the hydrobrake flow curve, the pass forward flows are higher than the flows defined in Table 6.1 :</p> <p>30 year – 0.864m and so 28.1 litres/sec 100 year – 2.301m and so 45.7 litres/ sec</p> <p>If the hydrobrake was installed at 157.40m as suggested then these figures would be even higher :</p> <p>30 year – 1.114m and so 32 litres/sec 100 year – 2.551m and so 48 litres/ sec</p>	<p>x</p>

Information required	Reviewer comments	✓ x
	<p>The submission should have demonstrated that the volumetric criteria are met. There are insufficient details to confirm that the proposed design would work adequately</p> <p>The pond does not feature an overflow, which would normally be provided in case the flow control blocks. The level of the earth bunding needs to be a minimum of 300mm higher than the top water level in accordance with the Herefordshire SuDS Handbook. This level remains to be confirmed.</p> <p><u>Detention Basin 2</u></p> <p>It has been proposed that a small area of proposed access road and roundabout in the south-west of the site will be discharged to existing highways drainage in the A40 at a controlled rate. However the proposed discharge rate (QBar) is only 0.4 litres/second. Herefordshire Highways have a policy of utilising flow controls with a minimum 100mm orifice, accordingly the pass forward flow would be around 5 litres/second. If this flow control were proposed, then due to the small catchment only a small amount of water would be attenuated within the pond.</p> <p>Please refer to our remarks under regarding TP09 and TP10. We consider that it may be possible to utilise a soakaway basin at this location. Further testing is requested to refine the design.</p>	
<p>Demonstration that the SuDS hierarchy has been considered in accordance with NPPF and justification for the proposed method of surface water discharge</p>	<p>The submitted FRA demonstrates that consideration has been given to the SuDS hierarchy. Infiltration testing indicates that ground conditions may be unfavourable hence discharge to a watercourse is promoted. However the FRA recommends that further infiltration testing is undertaken to inform the detailed design at the proposed location of drainage features and we agree with this approach. The results of this testing will need to be submitted as part of the reserved matters application.</p>	<p>✓ (with note)</p>
<p>Demonstration that best practice SuDS have been promoted, appropriate to the size and nature of development</p>	<p>The outline drainage strategy and FRA indicates that good practice SuDS are proposed. In addition to further investigation of infiltration as discussed above, the FRA also states that consideration should be given to other SuDS features such as <u>permeable paving</u> and swales. Given the strategic importance of this site we expect to see further consideration of this as part of the reserved matters application.</p>	<p>✓ (with note)</p>
<p>If pumped systems are proposed, justification for the use of these systems, summary of key design principles and assessment of residual risk</p>	<p>No pumped systems are proposed.</p>	<p>n/a</p>

Information required	Reviewer comments	✓ x
Off-site discharge		
<p>For discharge to a watercourse, sewer or local authority asset, confirmation of the relevant authority from which consent will be required</p>	<p>We are unclear exactly where the proposed headwall HW 04 would be located. Any works within 8m of the River Frome will require a Flood Risk Activities Permit.</p> <p>Email correspondence in the 2016 FRA discusses correspondence with Welsh Water regarding sewer requisition opportunities to facilitate the proposed discharge to the River Frome. The applicant will need to confirm how the proposed surface water drain will be installed on third party land.</p> <p>If the intent is to have the roads adopted by HC, then the surface water drainage will need to be maintained by a Statutory Authority such as Welsh Water or Albion Water or Ancala Water. Welsh Water do not adopt Balancing Ponds but the incoming surface water drainage network could be adopted by Welsh Water. Subject to discussion the pond could be adopted by HC or the Lugg Internal Drainage Board. Subject to discussion, it may be possible for the surface water drain downstream of the balancing pond (and the flow control) to be adopted by HC. However, easements would be required for access. HC cannot deliver a sewer requisition to allow the drain to be built. Accordingly the applicant may need to consider approaching Albion Water or Ancala Water.</p> <p>The proposed discharge the highways drainage network will require consent from the Council's highways authority. A soakaway pond may be easier to install</p>	x
<p>For discharge to a watercourse, sewer or local authority asset, summary of greenfield and, if relevant, current runoff rates calculated using the methods outlined in The SuDS Manual 2015 for the 1 in 1 year, Qbar and 1 in 100 year events</p>	<p>The FRA states that existing greenfield runoff rates are as follows:</p> <p>1 in 1 year event: 2.5 l/s/ha 1 in 30 year event: 3.0 l/s/ha 1 in 100 year event: 7.7 l/s/ha</p> <p>Section 5.7 refers to Long Term Storage and references a 2 l/s/ha flow rate, however we note that Table 5.1 shows the rates above. The SuDS Manual includes the 2 l/s/ha figure for scenarios where the greenfield runoff rate is lower than this figure. We recognise that the figures in Table 5.1 are being used at this site for the volumetric storage calculations</p>	✓
<p>For discharge to a watercourse, sewer or local authority asset, summary of proposed discharge rates and volumes calculated using the methods outlined in The SuDS Manual 2015 for the 1 in 1 year, Qbar and 1 in 100 year events</p>	<p>The FRA states that the Greenfield runoff rates stated above will be achieved for the corresponding 1 year, 30 year and 100 year events (allowing for climate change effects for the 100 year event). The FRA also states that additional storage will be provided to achieve required volumetric discharge restrictions. Whilst the proposals are acceptable in principle, we highlight that these are considered to be the minimum expected requirements. It is expected that a development of this size would go beyond minimum requirements and strive to achieve betterment, particularly as there are a number of historic flood records downstream of the site associated with the River Frome. We note the FRA's recommendation to maximise infiltration, permeable paving and swales which will assist in providing betterment. However as part of the reserved matters application it is expected that further restriction on proposed discharge rates in achieved, ideally restricting discharge rates and volumes to a value closer to Qbar for all events.</p>	✓ (with note)

Information required	Reviewer comments	✓ x
For discharge to a watercourse, sewer or local authority asset, summary of proposed attenuation volume to manage the rate and volume of runoff to greenfield or current rates and volumes, allowing for climate change effects and demonstrating sufficient space within the site	The submitted FRA states that attenuation will be provided to cater for the 1 in 100 year event plus a 40% increase in rainfall intensity to accommodate climate change effects – giving consideration to both peak discharge and volumetric discharge requirements. As discussed above this is considered acceptable in principle, although a greater volume of attenuation is expected as part of the reserved matters application.	✓ (with note)
Assessment of potential failure of any above-ground attenuation features, including assessment of residual risks to downstream receptors, and proposed mitigation and management measures	The Applicant proposes an attenuation basin.	✓
Drawing to illustrate that attenuation structures are not located within an area at risk of fluvial flooding up to the 1 in 100 annual probability event and taking the effects of climate change into account, unless it can be demonstrated that the capacity of the drainage system will not be reduced and that any loss of fluvial flood storage can be compensated for elsewhere without increasing risk to people, property or infrastructure	The site is located entirely within Flood Zone 1, therefore no loss of fluvial flood storage will occur.	✓
For discharge to a watercourse, sewer or local authority asset, demonstration that a viable connection can be made and that the suitability and capacity of the downstream system has been explored in consultation with the relevant authority	Given the elevation of the site above the River Frome it is unlikely that a connection cannot be achieved. However we highlight that the applicant will need to give consideration to the impact of surcharged outfalls on the ability to discharge during flooding events when river levels may be high. If a connection to the highway drainage system is needed then the suitability and capacity of the system will need to be discussed with the Council's highways authority.	✓
General		
If the development is to be delivered in phases, demonstration of proposed delivery and ability to maintain key design criteria	It is understood that these proposals relate to Phase 1 and a separate strategy may be used if the site is extended	✓

Information required	Reviewer comments	✓ ✗
Exceedance		
<p>Assessment of natural surface water flow paths through the site, noting that natural flow paths should be retained as far as practicable within a development layout, and demonstration that consideration has been given to the potential for overland flow to overwhelm the capacity of the proposed drainage system</p>	<p>There also no significant overland flow paths that would need to be retained.</p>	✓
<p>Demonstration of how surface water that exceeds the capacity of drainage features will be managed within the site up to and including the 1 in 100 annual probability event to ensure no unacceptable flood risk to the development and no increased flood risk to people, property and infrastructure elsewhere</p>	<p>The submitted FRA discusses residual risks in terms of blockage or events that exceed the capacity of the design storm. Whilst these are valid and must be considered, we also highlight that consideration must also be given to events that exceed the inlet capacity of gullies or exceed the design capacity of below ground and above ground conveyance features.</p> <p>As part of the reserved matters application the applicant must demonstrate how temporary exceedance of inlet systems such as gullies is managed to allow water to enter the drainage system up to the 30 year event as minimum; and how exceedance of conveyance systems will be managed during events greater than the 30 year event to route overland flows towards the proposed attenuation basins – demonstrating that this water will not flow off site up to the 100 year + CC event.</p>	✗
Access, adoption and maintenance		
<p>Confirmation if access or works to third party land will be required and, if so, confirmation of the party with which agreement will be required</p>	<p>Access to third party land will be required to achieve connection to the River Frome. This is not discussed in detail in the submitted FRA. It is suggested that Welsh Water can assist with these connections. Confirmation of the approach and any agreements in principle with relevant land owners will be required as part of the reserved matters application.</p> <p>If the intent is to have the roads adopted by HC, then the surface water drainage will need to be maintained by a Statutory Authority such as Welsh Water or Albion Water or Ancala Water. Welsh Water do not adopt Balancing Ponds but the incoming surface water drainage network could be adopted by Welsh Water. Subject to discussion the pond could be adopted by HC or the Lugg Internal Drainage Board. Subject to discussion, it may be possible for the surface water drain downstream of the balancing pond (and the flow control) to be adopted by HC. However, easements would be required for access. HC cannot deliver a sewer requisition to allow the drain to be built. Accordingly, the applicant may need to consider approaching Albion Water or Ancala Water.</p>	✗

Information required	Reviewer comments	✓ ✗
Confirmation of proposed adoption and maintenance arrangements for the surface water drainage system	Proposed adoption of the drainage system has not been clarified. Welsh Water will not adopt above ground storage features, and would not adopt features that attenuate between the 30 year and 100 year events. If Welsh Water adoption of the below ground network is required, Herefordshire Council would be required to adopt the ponds. The applicant also references the option for third-party adoption by a management company. As the drainage strategy promotes discharge to a watercourse rather than public sewer then adoption by a management company could be acceptable if Welsh Water and Herefordshire Council cannot adopt the proposed drainage system. If adoption by Herefordshire Council is promoted, reference must be made to the Herefordshire SuDS Handbook. This must be clarified and agreed with the relevant authority prior to submitting the reserved matters application.	✗
Demonstration that appropriate access is available to maintain SuDS features (including pumping stations)	Review of the site layout indicates that access to sSuDS features should be achievable. We stress that this must be demonstrated as part of the reserved matters application – noting that vehicular access must be available. If adoption by Herefordshire Council is promoted, reference must be made to the Herefordshire SuDS Handbook that clarifies maintenance requirements. We note that the pond would be on two staggered levels	✓

Foul Water Management Strategy

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

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

Information required	Reviewers comments	✓ ✗
Description of the proposed foul water drainage system including proposed discharge locations	The Applicant proposes to discharge foul water to the nearby Welsh Water sewer network. The connection point is unclear.	✓
Identification of the public foul sewerage network within the vicinity of the development and assessment of the viability to connect to this network	The Applicant has been in contact with Welsh Water regarding the capacity of the network located to the south of the site. As the development is located on the periphery of Bromyard it is expected that a public sewerage connection is sought. Pumping to the Welsh Water sewerage network will be required.	✓
Discharge to sewerage network		
Demonstration that the suitability and capacity of the public sewerage system has been explored in consultation with the relevant authority, and that a viable connection can be made	Consultation has been undertaken with Welsh Water regarding the intended connection. Whilst this is acceptable in principle, Welsh Water has confirmed that there is currently insufficient capacity in the network to receive foul discharge from the development. It is understood that ongoing discussions are being held between Welsh Water and the applicant to agree the required upgrade works.	✓
General		

Information required	Reviewers comments	✓ x
If the development is to be delivered in phases, demonstration of proposed delivery and ability to maintain key design criteria	It is understood that these proposals relate to Phase 1 and a separate strategy may be used if the site is extended	✓
Access, adoption and maintenance		
Confirmation if access or works to third party land will be required and, if so, confirmation of the party with which agreement will be required	It is unclear if access to third party land will be required, although it is considered likely that the connection to the public sewerage network can be achieved by the adopted road network and not via private land.	✓
Confirmation of proposed adoption and maintenance arrangements for the foul water drainage system	It is assumed that the foul drainage system will be adopted in its entirety by Welsh Water or another water company.	✓
Demonstration that appropriate access is available to maintain drainage features (including pumping stations)	The Applicant will need to demonstrate that appropriate access is available for the foul water pumping stations. This can be demonstrated as part of the reserved matters application.	x

Overall Comment

The outline submission does not demonstrate that Pond 1 has been adequately sized to accommodate rainfall arising from the respective design storm referenced above. The designer has suggested that a variable flow control would be used, but has not presented a working design. We object to the proposed development because the surface water drainage strategy is inadequate. A revised submission will be required that may demonstrate that adequate attenuation can be provided within the extent of the site for all design storms.

For a strategic site of this size we would expect an extensive set of soakaway tests across the site. There were only four tests provided within the red line area. Further testing is required

The proposals for adoption of the respective assets need to be confirmed

On the submission of the above information we will then be able to confirm which items of outstanding information may be required to support a reserved matters application.



The Conservation of Habitats and Species Regulations (2017) Part 6, section 63

‘Assessment of implications for European sites and European offshore marine sites’

Habitats Regulation Assessment

This is a record of the Habitat Regulations Assessment (HRA) (including Screening for Likely Significant Effects and Appropriate Assessment where required) carried out by Herefordshire Council (the competent authority) as required by Regulation 63 of the Conservation of Habitats & Species Regulations 2017 (the ‘Habitats Regulations’) relating to the following **planning application**.

This HRA is carried out in accordance with the relevant guidance documents including those by Natural England at <https://www.gov.uk/guidance/appropriate-assessment>, and David Tyldesley Associates <https://www.dtapublications.co.uk/>

The HRA is carried out by Herefordshire Council. Detailed information will need to be provided by the applicant to enable to authority to make the assessment.

The Project / Plan

1.1 Planning Application Reference Number, Description and Address

Application reference number: 163932
Address: Land at Hardwick Bank Bromyard Herefordshire
Description: Outline planning application for a sustainable urban extension comprising: up-to 250 dwellings; open space, allotments and landscaping; school expansion land; areas of children's play; sustainable urban drainage infrastructure; internal roads; and associated infrastructure. Detailed approval is sought for principal means of access and layout with all other matters reserved.
Applicant: Bovis Homes Limited & Mosaic Estates
Case officer: Ollie Jones

Location OSGR: 364358 - 254665
Link to Planning Application on Herefordshire Council Website: [Planning Search – Herefordshire Council](#)

1.2 Description of the plan or project (details)

Outline planning application for a sustainable urban extension comprising: up-to 250 dwellings; open space, allotments and landscaping; school expansion land; areas of children's play; sustainable urban drainage infrastructure; internal roads; and associated infrastructure. Detailed approval is sought for principal means of access and layout with all other matters reserved.

1.3 Documents and plans considered – *delete/ add as appropriate*

Herefordshire Local Plan Core Strategy 2011 – 2031
River Wye SAC Nutrient Management Plan
National Planning Policy Framework
The Conservation of Habitats and Species Regulations 2017 (as amended)

1.4 Planning Policy context:

The site is an Allocated Site in the Core Strategy.

1.5 Size (ha) and description (habitats etc.) of existing site

11.62ha of agricultural grazing land with hedgerows.

1.6 Surrounding land use and context in relation to designated sites

The development site is 10km east of the River Lugg SSSI which is an integral part of the River Wye SAC. The land between Bromyard and the River is rural in nature with mixed agricultural land, small rural roads and rural development present.

Relevant Habitats (Natura 2000) site(s)

Please select all that apply from:

- River Wye Catchment SAC (including schemes impacting on the linked River Lugg SSSI)
- River Clun SAC
- Wye Valley Woodlands SAC
- Downton Gorge SAC
- Wye Valley & Forest of Dean Bat Sites SAC (Wigpool Iron Mines SSSI)
- Other site (SAC, Ramsar)

Details of the Site:

1.River Wye SAC

The River Wye SAC covers an area of 2234.89 ha in Gloucestershire, Herefordshire, Monmouthshire and Powys.

Designated features

Qualifying habitats

The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following habitats listed in Annex I:

- Transition mires and quaking bogs. (Very wet mires often identified by an unstable 'quaking' surface).
- Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche Batrachion vegetation. (Rivers with floating vegetation often dominated by water crowfoot)

Qualifying species

The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following species listed in Annex II:

- Allis shad *Alosa alosa*
- Atlantic salmon *Salmo salar*
- Brook lamprey *Lampetra planeri*
- Bullhead *Cottus gobio*
- Otter *Lutra lutra*
- River lamprey *Lampetra fluviatilis*
- Sea lamprey *Petromyzon marinus*
- Twaite shad *Alosa fallax*
- White-clawed (or Atlantic stream) crayfish *Austropotamobius pallipes*

Conservation Objectives of the Designated features:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

[European Site Conservation Objectives for River Wye SAC - UK0012642 \(naturalengland.org.uk\)](http://naturalengland.org.uk)

Site Condition

Site condition, for the area of the site in England, is taken from the constituent SSSI units for the River Wye SSSI and the River Lugg SSSI.

River Wye SSSI

Unit	Unit name	Condition	Condition Threat Risk	Habitat	Area (ha)	GridRef
001	TIDAL RIVER - ESTUARY TO BROCKWEIR BRIDGE	Unfavourable - Declining	High	RIVERS AND STREAMS	114.9234 ha	ST 537 956
002	BROCKWEIR BRIDGE TO MONMOUTH	Unfavourable - Declining	High	RIVERS AND STREAMS	36.3835 ha	SO 534 055
003	MONMOUTH TO ROSS	Unfavourable - Declining	High	RIVERS AND STREAMS	157.0946 ha	SO 573 185
004	ROSS TO HEREFORD	Unfavourable - Declining	High	RIVERS AND STREAMS	293.5648 ha	SO 568 320
005	HEREFORD TO BREDWARDINE BRIDGE	Unfavourable - Declining	High	RIVERS AND STREAMS	150.1955 ha	SO 418 415
006	BREDWARDINE BRIDGE TO WHITNEY TOLL	Unfavourable - Declining	High	RIVERS AND STREAMS	122.4429 ha	SO 300 461
007	WHITNEY TOLL TO HAY	Unfavourable - Declining	High	RIVERS AND STREAMS	30.8778 ha	SO 242 458

River Lugg SSSI

Unit	Unit name	Condition	Condition Threat Risk	Habitat	Area (ha)	GridRef
001	RIVER LUGG (WYE SAC)	Unfavourable - Declining	High	RIVERS AND STREAMS	58.8726 ha	SO 530 455
002	BODENHAM WEIR TO LEOMINSTER	Unfavourable - Declining	High	RIVERS AND STREAMS	20.4404 ha	SO 503 573
003	LEOMINSTER TO MORTIMERS CROSS	Unfavourable - Declining	High	RIVERS AND STREAMS	36.2719 ha	SO 448 623
004	MORTIMERS CROSS TO PRESTEIGNE	Unfavourable - Declining	High	RIVERS AND STREAMS	26.8469 ha	SO 366 648

Other Relevant Documents

There is a Site Improvement Plan for the River Wye which can be found at [Site Improvement Plan: River Wye - SIP199 \(naturalengland.org.uk\)](http://naturalengland.org.uk)

Stage1: Preliminary Screening including Likely Significant Effects (LSE)

Completed by:

Fran Lancaster
Date: 24 th November 2023

Table 1: Initial Screening

Does the project or plan qualify for exemption from the HRA process?

Is the project or plan directly connected with or necessary for the conservation	No
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management of the habitat site (provide details)? If so the project may be considered exempt from the HRA process.	
If the proposal is considered exempt from the HRA process? Has this been consulted upon and agreed with Natural England?	N/A – not exempt

Table 2: Screening for Likely Significant Effects (LSE)

Key issues considered:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Foul water | <input checked="" type="checkbox"/> Water pollution |
| <input checked="" type="checkbox"/> Surface water | <input type="checkbox"/> Water abstraction |
| <input type="checkbox"/> Aerial Emissions (ammonia, N deposition & acid deposition) | <input type="checkbox"/> Recreational impacts |
| <input type="checkbox"/> Construction or Demolition processes | <input type="checkbox"/> Protected species impacts (direct) |
| <input type="checkbox"/> Direct impacts inside SAC boundary (habitats) | <input type="checkbox"/> Protected species impacts (indirect) |
| <input type="checkbox"/> Impacts upon supporting habitats | <input type="checkbox"/> Other |

Details of key issues & identification of potential effect pathways

The proposal relates to a development of up to 250 dwellings which will discharge via a mains connection to Bromyard Waste Water Treatment Works. Surface water from the site is to be attenuated to greenfield rate plus an allowance for climate change and discharged to a mixture of local watercourses and highways drains.

NB: Where avoidance and mitigation measures do not form an integral part of the project/ plan and are to be put in place to reduce the impacts, these must not be considered in order to avoid impacts at the Screening stage and will require consideration at the Appropriate Assessment stage (in line with the People Over Wind judgement).

Are there any potential effects of the project or plan when considered alone?	Yes <i>If 'yes' then proposal must be carried forward to the Appropriate Assessment Stage. If 'no' then proposal must still be considered in-combination below. The identification of a potential effect pathway is sufficient to require an Appropriate Assessment i.e. no judgement on significance/ or threshold is applied at screening stage. Existence of a pathway is considered to be an LSE.</i>
Are there any potential effects of the project or plan in combination with other projects or plans?	Potentially yes <i>If 'yes' then proposal must be carried forward to the Appropriate Assessment Stage.</i>

Natural England consultation reference and summary (if available):

None

Summary of LSE test conclusions

No likely significant effects – no Appropriate Assessment required and planning permission can be legally granted. A consultation with NE is not required where a proposal is ‘screened out’.

Likely significant effects – Appropriate Assessment required.

And, where relevant:

Further information to inform the Appropriate Assessment required – the applicant is advised to provide the relevant information as detailed below.

Further information required to inform the Appropriate Assessment	N/A
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Stage 2: Appropriate Assessment

Completed by:

Fran Lancaster
Date: 24 th November 2023

Appropriate Assessment statement including alone, impacts in-combination and discussion of proposed mitigation measures

Complete the tables and boxes below, deleting as necessary. Where information is taken from supporting documents this should be quoted and fully referenced. Any documents not available on the Council’s website should be provided to Natural England when they are consulted.

Table 3: Impacts of the plan/ project alone

Complete boxes as appropriate below and delete boxes for potential effect pathways which are not relevant:

Foul Water Mains Connection – Phosphate Credit Purchase	
The proposal is for up to 250 dwellings to be connected to mains sewer which will discharge to Bromyard WWTW which has a permit limit of 1mg/l of phosphate.	
The Waste Water P load of the development is calculated to be:	
Development	250 dwellings
Occupancy	2.3 per dwelling
Additional population	575 people
Water usage	110 l per person per day
Waste water volume	63,250 l per day
Receiving WwTW environmental permit	1 mg/l (*0.9 for calculation)
Total phosphate after treatment	56,925 mg/TP/day
Convert mg/TP/day to kg/TP/day	0.056925 kg/TP/day
Per year	20.79 kg/TP/year
Waste Water Total Phosphate Load is 20.79 kg/TP/year.	
The Current Land Use is lowland grazing.	

The **Current P Leaching Load** is 2.56 kg TP.

The **Post Development Land Use** is residential development (7.23ha), greenspace (3.83ha), open urban land (0.56ha) which equates to an **Annual Phosphorus Nutrient Export** of 11 kg TP.

The **Phosphate Balance for the Site** is:

TP Waste Water post treatment	20.79 kg/TP/year
Historic landuse P export	2.56 kg TP
Post development P export	11 kg TP
Landuse net change	8.44 kg TP
Phosphate budget	29.23 kg TP/year
Phosphate budget including 20% buffer	35.08 kg TP/year

The Natural England Nutrient Neutrality Budget Calculator – River Lugg Catchment has been used correctly for this proposed development and the outcome of the nutrient budget is that there is an annual phosphorous load to mitigate = 35.08kg TP/year.

Mitigation is proposed in this case including the purchase of Phosphate credits and is set out in table 4 below.

Surface Water and Water Pollution

Information on proposed surface water drainage is found within the Flood Risk Assessment and Surface Water Drainage Strategy by Santec (January 2023) and in ongoing correspondence between the applicant and the Council's Drainage Consultant which can be found on the casefile. The Council's Drainage Consultant has agreed the technical elements of the drainage strategy but is still clarifying some elements of detail.

The development site is divided into two catchments. The larger northern catchment includes the bulk of the residential development. The smaller southern catchment includes only highways development. The site is 200m south east of the River Frome with unnamed watercourses closer to the site.

Soil testing showed that at shallow depths soakaways are not viable with only 1 test pit (of 38) achieving a suitable rate of soakage. On this basis the surface water drainage strategy assumes no soakaways are possible on the site.

A direct discharge to an unnamed watercourse is the proposed strategy for the northern catchment, this watercourse flows into the River Frome. The southern catchment (entirely highways development) is proposed to discharge into existing highways drains once the agreement of the Highways Authority has been secured.

All discharges will be attenuated to greenfield runoff rate equating to 1 in 100 year storm events plus a 45% allowance for climate change. An detention basin in the northern catchment will be 2951m³. A detention basin in the southern catchment will be 83.1m³.

The surface water treatment train will comprise of source control measures (including permeable surfacing where appropriate), conveyance will be via pipes due to the topography of the site and site control will occur within the detention basins.

Surface water comes from roofs and roadways/parking areas and is assessed as having very low (roofs) and low (everything else) pollution prevention. The detention basins are set out as being sufficient to address pollution arising from suspended solids, metals and hydrocarbons but it is anticipated that a range of other measures will be included in the details at reserved matters which will further reduce potential pollution bringing the quality of water discharged from the site to above adequate.

Surface water is not considered likely to have an adverse effect on the integrity of the River Wye SAC either alone or in-combination and sufficient measures are embedded in the proposal to ensure sufficient water quality within the need for additional mitigation.

