

MEETING:	PLANNING COMMITTEE
DATE:	2 SEPTEMBER 2015
TITLE OF REPORT:	<p>143842 - OUTLINE APPLICATION FOR 37 DWELLINGS (13 OF WHICH WOULD BE AFFORDABLE) WITH ALL MATTERS EXCEPT ACCESS RESERVED FOR FUTURE CONSIDERATION AT LAND TO THE NORTH OF THE A40, EAST OF HUNSDON MANOR, WESTON-UNDER-PENYARD, ROSS-ON-WYE, HEREFORDSHIRE</p> <p>For: Mr & Mrs Mills per c/o RCA Regeneration Limited, Unit 6 De Salis Court, Hampton Lovett, Droitwich Spa, Worcestershire, WR9 0QE</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=143842&search=143842
Reason Application submitted to Committee - Contrary to Policy	

Date Received: 29 December 2014 Ward: Penyard Grid Ref: 363605,223238
Expiry Date: 14 April 2015
 Local Member: Councillor H Bramer

1. Site Description and Proposal

- 1.1 The application site lies on the eastern side of Weston under Penyard, a village approximately 2 km east of the eastern extreme of Ross-On-Wye. The village is dissected by the A40 and the application site lies on northern side of the road.
- 1.2 The site has an area of approximately 4.09 hectares. It is rectangular in shape. It clearly was agricultural land but it appears that it has not been actively used as such for some time. The road frontage has an intermittent native hedgerow. The eastern boundary has a strong high native hedgerow that includes holly. The western boundary is characterised by a series of trees that are actually not upon the applicant's land but are protected by way of a Tree Preservation Order. The northern boundary has relatively little vegetation. Beyond that northern boundary is the route of a former railway line (now dismantled). The land slopes gradually from the road to the north, although there is an area of pronounced higher, more exposed ground in the central section of the site to the north of the site. There is a pond on the site and a single mature tree which is protected by way of a Tree Preservation Order. To the west of the site is the rather attractive Hunsdon Manor Gardens development.
- 1.3 There is an existing agricultural access in an approximate central position along the road frontage. The 30mph speed limit for vehicles travelling in an east to west direction commences approximately in a central position along the site frontage. Opposite the site on the southern side of the A40 is a continuous footway.

Further information on the subject of this report is available from Mr Roland Close on 01432 261803

- 1.4 Weston under Penyard contains a range of services including the village hall, public house and local primary school. Weston under Penyard is served by a regular bus service to Gloucester and Ross-On-Wye.
- 1.5 The application is made in outline form with all matters except access reserved for future consideration. The originally deposited application was for up to 75 dwellinghouses. This then changed to up to 49 dwellinghouses and then finally for 37 dwellinghouses.
- 1.6 The submitted plan indicates a central single vehicular means of access with visibility splays of 2.4 m x 120 metres. The speed limit would be relocated further to the east and new speed reduction markings provided. This would be resolved by way of a Traffic Regulation Order. The existing bus stop would be widened and designed such that when buses are parked they would be behind the visibility splay. A continuous footway would be provided from the south-west corner of the site beside Hunsdon Manor Gardens to the new vehicular access. A controlled crossing would be provided at the south-western end of the site across the A40.
- 1.7 The indicative layout is of significance as it shows a large area to remain undeveloped which would be utilised as open space. This large area which is larger than normally required for open spaces alone is required to be kept free of built development for landscape reasons and the fact that during the processing of this application a field evaluation found archaeological finds of such significance that they need to be retained in-situ without disturbance.
- 1.8 The requisite 35% affordable dwellinghouses, amounting to 13 dwellings, would be provided. Five of these dwellings would be intermediate housing and 8 would be social rented.
- 1.9 Attached are the proposed Heads of Terms in relation to the requisite Section 106 Agreement.

