

MEETING:	PLANNING COMMITTEE
DATE:	13 JANUARY 2016
TITLE OF REPORT:	<p>P141964/O - SITE FOR RESIDENTIAL DEVELOPMENT OF UP TO 90 DWELLINGS WITH ACCESS, PARKING, PUBLIC OPEN SPACE WITH PLAY FACILITIES AND LANDSCAPING AT LAND OFF MADLEY ROAD, CLEHONGER, HEREFORDSHIRE, HR2 9TE</p> <p>For: Gladman Developments Ltd., Gladman House, Alexandria Way, Congleton Business Park, Congleton, Cheshire CW12 1LB</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=141964&search=141964
Reason Application submitted to Committee – Redirection	

Date Received: 3rd July 2014

Ward: Stoney Street

Grid Ref: 344626, 237646

Expiry Date: 30th September 2015

Local Member: Councillor SD Williams

Introduction

The applicants have appealed against non-determination; the application having been held in abeyance pending an outcome to deliberations between the applicant and Welsh Water concerning the ability of the local Wastewater Treatment Works to accommodate foul flows arising from the development. The application is being presented to the Planning Committee for Members to confirm the refusal reasons as set out below which will be defended at the appeal.

1. Site Description and Proposal
 - 1.1 Outline planning permission with all matters bar access reserved is sought for the erection of up to 90 dwellings on land between the B4349 and B4352 Kingstone and Madley Road, Clehonger. Clehonger is also defined as a main village in the Core Strategy, where proportionate growth may be sought over the plan period.
 - 1.2 The site lies immediately adjacent to the settlement boundary for Clehonger bound to the south by the B4349 and to the north by the B4352 Madley Road.
 - 1.3 The site lies in open countryside on the west side of Clehonger, a small to medium-sized village about 4km south west of the outskirts of Hereford City. Much of Clehonger is a recently developed community south of the B4349 and B4352 roads, with the 'new' village sited some

1.2km from the church and the 'old' village. Parts of the church are 12th century and there are several 16th – 18th century dwellings.

- 1.4 The 'new' village is situated on the south side of a 'triangle' of land formed by the B4352 to the north, leading north-westwards to Madley, and the B4349 leading south-westwards towards Kingstone; both these settlements are approximately 3km from Clehonger. Beyond the western side of this triangle, in which the site is situated, is open and rural, gently undulating landscape between Madley and Kingstone, characterised by commons and marshlands. The site is in an area known as Gorsty Common, which reflects its traditional landscape character, and that of the wider area. However the satellite tracking station, disused airfield and industrial estates have despoiled much of the landscape in parts of the wider locality.
- 1.5 From its junction with the B4352, the north side of the B4349 is very sparsely settled, with only the occasional dwelling / farmstead, whereas the south side of the road, as it passes through Clehonger, is quite densely settled - much of this development is relatively recent. The B4349 and the hedge form a clear and distinct edge to the north west of the village.
- 1.6 The site comprises five fields situated on the southern side of the Cage Brook valley; Cage Brook is a tributary of the River Wye which lies approximately 2km to the north. The site is relatively flat adjacent to the B4349 but it then falls quickly and evenly towards the north-west, beyond which the densely-wooded brook sides slope more steeply. In this area, the land between the road and Cage Brook woodland is predominantly traditional pasture and orchard; the local field patterns appear to be remnants of medieval open-field system strips, reinforced by native hedgerow boundaries with occasional good, mature trees, predominantly oak.
- 1.7 Four of the five fields are currently down to rough pasture, grazed by sheep. The fifth contains an old orchard. The field boundaries are predominantly unmanaged, native hedges, three of which are classified as 'Important' under the Wildlife and Landscape criteria of the Hedgerow Regulations 1997. There are several good, mature trees in the site boundary hedges, but apart from the orchard there are no free-standing trees in the fields. There is currently access into the fields off the B4349.
- 1.8 The site would be served via a vehicular access at roughly the mid-point of the frontage with the B4349. The two roadside fields and the field to the immediate north-west would be developed for housing. The Development Framework Plan proposes that the existing orchard would be retained and dedicated to the community. An equipped area of play would be located in the larger parcel, as opposed to adjacent the balancing pond as originally proposed. The steeply sloping land descending to the Cage Brook is retained as nature conservation area.
- 1.9 A 2.0m wide footway is proposed on the north-side of the road linking to a pelican crossing a short distance to the west of the junction with Croft Road, with S278 works proposed in the verge to ensure continuous footway connectivity to existing pedestrian infrastructure.
- 1.10 The application is accompanied by a range of studies, including the following:
 - Planning, Design and Access Statement;
 - Transport Statement;
 - Ecological Assessment;
 - Flood Risk Assessment;
 - Landscape and Visual Impact Assessment;
 - Tree Report;
 - Foul Drainage Report;
 - Contamination Report;

1.11 The proposal has been screened against the Environmental Impact Assessment Regulations 2011 and is not considered to represent development requiring the submission of an Environmental Statement.

2. Planning Policy

2.1 Herefordshire Local Plan – Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Ensuring Sufficient Housing Land Delivery
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
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
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
ID1	-	Infrastructure Delivery

2.2 National Planning Policy Framework 2012. In particular chapters:

Introduction	-	Achieving Sustainable Development
Chapter 4	-	Promoting Sustainable Communities
Chapter 6	-	Delivering a Wide Choice of High Quality Homes
Chapter 7	-	Requiring Good Design
Chapter 8	-	Promoting Healthy Communities
Chapter 11	-	Conserving and Enhancing the Natural Environment
Chapter 12	-	Conserving and Enhancing the Historic Environment

2.3 National Planning Practice Guidance 2014

2.4 Neighbourhood Planning

Clehonger Parish Council has designated a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The Parish Council will prepare a Neighbourhood Development Plan for that area. There is no timescale for proposing/agreeing the content of the plan at this stage, but the plan must be in general conformity with the strategic content of the emerging Core Strategy. Whilst the Neighbourhood Plan is a material consideration it is not sufficiently advanced to attract weight for the purposes of determining planning applications.

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

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

3. Planning History

3.1 None on site

3.2 142349/O - Outline application for the erection of up to 80 dwellings on land between the Seven Stars PH and Gosmore Road at the east of the village – 142349/O. Members resolved to grant outline planning permission subject to planning conditions and the completion of a S106 agreement requiring a Welsh Water contribution on 16th September 2015.

3.3 140056/O - Outline application for residential development of 13 dwellings with a Committee resolution to approve at Harpacre, adjacent the junction of the B4349/B4352. The resolution was subject to resolution of the Welsh Water holding objection, which persists.

3.4 141905/O is an outline application for the erection of 4 dwellings on land adjacent Glasnant House; a site adjoining 142349/O. This application was approved on the basis a private drainage solution was feasible.