Table 4: Mitigation Requirements and Outcomes

For cases purchasing Phosphate Credits

The development has applied for, and received, an allocation of phosphate credits from Herefordshire Council at a cost of £14,000 per kg as follows:

Annual phosphorous load to mitigate 35.08 kg TP/year * £14,000 per kg

= 35.08 * £14,000

= £491,120.

This proposal is a valid Planning Application awaiting a positive determination subject to receipt of Phosphate Credits and the developer is prepared to enter into legal agreement with the Council through either a S106 agreement or a S106 agreement including a S111 agreement for phased development to secure the financial payment for phosphate credits.

Herefordshire Council's Phosphate Credit Allocation Process (taken from the Council's Phosphate Credit Pricing and Allocation Policy April 2022):

'The Phosphate Credit Allocation Process is a staged process setting out how Phosphate credits that are generated by Herefordshire Council Integrated Wetlands can be secured by developers to offset the phosphate load of their development. The process necessitates a number of steps which can be run in tandem simultaneously. This process is monitored throughout and will span several services as well as requiring engagement with, statutory consultees, and developers themselves. Credits will only be released as they become available.

The process starts with developers working out the number of credits needed using the Council's Phosphate Calculator Budget Tool supplied by Natural England. The developers are then kept on a list according to 'first come first served' policy as stated above. As credits become available and when applications are ready for determination, case officers will contact developers and provide them with an invitation to apply for credits. The developer submits this alongside their phosphate calculations, a S106 legal document and an online payment for their allocated credits. Their application is reviewed internally by Legal and Ecology and in consultation with Natural England.

Permission can then be granted or refused. If refused, developers have a set amount of time to go through the appeals procedure, credits will be held as stated above. Where permission is granted, HRA conditions are applied and they have a set amount of time and requirements they must fulfil otherwise the credits are returned to Herefordshire Council and payment is reimbursed to developers as stated above.'

Phosphate Credits in Herefordshire are being generated through the delivery, by Herefordshire Council, of a program of integrated wetlands associated with existing Waste Water Treatment Works (Wwtw). The first integrated wetland was delivered in 2022 on land adjacent to the Luston Wwtw. As set out in the feasibility study for the wetland¹ 'The purpose of the wetland would be to provide enhanced treatment for removal of phosphorus from the final effluent of the Luston Waste Water Treatment Works (WWTW), to contribute to the resolution of the current embargo on housing development and to deliver nutrient neutrality for future housing.'

The aim, in creation of the Luston Integrated Wetland is reducing the Total Phosphorus (TP) in the effluent leaving the Luston WWTW from 4.24mg/L TP to less than 1mg/L TP.

¹ Wetland Feasibility, Design and Offsetting. Wetland Development on the River Wye – Luston. Wye and Usk Foundation. (May 2022).

The Council, working with partners, has assessed potential for integrated wetlands at 8 sites of which Luston is the first to be granted planning permission (under application 213571) and constructed. Natural England have been engaged with the development of the integrated wetland program and did not object to the planning application to create the Luston wetland for the purpose of selling Phosphate Credits.

The precautionary principal has been applied to the construction of the Luston wetland, and will be applied to any further integrated wetlands created under the project:

'To provide a robust wetland design and provide certainty, WUF applied a number of steps to ensure that the design can be considered to provide certainty under the Habitats Directive. These are outlined below and presented in the following sections:

- The primary objective of the wetland is to provide an effluent quality that leaves the wetland at less than 1mgTP/l. To achieve this, and provide certainty around the design, WUF have designed the wetland on the basis of a reduction to 0.8mg/l. This has effectively introduced a 20% buffer and over-sized the wetland to provide greater certainty in its overall future performance, thus adopting a precautionary approach.
- A water balance has been developed and the design has been tested against UK Climate Projections (UKCP) estimates for rainfall and evapo-transpiration in 2070. Understanding the water balance is essential to ensure that the wetland design is robust under current and future climate change conditions and that the hydrology of the system will not be compromised.
- Due to uncertainties with wetland design models, WUF has adopted an approach outlined in the Treatment Wetlands publication (Dotro et al., V7 2017) which recommends application of multiple models to provide sensitivity in terms of calculation of overall design.
- Continued monitoring of phosphorus and flow data at the site to provide increasing and greater understanding of the current operation of the treatment works.'

Text taken from the WUF feasibility study.

The full technical design and modelling work for the Luston wetland can be found at in the Wetland Feasibility, Design & Offsetting Report for the Luston Wetland by Wye & Usk Foundation (May 2022).

Additionally, the precautionary principle is applied to the allocation of Phosphate Credits with 80% of the capacity generated by the creation of each integrated wetland being allocated to development and 20% of the capacity generated being allocated to providing river betterment. [HC Global Template \(herefordshire.gov.uk\)](http://herefordshire.gov.uk)

The sale of phosphate credits to developers will allow the Council to recoup its expenditure in delivering the Strategic Wetlands (and credit costs will be regularly reviewed as new wetlands are brought forward) and will also provide ongoing income for the long term management and maintenance of the wetland features.

On the basis of the program of integrated wetland delivery and the phosphate credit system developed by Herefordshire Council in partnership with a number of organisations including Natural England and has committed to purchasing the phosphate credits required to address the phosphate load generated by the development this proposal it is not considered to have a likely impact on the integrity of the SAC and planning permission can therefore be granted.

Table 5: Remaining Impacts

None

Table 6: Consequences for Conservation Objectives of the Designated Site

Impacts on maintaining the favourable condition of the site	No
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Disruptions or delays in progress towards achieving the conservation objectives of the site	No
Alterations to natural progression or other natural changes within the site	No
Loss of key habitat/ species features. Fragmentation or isolation of key species and habitats. Impacts to diversity, distribution, density, balance, area or population(s) of key species or habitats that are indicators of the favourable condition of the site, including from disturbance	No
Alterations to the ecological relationships and balance between species and habitats that are key to the structure/ function of the site	No
Alterations to nutrient balance or other processes vital to the functioning of the ecosystem	No

Table 7: Integrity Test

Will there be an impact upon the Integrity of the Designated Site?

There will be no adverse impact upon the integrity of the River Wye SAC.

Table 8: Are there Alternative Solutions to the proposal?

If adverse effects on the integrity of the site, either alone or in combination, cannot be ruled out through avoidance or mitigation then alternative solutions must be considered.

N/A

Please Note: Where there are no satisfactory alternatives then consideration may be given to whether the proposal could follow the Imperative Reasons of Overriding Public Interest (IROPI) route. Is this option is under consideration for a plan or project then specialist legal advice should be sought and followed.

Table 9: Recommended planning conditions to secure mitigation which is required in order to achieve no effect on integrity of the Designated Site.

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

Conclusion of the Appropriate Assessment:

Herefordshire Council, as a Competent Authority under the Habitat Regulations 2017, Part 6, section 63(5) concludes that **there would be NO** adverse effects on the integrity of the Special Area of Conservation; subject to appropriate mitigation being secured via the planning conditions listed above. Planning Permission can legally be granted.

Please Note: The authority must consult Natural England on the draft HRA and must have regard to the advice of Natural England before granting planning permission.

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	17 JANUARY 2024
TITLE OF REPORT:	<p>231560 - TO ERECT UP TO 9.5 HECTARES OF FIXED POLYTUNNELS OVER ARABLE (SOFT FRUIT); THE RELOCATION AND UPGRADING OF A FARM ACCESS/EGRESS ON THE C1124; THE ERECTION OF A 648 M2 PROFILED-STEEL-CLAD PORTAL FRAME GENERAL PURPOSE AGRICULTURAL STORAGE BUILDING; THE ERECTION OF 6 NO. 14.7 METRE DIAMETER 600 M3 CAPACITY WATER STORAGE TANKS. LAYING OUT AT DRAKELEY FARM, MARDEN, HEREFORD, HR1 3ES</p> <p>For: Mr Kerr per Mr Antony Aspbury, Unit 20, Park Lane Business Centre, Park Lane, Basford, Nottingham, NG6 0DW</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=231560&search-term=231560
Reason Application submitted to Committee – Redirection	

Date Received: 18 May 2023

Ward: Sutton Walls

Grid Ref: 353352,248363

Expiry Date: 17 August 2023

Local Members: Cllr Peter Hamblin

1. SITE DESCRIPTION AND PROPOSAL

- 1.1 This detailed planning application was submitted on the 18 May 2023 and represents a resubmission of application P221524/F. The proposed scheme has been amended to address objections and concerns raised during that application. This application now seeks planning permission to erect 9.5ha of fixed ‘Spanish’ polytunnels and associated infrastructure to grow table top soft fruits along with an upgrade to an existing agricultural access.

Site description

- 1.2 The Parish of Marden is located around 4.5km to the north of the city of Hereford, with the market town of Leominster located around 8km to the north. The Parish of Wellington neighbours the parish to the west, with the River Lugg forming the boundary between the two parishes. The Parish of Bodenham lies to the north and to the south the Parish of Sutton. The village of Marden is located in a central location within the Parish and is the main settlement supporting a range of services. There are no main ‘A’ roads within the parish, with the closest being the A49 Hereford to Leominster road located around a mile to the west.

Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

- 1.3 The applicants 'S & A group' are one of the largest independent soft fruit growers in Europe growing a variety of soft fruits and vegetables. Their headquarters at Brook Farm is located just north of the main settlement of Marden, and consists of a large packing and processing building, seasonal workers accommodation, research and development laboratories and offices. The polytunnels surrounding the site grows primarily strawberries. The current picking season extends from April through to November, with peak season being during the summer months (i.e June through to August). The seasonal worker accommodation on site has the capacity for 850 workers at any one time, however S & A currently employ up to 425 seasonal workers during the peak summer months. The occupancy of the accommodation is limited to employees of S & A on Brook Farm only. There are currently around 70 full time employees at the site which live within the local area.
- 1.4 The aerial image below shows the coverage and location of the existing polytunnels which cover some 37 hectares of land that abuts Brook Farm to the north and east. The settlement of Marden is also evident from the image to the south of the tunnels. The crops which are grown in the tunnels are processed in the pack house on site before being distributed to customers. Vehicle movements from the site are directed west towards the A49.



Aerial image of existing site and surrounding area taken from Google Earth dated 11/2023

- 1.5 The site which is the subject of this application comprises a range of existing arable fields, divided by intact hedgerows located to the east of the existing S & A soft fruit enterprise. The land was part of the former Drakeley farmstead and has a varied topography across the site. Areas of scrub, woodland and a number of waterbodies are present across the site. The village of Marden is located to the south west, whilst there are a number of residential properties and small farmstead located to the north and east which make up an area known as Venns Green.
- 1.6 The site does not lie within any designated landscape and there are no Conservation Areas in or adjacent to the site. There are a number of Listed Buildings in the vicinity of the site and these are discussed later in the report. The site is within flood zone 1, which has the lowest risk of flooding.
- 1.7 The area is has an extensive network of PRoW and Bridleways. Bridleway MR19 runs alongside the western boundary of the site, with MR12 running directly through the site to the north in an east to west direction. The Bridleways on the field boundaries are MR19 and MR12 and consist

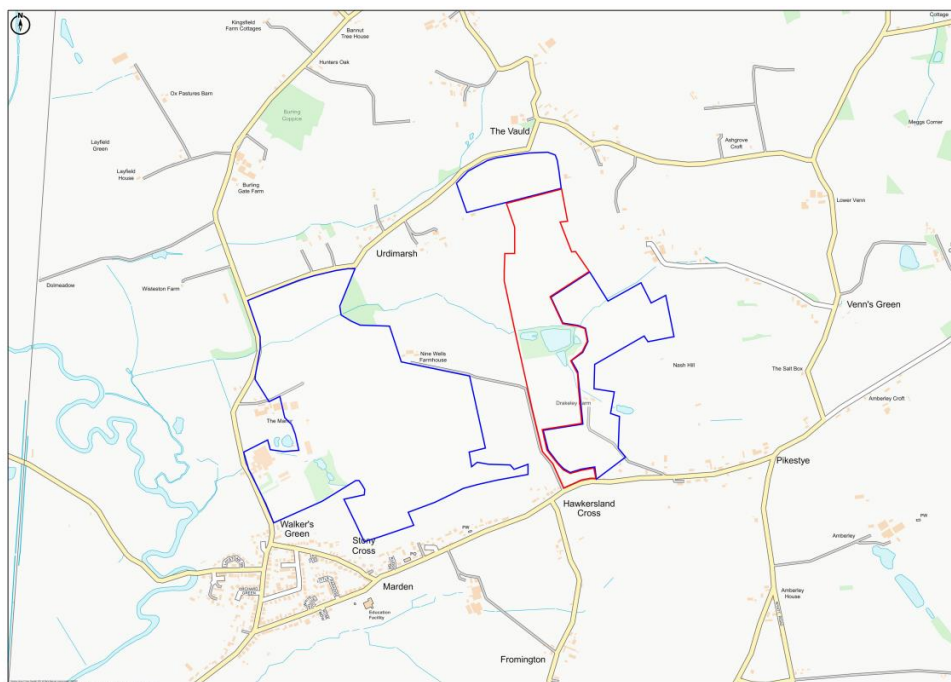
Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

of unmade green paths lined with mature dense hedgerows. MR22 runs through the southern area of the site and connects to MR20. These two paths are classified as 'Byways open to all Traffic' (BOAT). For clarification a BOAT is a highway over which the public right of way is for vehicles and all other kinds of traffic, but which are used mainly for the purposes for which footpaths and bridleways are used. All the paths appear to be well used and popular to locals.

- 1.8 The Drakely Farmstead itself is accessed via along track taken from the C1124. The farmstead consists of pair of semidetached dwellings and outbuilding. The buildings are currently empty and unused. It is noted that S & A have made a number of recent planning applications in connection with the Drakley farmstead which are listed in detail below. The intention is for the farmstead to be incorporated and farmed alongside that of Brook Farm.
- 1.9 Permission has also been granted under a prior approval notification for a winter fill agricultural storage reservoir for irrigation purposes as detailed in section 3 below. This reservoir is located within the application site.

The Proposal

- 1.10 This application seeks permission to erect up to 9.5 hectares of fixed polytunnels over soft fruits to be grown on table tops. Included in the application is the relocation and upgrading of a farm access/egress on the C1124; the excavation and formation of balancing ponds; the erection of a 648 m2 profiled-steel-clad portal frame general purpose agricultural storage building; the erection of 6 no.14.7 metre diameter 600 m3 capacity Water Storage Tanks; and the laying out and surfacing (with loose granular material) of internal farm tracks. The application site is outlined in red on the location plan below, with other land owned in the applicants ownership outlined in blue. The areas of land which immediately surround the application site will be used for growing blueberries (uncovered), many of which have already been planted.



- 1.11 The applicant intends to operate the proposed polytunnels alongside the established operations at Brook Farm, with all fruit grown to be transported back to the main site for processing and distribution. There is no requirement for any additional seasonal workers accommodation. Although the proposal will generate new employment, the existing permitted accommodation at Brook Farm can accommodate the increase.

- 1.14 The proposed polytunnel development is split into 4 cropping areas which have been named after field locations. They are identified on the plan as follows:
- **Skyrmes 1:** Located to the north of the bridle path MR12. Consists of 12 tunnels and a crop area of 15,815m². The tunnels are arranged in a west to east orientation.
 - **Skyrmes 2:** Located to the south of bridle path MR12 and east of bridle path MR19. Consists of 19 rows of polytunnels and an overall crop area of 24,890m².
 - **Skyrmes 3:** Located to the south of bridle path MR12. Consists of 25 tunnels and a crop area of 27,255m².
 - **Drakeley 1:** Located to the south of the proposed concrete yard, water tanks and storage building to the west of the bridle path MR19 and north of MR22. Consists of 17 tunnels and a crop area of 26,380M²
- 1.15 The proposed layout of the tunnels shows a headland around the perimeter of the site to facilitate access and circulation around the area. Permeable access tracks constructed from stone at a width of 3m will be constructed around the site. French drains will capture and convey the rainfall runoff from the polytunnels area to a new attenuation basins or the existing reservoir on the site.
- 1.16 The objective of the polytunnels is to provide a sheltered environment to grow strawberries on table tops. The Polytunnels will enable the applicant to manage all aspects of plant growth and development and extend the growing season, harvesting crops earlier and later than traditional; outdoor grown crops. Polytunnel harvesting runs from late April through to early November; however, volumes picked are lower at the start and end of this period than during the peak summer months. The proposed 9.5ha of polytunnels would produce a weekly volume of 23 to 31 tonnes over a 24-week season (between 567 and 728 tonnes of strawberries per annum).
- 1.17 The application outlines that immediately after picking, it is proposed that the fruit is to be transferred to the existing pack house at Brook Farm. The proposed development will result in up to 12 daily two-way movements from the proposed new access onto Marden Road to Brook Farm. The vehicles will consist of tractor and trailers and cars. No lorries or HGVs will use the new Marden Road access or access the site. The proposal will increase weekly HGV movements at the Brook Farm (from the packhouse) by between 1 and 2 additional movements (6 a month).
- 1.18 The proposal will generate up to 5 additional full time employees at the site. However, no additional seasonal workers would be employed as part of the proposed development, as the existing staff at Brook Farm would be utilised during the harvest period.

Storage Building

- 1.19 As identified on the plan above, at the centre of the application site a proposed concrete yard with storage building is proposed. The proposed storage building measure 36m long with a width of 18m. The height of the building to the eaves is 6.1m and to the ridge 8.1m. The building is to be steel framed clad on a both the roof and wall with profile pressed galvanised steel sheets. The proposed colour of the building is to be 'slate blue'. The building is needed to provide storage ancillary to the operations of the polytunnels.

Water tanks

- 1.20 Also to be accommodated on the proposed concrete yard are 6 water tanks constructed from proprietary galvanised steel sheeting with a reinforced anti-algae cover. The tanks are to be 3.6m high and 14.7m in diameter, each having a capacity of 600 cubic metres

Additional balancing ponds

- 1.21 The application includes the excavation and formation of two additional attenuation basins in addition to the existing ones on site. The additional basins will capture the runoff from the new hardstanding areas and increased greenfield runoff associated with the proposed development.

Vehicle access

- 1.22 As identified above the proposal will generate 12 daily two- way movements from the site which will consist of small tractors and specifically designed trailers designed solely for transporting the fruit from the site back to the packhouse at Brook Farm. This will consist of 6 arrivals and 6 departures over a typical 10 hour working day.
- 1.23 Vehicle access into the site will be solely from the relocated and upgrade of an agriculture access at the northern edge of Marden Road. The new access has been designed to accommodate the required manoeuvres and visibility splays of 57m in each direction as required by the result of the speed survey undertaken. The access is to have a 6m kerb radii and be 6.5m wide overall. The existing access is to be closed up with landscaping and planting to provide a buffer with the neighbouring residential property. All season workers will access the site via the network in internal farm tracks and public rights of way.

Submission

- 1.24 The proposal is Schedule 2 development under the Town & Country Planning (Environmental Impact Assessment) Regulations 2017. To this end, a screening exercise was undertaken by Officers which concluded that due to the projects size, nature and location the proposal does not represent development for which an Environmental Statement would be required. The application is, however, supported by a number of documents and plans:-

- Spatial Planning Statement - May 2023
- Design and Access Statement – May 2023
- Heritage Impact Assessment by Marrons Planning Limited – May 2023
- Transport Assessment by Bancroft Consulting - May 2023
- Shadow Habitat Regulations Assessment Ref: RSE_5771_R2_V2_HRA dated May 2023
- Landscape and Visual Assessment by Influence ref: INF_N0837_02
- Flood Risk Assessment by Envireau Water - May 2023
- Surface Water Nutrient Assessment by Envireau Water - May 2023
- Ecological Impact Assessment RSE_5771_R1-V2_ECIA – May 2023
- Economic Impact Assessment – May 2023
- Amended Drainage Strategy – Envireau Water – 27-11-2023
- Site Location Plan
- Topological Survey 02971-00-A
- Polytunnel General Arrangement Layout - 02971-00-D-Sheet 01
- Storage Building Plans & Elevations - 02971-02-A
- Water Tanks Plans & Elevations 02971-03-A
- Landscape Masterplan Design Proposals - N0837 (96)001 – C - Sheets 1 to 9 inc
- Polytunnel Specification/Elevation drawing
- Proposed Access Upgrade Plan – F20130/02

2. POLICIES

2.1 National Planning Policy Framework (NPPF) December 2023

- Section 1 - Introduction
Section 2 - Achieving sustainable development

Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

- Section 4 - Decision – making
- Section 6 - Building a strong, competitive community
- Section 9 - Promoting sustainable transport
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and enhancing the natural environment
- Section 16 - Conserving and enhancing the historic environment

2.2 Herefordshire Local Plan – Core Strategy (CS)

- SS1 - Presumption in favour of sustainable development
- SS4 - Movement and transportation
- SS5 - Employment provision
- SS6 - Environmental quality and local distinctiveness
- SS7 - Addressing climate change
- RA3 - Herefordshires countryside
- RA4 - Agricultural, forestry and rural enterprise dwelling
- RA6 - Rural economy
- MT1 - Traffic management, highway safety and promoting active travel
- E1 - Employment provision
- 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

2.3 Marden Neighbourhood Development Plan (MNDP)

The Marden Neighbourhood Development Plan was made on 6 October 2016. It now forms part of the Development Plan for Herefordshire. The relevant policies in connection with this application are:

- M7 – Supporting enhancing and protecting existing local employment
- M10 – Landscape character
- M11 – Flood Risk and Surface Water Run-off
- M12 – Public Rights of Way/Connectivity

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 and the review process is currently underway. 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 most relevant policies of the CS – which are considered to be those relating to meeting housing needs, guiding rural housing provision, highways safety and safeguarding features of environmental value (amongst others) – have been reviewed and are considered to be consistent with the NPPF. As such, it is considered that they can still be attributed significant weight.

Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

Other relevant guidance

- 2.6 *Polytunnel Planning advice guide 2018* – (replacement of the Polytunnels Supplementary Planning Document Adopted 5th December 2008)

3. Planning History

- 3.1 233215/PA7 - Application for prior notification for the erection of water storage tanks
- 3.2 232863/PA7 - Application for prior notification for 2no. water analysis steel shipping containers for the improvement of water quality within the existing reservoir, which is then used within the strawberry production. *Prior Approval not required 23/10/2023*
- 3.3 224013/O - The demolition and clearance and replacement of two existing cottages and a disused operational farm building with three new detached dwellings. *Refused 15/5/2023*
- 3.4 221524/F - Erection of up to 13.5 hectares of fixed (i.e. non-rotating) 'Spanish' Polytunnels over soft fruit grown on 'table tops', excavations and ground profiling to form new winter storage reservoir and the erection of an agricultural storage building and 6 no. water storage tanks. *Withdrawn on 13.4.2023*
- 3.5 203276/PA7 - Prior notification of a proposed winter fill agricultural water storage reservoir for irrigation. *Prior approval not required 20/10/2020.*

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water: No objection

Dwr Cymru Welsh Water have no comment to make regarding this application. Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

4.2 Natural England: No objection subject to conditions

Response received on 29 June 2023. Summary of Natural England's comments below, full comments can be viewed on web site through the link below:

<https://myaccount.herefordshire.gov.uk/documents?id=6056fcb6-1722-11ee-906e-005056ab11cd>

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.

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the River Wye Special Area of Conservation and has no objection to the proposed development.

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process. Your appropriate assessment concludes that your authority is able to ascertain that the proposal will

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

4.3 **Environment Agency: No response**

LOCAL CONSULTATIONS

4.4 **Hereford Fire & Rescue Authority: No objection**

Fire Service Vehicle access must comply with the requirements of ADB 2019 Vol. 2 B5, section 15 & Table 15.1 with regards the proposed floor area, height of the building and type of fire appliance.

- Access road to be in accordance with ADB 2019 Vol. 2 Table 15.2 with regards access widths and carrying capacity

Water for firefighting purposes should be provided in accordance with section 16 and National guidance document on the provision of water for fire - fighting' and BS 9990

INTERNAL COUNCIL CONSULTATIONS

4.5 **Service Manager Built and Natural Environment (Landscape Officer): No objection**

Comments received on the 29/7/2023

This application is a revised scheme to a previously submitted application reference: 221524 that I commented on, and provided recommendations. My core concern from that application have been addressed (namely the removal of polytunnels in areas of direct visual impact at the northern end of the site, what is identified as Field Turners – 1,2 and 3), and therefore as far as the general overall layout (i.e. 'fields') of the polytunnels is concerned I have no objection.

I do still have concerns about the detailed position or layout of the polytunnels that encroach a number of large trees (i.e. oaks) in Field Skyrmes 1,2 and 3. The main issue is in relation canopy and the height of the polytunnels, and with adjustment or set back of the polytunnels. I seek further information to verify setbacks and encroachments onto trees. It is suggested that polytunnel locations are set out (with markers), perhaps with a height indicator, and follow up with a site visit with the agent/applicant, and landscape and tree officer to confirm the appropriate setbacks.

Regarding landscaping, there should be more large trees (i.e. oak, hornbeam etc.) added as part of the development. There are areas of scrub and hedgerows, but no trees, or hedgerow trees included to provide vertical mitigation, and long term landscape and biodiversity enhancement that large trees provide.

4.6 **Planning Ecologist: No objection subject to conditions**

Comments received on 13/6/2023

It is noted that this is revised scheme from that previously applied for and considered under application ref 221524 (May 2022) that was eventually withdrawn prior to determination.

The scale and size of the proposed development has been reduced in this new application but the previous ecology comments are still fundamentally relevant; as is the previous HRA process.

Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

The previous HRA remains relevant and received a 'no objection' response from Natural England ref 402298 dated 18th July 2022.

The comments below reflect those previously made but updated for this new scaled down application.

The application site lies within the Lower Lugg catchment of the River Lugg SAC 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.

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The HRA process must be based on a demonstration of legal and scientific and be undertaken with a 'precautionary' approach.

Notes in respect of HRA

Proposal: To erect up to 9.5 hectares of fixed Polytunnels over arable (soft fruit); the relocation and upgrading of a farm access/egress on the C1124; the erection of a 648 m² profiled-steel-clad portal frame General Purpose Agricultural Storage Building; the erection of 6 no. 14.7 metre diameter 600 m³ capacity Water Storage Tanks. Laying out and surfacing (in loose granular material) of internal farm tracks.