2. Policies

2.1 National Planning Policy Framework

The following sections are of particular relevance:-

Introduction	-	Achieving Sustainable Development
Section 6	-	Delivering a wide choice of high quality homes
Section 7	-	Requiring good design
Section 8	-	Promoting healthy communities
Section 11	-	Conserving and enhancing the natural environment

2.2 Herefordshire Unitary Development Plan:-

S1	-	Sustainable Development
S2	-	Development Requirements
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
DR7	-	Flood Risk
H7	-	Housing in the Countryside Outside Settlements
H9	-	Affordable Housing
H13	-	Sustainable Residential Design
H15	-	Density
T8	-	Road Hierarchy
LA2	-	Landscape Character and Areas Least Resilient to Change
LA3	-	Setting of Settlements

LA5	-	Protection of Trees, Woodlands and Hedgerows
NC1	-	Biodiversity and Development
NC6		Biodeiversity Action Plan priority habitats and species
NC7		Compensation for loss of diversity
NC9		Management of features of the lanscape important for fauna and flora
NC8	-	Habitat Creation, Restoration and Enhancement
ARCH1	-	Archaeological Assesments and Field evaluations
ARCH4		Other sites of National or Regional Importance
ARCH5	-	Sites of Lesser Regional or Local Importance
ARCH6		Recording of archaeological remains

2.3 Herefordshire Core Strategy Deposit Draft:-

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Development for Residential Land
SS4	-	Movement and Transportation
RA1	-	Rural Housing Strategy
RA2	-	Herefordshire's Villages
H1	-	Affordable Housing – Threshlods and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Local Distinctiveness
LD2	-	Landscape and Townscape
LD3	-	Bio-diversity and Geodiversity
SD3	-	Sustainable Water Management and Water Resources
ID1	-	Infrastructure Delivery

2.4 Weston under Penyard is preparing a Neighbourhood Plan. At the time of preparing this report they had reached the Regulation 15 stage. The Local Planning Authority was to publicise the consultation from 4 August 2015 until 16 September 2015. This is the Regulation 16 stage. At the end of that 6 week period the Plan can be considered as a material consideration in the determination of a planning application.

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

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

3. Planning History

3.1 None relevant

4. Consultation Summary

Statutory Consultees:

4.1 Welsh Water has no objections but recommend conditions.

Internal Council Advice:

4.1 Transportation Manager – No objection subject to conditions.

4.2 The Environmental Health Manager has no objections but recommend attaching conditions re: contaminated land.

4.3 Conservation Manager

Further information on the subject of this report is available from Mr Roland Close on 01432 261803

Archaeology – No objection subject to conditions.

Ecology - no objections to the proposed development subject to appropriate conditions.

Landscape – No Objections.

4.5 Land Drainage Officer - No Objections, in principle, to development of the site.

5. Representations

5.1 Weston under Penyard Parish Council no longer objects to the amended proposal for 37 dwellings proposal. They state:-

“We refer to the revision to the above application, reducing the number of dwellings/houses to 37.

As you will be aware the Neighbourhood Plan for Weston under Penyard is now progressing through the Regulation 16 stage and we would request that all of the Plan's policies be taken into consideration, thereby ensuring that any future development in the parish is carried out in accordance with the wishes of the parish residents, as expressed through the Plan. In particular, we would highlight that Policy HS2 provides for a maximum number of dwellings/houses on this site of 37.

Regarding the boundary of the area protected for archaeological reasons, we have no objection in principle to the indicated position of this boundary on the understanding that no archaeological features of significance are believed to exist in the area where development would be permitted.”

5.2 Thirty representations of objections were received in relation to the originally deposited scheme on the following summarised grounds:-

- The proposal conflicts with the emerging Neighbourhood Plan;
- The proposal would be an inappropriate form of ribbon development;
- The proposal would exacerbate existing traffic problems;
- Concerns re: flood risk;
- The Parish probably do not require 17 affordable homes;
- The area of public open space is too small;
- There are no financial contributions towards the Primary School;
- The proposal is premature in advance of the Neighbourhood Plan being produced;
- The number of houses proposed would appear suburban rather than rural;
- The site was once a well maintained pasture meadow;
- Concern re: impact upon wildlife;
- The site is not in a sustainable location;
- Concerns with respect to highway safety;
- There is insufficient capacity in the primary school;
- The traffic would create bottlenecks and pinch points on the network;
- The site lies outside of the defined settlement boundary; and
- There is water trough along the site frontage that should be restored and retained.

5.3 Four representations were received that essentially express mixed views in relation to the originally deposited scheme. They accept the principle of development but essentially consider the number of houses to be too high.

- 5.4 Seventeen representations of support were received in relation to the originally deposited scheme on the following summarised grounds:-
- There is a need for new housing, especially for young people;
 - There is a need for affordable housing, especially for young people;
 - The layout of the proposal is considered to be attractive;
 - It would be beneficial to have more houses in Weston so that children attending the school can live closer to it; and
 - The site is in a sustainable village with amenities.