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water: Objection

The proposed development would overload the Waste Water Treatment Works. No improvements are planned within Dwr Cymru/Welsh Water's Capital Investment Programme. We consider any development prior to improvements being made to be premature and therefore OBJECT to the development.

4.2 Natural England: Objection.

Natural England has provided three consultation responses, each of which have objected to the development on the basis that there is no capacity within the Waste-water Treatment Works.

Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2010 (as amended) (Habitats Regulations)

Further to Natural England's responses to the above consultation and following your re-consultation in response to Welsh Water/ Dŵr Cymru's objection, in relation to lack of foul drainage infrastructure capacity, we would like to provide further comment.

Internationally and nationally designated sites

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the River Wye Special Area of Conservation (SAC) which is a European site. The site is notified at a national level as River Wye Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features. In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site are set out within Regulations 61 and 62 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 61 and 62 are commonly referred to as the 'Habitats Regulations Assessment' process.

The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website. <http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/> explains 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.

River Wye SAC – Objection - Further information required

Natural England understands that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects.

We understand that your assessment concludes that your authority cannot rule out the likelihood of significant effects arising from the proposal, either alone or in-combination. On the basis of information provided, Natural England advises that there is currently not enough information to rule out the likelihood of significant effects. Natural England therefore advises that your authority should not grant planning permission at this stage.

Uncertainties remain relating to effects that may become significant when considered in combination with other plans or projects.

The planning application proposes to connect foul drainage to mains sewer. The outfall from the Wastewater Treatment Works (WWTW) goes into the Cage Brook; a tributary of the River Wye SAC/SSSI. Welsh Water/ Dŵr Cymru has objected to both proposals as they would overload the WWTW. There is therefore currently uncertainty on how foul drainage will be disposed of. In terms of Habitats Regulations to be able to rule out a significant effect on the River Wye SAC there needs to be certainty on how the foul sewage will be disposed of.

Natural England recommends that any information gaps should be met by the formal submission of information, so that the project as a whole, i.e. as submitted with all information and measures to protect the European site, can be screened to check whether the likelihood of significant effects can be ruled out.

River Wye Site of Special Scientific Interest (SSSI) – objection - further information required.

Please see section above. Our concerns regarding the River Wye SSSI are the same as those for the River Wye SAC.

Cage Brook Valley SSSI - objection further information required.

We confirm that Cage Brook Valley SSSI includes Cage Brook watercourse. Part of the SSSI is notified for damp alder *Alnus glutinosa* woodland which occurs in the areas immediately adjacent to the Cage Brook. The soils wetness and nutrient status determine what species may occur; therefore a change in nutrient levels could affect the vegetation community and therefore the notified features. Outfall from the WWTW goes into the Cage Brook. If the proposals are granted permission and the situation regarding capacity of the WWTW is not resolved, then there is likely to be an adverse impact on the SSSI.

As a result Natural England objects to these developments on the grounds that the applications, as submitted, are likely to damage or destroy the interest features for which Cage Brook Valley SSSI has been notified.

Should the application change, or if the applicant submits further information relating to the impact of this proposal on the SSSI aimed at avoiding the damage likely to be caused, Natural England will be happy to consider it, and amend our position as appropriate. We look forward to hearing from you.

If your Authority is minded to grant consent for this application contrary to the advice relating to the Rive Wye SSSI and Cage Brook Valley SSSI contained in this letter, we refer you to Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended), specifically the duty placed upon your authority, requiring that your Authority;

- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice, and
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

4.3 Environment Agency: The site is within Flood Zone 1 and standing advice would apply in that regard. However, in the light of the foul capacity issue further advice has been sought and the EA has confirmed the following:-

"The Cage is failing to meet some of its Water Framework Directive (WFD) objectives for water quality and the Sewerage Treatment Works is a contributing causal factor. DCWW are considering their WFD schemes for Asset Maintenance Programme 6, and also schemes for AMP7 to address the challenges presented to them by the Nutrient Management Plan. DCWW have offered the developer the opportunity to fund a Development Impact Assessment for their development which would then allow a discussion between them and the developer about how their development might be accommodated and when. As you are aware our policy is that developments in sewered areas should go to the sewer."

Internal Council Consultees

4.4 Conservation Manager (Landscape): Objection

The proposal is to build up to 90 dwellings on the 5.23ha site which comprises five fields, one of which is an orchard (the site is described in section 3 below). The indicative plans show three of the five fields being built on, with the northernmost field retained as public open space and nature conservation area, and the orchard retained and offered for use by the community. A new access would be created off the B4349 road.

Small breaks in some of the hedges would be required for internal access roads within the site and to accommodate a new public right of way. Over half of the hedge along the B4349 would have to be removed to facilitate the new access. A new hedgerow is proposed to partially replace it. Almost all of the existing trees would be retained. A balancing pond is proposed to the north of the site.

Recommendations for biodiversity enhancements are set out in the ecological report.

Site and Surrounding Area

The site lies in open countryside on the west side of Clehonger, a small to medium-sized village about 4km south west of the outskirts of Hereford City. Much of Clehonger is a recently developed community south of the B4349 and B4352 roads, with the 'new' village sited some 1.2km from the church and the 'old' village. Parts of the church are 12th century and there are several 16th – 18th century dwellings. In 1901 the population of Clehonger was 430 and today it is about 2,500. The 'new' village is situated on the south side of a 'triangle' of land formed by the B4352 to the north, leading north-westwards to Madley, and the B4349 leading south-westwards towards Kingstone; both these settlements are approximately 3km from Clehonger. Beyond the western side of this triangle, in which the site is situated, is the open and rural, gently undulating landscape between Madley and Kingstone, characterised by commons and marshlands. The site is in an area known as Gorsty Common, which reflects its traditional

landscape character, and that of the wider area. However the satellite tracking station, disused airfield and industrial estates have despoiled much of the landscape in parts of the wider locality.

From its junction with the B4352, the north side of the B4349 is very sparsely settled, with only the occasional dwelling / farmstead, whereas the south side of the road, as it passes through Clehonger, is quite densely settled - much of this development is relatively recent. The B4349 and the hedge form a clear and distinct edge to the north west of the village.

The site comprises five fields situated on the southern side of the Cage Brook valley; Cage Brook is a tributary of the River Wye which lies approximately 2km to the north. The site is relatively flat adjacent to the B4349 but it then falls quickly and evenly towards the north-west, beyond which the densely-wooded brook sides slope more steeply. In this area, the land between the road and Cage Brook woodland is predominantly traditional pasture and orchard; the local field patterns appear to be remnants of medieval open-field system strips, reinforced by native hedgerow boundaries with occasional good, mature trees, predominantly oak.