- The supplied 'Shadow' Habitat Regulations Assessment by RammSanderson ref RSE_5771_R2_V2_HRA dated May 2023 refers.
- The Flood Risk Assessment and Drainage Strategy by envireau water dated May 2023 refers.
- The Surface Water Nutrient Assessment: Drakeley Farm by envireau water dated May 2023 refers
- The Ecological Impact Assessment by RammSanderson ref RSE_5771_R1_V1_ECIA dated April 2022 previously submitted for application remains relevant and refers.
- The supplied Landscape Management Plan (LEMP) refers

Having reviewed all the supplied information the LPA formally adopts the supplied Shadow HRA by RammSanderson as the majority part of its own required HRA Appropriate Assessment.

The LPA is satisfied that all the supplied information supporting the adopted HRA provides detailed scientific certainty that the development will create a nett reduction in agricultural (diffuse) pathway for nutrients (phosphates) into the Lugg SAC catchment. This nett reduction will be achieved by reducing rainfall and water movement through existing top soils reducing the pathways for 'legacy' P to enter the hydrological catchment; stopping direct application of any fertilisers to the soil through normal agricultural cropping-management; and by utilising a closed

system of irrigation with managed nutrient addition for the table top growing systems within the proposed poly tunnels.

Clean surface water created by the proposed poly tunnels is to be utilised to provide required crop irrigation with any excess being diverted in to the local pond systems to maintain their biodiversity potential.

All irrigation water is managed on a demand and supply basis and any outfall from table top cultivation systems is directly recycled so any residual nutrients remain within the 'closed' system.

No means of creating additional foul water is proposed and existing worker accommodation is sufficient to support the ongoing management of the proposed poly tunnel cropping.

The layout and landscaping ensures that corridors for wildlife are retained and no significant obstructions to any potential opportunistic use by terrestrial otters (SAC species) is identified.

The relevant reports and water management schemes can be secured by condition on any planning permission finally granted.

A detailed Construction Environmental Management Plan can be secured and approved prior to any final planning permission being granted or as specific pre-commencement condition – this will ensure that any potential effects from the actual construction process are fully considered and relevant mitigation and risk avoidance measures implemented.

With mitigation and plans secured to achieve Nutrient Neutrality (nett reduction), a CEMP secured to mitigate any construction effects, and no effects on SAC species, there are no identified Adverse Effects on the Integrity of the River Lugg (Wye) Special Area of Conservation.

Relevant conditions to be included on any final planning permission granted will be agreed with the Development Management case Officer as relevant and appropriate.

Natural England should be formally consulted on the application and HRA AA adopted/finally produced by the LPA and return a "no objection" response prior to any final grant of a planning permission.

Other ecology comments

The supplied reports provide confidence that the development will have no significant effects on local ponds and watercourses that support protected species such as amphibian-reptile species.

The CEMP required as part of the HRA considerations will also apply to protection of wildlife on the site during the construction processes.

The Landscape Management Plan (LEMP), secured through condition, will ensure that all ecological features and wildlife corridors, retained and created, are protected and managed for the lifetime of the development.

No additional permanent external lighting or illumination is proposed and no significant effect on the intrinsically dark landscape that benefits local amenity and nature conservation is identified. It is acknowledged that the poly tunnel materials may reflect partly more of the existing local, natural, night time illumination (eg moonlight) but this would no different from an increase in a natural reflective surface such as water surface of a lake and levels and nature of reflected light is 'normal' to nocturnal wildlife.

There are no identified effects on local populations of protected species from the proposed development.

Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

The relevant, final, LEMP should be secured by condition on any final planning permission granted.

Based on plans and information as currently supplied and available, there are no ecology objections raised.

The Councils Habitats Regulations Assessment can be viewed on the Councils website through the following link:

<https://myaccount.herefordshire.gov.uk/documents?id=e849ec02-104d-11ee-906e-005056ab11cd>

4.7 Highways Engineer: No objection subject to conditions

Response received on 19 November 2023

The proposals are for 9.5 hectares of polytunnels for the production of soft fruit and a relocated, ungraded access onto the C1124. The local highway authority (LHA) has the following comments:

- Overall the proposals would only result in an additional 1 – 2 HGV movements from the main Brook Farm access to the north-west corner of the site. It is noted that the majority of HGV movements from the site travel in a westerly direction to the A49. This level of increase when compared to the existing overall site generation of HGV trips is considered minimal and is therefore acceptable to the LHA.
- The existing access on the southern boundary of the site leading onto the C1124 is to be upgraded to provide visibility splays in accordance with 85th percentile speeds derived from a speed survey. Whilst it is usual to provide a 7 day speed survey in the form of an ATC this 'snap shot' survey is still considered to be representative. In addition to appropriate visibility splays, the access has been widened for the initial part off the highway and the gate is setback 15m to allow for a tractor/trailer to wait off the highway. The initial 15m would also be provided with a hard surface to help prevent the transference of mud onto the highway. It is noted that a tractor and trailer has been tracked and can negotiate the access, albeit the LHA would not be adverse to a larger radii being provided for further ease of access off the highway.
- The proposals result in approximately 12 tractor/trailer movements per day between the proposed upgraded access onto the C1124 and the existing Brook Farm access to the north-west corner of the site. This is a distance of approximately 1.6km and involves travel along the C1124 and Walkers Green/Woodbine Close which is largely a rural residential lane on the outskirts of the village. It is noted that footways are present along a proportion of the route which offers pedestrians protection from vehicles, albeit some sections do not have footways. In terms of traffic generation it is necessary to be mindful that the already consented agricultural use of the site could generate a significant level of movements by large agricultural vehicles without any further planning consent. With this in mind it is considered that the land could already generate a similar level of agricultural traffic movements to that proposed. Therefore the LHA is of the view that the proposed traffic generation could not be considered to be severe in terms of NPPF
- The proposal to prevent vehicles from travelling along the public highway during school start and finish times during term time is welcomed, as is the introduction of smaller tractor/trailer units to reduce the impact on the local highway network and residential amenity.

In conclusion, the LHA has no objection to the proposed application subject to the below conditions.

Conditions

CAB (2.4m x 57m), CAD (15m), CAE, CAT

Informatives

I11, I06, I45, I05, I43, I35

4.8 **Drainage Engineer: No objection subject to conditions**

Response received 29 November 2023

Surface Water Drainage

Surface water drainage proposals for the site comprise interception of surface water runoff from the polytunnels into French Drains, located down gradient of the polytunnels, which will discharge directly into balancing ponds, to be used for irrigation. The French Drains will be sized to accommodate some of the surface water runoff generated by the polytunnel areas. The remaining water is proposed to disperse naturally into the soil as is the case in the existing scenario.

Infiltration testing has not been undertaken as soil characteristics are said to be 'clayey.' Greenfield runoff rates have been calculated at 5.9l/s for a 1 in 100 year event.

The Drakeley Farm Drainage Revisions document proposes that the 'Main Reservoir' and 'Storage Basin 2' (32,500m³ and 1,085m³ respectively) will incorporate low level, throttled gravity discharges to the local watercourses at the respective 1 in 1 year Greenfield runoff rates for all the events up to and including the 1 in 100 year event with 20% climate change allowance (4.9 l/s (via 86mm orifice) & 1.9 l/s (orifice dia unknown)). All these reservoirs incorporate high level overflows which are set up above the maximum water level generated for the 1 in 100 year (+40% CC) storm event.

Figure 1 shows that the Storage Basin 2 would only receive runoff and would not be used for the storage of irrigation water. However the Main Reservoir would be used to store irrigation water and would also store runoff during a storm.

On the submitted drainage drawings, it is stated that freeboard for the 'Main Reservoir' is 0.3m and for 'Basin 2' is 0.33m. Freeboard is a necessity because it is impractical to ensure that earth structures can be built to specified levels.

In respect of climate change guidance, the design life of agricultural development is regarded as 50 years. The Upper End allowance should be used as a Test event. The central allowance is also used assuming that there is some provision for freeboard. This is also explained in Section 8.8 of the handbook. The upper end rainfall allowance is 40%.

The Applicant will need to provide detailed surface water design drawings at discharge of condition, which clearly show the proposed drainage strategy. This should include the catchment areas as well as the proposed pipe network, proposed storage structures, proposed flow controls, proposed outfalls and other proposed drainage features, with numbers which reference to the drainage calculations.

FSR rainfall was used in the calculations. In accordance with the latest guidance, FEH rainfall data should be used in drainage calculations at DOC and establish whether this makes a significant difference to the strategy proposals. The Applicant should re-run the calculations using an FEH rainfall model.

The Applicant proposes to use a CV value of 0.37 to represent the existing greenfield runoff and 0.57 to represent the proposed polytunnels. Based on our review the CV value of 0.57 seems to

Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

be a bit low for the polytunnels area (even considering that the area this applies to includes some proposed greenfield area). Prior to planning permission being granted, the Applicant should provide additional justification as to why these CV values were used.

A maximum time of concentration of 30min has been used in the submitted calculations – we appreciate that this is reasonable considering that it is a green field with polytunnel.

The Applicant states that 'Although flooding will occur and has been designed into the French drain system, the throttled inflow into the Storage Basin 2 or the Main Reservoir has been maximised to allow for rainwater harvesting of storm water thereby limiting flooding for several storm events.' It is recommended that the Applicant provide further clarification how the proposed system works with supporting calculations.

Some of the proposed pipes have shallower gradients and shallower depths of cover than is recommended in commonly used design guidance. In some cases, addressing these issues might mean that a viable outfall cannot be achieved. A DOC, the Applicant should either provide a revised design using suitable pipe depths and gradients, or they should explain how the system will be maintained as currently designed.

The results show some flooding for the 1 in 1 year, 1 in 30 year and 1 in 100 year with CC events. The Applicant should demonstrate that flood water for events up to and including the 1 in 100 year event with climate change allowance will be managed within the site boundary so it will not increase the risk of flooding elsewhere. This can be done by demonstrating that there are suitable overland flow routes from the flood location to the basin and that the basin has sufficient capacity to take the additional flow (this means that there can be no flooding at the basin).

The proposed drainage strategy drawing shows flows from Drakeley 1b discharging uncontrolled 'to watercourse online ponds to maintain water balance'. Likewise, runoff from Skyrmes 1a will discharge to land to the north, diffusing over the land. We understand that additional runoff has been provided in the Main Reservoir to accommodate the unrestricted flows from Skyrmes 1a area. Calculations have been provided to confirm this is acceptable.

Foul Water Drainage

We note that no foul water facilities are proposed as part of this development, however if future planning applications are submitted at the site, for workers temporary accommodation, then, as the site is located within the River Lugg catchment, consideration should be given to foul water drainage.

No Objection

Detailed surface water design calculations and drawings/constructions plans are required at Discharge of Condition in line with the above comments.

4.9 **Public Rights Of Way Manager (PROW): No objection**

Response received on the 12 June 2023

Providing none of the PROW crossing the site are obstructed or encroached up, PROW will not object to the application.

4.10 **Historic Buildings: No objection**

Response received on 28 November 2023

Following re-submission of the application for siting polytunnels, amended plans now omit Turners Fields 1 and 2 from the site boundary. It was the close proximity of these fields which in my opinion would have resulted in most harm to the setting of designated assets which surround the site boundary. I am satisfied that removing these two fields from the application site will now result in a neutral impact on the setting of these heritage assets and therefore have no heritage objection to the proposal

4.11 **Environmental Health (noise and nuisance): No objection**

Response received 21 December 2023

Comments are made from a noise and nuisances perspective only.

The proposal represents an extension to the existing polytunnel site. The presence of workers and associated machinery are already present within the area. The existing site has not generated any complaints in terms of noise or nuisance.

It is noted that there are a number of residential properties around the perimeter of the site. From a noise and nuisance perspective the workers on the site and the machinery and vehicle movements will all be subject to the management and control of the employer, and the site will operate alongside the existing business.

It is recommended if the application is supported that to ensure adverse impacts from operations are minimised that a Site Management Plan is secured through an appropriately worded planning condition.

4.12 **Archaeological Advisor: No objection subject to conditions**

Response received 29 November 2023

I can confirm that I find the lengthy assessment acceptable, and that the specific wording you quote from below concurs with my general thinking about the application.

No objections, would agree that Condition C48 be applied to satisfy policy.

5. **REPRESENTATIONS**

5.1 **Marden Parish Council: Objection**

The Parish Councils Comments are summarised below, they can be viewed in full on the Council website through the following link:

<https://myaccount.herefordshire.gov.uk/documents?id=170ea630-1a3b-11ee-906b-005056ab3a27>

Marden Parish Council Strongly OBJECTS to this planning application. The main grounds for objection are summarised here and expanded below:

- Parish has already been changed totally by the addition of a large agricultural operation with associated issues of large HGVs, additional traffic, noise, light pollution and a general degradation of Biodiversity and Environment. This application is a step too far.
- Concerns over details on plans.

Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

- An additional 90 new houses are due to be built on the stretch of road that the additional traffic will use.
- S & A Group are an industrial operation not just an agricultural one which has a significant effect on the parish and community.
- A construction plan is not available
- Concerns over degrading of land
- Concerns over the safety of new access which is a busy single track road and has poor visibility. No detailed plans of the junction to the C1124.
- There will be 12 additional vehicle movements per day on local roads.
- Appears to be a discrepancy between figures for traffic movements within the Transport Statement and at peak times the traffic will be greater than that stated.
- The Transport Statement does not take account of packing materials, sprays, fertilizers and fuel.
- Believes that the vehicle movements between Brook Farm and the site is understated.
- New access poses a risk to pedestrians and horse riders and other road users.
- Application not in conformity with Marden NDP policy M3 (b) and (h); Core Strategy policy MT1; and NPPF section 104.
- Concerns that the bridlepath MR19 which is not shielded between the track and bridlepath this is non conformity to Marden NDP policy M12; and Core Strategy policy MT1
- Vehicle movements on the track will adversely affect horse riders along the bridlepath with vehicle noise and risk of accident.
- Application has not identified how the PROW and bridlepaths will be protected.
- Concerns over impact of the development on private wells and bore holes and risk of contamination.
- Considers that the management of water and run-off for this application does not conform to Marden NDP policy M11; Core Strategy policy SD3; and NPPF section 159.
- Greater Crested Newts (GCN) are known to be part of the habitat of the area and it is not considered that their protection has been properly addressed within the shadow HRA .
- Biodiversity and Nature Loss has been overlooked in the application.
- Submission has not provided mitigation to address issues relating the River Wye Sac and SSSI within the parish therefore, the application is in non-conformity with: Marden NDP policies M6, M11; Core Strategy policies SS6 and LD2; and NPPF sections 180-181.
- Concern is raised that CO2 reduction and carbon neutrality cannot be achieved by the application as it stands.
- Adverse impacts arising from noise.
- Adverse impacts arising from pollution from plastic waste from trough liners, bottles and fruit trays on the land and blowing around the site and surrounding areas.
- Concerns over the procedures for handling waste.
- If approved a condition that no lighting or heating is allowed on the site at all.
- Condition requiring a 4m high hedging will significantly change the outlook from the road and neighbouring dwellings and will affect many heritage and landscape views.
- Adverse impact to the surrounding Heritage assets.
- Concerns over the discrepancy in jobs between applications
- The need for this country to produce more food must not be to the detriment of the parish and its residents.
- The PC strongly disagrees that polytunnels sit lightly on the landscape.

5.2 22 letters of objection have been received contents of which are summarised below:

General comments

- Application represents an overdevelopment and continued sprawl of an industrial process in the countryside.
- Concerns over the excessive water runoff and the intense chemical and micro plastics which will end up in rivers.

- Adverse impact on tourism to the county, especially those who come to walk, cycle and ride horses.
- Scale of Polytunnels continues to grow, cumulative impact when will it end
- Soft fruits are not an essential food and land should be used to grow essential food such as grains and vegetables.
- Proposal is not an appropriate scale in the rural location
- Unsuitable location as scheme represents an industrial operation not agricultural.

Landscape/Visual Impact

- Loss of local traditional style meadows with established hedgerows and trees, typical of the hamlet and parish.
- No mitigating replanting can replace mature and often ancient trees, and associated insect and wildlife.
- Polytunnels are detrimental to the landscape character and visual amenity of the locality
- Detrimental visual impact of the bridle and footpaths, as well as the narrow lanes will be detrimentally affected.
- No plans to incorporated alternative energy use, the energy use to heat and light and process (chill) this soft fruit is not sustainable.
- Adverse impacts on enjoyment and safety of surrounding bridlepaths
- Detrimental impact upon the setting of heritage assets within the vicinity on the site
- Proposal brings no benefit to the local economy.

Residential Amenity

- Adverse impact on the surrounding area from the noise from the general production transport, hum from generators, and water pumping.
- Adverse impact on the local residential environment by imposing noise from workers and lights in the early hours of the morning
- Noise from the polytunnels themselves in high winds and heavy rain

Impact on Environment – soil/water/ecology

- The heating of the soil and its compaction as well as it drying out from lack of water, will affect the soil biome for years to come
- Concerns over the effects on the local water table and rivers especially in times of drought
- Increase pollution of water run-off (therefore the rivers) with chemicals and micro plastics;
- Adverse effect on the natural habitat of many species including the GCN which is present on site.
- Adverse impact on private water supply's within surrounding area with a change of levels being reduced
- Adverse impacts on the River Lugg SSSI
- Air pollution dues to increase in traffic will harm the surrounding environment

Highways Impact

- Concerns over the Increased numbers of HGVs using the village and the Lugg bridges which are unsuitable and need weight restrictions on them
- Narrow country lanes surrounding the site aren't conducive to the HGVs and lorries generated by the development.
- .No passing places or sufficient places to pass the large vehicles on narrow rural lanes
- The traffic brings noise and pollution to the village of Marden
- Route back to farm is on a bus route and will be detrimental to other road users.
- Concerns that route into and out of Brook Farm (Haywood Lane) regular get closed due to flooding
- Applicant should contribute to improving road infrastructure
- Lorries regularly get diverted to Sutton St Nicholas and comes into conflict with cyclists, pedestrians and children walking to school

Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

- 5.3 25 letters of support have been received. The contents of which are summarised as follows:
- Important to support and secure local British suppliers
 - Important to reduce food miles
 - Proposal will continue to have a positive impact on the wider rural economy in Herefordshire and the wider network of local businesses within the county.
 - Important to maintain and create jobs which can also contribute to other local services
 - New application has considered and addressed the previous concerns raised by locals
 - Proposal is not seen within wider landscape
 - Educational visits are welcomed and beneficially to local schools
 - Tunnels are only temporary
 - Company ensures environmental sustainability and welfare and growth of local communities
 - Company offers many career opportunities to locals
 - Application increases biodiversity in areas through the introduction of more fruits, natural pest control and pollinators, bees and spiders ect.
 - Proposal presents a balanced development with a low input fruit production area with a positive biodiversity gain
 - Footpaths and bridlepaths around the site are well maintained and accessible by business and not impacted by existing tunnels and activities.
- 5.4 The consultation responses can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=231560&search-term=231560

6. Officer's Appraisal

- 6.1 This application seeks permission for the installation of 9.5ha of polytunnels spread over 4 fields along with associated infrastructure for the growing of soft fruits (Strawberries) at Drakeley Farm in the Parish of Marden. The proposal represents an expansion of the applicants existing business at Brook Farm in Marden with the proposed tunnels to be operated alongside and in conjunction with that of the established tunnels on land to the west of the application site.
- 6.2 The Parish Council and many of the representations received refer to the proposal representing an 'Industrial process'. For clarification the application site is on agricultural land and Officers consider the proposal does not constitute a change of use. For the avoidance of doubt agriculture is defined in Section 336 of the Act as follows:
- "Agriculture includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and 'agricultural' shall be construed accordingly."*
- 6.3 Polytunnels typically consists of galvanised steel hoops covered with transparent polythene sheeting and are used for crop protection from the weather. Polytunnels enable harvesting to continue uninterrupted throughout the season in reasonable working conditions. Since 2007 all new polytunnel developments are treated as development requiring planning permission. However, providing the use falls within the definition of agriculture, applications are for the structure and associate infrastructure, not the use of the land. In this case the only agricultural land loss would relate to the attenuation ponds.
- 6.4 It is generally accepted that rural areas are appropriate to accommodate agricultural related developments, although clearly there are many caveats to ensure that environmental quality,

Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

landscape character and visual amenity are not adversely affected to an unacceptable degree. In addition the amenity of existing residents in regards to noise and emissions, as well as the impact on the local highway network need to be considered.

Planning Policy

6.5 S38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

The adopted Development Plan for the area comprises the Herefordshire Local Plan - Core Strategy (CS). A range of CS policies, referred to above, are relevant as is paragraph 2.19, which references that agriculture accounts for a greater proportion of employees (8%) within the County when compared regionally and nationally (both 1%). Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the National Planning Policy Framework (NPPF). SS1 further 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. This is the presumption in favour of sustainable development.

6.6 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the NPPF 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 CS was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the CS was made on 9th November 2020 and the preparation of a new local plan is now underway, albeit still at the earlier stages at not yet at a point where it may be afforded any weight. The level of consistency of the policies in the current local plan CS with the NPPF will be taken into account by the Council in deciding any application. In this case, the most relevant policies – which amongst others relate to guiding residential development; the protection of environmental assets and the intrinsic character of the countryside, are consistent with the NPPF and therefore attract significant weight.

6.7 At a national level, the NPPF sets out at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF at paragraph 8 outlines three overarching objectives to achieving sustainable development which are to be considered interdependent and need to be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives. The three objectives are Economic, Social and Environmental:

- An **economic objective** – to help build a strong, responsive and competitive economy, The by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- A **social objective** – 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, and
- An **environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve

biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

- 6.8 These objectives should be delivered through the preparation and implementation of plans and the application of the policies in the NPPF; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 6.9 The application here seeks permission for the erection of 9.5 hectares of polytunnels in association with the established soft fruit enterprise which lies to the west of the appliciaon site. The propsoed tunnels are to be spread across four fields and would serve as an extension to the Applicant's existing 27 ha array of tunnels to the west which is primarily used for the cultivation of strawberries. The supporting statement sets out that the additional tunnels would be used for the increased production of strawberries.
- 6.10 The guidance of the NPPF is reflected in the policies of the development plan. Paragraph 85 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt, with significant weight given to the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 6.11 Paragraph 88 of the NPPF seeks to ensure that planning policies and decisions enable the growth and expansion of all types of business in rural area to support a prosperous rural economy. Whilst Paragraph 89 recognises that to meet the need for business in rural areas sites may need to be found adjacent to or beyond settlements, and in locations that are not well served by public transport. In theses circumstance's it is important to ensure development is sensitive to its surroundings and does not have an unacceptable impact on local roads.
- 6.12 There are policies within the adopted CS that support the continued development of the more traditional employment sectors such as farming and food manufacture (Policy SS5), support the diversification of existing agricultural businesses (Policy RA6) and provision of employment (Policy E1). These are positive policies that support the creation of new developments such as that proposed.
- 6.13 Marden Neighbourhood Development Plan (MNDP) was made on 6 October 2016 and forms part of the Development Plan for Herefordshire. Part of the vision for the area outlined at paragraph 1.1 is for the '*continuing agricultural and other business activities in the parish will also enhance the natural and built environment*'. To achieve the vision a number of objectives are identified which include to welcome employment opportunities while ensuring current, new or expanded businesses within the parish are sympathetic to the environment or residential amenity (objective 6).The MNDP also aims to ensure that the natural and built environment is protected and enhanced through sustainable development by protecting key environmental and heritage assets and taking account of constraints.
- 6.14 Policy M6 of the MNDP supports the development of new local employment opportunities where they do not have a detrimental impact on the surrounding residential amenity; do not have an unacceptable impact on traffic; and ensure that any likely significant effect on the River Wye Special Area of Conservation (SAC) is avoided or adequately mitigated. Policy M7 on the other hand deals specifically with supporting enhancing and protecting existing local employment. The policy supports development that would lead to the expansion of existing business premises providing it is suitable in terms of size, layout, access, parking, design and landscaping; does not harm the amenity of nearby occupiers; does not harm the character or appearance of the surroundings; and retains and enhance any built and natural features/area that contribute to the amenity or biodiversity of the area.

Principle of development

- 6.15 Polytunnel developments of any scale give rise to multiple material considerations. The overriding consideration when examining the principle of Poly tunnels and the associated infrastructure is whether this type of development is compliant with local and national policies which seek to balance the need of the rural economy against the impacts on visual and residential amenities. Important to this proposal is that of the cumulative impact with that of the existing permitted tunnels to the west. The NPPF at paragraph 84 states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable development.
- 6.16 The Poly tunnels Planning Guidance (PPG) 2018 replaces and updates the Poly tunnels Supplementary Planning Document (SPD) 2008 and prior to that, a previous voluntary code of practice. Its purpose is that it will assist in clarifying which types of poly tunnel development will require planning permission and highlight the planning policy issues and requirements such proposals will be expected to address. It expands upon and provides more detailed planning guidance on a number of relevant, but non poly tunnel-specific CS policies. This document provides some invaluable advice, but has not been through a formal public consultation process or sustainability appraisal and therefore cannot constitute a formal Supplementary Planning Document. It advises that the two key issues which must be balanced are identified as economic benefits/impacts and landscape impacts.
- 6.17 Strategic policy SS6 in the CS states in broad terms that the continuing development of the more traditional employment sectors such as farming and food and drink manufacturing will be supported. Policy E1 states that development proposals which enhance employment provision and help diversify the economy of Herefordshire will be encouraged where:
- the proposal is appropriate in terms of its connectivity, scale, design and size;
 - the proposal makes better use of previously developed land or buildings;
 - the proposal is an appropriate extension to strengthen or diversify a existing business operation;
- 6.18 Policy RA6 of the CS deals specifically with the rural economy and recognises that rural areas have consistently played a strong role in local, regional and national food and drink production, particularly in areas such as agriculture and farming. The policy supports proposals which help to support economic growth and generate employment, including those which support and strengthen local food production. It directs that applications will be permitted where they:
- ensure that the development is of a scale which would be commensurate with its location and setting;
 - do not cause unacceptable adverse impacts to the amenity of nearby residents by virtue of design and mass, noise, dust, lighting and smell;
 - do not generate traffic movements that cannot safely be accommodated within the local road network; and
 - do not undermine the achievement of water quality targets in accordance with Policies SD3 and SD4
- 6.19 Officers recognise that food security is an issue of concern for the UK and the growing of soft fruits have become important and successful rural businesses. The success of such businesses can largely be attributed to the use of Poly tunnels. Their use enables better yields, greater efficiency and better quality of soft fruit to be produced. They protect developing fruit from rain damage, thereby greatly reducing losses from rot and fungus whilst allowing continual picking at harvest time, unconstrained by the weather. Poly tunnels have also improved plant stock and allowed for an extended growing seasons.