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

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

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

6. Officer's Appraisal

- 6.1 The application site lies outside the defined settlement boundary of Weston under Penyard, the defined boundary being along the western boundary of the application site. The village is a defined main village in the Herefordshire Unitary Development Plan (HUDP). As a consequence in planning policy terms the site lies within open countryside where policy H7 of the HUDP essentially establishes a presumption against new residential development. Whilst policy H7 provides for specific exceptions, none apply in this case.

- 6.2 The law is clear that planning decisions should be made in accordance with the Development Plan unless material planning considerations indicate otherwise. In this case there is another material planning consideration in that Herefordshire has a shortfall in its five year housing land supply and paragraph 49 of the NPPF states:-

"Relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five year housing land supply of deliverable housing sites."

- 6.3 In June 2012 Cabinet effectively resolved to address this matter by looking more favourably on those sites adjacent to Hereford, the market towns and main settlements (i.e. those listed in policy H4 of the HUDP). No significant weight can be attached to this as it was not the subject of consultation. However, it has some limited weight. Essentially one needs to consider each such housing proposal on its individual merits with regard to the overall planning balance (i.e. economic, environmental and social roles of sustainable development as set out in the NPPF).

Economic and Social

- 6.4 The economic dimension encompasses the need to ensure that sufficient land is available in the right places at the right time in order to deliver sustainable economic growth. This includes the supply of housing land. Clearly, building new houses contributes towards employment during the construction phase and contributes to the economic well-being of employees and the economy. Households within new houses would also assist in supporting local businesses and services. Provision of new housing also has social benefits in terms of providing accommodation for people to live in.

Sustainability

- 6.5 Weston under Penyard is a defined settlement which is, to a degree a reflection of its sustainability credentials. It should be noted that the emerging Core Strategy in Policy RA2 identifies Weston under Penyard as a village that could accommodate housing growth of at

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least 14% (approximately 65 new dwellinghouses) for the period 2011- 2031. It is understood that 2 have already been built and were committed as of 1 April 2014, leaving a residual of at least 55 new dwellinghouses. This said, at the time of writing this report, only very limited weight can be attributed to the Core Strategy policies and given the current level of objection to policy RA2, I attribute little weight to this policy.

6.6 The maximum walking distance to amenities one would expect in rural areas is approximately 1200 metres. In this case Weston under Penyard has the following amenities within that distance:-

- Public House
- Primary School
- Church
- Village Hall ; and
- Playing fields

Other than the public house, the amenities are located on the south side of the A40. Given that this proposal involves the provision of a controlled crossing across the A40 the walk is considered to be safe. The provision of this crossing will also be a significant benefit to existing residents in the village.

6.7 It is concluded that the site is in a sustainable location.

Landscape Impact

6.8 The application site has no formal landscape designation. As stated above, it lies in open countryside outside, but adjacent to, the settlement boundary. The site forms part of the eastern approach to the village when travelling along the A40 in a westerly direction. It is considered that the landscape adjoining the eastern side of the village is less sensitive than that to the west which has a parkland feel to the south of the A40 and where one feels that the entrance to the village is more defined with a gateway feel in the vicinity of the public house.

6.9 The site is well contained with existing boundaries. Although it is visible from public footpaths to the south, the important prominent higher land upon the application site is to be kept free of built development. The significant tree upon the site and other trees adjoining the site along its western boundary would be retained and protected from invasive development. This is reflected in the recommended conditions.

6.10 It is also worth noting the extremely low density nature of the development that would amount to a density of nine dwellings to the hectare.

6.11 It is therefore concluded that the proposal would not adversely affect the landscape character of the area and the proposal would comply with Policy LA2 of the Herefordshire Unitary Development Plan 2007.

Highways

6.12 The A40 and the wider highway network are considered to have sufficient capacity to cater with the additional traffic that the proposed development would generate.

6.13 The proposed visibility splays accord with required standards.

6.14 The provision of a controlled crossing across the A40 is welcomed. It is not only required in relation to the proposed development but would represent a benefit to the entire village (not just the occupiers of the proposed houses).

- 6.15 The Transportation Manager and applicant anticipate the completion of a Section 278 Agreement which would include the extension of the 30mph zone further east, combined with other highway works designed to reduce traffic speeds.