Four of the five fields are currently down to rough pasture, grazed by sheep. The fifth contains an old orchard. The field boundaries are predominantly unmanaged, native hedges, three of which are classified as 'Important' under the Wildlife and Landscape criteria of the Hedgerow Regulations 1997. There are several good, mature trees in the site boundary hedges, but apart from the orchard there are no free-standing trees in the fields. There is currently access into the fields off the B4349.

Landscape Character, Designations, Constraints and Potential Effects

a. Landscape Designations: The site is in 'open countryside' outside the village settlement boundary as defined in the former UDP. It has no landscape designation.

b. Landscape Character: The site's landscape character type is Principal Settled Farmlands. These are settled agricultural landscapes of dispersed scattered farms, relic commons, and small villages and hamlets, and the key primary characteristic is hedgerows used for field boundaries. The landscape of the site and surrounding area is typical of this description. In terms of settlement pattern, HC's Landscape Character Assessment states: 'Low densities of individual dwellings would be acceptable as long as they are not sited close enough to coalesce into a prominent wayside settlement pattern. Additional housing in hamlets and villages should be modest in size in order to preserve the character of the original settlement'. The overall strategy for Principal Settled Farmlands is to 'conserve and enhance the unity of small to medium scale hedged fields'. This is particularly relevant to the area in which the site is located as the field patterns are an important element of the landscape.

The adjacent Cage Brook valley is Wooded Estatelands landscape character type. This Landscape Type relies heavily upon its woodland component as the critical element in defining its character. The size, shape and composition of the woodlands are all important, being generally large, discrete woods of ancient semi-natural character and irregular or semi-regular outline. They are often associated with designed estates and parklands which are a feature of this landscape type, as is the case here (see para, c. below). The key characteristic is large, discrete blocks of woodland; the landscape in this section of the valley north of the site is typical of this description.

The area of influence of the site in the wider Herefordshire landscape is relatively limited however and in this context I agree with the findings of the LVIA that the adverse effects of development on the County's landscape character are not likely to be significant adverse.

In terms of effects on local landscape character, in section 7 the LVIA concludes that the sensitivity of the local landscape is High, and that the magnitude of impact will also be High. I

agree with this evaluation. However, in para. 7.6, the subsequent conclusion is that the overall significance of effects will only be Moderate (i.e. not significant). As no tables of criteria or matrices appear to have been provided in the LVIA it is not possible to see how the predicted level of significance was arrived at, apart from in the text at para. 7.6, which states:

"The site is well contained by vegetation the north, east and west. The southern boundary is overwhelmingly influenced by the existing urban edge of Clehonger. The change of use from agricultural to residential is considered acceptable in landscape terms".

It is not clear to me how this conclusion has been reached. It is usual practice that when a High sensitivity receptor is combined with a High magnitude of impact, the overall significance of effects will be Major Negative, i.e. significant adverse.

I do consider that the effects on local landscape character will be significant adverse, for the following reasons:

i) The proposals would result in the permanent loss of three fields which form an important and integral part of the area's traditional landscape character, and their change from pastoral land to large scale built form. The retention of the orchard, the northernmost field as public open space and the majority of the trees and hedgerows does reduce the significance of effect to some degree, especially as it retains the pattern of the fields, but this does not compensate for the loss and change.

ii) A modern housing estate of up to 90 dwellings on the proposed site would not be in keeping with the wider landscape types' characteristics (for which see above). It would not be modest in size but very large in the context of the existing settlement, and would indeed 'coalesce into a prominent wayside pattern' in an area which has traditionally been pastoral land / orchard beyond the road which forms a distinct edge to the village, abutting historic parkland. It would extend into open countryside and would not fit with the shape of the existing settlement, which is almost completely contained within the boundaries created by the surrounding roads.

iii) In the context of the existing village-scape, development on the north side of the B4349 is uncharacteristic. Figure 02 - Context Plan in the Design & Access Statement shows clearly how built development of anything beyond a small domestic scale is absent on the north side of the B4349.

iv) The roadside hedge along the southern boundary is an important local feature, defining the intrinsic rural character of the settlement at its gateway from the south west. Over half of it will be lost, and although the indicative plans state that it will be replaced (presumably behind the sightlines), it will no longer be a rural hedge but a domestic boundary with urban form behind, and the access will leave views into the development open.

v) The introduction of lighting at night would also give rise to localised adverse effects.

Incidentally, I am not convinced that a 2m wide footpath in the position indicated on the plans can be achieved without damage to the existing hedge.

c. Historic and Cultural Landscape: The 12th Century Church of All Saints, 1.8km east of the site, is a Grade I listed building; its setting is unlikely to be affected by the proposals.

There is a Grade II listed building (early 18th Century Cagebrook House with Grade II listed stables) about 300m west of the site. The landscape associated with Cagebrook House is an Unregistered Historic Park and Garden. The gardens and parkland are extensive and include a 1km long/approximately 150m wide stretch of the Cage Brook and its wooded valley slopes; their boundary is adjacent to the north-west corner of the site and is contiguous with the road along the site's northern boundary. There is extensive, dense woodland vegetation between the

site and the house and garden, and the site does not appear to be inter-visible with them so the proposals are unlikely adversely affect them; however there is the potential for indirect adverse effects on the woodland area of the park if there is an increase in human activity (litter, erosion etc.) via the local footpath network (see d. below).

The archaeological assessment notes that the fields in the area are likely to have formed part of the local agricultural landscape from at least the medieval period and subject to enclosure from the 18th century onwards (and possibly earlier). The effects of the loss of three of the five fields to development in terms of landscape character is set out above.

d. Natural Landscape and Biodiversity: The southern boundary of Cage Brook Valley SSSI (broadleaved mixed and yew woodland) lies adjacent to the site. Cage Brook Valley and Woodlands are also a Special Wildlife Site and Deciduous Woodland BAP Priority Habitat. These habitats make a very important contribution to local wildlife, landscape character, visual and public amenity and are a key element of both local and wider Green Infrastructure. In addition, Cage Brook is a tributary of the River Wye SAC / SSSI. The habitats are extremely sensitive to change, which could occur as a result of disturbance through increased human activity and the introduction of domestic pets especially cats and dogs. I note that the indicative plans show the northernmost field left undeveloped as a buffer which may reduce the significance of effects somewhat, but the potential indirect effects from the increase in activity, lighting etc. still cause me concern.

The orchard is a UK BAP Priority Habitat. The indicative plans show the orchard retained for use by the community. Certainly the retention of this valuable habitat is important, as its loss would increase the significance of adverse effects.

e. Visual and Public Amenity: Byway CH21 runs between the B4349 and the B4352 along the site's eastern boundary. There is a tall, unmanaged native hedge between the byway and the site with a high percentage of evergreens in it, and it currently acts as an effective screen. So long as it was maintained as a screen and managed in the long term, it would help to mitigate adverse effects on receptors.