- 6.20 The supporting planning statement identifies that there has been a continued growth in the demand for fresh fruit in recent years. Officers recognises that the expansion of polytunnel developments has resulted in greater volumes of locally produced soft fruits which in itself have resulted in substantial benefits of reducing international transportation of fruit by air and road (food mile reduction). Therefore the economic benefit is not limited to that of the farmer, but also for the wider local and national economy through the associated supply chain, with the consumers demanding a reliable, year round supply. The Governments PPG further seeks to reinforce the benefits associated with polytunnel development:

‘Where the local planning authority has to consider planning applications or prior approval applications for polytunnels, it is important that appropriate weight is given to the agricultural and economic need for the development. Circumstances where polytunnels can play an important role include to provide protection for plants or young livestock, to secure improved quality produce and to extend the growing season to provide greater opportunity for home grown produce.

(When is permission required?)Paragraph: 113 Reference ID: 13-113-20170728

- 6.21 The NPPF at section 6 seeks to promote strong rural economies through the sustainable growth and expansion of business in rural areas and the development and diversification of agricultural and other land based rural businesses. The Councils Polytunnel Planning Guidance (2018) recognises that the CSs overall development strategy was produced in the light of the need to promote a diverse and strengthening rural economy, whilst protecting its quality landscape and making sustainable use of natural resources. Policy SS5 in the CS seeks to encourage and promote the continuing development of the more traditional sectors of farming and food and drink manufacturing.
- 6.22 It is recognised that the proposed polytunnel development has ultimately been driven by economic factors. The proposed development will expand the applicants existing business, and utilise the existing infrastructure. The development will create a number of full time permanent jobs, whilst utilising the existing temporary seasonal workforce. The planning statement confirms that there is sufficient existing accommodation available at the current site and there is no requirement for any further to be provided. The occupation of the existing accommodation is for employees of S&A working at Brook Farm only and is controlled through conditions. In addition to the direct employment, the scheme will also support the indirect economy in terms of polytunnel maintenance and supply, local fruit markets, hauliers, packaging suppliers etc. It is considered that overall the proposal would make a positive contribution to the rural economy with regards to employment.
- 6.23 The proposed polytunnels are to be installed in association with the existing tunnels to the west of the site, with the fruit grown to be processed and transferred via the existing infrastructure at Brook Farm. The proposed scheme is considered to have benefits for the local economy, for UK food production and for sustainable food distribution. The additional tunnels on the site would reinforce spending in the local economy through orders to suppliers and through employee’s expenditure.
- 6.24 The preceding context makes clear that there is clear support ‘in principle’ for developments which support a prosperous economy, particularly those in the rural agri-economy in Herefordshire. The general agricultural economic justification for the polytunnels and associated infrastructure on the site is considered accepted in principle, supporting the growth of an established business, promoting employment and catalysing the social benefits associated with this. It would also contribute to increased food security and the resilience of having a supply of UK grown produce, reducing the need for produce to be imported from overseas. These benefits would align with the policy objectives of CS policies SS5, E4 and RA6. However, these now need to be balanced against the topic based material planning considerations, to establish whether the proposal is representative of sustainable development when viewed in the round.

Landscape and visual impact

- 6.25 By their very nature the effect of a polytunnel scheme on the character and appearance of the landscape is a key consideration and has been raised as a concern with the majority of representations received. Paragraph 4.15 of the Polytunnel Planning Guide recognises that 'in Herefordshire where the high quality of the landscape is part of the intrinsic character of the area, the visual impact of polytunnels is often the most significant negative planning issue in connection with this type of development'. Officers consider that the existing lawful polytunnels form part of the existing landscape baseline and agree with the Parish Council that their presence has changed the appearance of the landscape within the locality. However, their presence does not provide a precedent for further expansion. In assessing the impact of the proposed tunnels on the landscape, Officers have considered the impacts of the proposal in isolation and cumulatively.
- 6.26 Herefordshire has a distinctive and varied landscape, much of which is rural in nature, however it is varied in character. Paragraph 5.3.7 of the CS recognises the importance of the landscape, not just as scenery but because it links culture with nature, and the past with the present. The Polytunnel Guidance acknowledges this in more detail.
- 6.27 Policy LD1 of the CS relates specifically to landscape and requires all development proposals to demonstrate that the character of the landscape has positively influenced the design, scale, nature and site selection, whilst incorporating new landscape schemes to ensure development integrates appropriately into its surroundings. Policy RA6 of the CS and M7 of the MNDP are also relevant in so far as they require that proposals in the rural economy should ensure that the development is of a scale which would be commensurate with its location and setting. From the NPPF, Chapter 15 deals with Conserving and Enhancing the Natural Environment. Amongst other things, Para 180 states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside
- 6.28 Within the MNDP policy M10 deals specifically with Landscape Character. The policy requires all development proposals to show regard to the distinctive landscape character of the Herefordshire Lowlands by retaining field patterns and boundaries, including hedgerows and tree cover. Policy M7 also requires proposal for the expansion of businesses to not harm the character, appearance or environment of the site and its surroundings.
- 6.29 The application has been supported by a Landscape and Visual Appraisal (LVA) dated May 2023, which assess the landscape and visual amenity of the site and resulting landscape and visual effects of the proposed development upon the receiving landscape and visual resource. The overall conclusion of the report is that the scheme would create a localised moderate adverse effect upon the overall character of the site itself. However, the proposed mitigation and subsequent assessment ensures that the visual and physical impact on the landscape is not to be overbearing, and takes into careful consideration the existing landscape, historic context and public viewpoints. The LVIA identifies that there would be direct benefit to the overall landscape character, predominantly within areas where polytunnels are being proposed and direct benefits to the overall landscape fabric within the site.
- 6.30 It is also contended that within the conclusions of the LVIA that the effects on visual receptors are limited due to the mature and well established field boundary vegetation. Having visited the site and surrounding area several times, Officers concur with this conclusion. The choice of fields brought forward under this submission are set back from any highways, and the safeguarding of existing field boundaries, along with the topography of the site, results in the visual receptors largely being that of users of the PROWs and Bridlepaths. The extensive networks of Bridlepaths and PROWs within and adjacent to the site are acknowledged and recognised for affording views into and across the site.

- 6.31 The application site is in a rural landscape which the Herefordshire Landscape Character Assessment defines as being a 'Principal Settled Farmlands' landscape character type. This type of landscape is found in the rolling, lowland area of Herefordshire. They are settled agricultural landscapes of dispersed, scattered farms and small villages. The primary characteristic of the landscape are networks of small winding lanes nestled within a matrix of hedged fields hedgerows used for field boundary's and mixed farming land uses. Tree cover is largely restricted to thinly scattered hedgerow trees, groups of trees around dwellings and trees along stream sides and other watercourses. Hop fields, orchards, grazed pastures and arable fields, together make up the rich patchwork which is typical of Principal Settled Farmlands.
- 6.32 The NPPF in section 15 emphasises the importance planning policies and decision have in contributing and enhancing the natural and local environment. This is achieved by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils. It can also be achieved by recognising the intrinsic character and beauty of the countryside.
- 6.33 The proposed mitigation as set out within the LVIA (section 5) and on the Landscape Masterplan includes several areas of soft landscape buffering which has been designed to enhance the existing landscape fabric and site charter whilst also providing biodiversity benefits. It also proposes several section of new hedgerows, including one to the north of Field Drakely 1 which will help filter views from the highways and from residential properties.
- 6.34 It is acknowledged that the proposed mitigation will not fully screen the polytunnel development. The Bridlepaths and PROWs that run through and adjacent to the site are where the impact will be most severe. Views from the surrounding highways will be limited due to the set back of the development, the topography and high dense mature hedges which exist on field boundaries. High hedges are a typical feature of Herefordshire, especially in this area.
- 6.35 The Landscape Officer has fully considered the LVIA submitted and has visited the site and surrounding area, accompanied by the case officer, to assess the impact of the landscape character and visual amenity. Officers agree that the impacts of the proposal as presented within this submission are localised and limited to specific visual receptors on the adjacent PROWs and Bridlepaths. There are some residential properties to the south and west that will be afforded views of the development, especially from first floor windows. However, due to its topography, the existing vegetation and the proposed mitigation the development is considered to be visually contained within the local landscape.

Public Rights of Way

- 6.36 With regards to the cumulative impact of the proposal with the existing tunnels, from a landscape character and visual amenity perspective the impacts will be largely on the users of the PROWs. The proposal although not directly adjacent to the existing tunnels, does represent an expansion of the existing business, and the increase in tunnels will lead to a sprawling effect when viewed from the network of PROWs. The scheme does not obstruct any of the routes, but will have an increased presence.
- 6.37 It is recognised that polytunnels can have a significant impact on the PROWs and Bridlepaths with regards to the use and enjoyment. The Polytunnel Planning Guidance advises that where distant views over polytunnels are available from PROWs, consideration needs to be given to impacts on both local tourism economy and on those who choose to live and work in Herefordshire.
- 6.38 The scale and visual effect from Bridlepaths MR19, 20 and 22, and footpaths MR5 and 22A, have all been considered within the LVIA and by Officers on site. It is also noted that local residents have raised particular concern about the impact upon the bridleways. The application sought to address this at the outset by ensuring that the buffers either side of the tunnels were included. The scale of visual effect along the bridleway are considered to be high, although an open corridor

and adequate spacing have been provided in accordance with guidance. The Councils PROW Officer has raised no objection to the proposal and is satisfied that the plans demonstrate that acceptable distance are incorporated to ensure both PROWs and Bridlepaths will not be obstructed.

- 6.39 Whilst acknowledging that there will be some visual harm, to varying degrees, both in isolation and cumulatively with the existing tunnels, this harm must be considered in the planning balance in the decision making, and overall the harm is not considered to be substantial. Simply being able to see a polytunnel from a particular view point is not considered sufficient reason to find the visual impact unacceptable. Consideration has been given to the magnitude of the impact, and overall given the context and existing vegetation which breaks up the views, the impact is not considered to be severe.

Conclusion on landscape impacts

- 6.40 Officers have given full consideration to the magnitude of the impacts of the whole of the development. The main impact on the landscape would arise from the introduction of the polytunnel coverage themselves. It is recognised that polytunnels are temporary in nature and can be removed from site without resulting in the loss of elements within the landscape. The site is located within a rural context, surrounded by agricultural fields and enclosed by a network of hedgerow lined bridle paths and PROWs. When viewed from within the site, the polytunnels would undoubtable change the landscape character from what is currently has an open countryside appearance.
- 6.41 There are a few glimpses of the existing tunnels from the site, however the existing tunnels are well contained and screened by tall hedgerows boundaries. There is a distinct visual separation from the existing and that which is proposed, which is considered to help prevent a significant mass of tunnels. It is considered that the impact of the scheme on the landscape character would be localised. The varied topography of the site is such that where the proposed yard and general purpose building and water tanks will be located close to the lowest point. The associated infrastructure proposed will not be seen in isolation to that of the polytunnels.
- 6.42 It is acknowledged that there will be a visual intrusion on a small number of existing residents and users of the PROWs. The proposed site does benefit from both a varied topography and extensive vegetative cover in particular along field boundaries. The blueberry planting and new hedgerows, some of which is already in place, will mitigate these views further once fully established and with planting within the framework of the site these identified effects could be mitigated further.
- 6.43 The Landscape Officer has outlined that the mitigation measures proposed in the LVIA will need more details to ensure that the layout of the tunnels does not encroach on existing trees. It is has also been highlighted by the Landscape Officer and residents that the landscape master plan could go further with regards to additional tree planting and securing longer term landscape and biodiversity. This can be secured through appropriate conditions.
- 6.44 Bringing all the above together, Officers are of the view that the whilst the development will be visible from the network of PROWs and Bridlepaths and a number of residential properties, the proposed mitigation measure will enhance and reinforce the existing landscaping, and over time once mature reduce the overall impact. The selected fields and siting of the polytunnels is considered to be a contributory factor which helps reduce the visual intrusion of the development and integrate the development appropriately into its surroundings. Overall, officers would conclude, having regard to the above assessment that the proposal, with the appropriate mitigation secured by the conditions suggested, would comply with the requirements of policy LD1 and LD3 of the CS and policy M7, M10 and M12 of the MNDP and with the guidance contained within the NPPF.

Surface water runoff, flood risk and drainage

- 6.45 The impact of the proposal upon surface water run-off rates and the implication for localised flooding is a material planning considerations which many of the representations have raised. The application has been supported by a Flood Risk Assessment (FRA) and Surface Water Management Plan (SWMP) for the polytunnels and the associated proposed development. The application site is located within flood zone 1 and therefore has a low risk of flooding and the sequential and exception tests required by policy SD3 of the CS and chapter 14 of the NPPF are not required.
- 6.46 Policy SD3 in the Core Strategy requires measures for sustainable water management to be an integral element of new development in order to reduce flood risk; to avoid an adverse impact on water quality; to protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation.
- 6.47 Policy M11 of the MNDP requires all development proposals to be designed to maximise the retention of surface water on the site and to minimise runoff. The policy supports the inclusion of water attenuation features such as ponds within the development site and where appropriate opportunities to help conserve and enhance watercourses and riverside habitats.
- 6.48 It is recognised that water availability is fundamental to the success of soft fruit businesses and therefore it is common for rainfall to be captured and recycled to ensure sufficient water is available for irrigation throughout the growing season. The site is already served by a large recently constructed reservoir and a network of smaller ponds. The surface water management strategy for the site is to intercept the surface runoff from the proposed tunnels and divert into French Drains, located down gradient of the polytunnels, which will discharge directly into the balancing ponds and reservoir, to be used for irrigation. The Councils Drainage Engineer is satisfied the scheme has been designed to mitigate flood risk to 1 in 100 year event with 70% climate change allowance.
- 6.49 During the application process, as a result of comments made by the Councils Land Drainage Engineer, the applicant has provided further information and clarification on the overall surface water runoff. The Councils Drainage Consultant is of the opinion that the Applicant has submitted sufficient information regarding flood risk and drainage aspects for planning permission to be granted.
- 6.50 The Councils Land Drainage Engineer has recommended conditions be imposed that seek to ensure the submission of detailed surface water design drawings. The drawings will include the catchment areas as well as the proposed pipe network and, flow controls, outfalls and drainage features. The details will be required prior to the commencement of development. This approach is considered to be acceptable and along with other information highlighted in their report, will be subject to conditions to ensure that maintenance of this approach is undertaken. It is considered that, subject to the submission of satisfactory detailed drainage drawings, the proposal would not lead to an increase in flooding on adjoining land and can protect the availability and quality of water resources and groundwater. No private water supplies within the area have been identified by Officers that would be impacted by the development.
- 6.51 The application has demonstrates that the scheme is capable of delivering sustainable water management throughout which will protect and enhance groundwater resources. The Drainage Consultant has concluded that the scheme is, having regard to SD3 and SD4 of the CS and NPPF section 14 principally, are acceptable and capable of being approved subject to conditions.

Impact on Ecology/Biodiversity

- 6.52 The CS objectives relating to environmental quality are to be delivered through supporting development proposals that add to Herefordshire biodiversity. Policy LD2 of the CS requires

Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

development proposals to conserve restore and enhance the biodiversity and geodiversity assets of Herefordshire through ensuring new development does not reduce the coherence and effectiveness of the ecological networks of sites and through the restoration and enhancement of existing biodiversity and geodiversity features on site and connectivity to wider ecological network. The policy also seeks to support the creation of new biodiversity features and wildlife habitats where possible.

- 6.53 Policies M7 and M11 of the MNDP also require development to retain and enhance any built and natural features and areas that contribute to the biodiversity of the area. The policies also seek to ensure than any likely significant effect of the River Wye SAC is avoided or adequately mitigated against.
- 6.54 Section 15 of the NPPF from the NPPF amongst other things states within Para. 180 that planning decisions should minimise impacts on and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.
- 6.55 In accordance with the relevant local policies and section 15 of the NPPF the application has been supported with an Ecological & Resources Protection Assessment and Ecological Impact Assessment (EIA) and a Shadow Habitats Regulations Assessment by RammsSanderson for the project which includes mitigation techniques. The EIA identifies that the land currently consists mainly of arable fields which are divided up by intact hedgerows surrounded by agricultural land with some small pockets of woodland within the wider landscape.
- 6.56 The EIA identifies the habitats present on the site are largely connected to the hedgerows which provide a high habitat potential and are generally noted to be in a good condition and well managed. The proposed tunnels would be within the confines of the existing fields and, though they would be erected very close to boundaries, they would not require the removal of any existing hedge or tree. The Council's Landscape Officer has highlighted concerns with the root protection of some of the existing trees on site and appropriate conditions requiring an adequate standoff to protect tree roots has been recommended to ensure there is no conflict with policy LD3.
- 6.57 In terms of habitats and protected species, the Council's Ecologist has reviewed the proposals alongside the supplied Shadow HRA. The Ecologist is satisfied that undue impacts to habitats and species such as bats, birds and reptiles can be avoided subject to the imposition of appropriate conditions. The impact of the development on the existing wildlife has been raised in a number of representations. However, it is considered that the proposed layout and landscaping ensures that corridors for wildlife are retained.
- 6.58 The reports identifies that there are no statutory protected sites within the site, however the site lies within the Lower Lugg catchment of the River Lugg SAC 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. The nearby local wildlife site is identified as being over 2km from the site.
- 6.59 Having reviewed all the supplied information the Planning Ecologist, on behalf of the LPA, formally adopted the supplied Shadow HRA by RammSanderson as the majority part of its own required HRA Appropriate Assessment. Officer are satisfied that all the supplied information supporting the adopted HRA provides detailed scientific certainty that the development will create a nett reduction in agricultural (diffuse) pathway for nutrients (phosphates) into the Lugg SAC catchment. This nett reduction will be achieved by reducing rainfall and water movement through existing top soils reducing the pathways for 'legacy' P to enter the hydrological catchment; stopping direct application of any fertilisers to the soil through normal agricultural cropping-management; and by utilising a closed system of irrigation with managed nutrient addition for the table top growing systems within the proposed poly tunnels.

Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

- 6.60 The supplied details of the application identify clean surface water created by the proposed polytunnels is to be utilised to provide required crop irrigation with any excess being diverted in to the local pond systems to maintain their biodiversity potential. Furthermore all irrigation water is to be managed on a demand and supply basis and any outfall from table top cultivation systems is directly recycled so any residual nutrients remain within the 'closed' system. It is recommended that the relevant water management schemes should be controlled and maintained by appropriate conditions.
- 6.61 The reports submitted take account of national and local policies which relate to the protection and enhancement of biodiversity and green infrastructure. Representations have highlighted concerns with regrades to the construction of the tunnels and the impact this could have on the wildlife and habitats. The Ecologist has recommended that a detailed Construction Environmental Management Plan (CEMP) be secured and approved via a pre-commencement condition. This will ensure that any potential effects from the actual construction process are fully considered and relevant mitigation and risk avoidance measures implemented.
- 6.62 With mitigation and plans secured to achieve Nutrient Neutrality (nett reduction), a CEMP secured to mitigate any construction effects, and no identified effects on SAC species, the Ecologist has agreed with the finding of the reports in that the proposed development will not have an adverse impact on protected species and has raised no objection to the proposal subject to the inclusion of conditions relating to habitat protection and ecological enhancement. Natural England have concurred with the findings of the HRA assessment adopted, providing that mitigation measure are appropriately secured through conditions. Overall officers consider there is no conflict with policy LD2 of the CS and the relevant policies of the MNDP and am satisfied that there has been detailed consideration to the natural environment to allow the scheme to be delivered in compliance with polices LD2 and LD3 of the CS.

Impact on Heritage Assets

- 6.63 The application is supported with a Heritage Impact Statement produced by Marrons that identifies the designated and non-designated heritage assets within a wider study area. A number of representation have identified concerns regarding the impacts the development will have upon the setting heritage assets within the locality, especially the residential listed properties close to the entrance of the site.
- 6.64 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.*"
- 6.65 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".
- 6.66 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 the 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".
- 6.67 While Policy LD4 of the CS 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.

- 6.68 Paragraphs 195 - 209 of the NPPF deal with the approach to decision-making according to the significance of the heritage asset and the degree of harm arising as a consequence of development. Paragraph 200 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Paragraph 201 then states that any harm to, or loss of, the significance of a designated heritage asset (from alteration, destruction or development within its setting) should require clear and convincing justification. Paragraph 203 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use .
- 6.69 Accordingly it is necessary for the decision-maker to judge, on the evidence before them and having particular regard to expert heritage advice, whether the proposal in this case represents substantial harm to or total loss of significance of the setting to any of the listed buildings within the local area.
- 6.70 The HBO has confirmed that the heritage statement meets the requirements of the NPPF as it has describe the significance of the heritage assets and the contribution made by setting. The aerial image below identifies the location of heritage assets who's setting have been assessed. In terms of the setting of the nearby listed heritage assets, it is not felt that those aspects of their setting which contribute to its significance would be harmed by the proposal. There is sufficient spacing and intervening vegetation between the proposal and identified heritage assets. Officers are therefore satisfied that in the absence of any harm to the significance of any of the heritage assets the proposal is compliant with CS Policy LD4 and the NPPF.



Figure 12: Designated heritage assets within study area

Archaeology – buried heritage assets

- 6.71 Policy LD4 in the CS recognises that the historic environment is of cultural value and where proposals effect the wider historic environment proposals should record the understanding of the significance and assess its value. Within the HIA it is identified that although the site is located within a rich archaeological landscape, there is no known evidence for the existintance of significnat archaeology within the site.

- 6.72 Due to the moderate potential for remains of local archaeological interest to be impacted upon, and a low potential for remains of local to regional significance to be impacted upon, the Councils Archaeologist has recommended that a programme of archaeological fieldwork should be required as a condition of planning permission. Accounting for the localised impact of the polytunnels, any programme will be restricted to areas of more extensive groundworks. Subject to conditions no conflict with policy LD4 has been identified.

Impact upon local Highway network

- 6.73 Traffic generation arising from the proposed polytunnels in connection with the construction, servicing, labour and produce movements represents a key issue for many of the local residents and has been identified in representations. As already highlighted, the scheme does represent an extension to an existing established business and will utilise the existing infrastructure (pack house, offices, storage, plant and machinery) at the headquarters at Brook Farm. The need for the upgraded access proposed within the submission is a result of the strawberries needing to be transported back to Brook Farm once picked to be processed before being dispatched.
- 6.74 Policy MT1 of the CS deals with traffic management, highways safety and promoting active travel. The policy, amongst other things, requires that all development proposals should demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network; ensure that developments are designed and laid out to achieve safe entrance and exit, have appropriate operational and manoeuvring space, and have regard to with both the council's Highways Development Design Guide and cycle and vehicle parking standards as prescribed in the Local Transport Plan - having regard to the location of the site and need to promote sustainable travel choices. The requirements of policy MT1 are reiterated in policy M7 of the MNDP.
- 6.75 The Councils Poly tunnel Planning Policy Guidance at paragraphs 4.44-4.46 advises that all applications should be accompanied with a written statement which addresses the amount and type of traffic to be generated and the adequacy of the local highway network to cater with that traffic both in terms of design and capacity. This application has been supported with a Transport Statement (TS) which outlines the details of the site access strategy and gives an assessment of the anticipated traffic movements generated from the proposed development.
- 6.76 For clarification, no HGVs will access the site at Drakeley. The fruit will be transported back to Brook Farm by small tractors and custom made trailers to be processed. The TS identifies an increase of 1-2 additional HGV movements a week from Brook Farm as a result of the development. The proposal will result in approximately 12 tractor/trailer movements per day during the harvest (summer months) onto the C1124 Marden Road back to Brook Farm. The workers are to travel to and from the site via the PRow network.
- 6.77 When considering the highways impact of the development the starting point is the consideration to the existing lawful use across the site and the traffic generation. The land at Drakeley Farm has been farmed in arable production for many years and has generated tractor and trailer movements. The Highways Officer has highlighted that the existing agricultural use could generate a significant level of movements by larger agricultural vehicles without requiring planning consent. The Highways Officer considers the levels of traffic from the site once operational to be a similar level of agricultural traffic movements during harvest time as that of the existing and as such the Highways Officer does not consider the traffic generation to be severe in terms of the NPPF.
- 6.78 In terms of the proposed new upgraded access, this has been designed to achieve an 85th percentile speeds which have been derived from a speed survey at the site. The current access is in the corner of the field adjacent to the residential property 3 Hawkeshead cottages. To achieve the required visibility the access is relocated further east along the C1124. This will allow for some separating and landscape buffering along the boundary of 3 Hawkeshead Cottages. The

proposed upgraded access has been widened off the highway and allows for a gate to be set back 15m. The application has been supported with detailed plans showing tractor and trailer tracking the access and being able to negotiate the access.

- 6.79 A number of the representations received from local residents have raised concerns with regards to traffic generation, however on the information that has been submitted the traffic generation is not considered to impact significantly upon the highway. It is acknowledged that the harvest time is over a longer period in the summer months and that the growing of soft fruit is labour intensive. However the site is well connected to the PRow network and in close proximity to the existing facilities to be utilised at Brook Farm. The applicants have also offered up to restrict vehicle movements to and from the site during school start and finish time during term times which can be controlled through conditions.
- 6.80 It is accepted that the proposed tunnels on the site will generate a change in vehicle movements to and from the site compared to that generated in recent years when in arable production. However on the information that has been submitted the traffic generation is not considered to impact significantly upon the local highways and the proposed upgraded access can achieved acceptable visibility splays to provide a safe entrance and exit from the site. Overall the volume of traffic that the proposal will generate can be accommodated upon the local highway network safely and overall subject to the inclusion of appropriate conditions the scheme complies with CS Policy MT1.