Archaeology

- 6.16 The application site has been the subject of an archaeological field evaluation. The evaluation has revealed extensive archaeological remains of high significance in one part of the site, and other remains of interest elsewhere on the site. That part of the site containing extensive archaeological remains of high significance would stay undeveloped and safeguarded, achieving preservation in situ. Planning conditions are recommended to protect the archaeological remains of high significance.

Noise

- 6.17 The initial 30 metres of the site from the southern boundary is affected by road traffic noise to a degree that requires careful mitigation. Mitigation creating a satisfactory level of amenity for the future occupiers of the dwellinghouses is achievable and is reflected in the recommended conditions.

Ecology / bio-diversity

- 6.18 The site has features worthy of retention and enhancement (i.e. trees, hedgerows and pond). The scheme involves retention of these features together with measures for enhancement.

Flood risk / drainage

The site is located in the low risk Flood Zone 1, where the annual probability of flooding from fluvial sources is less than 0.1% (1 in 1000). However, as the site is greater than 1 ha, a Flood Risk Assessment (FRA) was required in accordance with National Planning Policy Framework (NPPF) as part of the planning application. An FRA has been provided which confirms the low fluvial flood risk at the site.

Foul sewage would be disposed of to the mains. There are no objections on capacity grounds.

Whilst further detail is required with respect to surface water drainage essentially it is proposed that surface water drainage would be drained to an underground pipe network before discharging into an infiltration basin in the south-east corner of the site. A hydro-brake would be located upstream of the basin to limit the discharge to 100 l/s with the run-off discharging to two off-line cellular storage areas / soakaways when this flow is exceeded.

The proposed drainage system outlined in the submitted water management strategy is therefore in accordance with policy DR4 of the Herefordshire Unitary Development Plan 2007 as it has incorporated the use of Sustainable Drainage (SUDS) and surface water would be discharged to ground through infiltration.

Affordable Housing

The requisite 35% affordable dwellinghouses, amounting to 13 dwellings, would be provided. Five of these dwellings would be intermediate housing and 8 would be social rented. The requirements of policy H9 of the Herefordshire Unitary Development Plan 2007 would be met.

Open Space / Recreation

To meet the requisite policy requirements as a minimum the development of 37 dwellinghouses would require:-

- Public open Space amounting to 0.034 hectares (340 sq metres) (@0.4 hectare per 1,000 population);
- Children's play:- 0.068 hectare (680 sq m) (@ 0.8 ha per 1,00 population. This should include approximately 0.02 (200 sq m) of formal play (@0.25 ha per 1,000 population, Fields in Trust Standards).

It is now proposed to provide:-

- Public Open Space amounting to 1.45 hectares (14,500 sq m) of publicly available amenity space including land safeguarded for archaeological reasons;
- Children's Play area:- an area of 0.018 hectare (815 sq m) of which 0.02h (200 sq m) would be equipped for younger children.
- This more than adequately meets the minimum policy requirements of policy RST3 of the Herefordshire Unitary Development Plan 2007.

Summary and conclusions

The Council cannot demonstrate a five-year supply of housing land with requisite buffer. The housing policies of the UDP are thus out-of-date and the full weight of the NPPF is applicable. UDP policies may be attributed weight according to their consistency with the NPPF; the greater the consistency, the greater the weight that may be accorded. The pursuit of sustainable development is a golden thread running through both plan-making and decision-taking and identifies three dimensions to sustainable development; the economic, social and environmental roles.

When considering the three indivisible dimensions of sustainable development as set out in the NPPF, officers consider that the scheme when considered as a whole is representative of sustainable development and that in the absence of significant and demonstrable adverse impacts, the application should be approved.

The site lies outside but adjacent to the settlement boundary for Weston under Penyard and is, having regard to the NPPF and saved and emerging local policies, a sustainable location. The site is immediately adjacent to bus stops and services to Ross on Wye and Gloucester. Although only an outline application, it is also evident that there are opportunities to ensure pedestrian permeability and connectivity to other parts of the village, particularly the school and playing fields to the south of the site. These opportunities will ensure that prospective residents have a genuine choice of transport modes. In this respect the proposal is in broad accordance with the requirements of chapter 4 of the NPPF (Promoting sustainable travel).