Footpath CH19 lies close to the site's western boundary. The LVIA predicts a Major to Moderate Adverse effect on views from this PRoW. It links to footpaths which run through the Cage Brook valley - CH20 on the south side of the brook south west of the B4352, and EB26 on the north side of the brook, north east of the road (the latter links to footpaths along the River Wye). Due to the steep valley sides and woodland cover the site is not likely to be highly visible from these footpaths. There are several other public rights of way within 1km of the site but views from these are unlikely to be significantly affected.

On the east side of the byway there are houses which could have views of the new development from upper floor windows; houses facing the site's southern boundary would also have views of it. These receptors would also be adversely affected by lighting.

I am slightly confused about the assessment of visual effects on residential receptors. The LVIA concludes that "Overall, once the development is completed and planting established the resultant visual effects are anticipated to be moderate adverse, becoming minor where properties are set further back from the site". However, the LVIA also states that existing vegetation will be retained, which is not the case for over half of the road frontage, and that this, along with new planting, "...will mitigate any visual effects considered to be significant".

This suggests to me that effects on the receptors with views will be significant adverse until (and if) proposed mitigation becomes effective, which could take several years.

There are extensive long-distance views from the site to Hay Bluff in the west, but intervening vegetation and topography suggest that middle to long-distance views towards the site would be limited and the proposals would not have more than small adverse effects in this regard.

Conclusions

For the reasons set out above, I do not support the proposal for development on this site, which is likely to give rise to significant adverse effects on local landscape character and visual amenity. This would be contrary to several of the Council's CS Policies including RA2 and LD1.

- 4.5 Transportation Manager: Further correspondence with the Transport Team has addressed the concerns in relation to the visibility splays and pedestrian crossing, which is to be controlled. The site remains a concern insofar as the vehicles approaching from the south and the connectivity within Clehonger is concerned, but S106 monies and the S278 works identified will address this. The S278 will need to include the crossing and footpath connecting to the village as per the revised submitted drawing.

The S106 will need to include the improvements within the village connecting the site to the facilities such as the hall, school, etc. There is also the need to improve the gateway to the village from the south.

- 4.6 Conservation Manager (Ecology): In the absence of any new evidence or consolidated agreement between the developer and water service provider concerning the treatment of foul drainage or of a definitive time-scale for providing such, I must still conclude that there will be a Likely Significant Effect on affected watercourses feeding the R. Wye Special Area of Conservation and SSSI. I would not support any approval on this basis until a resolution is found to the problem.

- 4.7 Land Drainage Officer: No objection subject to conditions

Overall Comment

Overall, for outline planning permission, we do not object to the proposed development on flood risk and drainage grounds. However, all new drainage systems for new developments must meet the new National Standards for Sustainable Drainage (currently in draft) and will require approval from the Lead Local Flood Authority (Herefordshire Council). Therefore, should the Council be minded to grant outline planning permission, we recommend that the submission and approval of detailed proposals for the disposal of foul water and surface water runoff from the development is included within any reserved matters associated with the permission. The detailed drainage proposals should include:-

- Provision of a detailed drainage strategy that demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features;
- Evidence that the Applicant has sought and agreed permissions to discharge foul water and surface water runoff from the site with the relevant authorities;
- Evidence that the Applicant has sought and agreed allowable discharge rates for the disposal of foul water and surface water runoff from the site with the relevant authorities;
- Evidence that the Applicant is providing sufficient on-site attenuation storage to ensure that site-generated surface water runoff is controlled and limited to agreed discharge rates for all storm events up to and including the 1 in 100 year rainfall event, with a 30% increase in rainfall intensity to allow for the effects of future climate change;
- Demonstration that appropriate pollution control measures are in place prior to discharge.

In addition, it is recommended that the Applicant provides a confirmation from Welsh Water that additional foul flows from the development can be accommodated in the existing public foul water sewers.

- 4.8 Conservation Manager (Archaeology): No objection. Standard archaeological planning condition E01/C47 should be utilised in order to secure a precautionary watching brief during works
- 4.9 Housing Development Manager: No objection. Details of tenure split and type will need to be agreed either via planning condition or S106.
- 4.10 Parks & Countryside Manager: No objection

These revised comments are made in light of the Core Strategy Policy requirements and POS, Play and Outdoors sports needs and take account of the amended plans submitted by the applicant.

Core Strategy Policies OS1: Requirement for open space, sport and recreation facilities and OS2: Meeting open space and recreation needs.

In accordance with Core Strategy OS1 and OS2, open space provision will be sought from all new residential development and considered on a site by site basis in accordance with all applicable set standards of quantity, quality and accessibility which in this instance are set out below. In this instance on site provision is required using the following standards of provision:

- Local Evidence: Herefordshire Open Space Study 2006: data for amenity public open space has not changed significantly and it is still considered to be accurate. This recommends POS should be at a rate of 0.4ha per 1000 population.
- Local Evidence: Herefordshire Play Facilities Study and Investment Plan 2012 and National Evidence: Fields in Trust Guidance: These recommend children's play at a rate of 0.8ha per 1000 population. Of this 0.25ha should be formal equipped play.
- Local: Playing Pitch Assessment 2012 and update 2014, Outdoor Sports Investment Plan (draft) and National Evidence: Fields in Trust Guidance: These recommends outdoors sports provision of between 1.4 and 1.6ha per 1000 population and where future investment in outdoor sport should be directed to maximise the benefits to the local community.

*please note this information will form the basis of a separate SPD on POS standards currently being prepared.

For 90 houses and at a population rate of 2.3 per house (207 persons) the developer should provide as a minimum the following on site provision.

On-site provision - Children's Play and POS

- POS:
@ 0.4ha per 1000 population equates to 0.08ha (800sq m)
- Children's play area:
@ 0.8ha per 1000 population equates to 0.16ha (1600sq m) of which 0.05ha (500sqm) should be formal equipped play and 1100sq m should be informal
- Outdoor Sports: There is no requirement either on or off-site for a contribution towards outdoor sports facilities. Clehonger has no existing outdoor sports clubs or facilities in the village and in accordance with the Playing Pitch Assessment for the Hereford Area 2012 there is no identified latent demand which is further supported in the

developing Investment Plans. Therefore we would not be seeking any formal on or off site contribution

Total on-site requirement:

- 0.24ha of which 0.5ha should be formally equipped.

As per my previous comments, the provision on-site of formal play, in accordance with the Play Facilities Study and Investment Plan 2012, will help meet local deficiencies and its location away from the balancing pond area has been considered in the light of local concerns including those of the Parish Council and therefore the overall design is supported.