Impact upon the Residential Amenity

- 6.81 Policy SD1 in the CS deals specifically with sustainable design and energy efficient and requires proposals to make efficient use of the land. The policy also requires safeguarding the residential amenity of existing and proposed residents and ensure new development does not contribute to, or suffer from, adverse impacts arising from noise. The requirements of policy SD1 are reiterated in policy M7 of the MNDP
- 6.82 The main impact on the amenity on existing residential properties in the area will be from the potential noise and nuisance from the presence of workers on the site and the vehicle movements associated with the soft fruit growing. There are a number of residential properties around the perimeter of the site, however those of particular concern are those at the entrance to the site (3 Hawkersland Cross and Oakland House in particular), to the north-east around Venns Green and the residential property Nine Wells which is located to the west and is access via the BOAT which separates the application site from the existing site.
- 6.83 From a noise and nuisance perspective the workers on the site and the machinery and vehicle movements will all be subject to the management and control of the employer. It is common practice within Herefordshire that in the interest of the amenity of nearby residents Site Management Plan are secured through planning conditions which set out the arrangements for the operation and use of the site and control hours of working, lighting, amplified music, litter collection and disposal, maintenance, amongst other things. The Site Management Plan will also control the hours of pickers on the site and that of the movement of vehicles, both within the site and to and from Brook Farm. The plan will aim to minimise the potential adverse impacts from operations.
- 6.84 The applicant has confirmed that the proposed storage building is for machinery and equipment only and there will be no running plant. It is considered that subject to appropriate conditions relating to the management of the site and control on noise and operation, the proposal would have a relatively low impact on the amenity of nearby dwellings, and is capable of being compliant with policy SD1 of the CS.

Planning Balance

- 6.85 The starting point for the determination of this application is the development plan and adopted MNDP. For the reasons outlined above the proposal would accord with policies RA6 and SS5 of the CS and Policy M7 of the MND which support employment proposals in rural areas and the continuing development and diversification of the more traditional employment sectors such as farming and food, subject to satisfactorily environmental protection and mitigation. The proposal would support the growth and expansion of the existing business and provide further employment in the agricultural sector, adding value to the local food chain and reducing the amount of overseas imports that come into this country.
- 6.86 The NPPF gives strong support to sustainable economic growth to support a prosperous rural economy. The success of the soft fruit growing industry in Herefordshire in recent years can largely be attributed to the use of Poly tunnels which has enabled farmers to increase productivity and adapt to climate change. In the case of the proposal put forward, the development represents an extension to the established soft fruit business of a moderated size.
- 6.87 The proposal does not directly adjoin the existing site as there is a section of land not in the applicant's ownership which will provide a visual break in the presence and overall mass of tunnels within the landscape. The proposed tunnels have been positioned and laid out to ensure that they will not be readily seen from the adjoining highways and are of an appropriate distance from adjoining residential properties. Marden is a rural parish which has a living and working landscape, largely created through human intervention, where agriculture has taken place for many years and the landscape character has largely resulted through the cultivation of the farmlands. The topography and landscape profile and form would not be altered by the proposed development, rather, view across it would change. As outlined above these changes are not considered to represent substantial harm to the landscape character and visual amenity, and mitigation secured through conditions will assist in reducing the impacts. Although there will be some harm to the landscape character and visual amenity, there are strong economic reasons for allowing the development.
- 6.88 In accordance with policies RA6 and LA1 of the CS the proposed tunnels are considered to have been carefully sited and designed to minimise the impact on the surrounding environment and ensure that the development is of a scale which would be commensurate with its location and setting. Conditions can ensure that should the poly tunnel development cease to operate on the site that they are removed allowing the land to continue to be farmed.

Conclusion

- 6.89 Overall officers are content that the proposed development represents a sustainable development. Across the three dimensions outlined within paragraph 7 of the NPPF, there are positive benefits associated with the economic and social dimension and neutral impacts in relation to the environmental dimension. Harm to landscape character is axiomatic, yet capable of mitigation to such an extent that an objection is unsustainable.
- 6.90 Impacts arising from additional traffic movements do not amount to any contradiction of MT1 and do not amount to residual cumulative impacts that are severe enough to warrant refusal. The proposed upgraded access ensures that vehicles can safely enter and exit the site. Although Officers acknowledge the route back to Brook Farm is through the main village, the vehicle movements generated can be accommodated within the local road network without adversely affecting the safe and efficient flow of traffic.
- 6.91 Impacts on water resources and quality and flood risk have been fully assessed and officers have concluded that subject to conditions requiring approval of further details the proposal is unlikely to have a demonstrable effect on water quality in the area.

- 6.92 Consideration has been given to the impact on the amenity of existing residential properties that are in close proximity to the site in relation to noise and nuisance and subject to conditions to control the operation and management across the site, the development is considered to have a minimal impact on the amenity of neighbouring residents which will be reduced by the proposed landscaping when established.
- 6.93 Full consideration has been given to the impacts on heritage, archaeological and biodiversity impacts. Conditions addressing ecological management are necessary in the interest of wildlife.
- 6.94 The proposal will have benefits in terms of its economic benefits, strengthening local agriculture and food production, and there are no other matters of such weight to warrant the refusal of the application in their own right and it is therefore concluded that the benefits that would be derived from permitting the proposed development outweigh any limited harms that might be caused. The development represents a sustainable form of development and is considered to be acceptable subject to the inclusion of the recommended conditions listed below. Officers are satisfied that the proposed development complies with the relevant policies within the CS and MNDP and is therefore found to be representative of a sustainable form of development. It is thus recommended for approval subject to the conditions listed below.

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:

Standard Conditions

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

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

- 2. The development shall be carried out strictly in accordance with the approved plans listed below, 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. 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 57 metres in an east direction and 57 metres in the west direction along the nearside edge of the adjoining carriageway. 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, Policy M7 of the Marden Neighbourhood Development Plan and the National Planning Policy Framework

Pre-Commencement Conditions

4. Before any work approved under this permission commences, 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 CEMP should include a plan identifying ecological buffers which should be demarcated on site and not entered except under the supervision of the Ecological Clerk of Works. 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 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 and Policy M7 of the Marden Neighbourhood Development Plan.

5. 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
- Site compound 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, Policy M7 of the Marden Neighbourhood Development Plan and the National Planning Policy Framework.

6. 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

7. No development approved by this permission shall be commenced until a hard and soft landscape scheme has been submitted to 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) Full details of all proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation and irrigation details.

The scheme as approved shall be completed in full not later than the end of the first planting season following the commencement of the development on site hereby permitted.

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, Policies M7 and M10 of the Marden Neighbourhood Development Plan and the National Planning Policy Framework.

8. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. This programme shall be in accordance with a brief prepared by the County Archaeology Service.

Reason: To allow for recording of the building/site during or prior to development and to comply with the requirements of Policy LD4 of the Herefordshire Local Plan – Core Strategy. The brief will inform the scope of the recording action and the National Planning Policy Framework. The commencement of development in advance of such approval could result in irreparable harm to any identified heritage asset.

9. No development approved by this permission shall be commenced until a the following information has been submitted to and approved in writing by the Local Planning Authority:

1. Detailed surface water drawings of proposed drainage strategy to include catchment areas as well as the proposed pipe network, proposed storage structures, proposed flow controls, proposed outfalls and other proposed drainage features, with numbers which reference to the drainage calculations.

2. Detailed drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system, including conveyance systems;

The approved details shall be implemented before the first use of the development here by approved and maintained throughout the life time of the development hereby approved.

Reason: In order to secure satisfactory drainage arrangements are provided and to comply with Polices SD3 and SD4 of the Herefordshire Local Plan – Core Strategy, Policies M7 and M11 of the Marden Neighbourhood Development Plan and the National Planning Policy Framework.

Compliance conditions

10. Before the development is first brought into use, a 'Site Management Plan' which clearly sets out the arrangements for all the staff working on the development hereby approved and how the site will be managed and controlled shall be submitted to and approved in writing by the local planning authority. The plan shall include amongst other issues details the noise management across the site; the storage, transfer and disposal of waste; details of fruit traffic management (detailing how fruit will be transported around and from the site); arrangements for welfare facilities; the maintenance of buildings and access track,, litter collection and disposal; the control

of amplified music; lighting and car parking arrangements. The operation and use of the site shall thereafter be in accordance with the approved management plan.

Reason: In the interests of amenity of nearby residents and to ensure compliance with Policy SD1 of the Herefordshire Local Plan Core Strategy 2011-2031 and Policy M10 of the Marden Neighbourhood Development plan

11. Before the development is first brought into use, a Landscape and Ecological Management and Maintenance Plan for a period of 30 years shall be submitted to and approved in writing by the local planning authority. The plan shall incorporate both biodiversity and landscape requirements for establishment and care of the land. The plan approved shall be carried out in full accordance with this approved schedule.

Reason: To ensure the future establishment of the approved scheme, in order to conform to policies SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy, Policies M7 and M10 of the Marden Neighbourhood Development plan and the National Planning Policy Framework.

12. All planting, seeding or turf laying in the approved landscaping scheme under condition 6 shall be carried out in the first planting season following the commencement of development on site. 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, Policies M7 and M10 of the Marden Neighbourhood Development plan and the National Planning Policy Framework.

Restrictive conditions

13. The storage building hereby permitted will be used for the storage of machinery and equipment associated with the growing of soft fruits on the application site and for no other purpose, unless previously agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to give further consideration to the acceptability of any proposed future use and to comply with Policies SD1, LD2 and MT1 of the Herefordshire Local Plan – Core Strategy, Policies M7 and M10 of the Marden Neighbourhood Development Plan and the National Planning Policy Framework.

14. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (As amended) and the Town and Country Planning (General Permitted Development) Order 2015 as amended or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, the polytunnels and development hereby approved shall not be used for any other purpose other than for the growing of soft fruit and vegetables.

Reason: To enable the Local Planning Authority to give further consideration to the acceptability of any proposed future use and to comply with Policies SD1, LD2 and MT1 of the Herefordshire Local Plan – Core Strategy, Policies M7 and M10 of the Marden Neighbourhood Development plan and the National Planning Policy Framework.

15. **Any new access gates shall be set back a minimum of 15m metres from the adjoining carriageway edge and shall be made to open inwards only.**
- Reason: In the interests of highway safety and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework and policy M7 of the Marden Neighbourhood Development Plan.**
16. **At no time shall any external lighting except in relation to safe use of the approved development be installed or operated in association with the approved development and no permanently illuminated external lighting on any building within the application boundary under this consent 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 and policy M10 of the Marden Neighbourhood Development Plan.**
17. **None of the existing trees or hedgerows on the site (other than those specifically shown to be removed on the approved drawings) shall be removed, destroyed or felled without the prior approval in writing of the Local Planning Authority.**
- Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework and policy M10 of the Marden Neighbourhood Development Plan.**
18. **None of the Polytunnels (as detailed in drawing number General Arrangement details: DWG No 37.489.2.C23) shall exceed more than 4.5. metres in height above existing ground level.**
- Reason: In the interest of visual amenity due to the sloping nature of the site and to comply with policy LD1 of the Herefordshire Local Plan Core Strategy 2011- 2031 and policy M10 of the Marden Neighbourhood Development Plan.**
19. **In the event that the polytunnel development hereby approved in the opinion of the local planning authority ceases to be functionally used, the polytunnels and all associated infrastructure shall be removed from the site within 9 months of the local planning authority indicating to the applicant that the polytunnels have ceased to be operational the land restored to its former condition.**
- Reason: In the interest of visual amenity and to comply with policy LA1 of the Herefordshire Local Plan Core Strategy 2011- 2031 and Policy M10 of the Marden Neighbourhood Development Plan.**

INFORMATIVES:

- 1 **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. 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 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 Great Crested Newts, all Bat species, 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.**

- 3 **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'.**

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

- 5 **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.**

- 6 **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).**

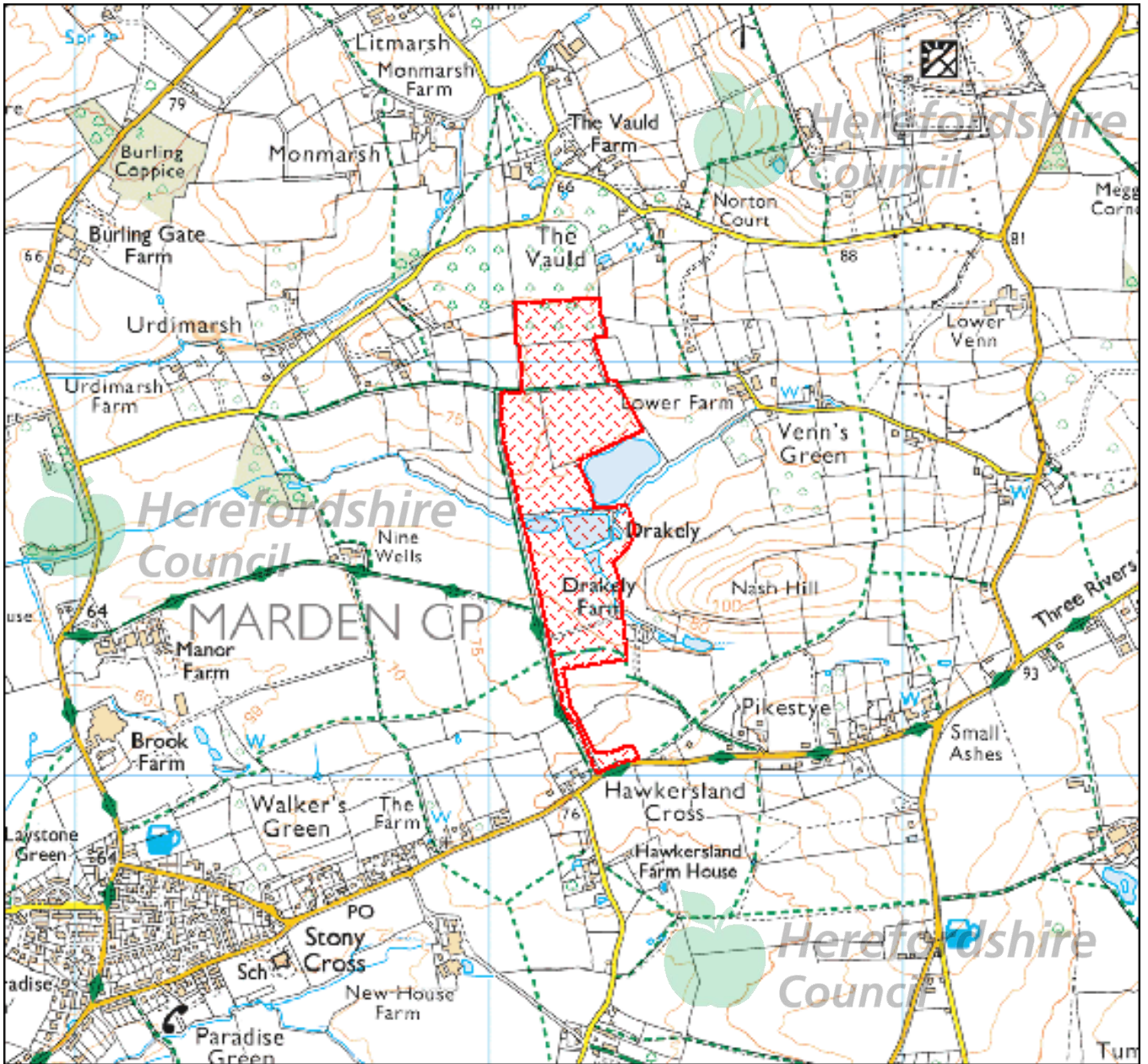
Decision:

Notes:

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Background Papers

None identified.



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APPLICATION NO: 231560

SITE ADDRESS : DRAKELEY FARM, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3ES

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MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	17 JANUARY 2024
TITLE OF REPORT:	<p>223199 - PROPOSED RESTORATION OF THE FARMHOUSE, THE CONVERSION OF THE GRANARY ATTACHED TO THE FARMHOUSE TO AN ANNEX; THE CONVERSION OF A STONE AND TIMBER FRAMED BARN TO FORM TWO DWELLINGS; THE ERECTION OF TWO NEW BUILD DWELLINGS IN LIEU OF AN EXTANT PERMISSION FOR THE CONVERSION OF THE MODERN PORTAL FRAMED AGRICULTURAL BUILDING TO TWO DWELLINGS;</p> <p>223432 – PROPOSED RESTORATION OF THE FARMHOUSE AND CONVERSION OF THE GRANARY ATTACHED TO THE FARMHOUSE TO AN ANNEXE;</p> <p>AT BARLEY KNAPP FARM, LONG LANE, PETERCHURCH, HEREFORD, HR2 0TE</p> <p>For: Mr Priestman per Mr Matt Tompkins, Lane Cottage, Burghill, Hereford, Herefordshire HR4 7RL</p>
WEBSITE LINK:	<p>https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=223199&search-term=223199</p> <p>https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=223432&search-term=223432</p>
Reason Application submitted to Committee – Redirection	

**Date Received: 23 September 2022 Ward: Golden Valley Grid Ref: 332823,239060
North**

Expiry Date: 7 December 2022
Local Members: Cllr Phillip Price

1. Site Description and Proposal

- 1.1 The application relates to a site located 1.5 km North West of the village of Peterchurch accessed via Long Lane and a farm track serving the existing buildings. The farmstead comprises the Grade II listed farmhouse, traditional stone barn with cartshed and modern portal frame agricultural shed. The boundary of the site is demarked by mature native hedgerows to the roadside with field boundaries being a mix of hedgerow and post and wire fencing.
- 1.2 The applications seek planning permission and Listed Building Consent for the proposed restoration of the Grade II listed farmhouse and the conversion of the attached granary to an annexe; the conversion of a stone barn to two dwellings and the construction of two new build

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

dwellings in lieu of an extant Prior Approval under Class Q of the General Permitted Development Order for the conversion of the existing modern portal framed agricultural building into two dwellings.

1.3 The application has been amended during the course of the application in light of consultations received. This has included removal of the holiday lets, amended red line to include drainage system and materials to the farmhouse in accordance with the Historic Building Officer comments.

1.4 The following documents have been submitted in support of the application and can be viewed online (see link above):

- Planning Design and Access Statement – Tompkins Thomas (September 2022)
- Energy and Sustainability Strategy – WME Boom (September 2022)
- Heritage Statement – Holland Heritage (September 2022)
- Landscape and Visual Appraisal V3 – MHP Design Charters Landscape Architects (April 2022)
- Bat Survey Report – Naturally Wild (September 2022)
- Phase 1 Extended Ecological Survey - Heritage Environmental Contractors (July 2022)
- Biodiversity Enhancement and Landscape Plan – Heritage Environmental Contractors (August 2021)
- Landscape Management Plan – Heritage Environmental Contractors (January 2023)
- Design and Landscape Rebuttal – MHP Design Charters Landscape Architect (January 2023)
- Surface and Foul Water Drainage Strategy Revision C – H+H Drainage (July 2023)

2. Policies

2.1 Herefordshire Local Plan Core Strategy 2011 – 2031(CS)

SS1	-	Presumption in favour of sustainable development
SS2	-	Delivering new homes
SS4	-	Movement and transportation
SS6	-	Environmental quality and local distinctiveness
SS7	-	Addressing climate change
RA1	-	Rural housing distribution
RA2	-	Housing in settlements outside Hereford and the market towns
RA3	-	Herefordshire’s countryside
RA5	-	Re-use of rural buildings
MT1	-	Traffic Management, highway safety and promoting active travel
LD1	-	Landscape and townscape
LD2	-	Biodiversity and geodiversity
LD3	-	Green Infrastructure
LD4	-	Historic environment and heritage assets
SD1	-	Sustainable Design and energy efficiency
SD3	-	Sustainable water management and water resources
SD4	-	Waste water treatment and river water quality

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

2.2 Peterchurch Neighbourhood Development Plan (NDP)

A referendum for voters within the Peterchurch Neighbourhood Area was held on the 19 October 2017 and passed. The Peterchurch Neighbourhood Development Plan is therefore part of the statutory development plan and afforded full weight.

- P1 – New housing development in Peterchurch Village
- P2 – Ensuring an appropriate range of tenures, types and sizes of houses
- P6 – Landscape
- P7 – Local green spaces and infrastructure
- P9 – Dark skies
- P10 – Traffic and transport

<https://www.herefordshire.gov.uk/directory-record/3096/peterchurch-neighbourhood-development-plan>

2.3 National Planning Policy Framework (NPPF) – 20th December 2023

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 9. Promoting sustainable transport
- 11. Making Effective use of land
- 12. Achieving well-designed places and beautiful place
- 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

It is highlighted to Members that 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 confirmed 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 P220162/PA4 - Change of Use of Agricultural Buildings to two Dwellinghouses (Class C3), and for building operations. - Prior Approval Granted 8 March 2022

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=220162&search-term=220162

4. **Consultation Summary**

Statutory Consultations

4.1 **Welsh Water – No objection**

The water supply system in the immediate vicinity has insufficient capacity to serve the development and will also cause detriment to existing customers' water supply. The applicant is advised that as part of any future water connection application under Section 41 of the Water Industry Act (1991), a hydraulic modelling assessment and the delivery of reinforcement works

may be required at the same time as the provision of new water mains to serve the new development under Section 41 and Section 51 of the Water Industry Act (1991).

Information relating to our Hydraulic Modelling Assessment process is available on our website and within our guidance notes. The area planning officer will also be able to provide you with information relating to this process

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

4.2 **Historic England – No comment**

Thank you for your letter of 2 November 2022 regarding the above application for planning permission. On the basis of the information available to date, in our view you do not need to notify or consult us on this application under the relevant statutory provisions, details of which are enclosed.

If you consider that this application does fall within one of the relevant categories, or you have other reasons for seeking our advice, please contact us to discuss your request.

4.3 **Natural England – No objection**

NO OBJECTION

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

The application site is within the catchment of the River Wye which is part of the River Wye Special Area of Conservation (SAC) which is a European designated site, and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended), the 'Habitats Regulations'. The SAC is notified at a national level as the River Wye Site of Scientific Interest (SSSI) Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have¹. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

European site - River Wye SAC - No objection

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

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

River Wye SSSI – No objection

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

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

4.4 **Forestry Commission – General Standing Advice**

Thank you for seeking the Forestry Commission's advice about the impacts that this application may have on Ancient Woodland. As a non-statutory consultee, the Forestry Commission is pleased to provide you with the attached information that may be helpful when you consider the application:

- Details of Government Policy relating to ancient woodland
- Information on the importance and designation of ancient woodland

Ancient woodlands are irreplaceable. They have great value because they have a long history of woodland cover, with many features remaining undisturbed. This applies equally to Ancient Semi Natural Woodland (ASNW) and Plantations on Ancient Woodland Sites (PAWS).

It is Government policy to refuse development that will result in the loss or deterioration of irreplaceable habitats including ancient woodland, unless "there are wholly exceptional reasons and a suitable compensation strategy exists" (National Planning Policy Framework paragraph 180c).

We also particularly refer you to further technical information set out in Natural England and Forestry Commission's Standing Advice on Ancient Woodland – plus supporting Assessment Guide and Case Decisions.

As a Non Ministerial Government Department, we provide no opinion supporting or objecting to an application. Rather we are including information on the potential impact that the proposed development would have on the ancient woodland.

Subsequent Enforcement Notices, may be materially relevant to planning applications in situations where the site looks to have been cleared prior to a planning application having been submitted or approved.

If the planning authority takes the decision to approve this application, we may be able to give further support in developing appropriate conditions in relation to woodland management mitigation or compensation measures. Please note however that the Standing Advice states that "Ancient woodland, ancient trees and veteran trees are irreplaceable. Consequently you should not consider proposed compensation measures as part of your assessment of the merits of the development proposal."

We suggest that you take regard of any points provided by Natural England about the biodiversity of the woodland.

We also assume that as part of the planning process, the local authority has given a screening opinion as to whether or not an Environmental Impact Assessment is needed under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. If not, it is worth advising the applicant to approach the Forestry Commission to provide an opinion as to whether or not an Environmental Impact Assessment is needed under the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999, as amended.

4.5 **Ramblers Association – Objection**

Drawing BK02 appears to show that it is intended to divert PR34 and PR35; if so an application to divert the PROWs should be made before the PA.

4.6 **National Grid – No objection**

National Grid has No Objection to the above proposal which is in close proximity to a High-Pressure Gas Pipeline.

Internal Council Consultations

4.7 **Public Rights Of Way Manager – Comment**

Plans show a proposed diversion of public footpath PR34. This needs to be discussed with a Definitive Map Officer before we can approve the application.

4.8 **Environmental Health Service Manager (Noise / Nuisance) – No objection**

I have no objections to this proposal for residential dwellings.

4.9 **Environmental Health Service Manager (Housing) – General Comments**

The comments below from the Environmental Health Housing team are informative. They are to assist the applicant, and to save time and money should the application go ahead. They are provided to assist any future occupants of this property, including the housing landlords, and to prevent complaints to the Environmental Health Housing team, who enforce the housing Act 2004, and other Acts of Parliament in relation to domestic premises. We inspect against 29 Hazards, and all of these premises should be free of Category 1 Hazards, under Part 1 of the Act.

Comments:

Although not a material planning consideration, I would recommend the following to reduce risk to occupants of the proposed development (in compliance with part 1 of the Housing Act 2004):

1. It is recommended that the proposed development should include for a fire escape window(s) from all bedrooms where the internal escape route in the event of fire is through risk rooms i.e. another bedroom or living room/kitchen. Alternatively, the layout could be adapted to avoid the need to go through a risk room to escape from bedrooms in the event of fire.

Please note that fire escape windows should meet Approved Document B (Vol 1) of the Building Regulations. The window must have an unobstructed openable area minimum 0.33m² and be at least 450mm high and 450mm wide; the bottom of the openable area should be no more than 1100mm above the floor level.

4.10 **Principal Building Conservation Officer Initial Comments – Further detail required**

The proposal represents a quite significant intensification of residential development of this isolated farmstead with three new dwellings and three holiday pods.

Notwithstanding this, in principle I am generally supportive of the proposals which includes the removal of a large portal frame barn which is out of character with the small scale of the traditional farmhouse and stone barn.

The proposed new dwelling which replaces the portal frame barn though contemporary in design has a scale and form which sits comfortably in the site and does not particularly detract from the setting of the farmhouse.

I also support the proposed conversion of the stone barn – although residential conversion necessarily detracts from the original appearance of the barn, both internally and externally, I accept that this building is no longer suitable for farming practice and the conversion proposed

provides a new use and has been designed sympathetically in a contemporary manner which I consider appropriate.

I also consider the embedded dwelling to be acceptable. Although it extends the residential boundaries of the site its remoteness from the listed farmhouse and design will not detract from its setting.

Stone farmhouse:

The proposed re-ordering of the house and conversion of the granary and store is acceptable in principle, but I do have concerns about the details.