The contribution the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged as fulfilment of the economic role. In providing a greater supply of housing and breadth of choice, including 35% affordable and in offering enhancements to footways in the locality, officers consider that the scheme also responds positively to the requirement to demonstrate fulfilment of the social dimension of sustainable development.

It has been demonstrated that the proposal will not harm the landscape character of the area or the setting of the village.

Officers conclude that there is no landscape, highways, drainage, ecological or archaeological issues that should lead towards refusal of the application and that any adverse impacts associated with granting planning permission are not considered to significantly and demonstrably outweigh the benefits.

It is therefore concluded that planning permission should be granted subject to the completion of a Section 106 Planning Obligation in accordance with the Heads of Terms appended to this report and appropriate planning conditions.

RECOMMENDATION

Subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions set out below:-

1 The development shall not commence until approval of the following reserved matters have been obtained from the Local Planning Authority:-

- Appearance**
- Landscaping**
- Layout**
- Scale**

An application for reserved matters shall be made to the Local Planning authority before the expiration of five years from the date of this permission.

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of five years from the date of approval of the last reserved matters to be approved, which is the later.

Reason: No such details have been submitted and in accordance with Section 92 of the Town and Country Planning Act 1990.

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

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

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

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

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

3 The Remediation Scheme, as approved pursuant to condition number 2 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.

- 4 The recommendations sections 1.2.1 and 1.2.9 of the updated ecologist's report from James Johnston dated January 2015 shall be followed in relation to species mitigation and habitat enhancement.

Reasons:

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

b) To comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006.

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

Reasons:

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

b) To comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006.

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

- Full foul and surface water drainage details (including a) a revised drainage drawing with supporting calculations showing the final size of the infiltration basin and proposals in relation to the existing pond;
- b) results of infiltration testing undertaken in accordance with BRE365 and results of recorded groundwater levels;
- c) evidence that the applicant has considered ground contamination risks;
- and d) proposals for the adoption and maintenance of the surface and foul water drainage systems).

- Full details as to the proposed importation of protective topsoil and the anti-metal detecting "seeding" to the safeguarded archaeological area detailed upon Drawing number DRG REF : MF/14/GRWUP/003A/COL.ID/PLAN received 27 July 2015.

- Full details (siting/ design appearance and wording) of the archaeological remains interpretation board / sign.

- Full details of all means of enclosure (i.e. fences, walls, gates or other means of

enclosure).

- Full written details of the surfacing materials to be used upon the access, driveways, turning / manoeuvring areas and parking areas.
- Unless otherwise agreed in writing with the Local Planning Authority, full details of the restoration and retention of the roadside water trough.

Development shall not commence until the written approval of the Local Planning Authority has been obtained. The development shall be carried out in strict accordance with the approved detail and thereafter maintained.

Reasons:

- a) To ensure satisfactory drainage details.
- b) To ensure suitable protection to the extensive archaeological remains of high significance, in accordance with the Central Government advice contained within paragraph 135 of the National Planning Policy Framework and Policy ARCH4 of the Herefordshire Unitary Development Plan 2007.
- c) To ensure a satisfactory appearance to the development in accordance with Policies DR1, LA2 and H13 of the Herefordshire Unitary Development Plan 2007.
- d) To ensure that a structure of local historical interest is retained.

- 7 Prior to the first occupation of the dwellinghouses within 30 metres of the A40, the noise mitigation measures specified in Section 4 on pages 5 and 6 of the Hepworth Acoustics Noise and Vibration Consultants 'Noise Assessment' dated March 2015 shall be fully implemented.

Reason: To ensure that the occupiers of the proposed dwellinghouses enjoy a satisfactory level of amenity not adversely affected by road traffic noise, in accordance with Policy DR13 of the Herefordshire Unitary Development Plan 2007.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification, the area outlined in green on DRG REF : MF/14/GRWUP/003A/COL.ID/PLAN received 27 July 2015 shall be kept free of any development, other than any play equipment agreed in the cross-hatched area and any other form of development permitted by virtue of the conditions upon this planning permission.

Reason: To ensure suitable protection to the extensive archaeological remains of high significance, in accordance with the Central Government advice contained within paragraph 135 of the National Planning Policy Framework and Policy ARCH4 of the Herefordshire Unitary Development Plan 2007.