The proposal includes substantial on site open space, both formal and informal and in addition areas of nature conservation and a balancing pond area which could both provide informal recreation opportunities if designed accordingly.

A total of 0.9 ha is to be provided on site to include:

- Formal Play: 0.04ha
- POS: 0.86ha

In total this is in excess of policy requirements and although the formal provision is slightly shy of policy requirements given the opportunity for informal recreation, community orchards and wildlife/biodiversity then the scheme can be supported. Along with this the applicant should consider natural play opportunities, provision of a kick-about for older children and should deliver a good quality high play value play area on site.

Future Maintenance

It is noted in the Design and Access statement that the POS will be offered for adoption by Herefordshire Council. Herefordshire Council no longer consider adopting POS.

To ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use the maintenance of any on-site Public Open Space (POS) should be by a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as the parish council and/or a Trust set up for the new community for example.

SuDS areas: Areas of open space on new development that include a proportionally significant area of Sustainable Drainage Scheme (SuDS) may still be adopted by the Council as part of the adoption of Highway assets on a new development subject to receipt of an appropriate "life-time" commuted management fee. This will be defined within the developing SuDS guidance and policies being written jointly with Shropshire Council.

4.11 Schools Capital and Investment Manager: A contribution will be required for Clehonger Primary School as per the draft Heads of Terms.

4.12 Public Rights of Way Manager: No objection

5. Representations

5.1 Clehonger Parish Council: Objection

Introduction and Overall Viewpoint

Whilst accepting that some development is both necessary and desirable in line with genuine need, this application would appear to constitute an opportunistic venture that is taking advantage of perceived gaps in Planning Law to achieve an outcome which cannot be seen as sustainable, or beneficial, to the community who currently reside in the Parish. To effectively

forcibly increase the number of houses in this way, within an established community, would be unwelcome and ill advised for all of the reasons identified and would necessarily lead to a reduction in the quality of services enjoyed thus far. This development would irrevocably alter the rural nature of the village and continue to exacerbate the detrimental urbanisation of green-field sites with the consequent implications for future food production and village integrity. It has been noted by the Parish Council that Gladman Developments have so far been unwilling to meet the Parish residents at a Public Meeting describing previous damage to property (cars) at venues in other parts of the Country and fear for the safety of their property due to the perception of the potentially contentious nature of the proposals. They have attended a Parish Council Meeting and answered questions, posed by residents, during the Open Session of the Meeting. Gladman have advised a number of incentives to be made to the community, such as community facilities and targeted funding, however the overall opinion given was that these in no way compensate for the loss of amenity and potential harm to the rural lifestyle chosen by the people who live in the village. The Parish Council is aware of other applications in the pipeline and this knowledge further increases the anxiety felt over the future of the Village of Clehonger.

The Parish Council objects to the application and request the Herefordshire Planning Authority to refuse it for reasons including those detailed here:-

1) Housing Need

The proposed development does not tie in with local housing need, there is no evidence that it will provide employment opportunities and it robs future generations of land for growing food. The only perceived benefit at this stage would appear to be to the applicant. This is not therefore a sustainable development in line with the National Planning Policy Framework. (The NPPF is itself a material consideration).

To quantify local housing need the following observations have been noted. Expectations in relation to the emerging Herefordshire Core Strategy (Local Development Plan) 2011 - 2031, define a growth of 18% for the Parish over the remaining period of the Plan which represents approximately 100 new houses during that entire timescale.

The proposals are deeply unpopular in the village. This reflects the views expressed in recent consultations over the Parish Plan where it was very clear that the village as a whole wanted a restrained approach to further development, with a wish to maintain Clehonger's rural nature. Feedback has shown that over a quarter of the population want no development at all and those who did accept that a moderate number of new dwellings were needed clearly rejected the idea of "big estates". It is a fact that a Herefordshire Council employee, from the Housing Department, is on record for describing a development of more than 18 houses as a "ghetto" and this was recorded in the Minutes of a Parish Council Meeting at which local housing need was being discussed.

Herefordshire Council's own recent Housing Survey, published this year, identified a need for only 8 households that wish to move to a home in the Group Parish; 2 were found to have a need for affordable accommodation, 4 were found to have a need for a home on the open market, 1 was found to have a need for private rented accommodation and 1 was found to have an undetermined need. (Source Local Housing Needs Survey for the parishes of Clehonger & Eaton Bishop).

Furthermore this particular proposed development site has geographical separations outside the boundary area and may become an isolated settlement.

2) Infrastructure

There would, potentially, be an issue with the provision of fresh water and the disposal of sewerage and foul water on the site. Current provision is known to be at capacity and the increase in demand, following this volume of new build, may prejudice the provision of these facilities for existing customers of the service.

There are questions about whether the local infrastructure can take the burden of such a large development in one go. It is known that there are already very serious issues about sewage disposal in the area with many households already relying on septic tank drainage. This fact has been acknowledged in the recent planning decision over the proposed small estate at Harpacre, Clehonger which is along the same stretch of road as this proposal. This application was opposed by Welsh Water who currently has no plans for improving the out of date sewage treatment plant in the next five years. The level of reactive phosphates, recorded in the stream below the site at Cagebrook, has been recorded at fourteen times the desirable level limit specified in law. This potentially could contribute to the undesirable levels of phosphate which are known to be problematic in the River Wye, flowing through Hereford.

3) Roads and Transport

There are major concerns about the heavy volume of traffic and speeding traffic along the Kingstone road, with the increased likelihood of persons crossing the road and increased access and exit for vehicular traffic. Recent records indicate that there have already been 5 injury accidents and sadly, 1 fatality, on this stretch of road and it is generally perceived to be unsafe to walk or cycle along it. This is currently the main road into Hereford City for a number of outlying villages and increased volumes of traffic from growth in all villages, especially at peak times, is believed to be an unacceptable risk on what is ultimately a relatively narrow "B" classified road and with no footpath. This is evidenced by the fact that Herefordshire Council fund transport to the Kingstone Schools, for Clehonger children, in acknowledgement that it is not safe for them to walk or cycle to school.

The assertion of car numbers made by Gladman's is at a considerably lower assessment level than the national figures which report the following statistics:

Average cars per household <http://www.gloucestershireecho.co.uk/Average-household-Britain-cars-according-new/storv-20257863-detail/storv.html>

This shows an average of 2 cars per household, for the proposed site this represents circa 180 cars and given the rural nature of the site the numbers could potentially be even higher. Road safety issues also throw into question the connectivity of the village by foot or cycle. It is noted that Gladman's have included a photo of the proposed site access point off B4349. This picture would appear to have been taken from the junction of Croft Road and the B4349 in the direction of Kingstone. They have not included a photo taken of the approach to the proposed access point from the Kingstone direction which would have clearly shows how limited the view is from the Kingstone direction. The enclosed three photo's clearly show how limited the view is for motorists approaching the proposed entrance from the direction of Kingstone. No.1. Is from entrance to Shark House Barn, there is no view of the proposed entrance. No.2. Is from a point where you can first see someone at the proposed entrance trying to see if any traffic is approaching. Measured distance is 44 metres. No.3. Taken from proposed entrance, standing out in the road to see approaching traffic coming from Kingstone direction. Even if the hedge is cut back, the view will still be very restricted. Vehicles will have to pull out into the road to see.