Taking into account the extent of proposed development the local distinctiveness of this isolated farmstead will be diminished. Offsetting this harm must be compensated by a conservation gain represented by a more sympathetic repair and re-ordering of the farmhouse.

There is evidence from stone tiles lying around the site that the roof of the house was originally covered with diminishing courses of sandstone tiles. These stone covered roofs are a distinctive regional feature. Slates which were imported from Wales were introduced much later and their flat even appearance is alien to the essential character of the house and my strong advice is that stone tiles should be used here.

No original windows survive but the original pattern would have been fairly large section oak frames with metal opening casements. The windows would not have had projecting sills. I am content with the window positions but the frames appear to be too slim and I suggest omitting the central horizontal glazing bar. The proposed new external doors also have too slender stiles, head and bottom rail.

I suggest that if you are minded to approve we condition the external joinery details. Internally we will require joinery details of the new staircases including handrails and balusters.

I would like to see the detail of the proposed stud partition to the bathroom and adjacent bedroom three.

We will need to see details of the roof at the eaves and verges.

Any new stone to be to an approved sample with the mortar mix, a sample of mortar and a sample panel of repointing to be approved.

Other conditions as follows:

Stone barn:

Detailed sections at the verge and eaves to be approved with details of the roof sheeting.

A sample of any new stone proposed with the mortar mix, sample of mortar and sample panel of pointing to be approved.

Details of the ground floor make up and finish.

Finish of external windows and doors to be approved

Long barn:

Details of roof covering with detail at the verges and eaves

Embedded house:

Details of verge and eaves.

Details of wall cladding and roof coverings.

Pods:
Details at eaves
Detail of wall cladding
External joinery details.

4.11 **Principal Building Conservation Officer Further Comment – Support with conditions**

I have taken into account that Class Q consent has previously been granted for conversion of the portal frame agricultural shed to two dwellings. The size of the shed and its materials are alien to the character of this historic farmstead and its replacement in a similar location with the much smaller scale “long barn” will result in a marked improvement to the setting of the barn and farmhouse.

The second “embedded” dwelling has been located at some distance from the historic farmstead and is not considered to have any impact of its setting.

The repairs to the farmhouse are well considered – replacement of the existing unsympathetic roof coverings with diminishing courses of sandstone tiles which were the original roof covering is a significant conservation gain. Replacement of windows which currently include upvc pattern with oak framed windows with metal frames is a conservation gain.

The repair and conversion of the redundant long barn to residential use has been well considered and is proportionate, largely retaining existing openings, spatial and structural form. The detailing is robust and reflective of its former agricultural use.

In summary, though the proposal represents an intensification of residential use, there are conservation gains in respect of the removal of the portal frame shed, repair and conversion of a redundant historic barn and the conservation of a regionally significant historic farmhouse. It is my opinion that the gain from improved setting of the farmstead, and the conservation and reuse of historic farm buildings outweighs the impact of one additional isolated structure and a modest increase in the number of dwellings.

Conditions:

- No first occupation of the barn or new dwellings until the repairs and alterations of the farmhouse have been completed.

The Farmhouse.

- Sample of stone tile to be submitted and approved prior to re-roofing.
- Details of conservation pattern rooflights to be submitted and approved prior to fitting.
- Any replacement timber structure found necessary due to defects to be notified and approved prior to timber repairs commencing
- Details of proposed roof and wall insulation at 1:10 scale to be submitted and approved prior to installation
- Details of rainwater goods and finish to be approved prior to fitting.
- Replacement walling stone, mortar samples, a sample area of repointing and any limewashing of masonry to be provided prior to any masonry works commencing. Note projecting modern concrete sills to windows to be removed – detail to be agreed.
- External joinery details at 1:2 scale, including materials and finish to be submitted and approved prior installation.
- Detail of handrail to external stairs to be submitted and approved.

Stone barn

- Details of roof covering to be submitted and approved prior to re-roofing.
- Flue pipes through roof to be black enamelled finish.
- Details of conservation rooflights to be submitted and approved prior to installation.

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

- Details of rainwater goods and finish to be submitted and approved prior to fitting.
- Samples of any replacement walling stone, lime mortar and a sample area of re-pointing to be provided prior to and masonry works commencing.
- Details of external wall cladding and external timber joinery to be submitted and approved prior to fitting.
- Details of ground floor structure and finishes to be submitted and approved prior to commencement.

Long barn

- Details of wall and roof coverings to be submitted and approved prior to roofing.
- Flue pipe to be finished in black enamel.
- Details of rainwater goods and finish to be submitted and approved prior to fitting.
- Manufacturers details of windows and external doors to be submitted and approved prior to fitting.

Embedded house

- Detailed section through turf roof, at terminations of turf roof, and details at eaves at 1:5 scale to be submitted and approved prior to commencement.
- Detail of rainwater goods and finish to be submitted and approved prior to fitting.
- Details of wall cladding at 1:5 scale with a sample of timber and finish to be submitted and approved prior to commencement.
- Manufacturers details of windows and doors to be submitted and approved prior to installation.

4.12 Principal Natural Environment Officer (Ecology) – No objection with conditions

The development is outwith the 'English' catchment of the River Wye SAC catchment or the River Lugg SAC catchment and is remote from others SACs. Consequently, a Habitat Regulations Assessment process is NOT triggered by this application.

The Bat Survey Report by Naturally Wild dated September 2022 and the Phase 1 Extended Ecological Survey report by HEC dated July 2022 are noted and refer.

The surveys confirmed that the site is used on an occasional basis by small numbers of common pipistrelle bats but there are no roosts of significant conservation value, such as maternity or hibernation roosts. However, it is indicated that the day roost will be lost during construction work. Consequently, it will be necessary to obtain an EPS mitigation licence from Natural England to legally permit the works that will result in the loss of the roost – the licence will be required subsequent to any grant of planning permission but prior to works commencing. The relevant recommendations in the supplied Bat Survey Report should be secured by condition on any planning permission granted.

Ecological Protection

The ecological mitigation, compensation measures and any required protected species licence, as detailed in Bat Survey Report by Naturally Wild dated September 2022 and the Phase 1 Extended Ecological Survey by HEC dated July 2022 shall be fully implemented and hereafter maintained unless otherwise approved in writing by the local planning authority.

Reason: To ensure that all species are protected 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 (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.

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:

Nature Conservation – Biodiversity and Habitat Enhancement

Prior to any construction work above damp proof course a specification and annotated location plan for proposed biodiversity net gain enhancement features including significant and meaningful provision of ‘fixed’ habitat features including a range of bird nesting boxes, bat boxes (or similar roosting features) and hedgehog homes must be supplied to and approved in writing by the local authority. The approved scheme shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that biodiversity net gain is secured 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; and the council’s declared Climate Change and Ecological Emergency

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 Lighting (Dark Skies)

At no time shall any external lighting, except low power (under 550 lumens or 5 Watt), ‘warm’ LED lighting in directional down-lighters on motion operated and time-limited switches, that is directly required in relation to the immediate safe use of the approved dwelling 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.

Construction Environmental Management Plan

As indicated in the Phase 1 Extended Ecological Survey report by HEC dated July 2022 a Construction Environmental Management Plan (CEMP) shall be initiated which will manage any potential impacts to designated sites. The CEMP shall be provided before any work; including demolition or site clearance begins or equipment and materials are moved on to site. The approved CEMP shall be implemented and remain in place until all work approved under both applications is complete on site and all equipment and spare materials have finally been removed; unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that all species, habitats and local intrinsically dark landscapes 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.

4.13 **Principal Natural Environment Officer (Landscape) Initial Comments – Further information required**

The inclusion of a Landscape and Visual Appraisal (LVA) and a Biodiversity Enhancement and Landscape Plan (BELP) is welcome. I have reviewed these, together with the associated drawings and the pre-application advice (ref 213869).

Further information is required to demonstrate that the proposals draw the landscape into the scheme and provide an enhancement to the landscape:

1. **LVA** – The site is located within Ancient Border Farmlands character area, which is a high quality and distinctive type. I disagree with the LVA that the overall sensitivity of the landscape character is low. The site itself, the farm and its rural setting, has no degraded features and makes a positive contribution to the landscape. The quality of the farmhouse being listed raises the sensitivity of the site and means that development needs to consider the historic setting. The landscape is also high sensitivity to change, particularly through loss of hedgerow and subsequent loss of field pattern. Increased built form also erodes the low density scattered settlement pattern. Overall the site will change character from rural to residential. In particular Unit D will extend built development into a green field site where there have been no built development before. It is considered that the LVA underplays the sensitivity and changes to the site and that greater detail is required to ensure that the development can fully integrate with the landscape.
2. **Unit D Field House** – This new development in open countryside requires further detail to demonstrate that it is fully integrated into the landscape and that its associated infrastructure can actually be accommodated on the site.
 - a. The east elevation (shown on drawing BK10a), should also show the two cars parked outside the house, as these will form part of the visual impact. What will the surfacing be for the parking bays and ‘courtyard’ area at the entrance to the building?
 - b. The Access and Parking drawing (BK 02) states that there will be a shed for a cycle store, however this does not seem to be shown on the plans or elevations.
 - c. Other infrastructure – there is no indication of outdoor seating, amenity garden space to hang washing etc, storage for garden maintenance equipment.
 - d. The battered excavations along the drive are shown to be very steep – if retaining structures are required these should be shown and specified. If the banks are to be seeded and mown then a gradient of 1:3 is usually recommended. Groundworks along the drive should be shown.
 - e. The new garden boundary ‘ha ha’ should reflect the site and the topography. In particular the north east boundary could follow the original field boundary and could be replanted with a native hedgerow (rather than fence as shown) to enhance the historic character.
 - f. Is a patio or hard surfacing required to the west elevation, where patio door open from the living area into the garden?
3. **Unit G** – Will this PV battery storage building need a hard surfaced maintenance access track?
4. **Unit F** – Will this shed and cycle store for the Farmhouse need a new hard surfaced access track?
5. **Surfacing** – The drawings simply state gravel / hardstanding – however the design specification for the hard surfacing should form an integral part of the landscape design. The detailing, edging and material choice all have a substantial influence on the character of the site. This is particularly for the entrances and around the setting of the listed building.
6. **Fencing** – The gate to the whole site and the fencing to the front of units A, B1 and B2 should be specified.

7. **Tree planting** – Additional ‘free standing’ native tree planting along the existing hedgerows to the south west field, including along the roadside, would be welcome to enhance the wider landscape character, filter views towards the new development and overcome the stated forces for change.
8. **Grazing** – The land around the new and converted residential buildings is labelled as grazing, however would this then need stock proof fencing?
9. **Maintenance / management** – The BELP refers to long term maintenance and management requirements, however it should include a plan to show which areas are conveyed to private ownership and what will be communally maintained by a management company or similar. This is to ensure consistent and appropriate management across the site, particularly where it adjoins open countryside.
10. **Pond creation** – The BELP mentions two new newt ponds, if these are separate to the water attenuation ponds then the wildlife pond location should also be shown on the site plan.

It is requested that these details are considered as part of the application due to the sensitivity of the site within the ancient boarder farmlands, particularly the extension of Unit D into open countryside. This is in accordance with Core Strategy Policy LD1 which seeks to ensure that development proposals protect and enhance the setting of settlements and can integrate appropriately into its surroundings. In relation to LD4 the landscape details are required to demonstrate that there will be an enhancement to the setting of the heritage assets and contribute to the character and local distinctiveness of the wider environment.

4.14 **Principal Natural Environment Officer (Landscape) Further Comments – No objection with conditions**

In terms of landscape, I have no objection to the principle of the development. The renovation of historic buildings, removal of a neglected shed, and replacement with a new smaller shed is sympathetic. The landscape proposal is an enhancement in accordance with Local Plan, Core Strategy, Policy LD1, LD2 and LD3. The solar panels are ground mounted, and set behind an existing hedgerow, with new trees planted to the north to mitigate any visual impacts.

The new ‘in-ground’ building is set within the landscape, and is at a scale that does not significantly impact the visual impact. Compensation, or biodiversity offsetting from soil soiling is addressed by a ‘meadow grass roof’, and with tree planting and landscaping.

I do recommend a strict condition for the ‘Field House’ to ensure the building is retained as a singular integrated identity within the landscape. Any form of domestication (such as potting shed, green house, gazebo, extensions, add-ons or timber fencing for example), should have ‘removal of permitted development rights’, due to the impact this would have on the character and landscape setting.

In general the landscape information is not fully specified (i.e. plan BK03), and requires further details. This includes both hard and soft landscaping. The maintenance and management should be updated accordingly if change occurs due to the final details.

Due to the complex, homogeneous nature of the development, it is recommended to safeguard and enhance the character of the local landscape by ensuring that the colour and finishes are appropriate (in keeping or recessive in the landscape), and do not cause visual harm. It is recommended to undertake an Environmental Colour Assessment to inform the colours (and finishes) for the new building C (Longbarn House), and new building D (Field House), and in general all buildings requiring new materials, painting or details as part of the development. Also include landscape elements (i.e. gates and fencing, materials associated with the Ha-Ha wall, and the PV solar panels). In general, the finishes should be matt to reduce glare and potential reflection.

Conditions:

C65 – Removal of permitted development rights

Reason 2 - For new houses - In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

CK3 – Landscape Scheme

CK4 – Implementation

CK5 – Maintenance Plan (10 years)

Reasons: as per outlined by the condition reference

CK6, p) An Environmental Colour Assessment (ECA), to inform the choice of external colours of the development/features/buildings.

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

4.15 **Area Engineer Team Leader – No objection**

This application is for a primarily residential development of an existing farm in a rural location. I have visited the site and note the constrained access route along a very narrow and winding country lane with very few opportunities within the highway boundary for two vehicles to pass.

This application comprises many different elements, therefore this response is broken down to address each element in turn.

Restoration of the farmhouse – this would not increase the number of vehicles on the local highway network as it is to remain as is.

Conversion of granary to annexe – the granary would have generated some traffic movements under its agricultural use and any vehicular movements associated with its conversion would be of a similar level.

Conversion of stone/timber barn to two dwellings – the barn would have originally been in agricultural use which would have (and could still) generated traffic movements which are likely to comprise of larger vehicles. The conversion to two dwellings will generate a similar level of vehicular movements to the existing/consented use of the barn. Any increase would be marginal and certainly not considered to be severe as set out in the NPPF.

Modern portal framed barn – it is understood that this could be converted into two dwellings via Class Q (prior approval application 220162) therefore if the barn is demolished and replaced with two dwellings there would be nil detriment in terms of vehicle movements.

Solar panels – after initial set up these wouldn't generate any vehicular movements.

Shepherd Huts – it is understood that this element of the proposals has been removed which is welcomed by the LHA as it is likely that the LHA would have objected to this part of the scheme given the increase in vehicular movements it would have generated.

In conclusion, the LHA has no objection to the application as the number of additional vehicle movements over and above what could already be generated via existing/consented uses would be minimal and could not be considered to be severe in NPPF terms. There are, however, a number of conditions which should be attached should planning consent be granted. These include cycle storage, access (the first 5m should have a bound surface such as tarmac, gravel

is not acceptable for the first 5m. The gradient should be a maximum 1:8) and given the constrained nature of the highway network leading to the site a Construction Traffic Management Plan should be conditioned.

Conditions: CAD (access gates to be set back 5m), CAH (access construction and gradient), CAT (Construction Traffic Management Plan), CB2 (cycle storage)

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>

4.16 Land Drainage Initial Comments – Objection

Flood Risk

Fluvial Flood Risk

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the low probability Flood Zone 1.

As the proposed development is located within Flood Zone 1 and is less than 1ha, in accordance with Environment Agency standing advice, the planning application does not need to be supported by a Flood Risk Assessment (FRA). This is summarised in Table 1:

Table 1: Scenarios requiring a FRA

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

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

Surface Water Flood Risk

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

Other Considerations and Sources of Flood Risk

As the topography within the area of the proposed development is steeply sloping, we would require the Applicant to demonstrate consideration of the management of overland flow and any necessary protection to the proposed dwellings and surface water drainage systems.

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

There are currently no formal surface water drainage arrangements at the site. It is stated that as part of the development, impermeable area at the site will be reduced.

Two infiltration tests were undertaken at the site to a depth of 0.9m and 1.5m bgl respectively. Although the results of the tests have not been provided, we assume that as the percolation tests results were poor and the surface water drainage strategy comprises of two attenuation basins, the infiltration tests failed.

Surface water runoff from the proposed development will be diverted to one of two proposed attenuation basins providing 52.6m³ and 2.5m³ attenuation respectively. Attenuated surface

water will then be discharged at a rate of no more than 5 l/s to Black Brook. The surface water drainage network has been designed for a 1 in 100 year plus 40% climate change event.

No surface water drainage layout plan has been provided. Black Brook is approx. 200m from the proposed development, outside of the red line boundary. It is unclear if third party land permission has been granted to facilitate an offsite discharge to Black Brook.

Foul Water Drainage

Percolation testing was undertaken in two separate areas of the site and the majority of the tests failed. One test at 0.6m bgl provided a Vp rate of 22 and another two at 0.15 and 0.1m bgl provided rates of 21 and 9 respectively. However, the test pits were not located together.

As percolation testing proved a foul water discharge to ground is not viable, the proposed foul water drainage arrangements comprise of a package treatment plant, with an offsite discharge, via a partial drainage field to Black Brook. It is assumed that Black Brook is a non-seasonal watercourse.

It has been acknowledged that an Environment Permit will be required, as the daily discharge will exceed the 2m³ /day to ground from a package treatment plant (3.75m³ /day).

No foul water drainage layout plan has been provided. Black Brook is approx. 200m from the proposed development, outside of the red line boundary. It is unclear if third party land permission has been granted to facilitate an offsite discharge to Black Brook.

Overall Comment

We object to the proposed surface water and foul water drainage arrangements due to the lack of detail that has been submitted as part of the planning application, as detailed above

Land Drainage Further Comments – Further information required

Surface Water Drainage

There are currently no formal surface water drainage arrangements at the site. It is stated that as part of the development, impermeable area at the site will be reduced.

Two infiltration tests were undertaken at the site to a depth of 0.9m and 1.5m bgl respectively. Although the results of the tests have not been provided, we assume that as the percolation tests results were poor and the surface water drainage strategy comprises of two attenuation basins, the infiltration tests failed.

Surface water runoff from the proposed development will be diverted to one of two proposed attenuation basins providing 52.6m³ and 2.5m³ attenuation respectively. Attenuated surface water will then be discharged at a rate of no more than 5 l/s to Black Brook. The surface water drainage network has been designed for a 1 in 100 year plus 40% climate change event.

No surface water drainage layout plan has been provided. We appreciate that it may be difficult to discharge surface water runoff from the western attenuation basin due to site levels. Therefore, if an offsite discharge cannot be accommodated for this attenuation basin, we accept that should the attenuation basin exceed capacity, any overland flows would not affect any third parties due to the presence of agricultural land. In the first instance though, we request that the Applicant explores the option of having just the one eastern attenuation which all dwellings discharge to. The eastern attenuation basin should be discharged at a restricted rate to Black Brook via the foul water discharge pipe.

Foul Water Drainage

Percolation testing was undertaken in two separate areas of the site and the majority of the tests failed. One test at 0.6m bgl provided a Vp rate of 22 and another two at 0.15 and 0.1m bgl provided rates of 21 and 9 respectively. However, the test pits were not located together.

As percolation testing proved a foul water discharge to ground is not viable, the proposed foul water drainage arrangements comprise of a package treatment plant, with an offsite discharge, via a partial drainage field to Black Brook, which has been assessed as a watercourse with a base flow.

As there will be a combined surface water and foul water discharge to Black Brook, we accept that a partial drainage field is not required.

It has been acknowledged that an Environment Permit will be required, as the daily discharge will exceed the 2m³/day to ground from a package treatment plant (3.75m³/day).

No foul water drainage layout plan has been provided. Black Brook is approx. 200m from the proposed development, with the red line boundary.

Overall Comment

Based on the reviewed documents stated above, provided there are no changes made to the proposed surface water and foul water drainage arrangements at any other planning stages and will be constructed in line with the design and plans under this application, in principle, we hold no objections to the proposed development.

Once the above information has been submitted and approved, should the Council be minded to grant planning permission, the following information should be provided within suitably worded planning conditions;

- Detailed surface water and foul water drainage design plans/construction drawings, including associated calculations. EA permit to discharge foul water to Black Brook.
- Confirmation on the persons responsible for the future management and maintenance for the foul water and surface water drainage systems.

4.17 Land Drainage Final Comments – No objection with conditions

Surface Water Drainage

There are currently no formal surface water drainage arrangements at the site. It is stated that as part of the development, impermeable area at the site will be reduced.

Two infiltration tests were undertaken at the site to a depth of 0.9m and 1.5m bgl respectively. Although the results of the tests have not been provided, we assume that as the percolation tests results were poor and the surface water drainage strategy comprises of two attenuation basins, the infiltration tests failed.

Surface water runoff from the majority of the proposed development will be discharged to an attenuation basin providing 61.5m³ respectively. Attenuated surface water will then be discharged at a rate of no more than 5 l/s to Black Brook, via a combined discharge pipe. Due to the remote location of the site, we propose that a vertical perforated pipe, which is secured to the edge of a manhole, adjacent the attenuation basin and with a support bend in it, would be a sufficient form of flow control for this site and would provide a restricted discharge rate. This would allow the infiltration to ground of small rainfall events and an overflow with discharge offsite during large

rainfall events. The surface water drainage network has been designed for a 1 in 100 year plus 40% climate change event.

The exceedance flow from the green roof of Field House will be discharged to the shared attenuation pond via a single gravity drain. It is not possible to discharge run-off from the proposed green roof to the easterly attenuation pond due to a risk of surface water draining back towards the green roof.

The new dwelling to the west of the site will drain to banked hedge attenuation pond, which due to site levels cannot discharge to Black Brook. Therefore, as an offsite discharge cannot be accommodated for this attenuation basin, we accept that should the attenuation basin exceed capacity, any overland flows would not affect any third parties due to the presence of agricultural land.

Foul Water Drainage

Percolation testing was undertaken in two separate areas of the site and the majority of the tests failed. One test at 0.6m bgl provided a V_p rate of 22 and another two at 0.15 and 0.1m bgl provided rates of 21 and 9 respectively. However, the test pits were not located together.

As percolation testing proved a foul water discharge to ground is not viable, the proposed foul water drainage arrangements comprise of a package treatment plant, with an offsite discharge, via a partial drainage field to Black Brook, which has been assessed as a watercourse with a base flow.

As there will be a combined surface water and foul water discharge to Black Brook, we accept that a partial drainage field is not required.

It has been confirmed that an Environment Permit will not be required, as the daily discharge will not exceed the 5m³/day to surface water from a package treatment plant (3.75m³/day).

Black Brook is approx. 200m from the proposed development, within the red line boundary.

Overall Comment

Based on the reviewed documents stated above, provided there are no changes made to the proposed surface water and foul water drainage arrangements at any other planning stages and will be constructed in line with the design and plans under this application, in principle, we hold no objections to the proposed development.

Once the above information has been submitted and approved, should the Council be minded to grant planning permission, the following information should be provided within suitably worded planning conditions:

- Detailed surface water and foul water drainage design plans/construction drawings, including associated calculations.
- Confirmation on the persons responsible for the future management and maintenance for the foul water and surface water drainage systems

5. Representations

5.1 Peterchurch Parish Council

Peterchurch Parish Council objects to the proposals set out in planning consultation 223199 for the following reasons:

- The development will generate a significant increase in traffic using Long Lane which will have a deleterious impact on people living along the lane in terms of convenience and noise.
- The road access to the site of the proposed development is a narrow lane unsuitable for accommodating construction traffic and all large vehicles post development.
- The proposed drainage system for the development is inadequate and unsustainable.
- The increased traffic will heighten the safety risk to people who routinely walk along the lane.
- The development will have a negative visual impact on people living in neighbouring properties.
- The ecology report contains a number of factual inaccuracies such as the suggestion that there are no owls (and other protected species) living close to the site.
- The development will lead to unacceptable levels of light pollution.
- The development will lead to an increase in the level of phosphate contamination in the River Dore.
- Residents are concerned that they were not consulted on the proposals.

5.2 Peterchurch Parish Council Further Comments

Peterchurch Parish Council considered Planning Re-Consultation 223199 when they met on the 12th December 2022.

Councillors noted the applicant's decision to drop the holiday pods but considered that this did not materially change the substance of the proposals. For this reason, the Parish Council have asked me to reiterate their previous objections which they consider remain valid.

5.3 Third Party Representations

Full application 223199 has received 48 x Objections and 24 x Further Objections and 1 x Comment

Listed Building Consent 223432 has received 17 x Objections

As the issues raised overlap both applications, they have been summarised together as follows:

- Conserving the house and barn are supported but development in the field outside of the unit is not acceptable as open countryside location, withdrawal of the holiday lets is appreciated but does not address other issues
- Building outside the village is not policy compliant and would set precedent
- Loss of light or overshadowing, loss of privacy and overlooking, noise disturbance from resulting use
- Visual amenity of Grade II house would be reduced by additional houses, along with associated ancillary buildings, tranquillity of the area would be diminished
- Adequacy of parking loading and turning
- Highways safety and traffic generation - Long Lane is very narrow and steep with no passing places, it could not accommodate the additional traffic
- Loss of trees and hedgerow removal to accommodate access to holiday accommodation
- Design appearance and materials – proposed replacement dwellings would draw the eye more than the existing barn
- Layout and density of buildings – overdevelopment of the site and increase of dwellings on the site would have adverse impact on Grade II listed buildings, carving up fields would have detrimental impact on character
- Does not meet requirements of RA3 and would be new dwellings in open countryside location with no sustainable travel
- Nature conservation and archaeology – heritage report does not mention prominent position looking over Golden Valley with surrounding Castles and scheduled monuments not included

- Solar panels – glare would decrease visual amenity
- Fear of crime
- Objection to holiday lets on agricultural land and the amount of movement associated with addition tourism use
- Development outside of village that does not meet local needs
- Discharge of effluent into the brook which is often dry during the summer months and eventually flows into the river Dore, additional phosphates within the River Wye
- Additional surface water run off from development and removal of hedgerow
- Class Q does not apply as it is within the curtilage of listed building and is not being used as intended, residents were not informed of the Class Q application and the barn has been used in the last 10 years making it not disused
- The site is elevated and the embedded house would be visible from footpaths, large amount of glass would create glare, this site is within the ownership of the applicant but not the curtilage of the farmhouse
- Trees would not sufficiently mitigate impact of built form
- Abundant wildlife in area which will be disturbed by extra human activity
- Light pollution from extra dwellings
- Pressures on water supply, capacity issues identified in the area
- Relocation of ancient footpath PROW
- Grave disturbance of two former residents on the site
- Fall back position has a 16% less floor area than the proposed new dwellings, as such not comparable scale and fails to meet Mansell Case
- RA3 requires replacement to be within the lawful domestic curtilage of existing residential building
- Landscape harm associated with the development in green space and undeveloped land, applicant is clearly aware that development in this location would be visible in the landscape given the attempt to hide it
- Applicant has failed to mention that he building is roofed in 60 year old asbestos cement sheeting
- Daniel Bowles Design Rebuttal minimises building D which is located away from the farmhouse and assumed residential development would be beneficial but would be out of character
- Highways comments focus on whether the development would generate more traffic than the original farm and concludes any increase would be marginal, this is not agreed with given the amount of new occupants on the site and farming activities being undertaken by those who do not live on site
- Nigel Koch's comments are disagreed with, the solar panels would be visible and screening them would make them ineffective, building D would introduce dwelling in undeveloped pasture land, proposed building C would have similar impact as existing barn and how can the restriction on ancillary buildings be enforced?
- Rebuttal letter from Carly Tinkler in response to Landscape and Environment (Available in full on Council's Website entitled Ms Carly Tinkler, Landscape, Environmental and Colour Consultancy on behalf of Ms S Salter)

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=223199&search-term=223199

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:

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

“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.”