- 9 Prior to commencement of the development hereby permitted all of the trees shown to be retained, the tree the subject of the Tree Preservation Order upon the site and the trees the subject of a Tree Preservation Order the other side of the western boundary of the site whose roots and canopies encroach upon the site, shall be protected by fencing in accordance with the advice contained within BS5837:2012. Once these protective measures have been erected but prior to commencement of the development a suitably qualified arboricultural consultant appointed by the developer shall inspect the site and write to the Local Planning authority to confirm that the protective measures are in-situ. Upon confirmation of receipt of that letter by the Local Planning authority the development may commence but the tree protection measures must remain in-situ until completion of

the development.

Reason: To ensure that there is no damage during the construction phase to the trees on the site to be retained and that are recognised to be of amenity value, in accordance with Policy LA5 of the Herefordshire Unitary Development Plan 2007.

- 10 Prior to commencement of the development hereby permitted the area outlined in green on DRG REF: MF/14/GRWUP/003A/COL.ID/PLAN received 27 July 2015 shall be protected by appropriate robust fencing. Once these protective measures have been erected but prior to commencement of the development a suitably qualified archaeological consultant appointed by the developer shall inspect the site and write to the Local Planning authority to confirm that the protective measures are in-situ. Upon confirmation of receipt of that letter by the Local Planning authority the development may commence but the tree protective measures must remain in-situ until completion of the development.

Reason: To ensure suitable protection to the extensive archaeological remains of high significance, in accordance with the Central Government advice contained within paragraph 135 of the National Planning Policy Framework and Policy ARCH4 of the Herefordshire Unitary Development Plan 2007.

- 11 No materials shall be stored, no vehicles or machinery stored or parked and no fires lit within the fenced areas referred to in conditions 9) and 10) above.

Reasons:

a) To ensure that there is no damage during the construction phase to the trees on the site to be retained and that are recognised to be of amenity value, in accordance with Policy LA5 of the Herefordshire Unitary Development Plan 2007.

b) To ensure suitable protection to the extensive archaeological remains of high significance, in accordance with the Central Government advice contained within paragraph 135 of the National Planning Policy Framework and Policy ARCH4 of the Herefordshire Unitary Development Plan 2007.

- 12 With regard all that part of the application site outside the area outlined in green on DRG REF : MF/14/GRWUP/003A/COL.ID/PLAN received 27 July 2015, 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 by the Local Planning Authority.

Reason: The application site outside of the safeguarded area in green, contains some additional archaeological remains that whilst not meriting preservation in-situ, do merit appropriate archaeological recording as mitigation of their loss. This recording would be in line with paragraph 141 of the National Planning Policy Framework, and would comply with the requirements of Policy ARCH6 of the Herefordshire Unitary Development Plan 2007.

- 13 No work on site shall take place until a detailed design and method statement for the foundation design and all new groundworks has been submitted to, and approved in writing by, the Local Planning Authority. The development hereby permitted shall only take place in accordance with the detailed scheme pursuant to this condition.

Reason: The development affects a site on which archaeologically significant

remains survive and a design solution is sought to minimise disturbance through a sympathetic foundation design.

- 14 Prior to the first occupation of any of the dwellinghouses hereby permitted, visibility splays of 2.4m x 120 metres in both directions shall be provided and be kept free of obstruction above 0.9 metre measured from ground level. Thereafter these visibility splays shall be maintained free of obstruction.

Reason: In the interests of highway safety, in accordance with Policy DR3 of the Herefordshire Unitary Development Plan 2007.

Informatives:

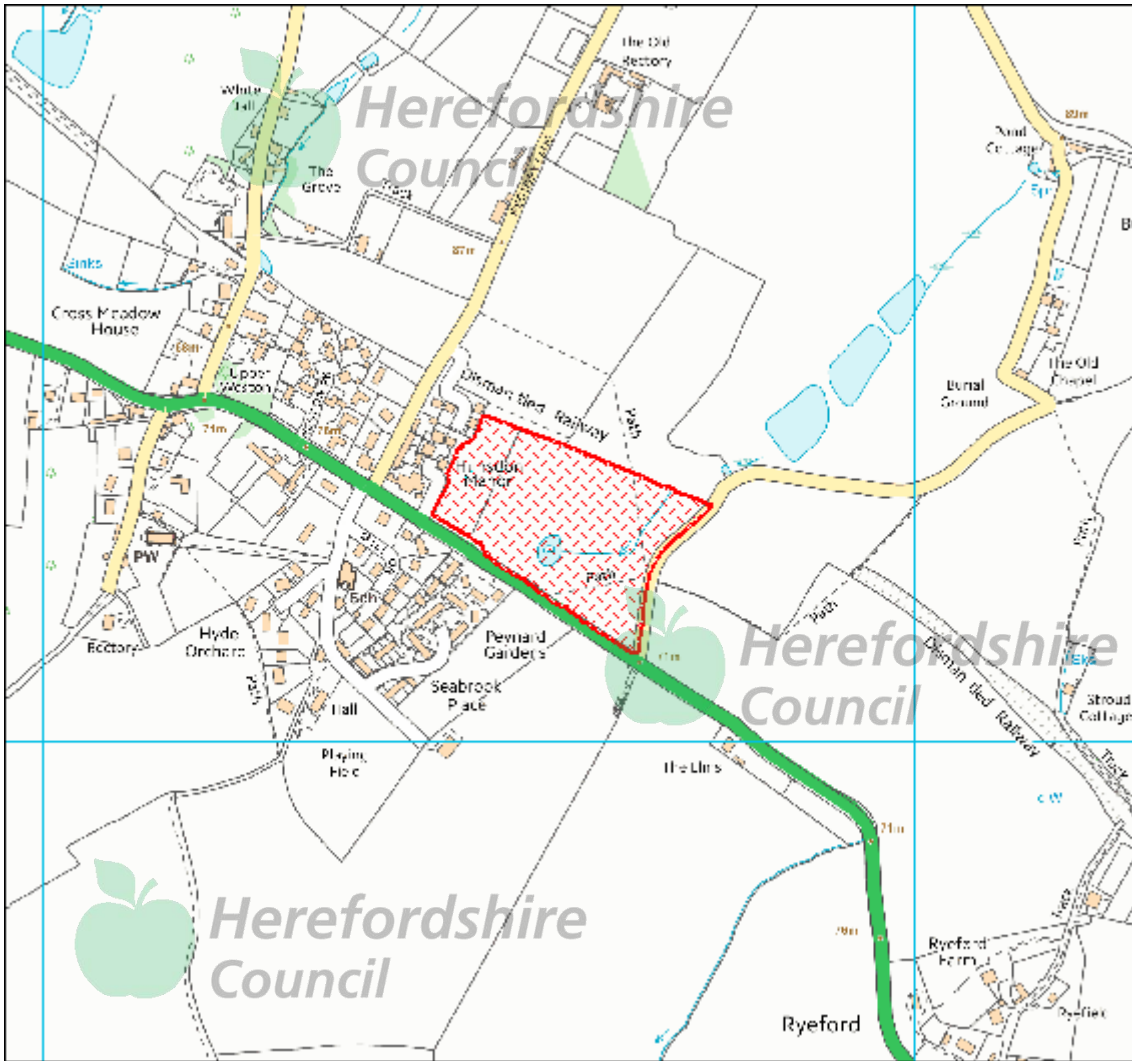
- 1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in 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 contaminated land assessment is required to be undertaken in accordance with good practice and needs to be carried out by a suitably competent person as defined within the National Policy Framework 2012.
- 3 The Local Planning Authority require all investigations of potentially contaminated sites to undertake asbestos sampling and analysis as a matter of routine and this should be included in any submission.
- 4 Whilst plans MF.14.GRWP.003A and DRG REF: MF/14/GRWUP/003A/COL.ID/PLAN received 27 July 2015 has been approved in terms of access, the layout has NOT been approved. Furthermore the applicant or any future applicant with regard any subsequent reserved matters application is informed that the Local Planning Authority would be seeking an appropriate open market housing mix such as:-
- 7 x 2 bed
 - 14 x 3 bed
 - 3 x 4 bed
- An appropriate housing mix is required to ensure compliance with para. 5.2.2 and Policy S3 of Herefordshire Unitary Development Plan together with the emerging Core Strategy.

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 143842

SITE ADDRESS : LAND TO THE NORTH OF THE A40, EAST OF HUNSDON MANOR, WESTON-UNDER-PENYARD, ROSS-ON-WYE, HEREFORDSHIRE

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Further information on the subject of this report is available from Mr Roland Close on 01432 261803