There is concern over the current congestion experienced on the Belmont Road, with the bulk of journeys into Hereford being made along the Belmont Road for retail, employment, leisure, education and services for the foreseeable future. Bus Services have been under review, with

subsidy cuts and route restrictions being made, so it will be a necessity to use cars as opposed to other transport options. There are also the issues of young people being able to access the facilities in the City in the absence of reliable public transport.

4) Pond/Path/Playing Field

The inclusion of a Play Area in the application clearly indicates, contrary to Gladman's submission, how remote the proposed development is from the existing play area which is located in the centre of the village. The majority of existing housing being located within the bounds of the B4349 makes it safe for children to access the existing play facility without having to cross any busy roads. The Parish Council is at this time applying for grants to raise funds to upgrade the play equipment on the existing play area.

For safety reasons {the risk of children drowning} it is very unwise to have a pond adjacent to a children's play area or where they can easily access it. (Even Herefordshire Council filled in its paddling pool which was within the play area on King George 5ths Playing Field). The proposed path leading from the proposed development down towards CHI9 and CH20 would provide easy access for children into a very boggy area and onto the B4352 at a point where there is a very sharp bend {Cagebrook Bridge}. There have been numerous accidents on this bend in the past and the thought of children playing there is an accident waiting to happen. The proposed path, due to the lay of the land, will be very steep which would even limit the number of adults who could make use of it.

5) Hospital/Surgeries/Health Services

There are reported current capacity issues at both of the local surgeries Kingstone and Belmont, and at the Hereford County Hospital. Large increases in housing stock with, consequently, many more people to serve will necessarily lead to a reduced and more delayed service for all. There are currently acknowledged issues at the Accident & Emergency Department, and the inpatients service is already compromised. There are currently no plans for expansion of the Hospital, and extra provision for "end of life care" (Hospice facilities).

6) Emergency Services

It is assumed that there would need to be access for emergency services from both ends of a site of this size. How is vehicular access to both sides of the site going to be achieved when the land at the rear of the site, off the B4352, may not be available or suited to the provision of an additional roadway? There are currently budget cuts being implemented for the Police, Ambulance and Fire Services and there does not seem to be any point in increasing the demand for these to a ratio that may be likely to cause problems with service delivery and realistic crime and disorder control, for example.

7) Environment

There are grave concerns, in the Parish, over the impact of a development of this size on the SSSI sites that border and are close to the proposal site. The environmental impact of the huge increase in likely sewerage and waste water, potential for dog fouling and general denigration of habitat are likely to irreversibly compromise the areas that are highly prized for the habitats they provide for many examples of flora and fauna. These concerns are expressed in the Landscape Officer's comments, recorded above.

5.2 Eaton Bishop Parish Council (adjoining Parish):

Eaton Bishop Parish Council has considered this application and has also discussed it with the Parish Council of Clehonger. Eaton Bishop Parish Council supports wholeheartedly the

comments made by Clehonger and considers this application should be rejected as requested by Clehonger Parish Council in their response.

5.3 41 letters of objection have been received. The content is summarised as follows:-

- In conjunction with other sites this development would far exceed Core Strategy growth targets for Clehonger over the life of the emerging plan. The approval of a scheme for 80 dwellings adjoining the public house, when allied to other small-scale development, has already exceeded the minimum growth target for the parish.
- The vast majority of parishioners would support small-scale developments that allow the village to evolve gradually. Large-scale proposals change the nature and character of the village physically and socially;
- Large-scale development at Clehonger should be considered in the context of large-scale planning approvals at Kingstone. The strain on highway infrastructure and congestion on the main arterial route into Hereford should be considered;
- This development, with others, would add to the congestion on Belmont Road. It can take an hour to travel less than 5 miles into Hereford. The relief road, when constructed, would do little to alleviate this situation as Hereford is often the destination for this traffic i.e. for work, leisure, recreation etc;
- Bus services are poor, under threat and not likely to encourage people to leave the private motorcar at home. The latest return service from Hereford leaves at 21:30pm; not late enough to allow people to take in a film or socialise;
- The existing hedgerows offer effective screening during the summer, but will not be effective in screening the development from adjoining dwellings on Gosmore Road; especially from first floor;
- This scheme, with others, would generate far too many affordable houses in one go;
- It is well-known that the sewerage treatment works are at capacity. Additional flow is likely to be detrimental to conservation objectives in the Cage Brook SSSI to which the outfall from the sewage works discharges;
- The Planning Inspectorate dismissed the appeal on land at Home Farm, Belmont; a site that is more suitable to housing than this one;
- The impact of large-scale development on the wider Herefordshire infrastructure must be considered. With reductions in a number of public services, there is bound to be an effect on service provision. GP surgeries are full and difficulties in recruiting new staff are well documented. The impact on the Kingstone GP practice should be considered in the context of large-scale permissions in that village. The same impacts are likely at the County Hospital. Fire services are also under threat. How can large-scale house-building be allowed to proceed at this rate without assurances in place?
- The scheme does not appear to include any bungalows. With an ageing population and increasingly large proportion of disabled amongst the general population, bungalows should be included;
- Residents are yet to be convinced of the demand for all this housing. Houses on the open market regularly remain unsold;
- There is very little employment locally. Most occupants of this scheme will commute to Hereford or beyond. Clehonger will be a dormitory settlement or a suburb of Hereford. The rural nature of the village should be protected. This scheme is out of scale with the village and would result in the loss of important habitat;
- There is not the capacity in the local school to cater for the additional demand;

5.4 Hereford and Worcester Gardens Trust: Objection

The Executive Committee of the Hereford and Worcester Gardens Trust asked me to bring to your attention the proximity to this development to an unregistered garden landscape, forming part of the curtilage of Cagebrook House, a listed building, which is directly to the NW of the development site. The importance of the landscape is flagged-up in the Trust's Survey of

Historic Parks and Gardens in Herefordshire (2001), p. 88 but ignored in the developer's landscape report.