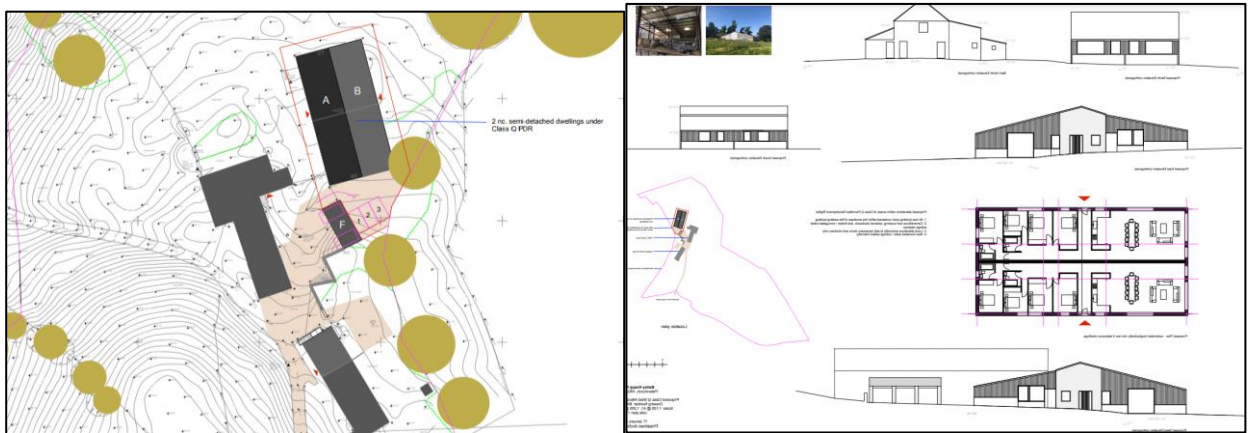
- 6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration. It is also noted that the site falls within the Peterchurch Neighbourhood Area, which was adopted on 1 December 2017.
- 6.3 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 has been 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.
- 6.4 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.
- 6.5 Following survey work, the LPA can confirm that the Housing Land Supply as of April 2023 is 5.84 years. 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.

The New Dwellings

- 6.6 In this instance, the site lies outside of any identified settlement under the CS or NDP and is therefore considered to be within open countryside. Accordingly, Policy RA3 is relevant in order to assess the principle of new housing in this location, having regard for the two proposed new builds. Policy RA3 sets out seven criteria under which houses in open countryside may be permitted:
- 1. Meets an agricultural or forestry need or other farm diversification enterprise for a worker to live near their place of work;*
 - 2. Accompanies and is necessary to the establishment or growth of a rural enterprise and complies with Policy RA4;*
 - 3. Involves the replacement of an existing dwelling (with lawful residential use) that is comparable in size and scale;*
 - 4. Would result in the sustainable reuse of a redundant or disused building where it complies with Policy RA5;*
 - 5. Is rural exception housing in accordance with Policy H2;*
 - 6. Is of exceptional quality and innovative design satisfying the design criteria set out in paragraph 79 of the current NPPF and achieves sustainable standards of design and construction;*

7. *Is a site providing for the needs of gypsies or other travellers in accordance with Policy H4*

- 6.7 No exceptional circumstances have been advanced to satisfy policy RA3 and I find the principle of new residential development to run counter to the spatial strategy of the development plan and to be in conflict with Policies RA2 and RA3 contained within the Core Strategy and as such, absent of any other material considerations, the principle of development as proposed would not be supported.
- 6.8 However, application P220162/PA4 is a key material consideration of relevance in assessing this scheme. The application sought the Council's Prior Approval for the conversion of the agricultural building on this site to 2 dwellings . The Council approved the application and in doing so granted Prior Approval for the development. In combination with the permitted development rights conferred by Class Q of Part 3 of the General Permitted Development Order (GPDO), the decision granted planning permission for the development. Extracts of the approved plans (block plan, elevations and floor plans) are inserted below for ease.



The application is a fall-back position and I will refer to it from hereon as 'the Class Q scheme'. In my view this fall back is a material consideration which must be given due weight when assessing the policy context as a whole.

- 6.9 The Courts have long held that a fall-back is an important material consideration in the decision-making process where a "fall-back position" refers to a development that could take place if the planning permission under consideration isn't granted. The Courts have also held, most recently in Mansell [Mansell v Tonbridge And Malling Borough Council [2017] EWCA Civ 1314], that there must be a 'real prospect' of the fall-back occurring. Mansell is a useful judgement handed down by the Court of Appeal for two reasons. Firstly, it clarifies that a Class Q scheme is capable of being a fall-back position as an alternative development scheme. In fact, in the case of Mansell, the relevant Council hadn't even issued a prior approval notice for the hypothetical scheme. Rather, in assessing an application for new-build development, the officer, in his report to committee, explained that the residential conversion of existing buildings on site could be achieved under Class Q and that through communication with the developer, there was a very real intent to convert the buildings if the application under consideration failed. The officer advised the committee that this represented a 'fallback' position. The Court of Appeal found that in advising as such, the officer had not erred in law.
- 6.10 Secondly, Mansell crystallises the position that a proposal which offers a better redevelopment opportunity in planning terms than that which would be achieved by a fall-back position should be given appropriate weight.
- 6.11 A prior approval notice, as is benefitted from in this case, provides clear evidence of an intention and ability to develop which puts the fall-back position beyond reasonable doubt. It is considered that the extant prior approval notice for the conversion of the existing building to a dwelling is a

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

material consideration of 'critical importance' and that it represents a 'fall back' position for the site that should be afforded significant weight in this case.

6.12 In this context, the principle of the proposal is supported, despite the conflict with the development plan since the material considerations from the fall-back position are considered to outweigh the harm from any potential departure from the spatial strategy. Having established that the Class Q scheme is a fall-back position, the most straightforward manner of assessing whether planning permission should be granted for the current application is to consider the comparative impacts of the schemes. It is noted that representation received through public consultation queries the Class Q application. The full assessment can be reviewed on the Council's website, however in the interest of clarity I will address the points raised in turn:

- Class Q does not allow the conversion of listed buildings under permitted development rights, however the building is not listed in its own right. It is recognised it is near to a listed building however, the wording of the criteria is such that it does not preclude the change of use of agricultural buildings to dwellings nearby or adjacent to a listed asset.
- Site notice was displayed as required for public consultation (Consultation from 26 January 2022 until 16 February 2022) the Parish Council was also consulted at validation of the application.
- Class Q criterion does not require redundancy of the subject agricultural building

Additionally, it is highlighted that the proposed scheme has a 16% increase in floor space than the fallback position and cannot be considered under Mansell Caselaw. The Mansell Caselaw is not so prescriptive in its assessment of the fallback position, only that it can be given weight in decision making and the comparative assessment of the scheme's impacts. To this effect, any increase in floorspace is considered in the design, scale and visual impacts below.

Design and Amenity

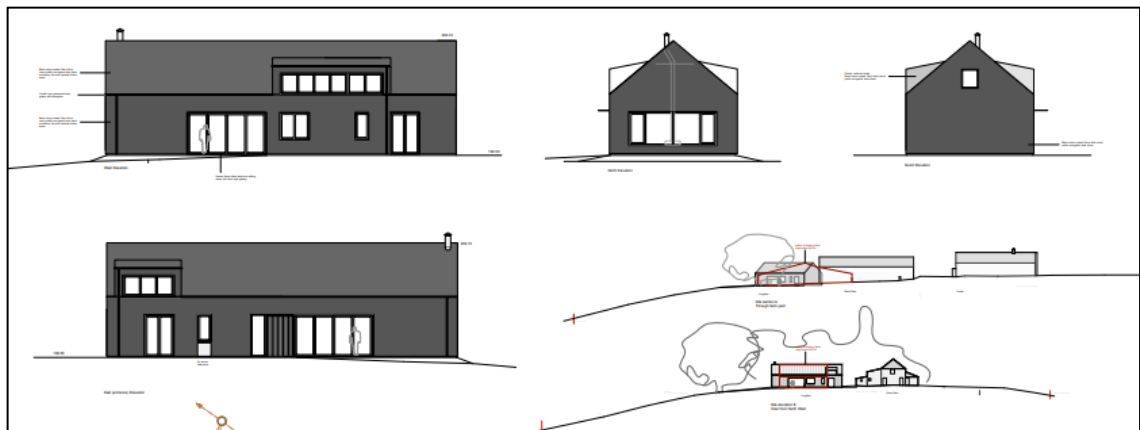
6.13 The NPPF advises that proposals should be of a high-quality design. Paragraph 132 explains that proposals should add to the quality of an area, are visually attractive as a result of good architecture and establish or maintain a strong sense of place.

6.14 CS Policy SD1 requires that development proposals should create safe, sustainable, well integrated environments for all members of the community. In so doing, all proposals should take into account the local context and site characteristics. Moreover, new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development. Where appropriate, proposals should also make a positive contribution to the architectural diversity and character of the area, including through innovative design. They should also safeguard the residential amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing.

6.15 As a starting point, it is recognised that the portal frame barn, although of typical utilitarian appearance has a generally negative impact upon the setting of the historic farmstead being in a prominent location near the listed buildings on the site. As such, there is an opportunity to visually improve the site through the demolition of the barn and its replacement with high quality design dwellings. The proposal seeks to replace the two approved dwellings granted through the Class Q application with two detached dwellings, one located on the site of the existing shed and one to the south west of the main farmstead, separated by the access track - I shall assess these in turn.



6.16 The long barn (Dwelling 1 – annotated as C on the proposed plan) would utilise the same ridge height of the existing modern agricultural shed and has been designed to reflect the agricultural buildings of architectural merit on the site. The scale and form of the building takes reference from the existing stone barn on the site utilising a simple rectangular layout. The long barn would be located on the site of the steel portal barn, albeit at a different orientation, however this would relate well to the historic farm group and integrate well within longer views. This replacement of the existing built form on site would be considered a visual improvement since the modern barn offers little in the way of heritage or landscape merit to the historic farmstead. The dwelling would utilise natural and recessive materials including timber cladding and corrugated metal roofing to refelect the agricultural and rural character established on the farmstead. Proposed elevations are inserted below.



6.17 The proposed location of the embedded dwelling (Dwelling 2- Annotated as D on the proposed plans) lends itself to the provision of a more contemporary design nestled into the hill side in a landscape and setting led approach. This would be less visually prominent than the long barn form and read as more in keeping with the immediate surroundings, distanced from the farm unit which is read as a grouping in itself. If the dwelling on this location is to outweigh the harm of built form on the currently undeveloped land, separated from the existing agricultural cluster, the proposal needs to encompass clear benefits with regards to landscape and heritage impacts.

- 6.18 The embedded dwelling utilises the gradients of the site to sit within the hill side with a proposed grass roof to visually integrate the unit into the landscape. The exposed elevation would have minimal massing and the engineering would follow the contours of the hillside. The proposed materials of timber to the principle elevation and the green roof would assimilate the unit into the natural environment and have minimal visual impact from wider vantage points. Extracts of the proposed plans are inserted below.



- 6.19 With regards to residential amenity, it is not considered that the proposal would have adverse impact upon the amenity of neighbouring residents in terms of loss of privacy, overbearing or noise, given the sufficient distance between nearby dwellings. The proposed dwellings are oriented in a manner so to not overlook other occupants within the farmstead with sufficient private amenity space provided for each unit. The Environmental Health Officer raises no objection to the scheme on the matters of noise or nuisance. The land immediately around the site is in pastoral use which is compatible with the proposed residential use, with no likely disruption as a result of agricultural activities.

Sustainability and Accessibility/Highways

- 6.20 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.
- 6.21 It is noted that the application includes sustainable features through design, including maximising solar gain, intention to attain elemental U-Values which are better than Building Regulations, air source heat pumps and solar array to the field to the south of the dwellings.
- 6.22 The site occupies an open countryside location and is contrary to the Development Plan in terms of its spatial location. Reasonably, use of a private motor vehicle, would be required for most journeys. However, that is all true of the fall-back position too. Given that the fall-back position and the application proposal are both for two dwellings and inherently have the same location, the proposed development would not result in an analogous pattern of movement when compared to the fall-back position. On the above basis, the proposal would be neutral in terms of its accessibility to services and facilities.
- 6.23 The NPPF sets out at paragraph 114 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. CS Policy MT1 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 115 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. At local level this is reinforced by NDP policy G6 which seeks to ensure all new development includes safe and suitable access, off road car parking that avoids large areas of hardstanding which is appropriately sited and screened within the landscape and access to public transport. The NDP does not include specific highways policy beyond Policy P10 which seeks to support improved car parking in the village centre.

- 6.24 Local objections are noted in respect of the traffic movements and impacts on the local area. No objection is raised to the application by the Area Engineer Team Leader as the number of additional vehicle movements over and above what could already be generated via existing or consented uses would be minimal and would not be considered severe in NPPF terms. The site offers sufficient parking and turning space for the proposed residential units with access to be gained via existing field entrance and track. Conditions are included to secure cycle storage, access surface, gradient and Construction Traffic Management Plan in light of the constrained nature of the highway network.
- 6.25 The PROW and Ramblers Association comments are taken into consideration and the applicant is aware of the formal requirements, however it is recognised that the formal diversion cannot be undertaken until planning is confirmed and it is accepted that the proposed diversion. It is noted that the footpath as identified dissects the barn and therefore that is likely to offer improvements. An informative has been included to remind the applicant of the required procedure.

The Barn Conversion

- 6.26 Of less contention in policy terms is the conversion of the existing barn. CS Policy RA5 is the main consideration in establishing the principle of this element of the proposed development. It states that proposals for the sustainable re-use of redundant or disused buildings in rural areas which will make a positive contribution to rural businesses, support the local economy or otherwise contributes to residential development will be supported where:
1. *Design proposals respect the character and significance of any redundant or disused building and demonstrate that it represents the most viable option for the long term conservation and enhancement of any heritage asset affected, together with its setting;*
 2. *Design proposals make adequate provision for protected and priority species and associated habitats;*
 3. *The proposal is compatible with neighbouring uses, including any continued agricultural operations and does not cause undue environmental impacts and;*
 4. *The buildings are of permanent and substantial construction capable of conversion without major or complete reconstruction; and*
 5. *The building is capable of accommodating the proposed new use without the need for substantial alteration or extension, ancillary buildings, areas of hard standing or development which individually or taken together would adversely affect the character or appearance of the building or have a detrimental impact on its surroundings and landscape setting.*
- 6.27 Criterion 4 and criterion 5 of Policy RA5 states that the building should be of permanent and substantial construction which is capable of conversion without needing a major or complete reconstruction. Furthermore, the building should be capable of accommodating the proposed new use without needing substantial alteration or development which either...“individually or taken together would adversely affect the character or appearance of the building or have a detrimental impact on its surroundings and landscape setting”.

- 6.28 The barn is considered curtilage listed by association and appears on visual inspection to be capable of conversion without major or complete reconstruction. However, given the heritage status of the building, the additional interventions are considered acceptable in planning balance to secure the future use of the historic asset. Furthermore, it is evident that the barn retains its agricultural character and the proposal utilises existing openings in a sympathetic manner. Therefore it is acceptable to consider that a new, residential use would likely pose the most viable long term option for the heritage asset.
- 6.29 The building is capable of accommodating the proposed use without the need for substantial alteration or extension or ancillary buildings; the development being within the scope of the existing building. The proposed hardstanding extends along the existing track and yard area to the side of the barn, as such this would appear in keeping with the existing layout and not be detrimental to the landscape setting.



- 6.30 The design is generally considered to respect the character of the agricultural building, utilising existing openings and structure. Though there are proposed new openings, these are not considered to undermine the agricultural character. Given the curtilage listed status of the threshing barn, Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Principal Building Conservation Officer's comments are of direct relevance with no objection raised to the barn conversion, accepting that the building is no longer suitable for modern farming practices and therefore, the sympathetically designed conversion would offer the most viable use going forward.

Restoration of Farmhouse & Conversion of Granary to Annexe

- 6.31 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 advises that in considering whether to grant listed building consent for works which affects a listed building or its setting the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.32 In this respect, the advice set out at paragraph 205 of the Framework is relevant, insofar as it requires that great weight be given to the conservation of a designated heritage asset. The more important the asset, the greater the weight should be. Paragraph 206 goes on to advise that any harm to, or loss of, the significance of designated heritage assets should require clear and convincing justification. At paragraph 207, it states that where substantial harm is identified local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 208 goes on to state that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed

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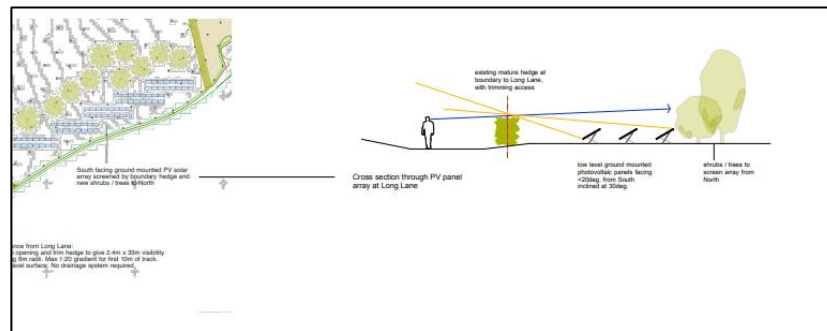
against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 6.33 CS 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. In this regard CS policy LD4 is also of relevance, which requires amongst other things to ensure that new developments 'protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design, in particular emphasising the original form and function where possible'. Policy SD1 also requires that development proposals take into account the local context and site characteristics. Moreover, new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development, while making a positive contribution to the architectural diversity and character of the area.
- 6.34 The stone farmhouse is Grade II listed in its own right and it is noted that the building requires restoration and updating, as well as the opportunity to reverse some modern interventions that fail to respect the historic character. As noted by the Principal Building Conservation Officer, the use of sandstone tiles and replacement of existing windows with metal frames are considered conservation gains. No technical objection is raised to the restoration works and use of the granary as an annexe, the proposals being well considered to respect the existing fabric and significance of the listed asset. Additionally, the repair and conversion of the redundant long barn is considered acceptable, retaining existing openings, spatial and structural form. The Principal Building Conservation Officer acknowledges that the detail reflects the former agricultural use and would offer the most viable option for the future retention of the building.
- 6.35 In terms of the wider setting of the historic farmstead, it is recognised that the proposal would represent an intensification of residential use, however this has been proposed in a manner that respects the historic character and significance of the listed assets and their setting. The proposal offers conservation gains through the removal of the portal frame barn, the repair and conservation of a redundant historic barn and the conservation of a historically important farmhouse.
- 6.36 Overall, it is considered that any heritage harm which would occur is considered to be less than substantial, and in the application of the NPPF's 208 test it is considered that this harm would be outweighed by the benefits of the scheme in terms of ensuring the barn retains a viable use; the modern steel portal barn is removed to improve the historic farmstead; and the listed farmhouse is repaired and restored to an historically appropriate standard. No conflict with LD4 is therefore detected as result of what is proposed, and the proposal accords with Section 16 of the 1990 Act.
- 6.37 It is acknowledged that the CS does not have a specific policy relating to the provision of residential annexes. However, it is a generally accepted planning principle that in order to meet the definition of ancillary accommodation, an annexe must be subordinate in terms of its function and scale to an existing lawful dwelling. The most relevant Core Strategy is policy SD1, which amongst other things requires that development proposals should respect surrounding development and uses whilst safeguarding good standards of amenity for both existing and proposed residents.
- 6.38 Given the nature of the granary as an attached feature of the main farmhouse, there would be clear relationship with and dependencies on the host dwelling. The building would be used ancillary to the farm house as secured through use of condition. On this basis and noting the orientation of the existing and proposed dwellings, it is not envisaged that it would have any impact on residential amenity.

Landscape/Visual Impact

- 6.39 Policy LD1 requires that proposals demonstrate that the character of the landscape and townscape has positively influenced the design scale, nature and site selection of the development, as well as the protection and enhancement of the setting of settlements and designated areas. Development proposals should conserve and enhance the natural, historic and scenic beauty of important landscapes and features (specifically designated assets) through the protection of the area's character and by enabling appropriate uses, design and management. New landscape schemes along with their management should ensure development integrates appropriately into its surroundings and maintains tree cover. In wider terms, policy SS6 sets out that development proposals should conserve and the enhance environmental assets that contribute towards the county's distinctiveness, in particular its settlement pattern, landscape, biodiversity, heritage assets, and especially those with specific environmental designations. All proposals should be shaped through an integrated approach to planning to ensure environmental quality and local distinctiveness.
- 6.40 At local level, NDP policy P6 seeks to ensure development proposals show regard to the varied and distinctive landscape character of the area by retaining the integrity of the dispersed settlement pattern of main village, scattered hamlets and farmsteads, demonstrate the character of the surrounding landscape has influenced the proposed development, retain and re-using vernacular buildings, protecting and enhancing designated areas including listed buildings, restoring native woodland and in appropriate locations increasing traditional orchards.
- 6.41 The site is located within Ancient Border Farmlands character area, which is a high quality and distinctive type and the application is supported by a Landscape/Visual Assessment which found the likely overall landscape impact across all landscape receptors as "Landscape effects are overall assessed to be medium".
- 6.42 It is recognised that many of the local concerns focus upon the landscape impact of the proposed development. In considering the initial comments from the Council's Landscape Officer, it is accepted that the proposed Dwelling 2 occupies a separated location from the main farmstead and in this sense would be a departure from the existing character of the site and introduce new built form in a currently undeveloped field. However, it is considered that the design approach through embedding the unit into the hillside would reduce adverse visual impacts in the wider setting and would not detract from the overarching historic settlement pattern of sporadic agricultural units characterising the area. Following the submission of a Landscape Management Plan and Rebuttal Letter, a further consultation response was provided concluding that the principle of sympathetic renovation and reuse of existing buildings would have minimal impact upon the landscape and recognising that there is benefit to be achieved through the removal of the large portal frame barn and replacement with a long barn style dwelling to reflect the agricultural and rural landscape. This is indicated in the Historic Building Officer's comments as a heritage gain to be achieved through the scheme that would enhance the setting of the listed building as well as the traditional farmstead character of the wider site. The new 'in-ground' building makes use of the landscape contours and is of a scale that would not significantly impact the setting and its siting creates a visual separation to the historic unit further protecting the historic significance of the listed assets. No objection is raised to the meadow grass roof, tree planting and soft landscaping plans, with conditions recommended to secure full specifications for hard and soft landscaping, material colour and finishes and removal of permitted development rights.
- 6.43 Five small arrays are proposed to serve each residential unit to the south of the field housing the embedded dwelling. The solar panel array would be ground mounted and located behind existing hedgerow, as such they would not be widely visible with new trees planted to the north to further screen the additions. Conditions would secure this mitigation. Their siting is considered acceptable given the distance from the listed building and other dwellings and appropriate

screening. It is not considered they would have wider adverse impact given their low lying nature and roadside screening. The plans are shown below for ease of reference.



Ecology and Drainage

- 6.44 CS Policies LD2 and LD3 are applicable in relation to ecology and the impact on trees. These state that development proposals should conserve, restore and enhance the biodiversity and geodiversity asset of the County and protect, manage and plan for the preservation of existing and delivery of new green infrastructure. Policy P7 of the NDP states development proposals should enhance and introduce new green infrastructure, and Policy P9 seeks to reduce light pollution in to the Golden Valley and improve the views of the night time skies.
- 6.45 The application has been supported by a Bat Survey Report and Phase 1 Extended Ecological Survey which has been reviewed the Council's Ecologist. No objection is raised to their findings subject to conditions to secure the relevant recommendations in the Bat Survey Report, including, EPS mitigation licence from Natural England. Conditions are also included to secure biodiversity enhancement, restriction on external lighting to protect dark skies and a Construction Environmental Management Plan.
- 6.46 During the course of the application, Natural England has advised of changes to the Impact Risk Zone boundaries where Habitat Regulation Assessments are required. This now includes the proposal site and the HRA process has therefore been triggered. The Council's Ecologist has completed the Appropriate Assessment finding no adverse effects on the integrity of the River Wye Special Area of Conservation. This has been sent to Natural England for formal consultation who have raised no objection.
- 6.47 CS Policy SD3 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).
- 6.48 The application site lies within Flood Zone 1 as defined by the Environment Agency and as such has a low probability of flooding. Surface water from the majority of the development will be discharged to an attenuation basin, which will then be discharged to the Black Brook to the north of the site through a combined discharge pipe. The exceedance flow from the green roof of Field House will be discharged to the shared attenuation pond via a single gravity drain. The new dwelling to the west of the site will drain to banked hedge attenuation pond which cannot discharge to Black Brook due to site levels. Foul water would be managed through package treatment plant with discharge via partial drainage field to Black Brook. The drainage layout has been amended to lay pipework along hedgerow to avoid accidental damage from farming activity

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

and the red line revised to include the drainage systems to secure future management. It has been confirmed that an Environment Permit will not be required, as the daily discharge will not exceed the 5m³/day to surface water from a package treatment plant (3.75m³/day).