As the Survey indicates the garden at Cagebrook was most probably laid out in c.1780 with a picturesque water garden by the garden designer, John Davenport of Wem in Shropshire. Davenport was a pupil of 'Capability' Brown, who in the last decade of his life delegated much of his work to a number of regional assistants. Davenport seems to have operated for him in the West Midlands and Wales. His registered landscapes on both sides of the border include Nanteos and Clytha in Wales, Daylesford and Batsford in Gloucestershire, Coughton Court and Welcombe in Warwickshire, Mawley Hall, Shropshire and Kyre Park in Worcestershire. In Herefordshire he is documented at Allensmore Court and Cagebrook House. An early assessment of Davenport's work can be found in the Journal of the Picturesque Society 23 (1998), pp. 16-23.

Like his master Brown, Davenport had a reputation for the management of ornamental water and this, no doubt, brought him to Cagebrook where the Green family employed him to beautify the Cage Brook, which was already impounded to serve two watermills, thus providing several picturesque opportunities for enhancement. Some of this is still depicted on the 6" OS plan for 1887, over 100 years after its creation and is reproduced in the Survey (2001). Very little is visible today but the site remains unaffected by any subsequent development apart from tree growth and drainage.

The present development will impinge upon the setting of Cagebrook House and in the winter will be especially intrusive. Moreover, should any future owner of the estate consider restoring the water garden, the new housing would become a considerable impediment. Herefordshire Council should also bear in mind that in 2016 there will be a series of national and local events to celebrate the 300th anniversary of the birth of 'Capability' Brown, which will certainly draw attention to his work - and that of his disciples - in Herefordshire. The application should be dismissed because of its impact upon Cagebrook House, a heritage asset with an important, albeit unrecognised, historic landscape.

5.5 Herefordshire CPRE: Object. The letter raises concerns that are expressed elsewhere by the landscape officer, Parish Council and Hereford and Worcester Gardens Trust.

5.6 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

Planning Policy

6.1 S38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

6.2 In this instance the Development Plan for the area is the Herefordshire Local Plan - Core Strategy (CS). A range of CS policies, referred to at section 2.1, are relevant to development of this nature. The strategic Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the NPPF. SS1 confirms proposals that accord with the policies of the CS (and, where relevant other Development Plan

Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.

- 6.3 As per the NPPF, the delivery of sustainable housing development to meet objectively assessed needs is a central CS theme. Policy SS2 'Delivering new homes' confirms that Hereford, with the market towns in the tier below, is the main focus for new housing development. In the rural areas new housing development will be acceptable *"where it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community."*
- 6.4 Equally it is clear that failure to maintain a robust NPPF compliant supply of housing land will render the housing supply policies of the CS and by extension adopted NDPs out-of-date. Policy SS3 'Ensuring sufficient housing land delivery' thus imposes requirements on the Council in the event that completions fall below the trajectory set out in CS Appendix 4.
- 6.5 Clehonger is identified as one of the figure 4.14 rural settlements within the Hereford Housing Market Area (HMA). These settlements are to be the main focus of proportionate housing development in the rural areas. The strategy set out at CS Policy RA1 is to ascribe an indicative housing growth target for the settlements listed within each rural HMA. Within the Hereford rural HMA the indicative minimum housing growth is 18%. The position as at 1 April 2014 for Clehonger parish is set out in the table below. This expresses a minimum housing requirement to 2031 of 105, but does not take account of the 80 dwellings with a resolution for approval on land adjacent the Seven Stars (142349/O) or other small-scale developments granted planning permission or have a resolution for approval since April 1st 2014. When combined, planning permission or resolutions to approve exist for a total of 104 dwellings.

Parish/Group	Number of households in parish	% growth in Local Plan Core Strategy	Number of new houses required to 2031	Housing Completions 2011 – 2014	Housing commitments as at 1 April 2014	Total housing remaining
Clehonger	603	18	109	0	4	105

- 6.6 The preamble to RA2 – Housing in settlements outside Hereford and the market towns states: *"Within these [figure 4.14] settlements carefully considered development which is proportionate to the size of the community and its needs will be permitted."* The proactive approach to neighbourhood planning in Herefordshire is also noted and that when adopted, Neighbourhood Development Plans (NDPs) will be the principal mechanism by which new rural housing will be identified, allocated and managed. Clehonger Group Parish Council has only comparatively recently applied to designate a neighbourhood plan area. Accordingly, the Neighbourhood Plan is not presently sufficiently far advanced to be attributed weight for the purposes of decision-taking and planning applications cannot, in these circumstances, be refused because they are potentially prejudicial to the neighbourhood plan.
- 6.7 This notwithstanding, the Parish Council has made its objection to the application clear and has stated its preference for the site adjacent the Seven Stars Public House. In any event, your officers conclude that the scheme's impact on the landscape setting of the village is contrary to Core Strategy Policies RA2 and LD1.
- 6.8 However, and particularly until NDPs are adopted, RA2 is positively expressed insofar as housing proposals will be permitted where the four criteria of the policy are met. Moreover, the Inspector's Main Modification 038 confirms that in the period leading up to the definition of

Further information on the subject of this report is available from Mr E Thomas on 01432 260479

appropriate settlement boundaries i.e. until such time as NDPs define a settlement boundary, the Council will “*assess any applications for residential developments in Figure 4.14 and 4.15 against their relationship to the main built up form of the settlement.*” Thus with the NDP not yet attracting weight, policy RA2 is key to assessment of planning applications that deliver housing in the rural settlements.

6.9 Policy RA2 states that housing proposals will be permitted where the following criteria are met:

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

6.10 Thus it can be seen that RA2 requires assessment of the development proposed against the size, role and function of the village, location relative to the main built form and that the scheme is high quality and sustainable, making a positive contribution to the surrounding environment and its landscape setting. Brownfield land should be utilised where possible and schemes should promote the range and type of housing that is required locally. The impact of the development on the landscape setting of the village is considered one of the two principal issues concerning the determination of this application.

Impact on the Landscape Setting of Clehonger

6.11 Clehonger is, as the Landscape Officer describes, a recently developed community south of the B4349 and B4352 roads, with the 'new' village sited some 1.2km from the church and the 'old' village. Insofar as the site is adjacent the former UDP defined settlement boundary the site can, from a desk-top analysis, be seen as adjacent the main built up area. This is in accordance with the second requirement of criterion 1 of Policy RA2. However, this criterion also requires that design and layout should reflect the “*size, role and function*” of each settlement; whereas criterion 3 demands that development results in high quality, sustainable schemes which are “*appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting.*” In this regard the landscape specific CS Policy LD1 is also relevant, directing that development proposals should, *inter alia*, “*demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas*”.

6.12 The Landscape Officer considers the proposal would be ‘very large’ in the context of the existing settlement, and would ‘coalesce into a prominent wayside pattern in an area which has traditionally been pastoral land / orchard beyond the road which forms a distinct edge to the village, abutting historic parkland. It is concluded that the development would extend into open countryside and would not fit with the shape of the existing settlement, which is almost completely contained within the boundaries created by the surrounding roads’.