- 6.49 It is noted that the representations received state that the Black Brook is a seasonal watercourse, however it is considered on balance there is sufficient evidence to conclude that Black Brook is a sufficient enough watercourse with a baseflow to accept a discharge from the proposed water management systems. Additionally, the Environment Agency General Binding rules states “New discharges must be made to a watercourse that normally has flow throughout the year.” It should be noted that the Environment Agency General Binding Rules do not state that the watercourse must be permanent, only that there is normally flow throughout the year. The Land Drainage Engineer has raised no objection to the scheme on this basis, subject to the inclusion of surface and foul water detailed drainage design plans and confirmation of the future management of the drainage systems.
- 6.50 Finally on this matter, consideration has been given to the comments provided by Welsh Water. The reservations regarding the supply of water are noted but does not result in a formal objection. In this case the comments refer to the potential requirement for the applicant to carry out hydraulic modelling to ascertain whether there would be a requirement for reinforcement works at the same time as consideration is given to the provision of a new main water. In this case, separate legislation under Sections 41 and 51 of the Water Industry Act (1991) would regulate this aspect of the proposed development. Therefore, a refusal on this ground could not be sustained and an informative note is recommended to cover the Welsh Water advice.

Conclusion and Planning Balance

- 6.51 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.
- 6.52 Having established that the Class Q scheme is a fall-back position that can be afforded significant weight, the most straightforward manner of assessing whether planning permission should be granted for the current application is to consider the comparative impacts of the schemes. In the preceding paragraphs it has been established that the removal of the existing modern portal framed barn and replacement with one long barn style dwelling and one embedded dwelling would result in some conservation and landscape gains. These are afforded significant weight in the planning balance given the listed status of the farmhouse and associated barn. It is recognised that there is some identified harm in terms of the intensification of the residential use, as well as the new built form separated from the agricultural unit. However, as discussed, it is considered that the design approach and detailing of the proposed restoration, conversion and the long barn dwelling is appropriate in retaining the agricultural character of the site with conservation gains through the reversal of modern interventions to the farmhouse. In addition to this, the embedded dwelling has been designed to minimise adverse visual impact through the use of a grass roof and its response to the contours of the land. Additionally, the scheme includes the provision of renewable energy sources, sustainable features through the new build and additional green infrastructure planting. As such, it is Officer opinion that there are sufficient benefits to be derived from the proposal when compared to the fall-back position of the Class Q approval to find the principle of development acceptable.

- 6.53 The proposed conversion of the threshing barn to two residential units is considered acceptable and complies with the requirements of RA5. The re-use and restoration of the threshing barn and farmhouse has been considered in a sympathetic manner so to retain the historic agrarian character whilst providing the most viable future use for the heritage assets.
- 6.54 No other technical objection has been received from statutory and internal consultees.
- 6.55 In bringing all of the above together it is considered that the proposed development accords with the Development Plan and it is therefore recommended that planning permission and Listed Building Consent be granted subject to the below conditions.

RECOMMENDATION

223199

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. **Time limit for commencement (full permission)**
2. **Development in accordance with the approved plans and materials**
3. **Any new access gates/doors shall be set back 5 metres from the adjoining carriageway edge and shall be made to open inwards only.**

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

4. **Prior to the first occupation of the development hereby approved the driveway and/or vehicular turning area shall be consolidated and surfaced at a gradient not steeper than 1 in 8. Private drainage arrangements must be made to prevent run-off from the driveway discharging onto the highway. Details of the driveway, vehicular turning area and drainage arrangements shall be submitted to and approved in writing by the local planning authority prior to commencement of any works in relation to the driveway/vehicle turning area.**

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. **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.

- 6. 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.

- 7. With the exception of any site clearance and groundworks, no development shall commence until written and illustrative details of the number, type/specification and location of at least one electric vehicle charging point per dwelling (excluding the existing farmhouse), shall be submitted to and approved in writing by the local planning authority. The electric vehicle charging points shall be installed prior to first occupation and be maintained and kept in good working order thereafter as specified by the manufacturer.**

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.

- 8. Prior to the first occupation of the development a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 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

- 9. Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015,(or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, B, C, D, E and H of Part 1 and of Schedule 2, shall be carried out at dwellings referred to on submitted plans as Barn Conversions (B1 & B2), Long Barn House (C) and Embedded House (D).**

Reason: To ensure the character of the original conversion scheme is maintained and to comply with Policy RA5 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework. Additionally, in order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

10. Prior to commencement of any development, including groundworks, 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.
 - e) An Environmental Colour Assessment (ECA), to inform the choice of external colour of the development/feature/building.

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.

11. All planting, seeding or turf laying in the approved landscaping scheme 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 10 years of planting (Or other timescale that may be agreed as part of condition 12) 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

12. Before the development is first occupied or brought into use, a schedule of hard and soft landscape maintenance for a period of 10 shall be submitted to and approved in writing by the local planning authority. The schedule shall clearly identify who will take responsibility for which areas (eg: Within domestic curtilage / outside of domestic curtilage and where there is shared responsibility how this will be managed)

Maintenance shall be carried out in accordance with this approved schedule.

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

13. Prior to occupation of development of the new dwellings hereby approved the following details shall be submitted to and approved in writing by the Local Planning Authority:
- a) detailed surface water and foul water drainage design plans/construction drawings, including associated calculations
 - b) details of the persons / bodies responsible for the future management and maintenance for the foul and surface water drainage systems.

The approved scheme shall be implemented before the first occupation of any of the building hereby permitted and maintained in accordance with the approved details thereafter.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

14. Before any works in relation to the materials specified below begins, details of the following construction materials shall be submitted to and approved in writing by the Local Planning Authority:

- Detailed section of the embedded house through grass roof, at terminations of turf roof, and details at eaves at 1:5 scale;
- Details of wall and roof coverings to the long barn;
- Details of wall cladding at 1:5 scale of the embedded house, with a sample of timber and finish;
- Details of rainwater goods and finishes of the embedded house and longbarn;
- Manufacturers details of windows and doors of the embedded house and longbarn
- Flue pipe of the longbarn to be finished in black enamel

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

Reason: To ensure that the materials harmonise with the surroundings and historic setting so as to ensure that the development complies with the requirements of Policy SD1 and LD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

15. The ecological mitigation, compensation measures and any required protected species licence, as detailed in Bat Survey Report by Naturally Wild dated September 2022 and the Phase 1 Extended Ecological Survey by HEC dated July 2022 shall be fully implemented and hereafter maintained.

Reason: To ensure that all species are protected 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 (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.

16. Prior to any construction work above damp proof course a specification and annotated location plan for proposed biodiversity net gain enhancement features including significant and meaningful provision of 'fixed' habitat features including a range of bird nesting boxes, bat boxes (or similar roosting features) and hedgehog homes must be supplied to and approved in writing by the local authority.

The approved scheme shall be implemented in full prior to occupation of the any new residential unit hereby approved and hereafter maintained as approved.

Reason: To ensure that biodiversity net gain is secured 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; and the council's declared Climate Change and Ecological Emergency

17. **At no time shall any external lighting, except low power (under 550 lumens or 5 Watt), 'warm' LED lighting in directional down-lighters on motion operated and time-limited switches, that is directly required in relation to the immediate safe use of the approved dwelling be installed or operated in association with the approved development and no permanently illuminated external lighting shall be operated at any time.**

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.

18. **As indicated in the Phase 1 Extended Ecological Survey report by HEC dated July 2022 a Construction Environmental Management Plan (CEMP) shall be initiated which will manage any potential impacts to designated sites.**

Before any work; including site clearance or demolition begin or equipment and materials are moved on to site, a Construction Environmental Management Plan (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 approved under both applications is complete on site and all equipment and spare materials have finally been removed;

Reason: To ensure that all species, habitats and local intrinsically dark landscapes 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.

19. **Within six months of any of the solar panels/photovoltaic panels hereby permitted becoming redundant, inoperative or permanently unused, those panels and all associated infrastructure shall be removed and re-used, recycled, the materials recovered, or be finally and safely disposed of to an appropriate licensed waste facility, in that order of preference and land reinstated to former condition.**

Reason: To ensure a satisfactory form of development, avoid any eyesore from redundant plant, prevent pollution, and safeguard the environment when the materials reach their end of life, in accordance with Policies SD1 and SD2 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 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.

3. The applicant is advised by Welsh Water that as part of any future water connection application under Section 41 of the Water Industry Act (1991), a hydraulic modelling assessment and the delivery of reinforcement works may be required at the same time as the provision of new water mains to serve the new development under Section 41 and Section 51 of the Water Industry Act (1991). Further information can be found via: <https://www.dwrcymru.com/en>

4. A public right of way crosses the site of this permission. The permission does not authorise the stopping up or diversion of the right of way. The right of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990 provided that the Order is made before the development is carried out. If the right of way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed

223432

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

1. CE7 Time period
2. Development in accordance with approved plans and materials
3. Before any works on the Farm House in relation to the materials specified below begins, details of the following construction materials shall be submitted to and approved in writing by the Local Planning Authority:
 - Sample of stone tile
 - Roof and wall insulation at 1:10 scale
 - Replacement walling stone, mortar samples, a sample area of repointing and any limewashing of masonry
 - Details of projecting modern concrete window sill removal
 - External joinery details at 1:2 scale, including materials and finish
 - Detail of handrail to external stairs

The works shall be completed in accordance with the approved details.

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

Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 4. Before any works on the Farmhouse in relation to the materials specified below begins, details of the following construction materials shall be submitted to and approved in writing by the Local Planning Authority:**

- Details of roof covering and flue pipes that shall be black enamelled finish**
- Samples of any replacement walling stone, lime mortar and a sample area of re-pointing**
- Details of external wall cladding and external timber joinery**
- Details of ground floor structure and finishes**

The works shall be completed in accordance with the approved details.

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

- 5. Prior to commencement of works to the Timber structure, any replacement found necessary due to defects shall be detailed and a scheme of repair/replacement submitted to and approved in writing by the Local Planning Authority.**

The works shall be completed in accordance with the approved details.

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

- 6. Details of the material, sectional profile, fixings and colour scheme for Rainwater goods of the farm house and threshing barn (gutters, downpipes, hopper-heads and soil pipes) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of this element of works. The development shall be carried out in accordance with the approved details.**

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

- 7. The roof windows to the farmhouse and threshing barn shall be of the traditional low profile metal pattern and details at 1:2 or 1:5 shall be submitted to and approved in writing by the Local Planning Authority before commencement of relevant works. The development shall be carried out in accordance with the approved details.**

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

INFORMATIVES:

- This Listed Building Consent relates solely to the plans, drawings, notes and written details submitted with the application, or as subsequently amended in writing and referred to on this decision notice. Any variation of the works or additional works found to be necessary before work starts or while work is in progress [or required separately under the Building Regulations, by the County Fire Service or by Environmental Health legislation] may only be carried out subject to approval by the Local Planning Authority. Unauthorised modifications, alterations, or works not covered by this consent may render the applicant, owner(s), agent and/or contractors liable to enforcement action and/or prosecution. For works of Demolition attention is drawn to Section 8 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that works of demolition should not commence until notice has been given to the RCHME.**

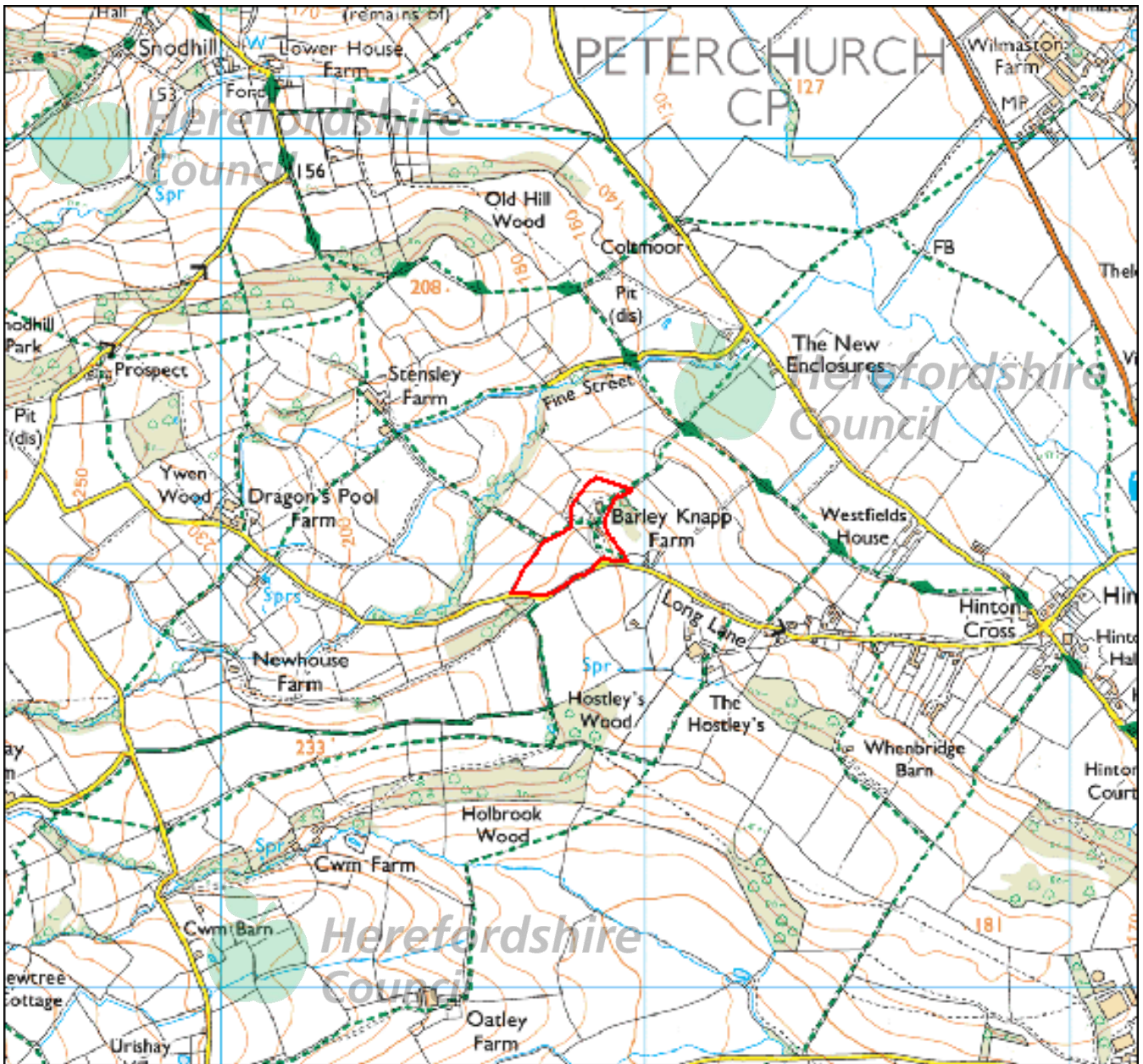
Decision:

Notes:

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Background Papers

None identified.



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APPLICATION NO: 223199 & 223432

SITE ADDRESS : BARLEY KNAPP FARM, LONG LANE, PETERCHURCH, HEREFORD,
HEREFORDSHIRE, HR2 0TE

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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:	17 JANUARY 2024
TITLE OF REPORT:	233080 - PROPOSED DEMOLITION OF EXISTING SIDE AND REAR EXTENSION, ERECTION OF REPLACEMENT SIDE AND REAR EXTENSIONS AND NEW FRONT PORCH AT WESTERINGS, KINGTON, HEREFORDSHIRE, HR5 3HE For: Mr & Mrs Lewis, Westerings, Kingswood Road, Kington, Herefordshire, HR5 3HE
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=233080
Reason Application submitted to Committee – Staff application	

Date Received: 18 October 2023

Ward: Kington

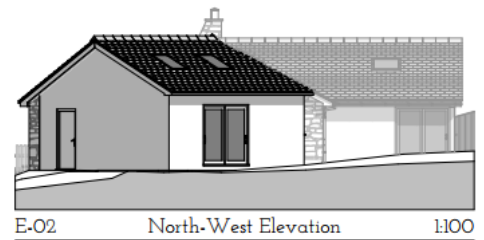
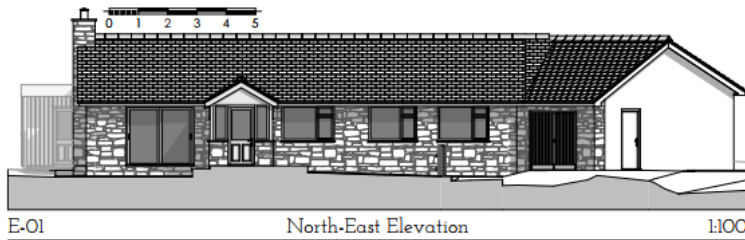
Grid Ref: 329719,255834

Expiry Date: 13 December 2023

Local Members: Cllr Terry James

1. Site Description and Proposal

- 1.1 Westerings is a single storey dwelling located along Kingswood Road just outside the market town of Kington. The dwelling is constructed of stone and render under a plain clay tile roof. The dwelling also has an attached garage constructed of stone under a profiled sheeting roof. There is also a wooden outbuilding situated to the north-west corner.
- 1.2 The proposal is for the demolition of the existing rear extension and the attached garage, and for the erection of a replacement rear extension, new extension to the side and a new front porch. The rear extension would protrude 4.5 metres in width, 8.7 metres in length with a maximum ridge height of 4.5 metres. There is also a small flat roofed utility room protruding off this measuring 2.2 metres by 4 metres. The proposed front porch would measure 2.2 metres by 1.5 metres with a ridge height of 3.0 metres, and clad in stone with a plain clay tile roof. The existing attached garage will be demolished to be replaced with a single storey structure which would run at circa 45 degrees from the main dwellinghouse. This element would measure 6.5 metres long, 6.8 metres wide with an overall ridge height of 2.3 metres.
- 1.3 The proposed elevations are set out overleaf for ease of reference.



2. Policies

2.1 The Herefordshire Local Plan – Core Strategy (CS)

- SS1 – Presumption in favour of sustainable development
- SS6 – Environmental quality and local distinctiveness
- MT1 – Traffic management, highway safety and promoting active travel
- LD1 – Landscape and townscape
- SD1 – Sustainable design and energy efficiency
- SD3 – Sustainable water management and water resources
- SD4 – Waste water treatment and river water quality

2.2 **Kington Area Neighbourhood Plan** failed at referendum and therefore carries no weight in decision making

2.3 National Planning Policy Framework (NPPF)

- Chapter 2 – Achieving sustainable development
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places

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

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 has yet to be made and is due early 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 211495/FH – Proposed rear extension, front porch and detached garage – **Approved**

4. Consultation Summary

4.1 No statutory or internal consultations

5. Representations

5.1 Kington Town Council – No objection

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=233080

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. It is also noted that the site falls within the Kington Neighbourhood Area, which failed at referendum on 25th July 2019.
- 6.3 When assessing planning applications for residential extensions, Policy SD1 and LD1 of the CS are applicable. SD1 states that proposals should be designed to maintain local distinctiveness through detailing and materials, respecting scale, height, and proportions and massing of surrounding development. The proposal should also safeguard the amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing. Policy LD1 requires that the character of the landscape/townscape has positively influenced the design and scale of development, amongst other matters. These policies accord with the principles as set out within the NPPF with regards to good design and ensuring a high standard of amenity for existing and future occupiers.
- 6.4 Policy MT1 is also applicable. It states that development proposals should demonstrate that the strategic and local highway network can absorb the traffic impacts of the proposed development. It states that developments must be designed and laid out to achieve safe entrance and exit, have appropriate operational and manoeuvring space. It also states that developments should have regard to both the Council's Highways Development Design Guide and cycle and vehicle parking standards.
- 6.5 When considering the proposal and the amount of built development, it is not considered to be at a scale that would be unacceptable or constitute over development. The size and scale of the proposal is considered acceptable in terms of mass, size and scale. It is clear that the extensions are subservient and the host dwelling appears to remain as the dominant feature. The single-storey extension to the rear and side of the dwelling will have a maximum height sitting below the roofline of the host dwelling, ensuring that they appear as subservient additions. It is not

considered that the proposal would depart from the character of the host dwelling or surrounding area. As such, the scheme is of an appropriate scale, design and appearance and is in adherence with LD1 and SD1 of the CS.

- 6.6 The proposed rear extensions and porch have been designed in a manner that reflects the host dwelling, utilising matching render, stone and plain clay tiles. This will ensure continuity of appearance. The proposed flat roofed utility extension will be clad in vertical cedar boarding under a single ply membrane roof. It is considered that the proposal is entirely acceptable and policy compliant with regards to design and scale, would depart from the character of the host dwelling or the surrounding area.
- 6.7 No concerns have been raised with regards to the impact the extension would have on the amenity of neighbouring dwellings by way of loss of light and outlook and sense of overbearing scale, however this must give this due consideration. Given the single-storey height of the proposal, it is not considered that the extension would lead to an enlargement considered overbearing to such an extent which would cause harm to the amenity of neighbouring dwellings, according with Policy SD1 of the CS. Although the proposal introduces new openings it is not considered that the level of overlooking would be exacerbated due to the single-storey nature of the proposal.
- 6.8 It is noted that the existing garage is to be demolished and replaced with a single storey extension. This would result in the loss of a single vehicle parking location. However, this will not have an adverse effect on the amount of off-road parking as there is sufficient parking space to the front of the property, therefore complying with CS Policy MT1
- 6.9 Although this application is within the River Lugg catchment and proposes foul water outputs, it is considered that the proposal will not demonstrably increase the intensification in the use of the property. As the competent authority for ensuring water quality in the River Lugg catchment and River Wye SAC, the local planning authority concludes that this proposal should be screened out of the HRA process. The development will not have a likely significant effect on water quality and therefore accords with the requirements of CS Policy SD4.
- 6.10 There are no other matters pertinent to the proposal which requires discussion or assessment and taking the above into account, it is considered that the proposal generally accords with the provisions of the Herefordshire Local Plan – Core Strategy together with the overarching aims and objectives of the National Planning Policy Framework. The application is accordingly recommended for approval subject to the conditions as set out below.

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:

That planning permission be granted subject to the following conditions:

1. **C01 – Time limit for commencement (full permission)**
2. **C07 – Development in accordance with approved plans and materials**

INFORMATIVES:

1. **IP1 – Application approved without amendment**

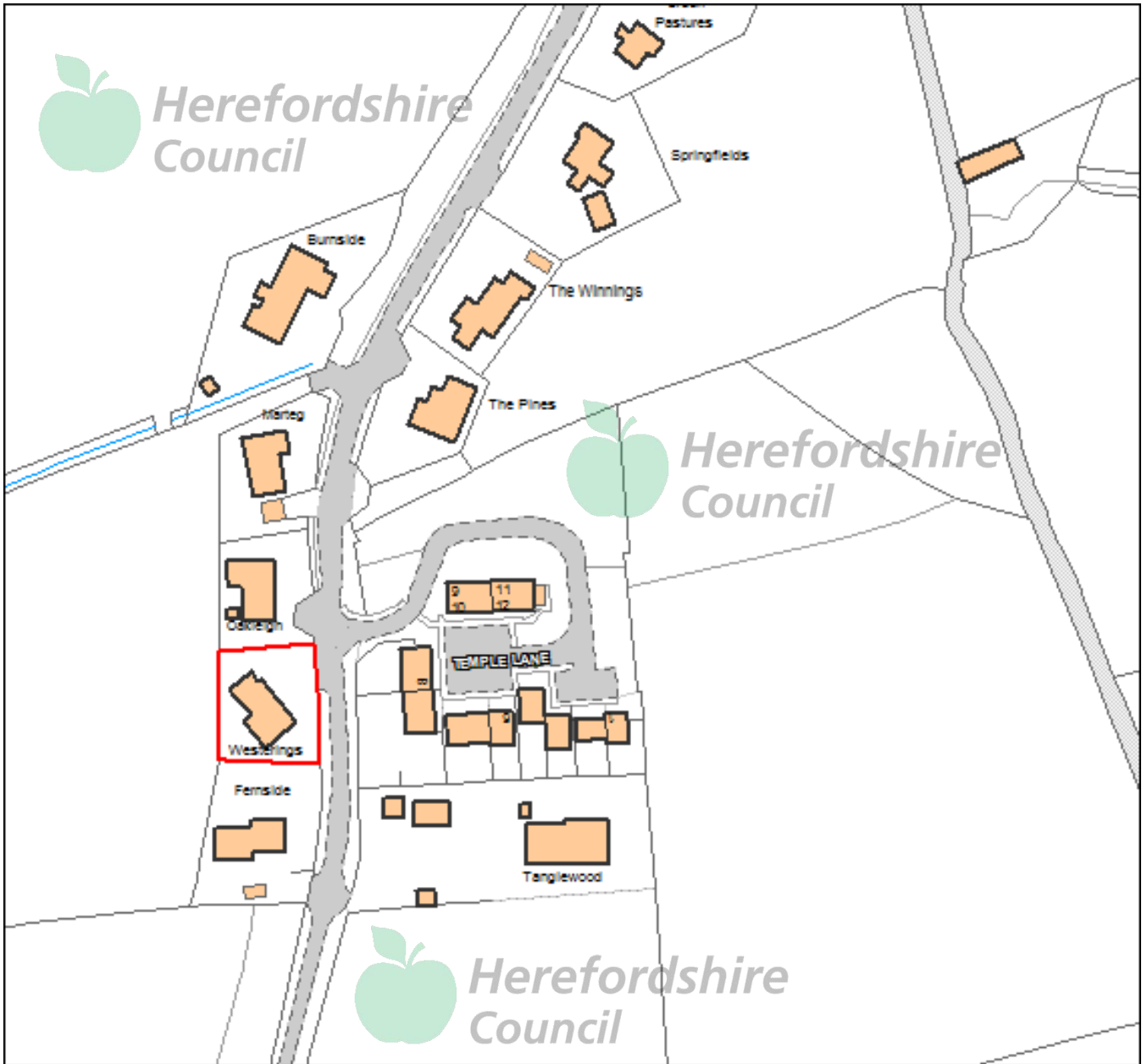
Decision:

Notes:

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Background Papers

None identified.



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APPLICATION NO: 233080

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