6.13 In the context of the existing settlement pattern, development on the north side of the B4349 is uncharacteristic. Mapping shows clearly how built development of anything beyond a small domestic scale is absent on the north side of the B4349. In this respect, and whilst each application should be determined on its own merits, officers consider that a clear distinction may be drawn between this site and the land adjoining the Seven Stars PH.

- 6.14 The roadside hedge along the southern boundary is an important local feature, defining the intrinsic rural character of the settlement at its gateway from the south west. Over half of it will be lost, and although the indicative plans state that it will be replaced (presumably behind the sightlines), it will no longer be a rural hedge but a domestic boundary with urban form behind, and the access will leave views into the development open.
- 6.15 The landscape officer concludes that the development is unacceptable for these reasons and that the development is contrary to Core Strategy policies RA2 and LD1 accordingly.

Foul Drainage and Associated Impacts on Ecological Interests

- 6.16 The preamble to CS Policy SD4 'Wastewater treatment and river water quality' states that the quality of Herefordshire's main rivers and their tributaries is of strategic importance and in particular, current unacceptable levels of nutrients along part of the rivers need to be addressed. This is important to the overall environmental objectives of the Core Strategy.
- 6.17 The River Wye, to which outfall from the Clehonger WwTW eventually flows, is a SSSI and designated as a Special Area of Conservation (SAC). The Cage Brook is also a SSSI. Both levels of designation require efforts to be made to ensure the whole system, or catchment, achieves and then remains resilient in terms of supporting river habitats consistent with policy LD2 (Biodiversity and geodiversity). The Environment Agency has responsibility for water quality and ecological objectives set by European Directive 2000/60/EC, the 'Water Framework Directive,' which applies to surface waters and groundwater, and is preparing a River Basin Management Plan to deliver these. Natural England has responsibility for ensuring SSSIs and SACs achieve 'favourable condition.' Currently parts of the river SSSIs are in unfavourable condition although some are recovering. All public bodies have a duty to contribute towards meeting these targets.
- 6.18 Policy SD4 is clear that development should not undermine the achievement of water quality targets for rivers within the county, in particular through the treatment of wastewater. In the first instance developments should seek to connect to the existing mains wastewater infrastructure network. This approach is consistent with NPPG. Where this option would result in nutrient levels exceeding conservation objectives targets, in particular additional phosphate loading within a SAC designated river, then proposals will need to fully mitigate the adverse effects of wastewater discharges into rivers caused by the development. This may involve, as was the case at the Seven Stars, the use of developer contributions to facilitate improvements to the waste water treatment works.
- 6.19 In the case of development which might lead to nutrient levels exceeding the limits for the target conservation objectives within a SAC river, planning permission will only be granted where it can be demonstrated that there will be no adverse effect on the integrity of the SAC in view of the site's conservation objectives. Policy SD4 is therefore a restrictive policy and mirrors the NPPF at paragraph 118, which directs refusal of development which is considered likely to have an adverse effect on the relevant SSSI (either individually or in combination with other developments) unless benefits clearly outweigh the impacts that it is likely to have on the features of the site that make it of special scientific interest.
- 6.20 Taking the above-described policies and duties into account and applying it to the development at hand, officers are bound to have regard to the existing objections from Welsh Water, Natural England and the Environment Agency and the Council's own duty to ensure the favourable status of the River Wye SSSI/SAC can be ensured.
- 6.21 To this end the application has been held in abeyance pending Welsh Water's assessment of the foul sewerage system and necessary measures to improve capacity such that discharge into the Cage Brook SSSI and subsequently the River Wye SSSI/SAC fall within licence. This

assessment has concluded that significant investment is required at the Waste-water Treatment Works (WwTW). The applicant is not prepared to accept the costs and submits that Welsh Water is obligated under statute to provide capacity. Welsh Water disagree on the basis that the Asset Maintenance Programme (AMP) cannot anticipate where development will arise and that their funding has to be directed to development identified in Local Plans as a priority.

- 6.22 CS Policy SD4 does allow for consideration of non-mains drainage options, but no such alternatives have been advanced and it is assumed that none are feasible for a development of this scale.
- 6.23 Irrespective of the disagreement between Welsh Water and the developer insofar as funding WwTW improvements are concerned, the main issue in a planning context is that by virtue of insufficient capacity at the WwTW, there is a likelihood of significant effects on the SSSI/SAC, which would be contrary to planning policy and statutory duties under national and international legislation. Officers consider that the policy context is clear-cut and that the Council cannot, in the circumstances, make a positive recommendation.
- 6.24 In this case, there is again a distinction between this application and the Seven Stars, where Members will recall the applicants opted to accelerate the improvements to infrastructure via a contribution to Welsh Water as per CS Policy SD4 above. A Grampian condition was used in this instance to ensure that the extra capacity required at the treatment works for the discharge produced by that development was provided prior to the first occupation of a dwelling, thereby overcoming the above expressed ecology and biodiversity concerns.

Transport

- 6.25 Concerns have been expressed in relation to trip generation and the ability of the network to cope with additional demand. Likewise concern is expressed in relation to the intention to form the vehicular access with the B4349, where objections allege poor observance of the 30mph speed limit. The ability of pedestrians to cross the road and access village facilities on the south-side of the highway is also questioned.
- 6.26 Core Strategy Policy MT1 'Traffic management, highway safety and promoting active travel' deals with highway matters and requires that 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 or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development. Development should also promote and, where possible, incorporate integrated transport connections and supporting infrastructure (depending on the nature and location of the site), including access to services by means other than private motorised transport and encourage active travel behaviour to reduce numbers of short distance car journeys through the use of travel plans and other promotional and awareness raising activities.
- 6.27 Development should also ensure that developments are designed and laid out to achieve safe entrance and exit, have appropriate operational and manoeuvring space, accommodate provision for all modes of transport, the needs of people with disabilities and provide safe access for the emergency services and protect existing local and long distance footways, cycleways and bridleways unless an alternative route of at least equal utility value can be used, and facilitate improvements to existing or provide new connections to these routes, especially where such schemes have been identified in the Local Transport Plan and/or Infrastructure Delivery Plan. In designing schemes regard should be had to the Council's Highways Development Design Guide and cycle and vehicle parking standards as prescribed in the Local Transport Plan - having regard to the location of the site and need to promote sustainable travel choices.

- 6.28 Where traffic management measures are introduced they should be designed in a way which respects the character of the surrounding area including its landscape character. Where appropriate, the principle of shared spaces will be encouraged.
- 6.29 In response to the proposed point of access the Transportation Manager has no objection. Whilst accepting measured speeds indicate poor observance of the speed limit extending through the village, the visibility splays are acceptable in relation to measured speeds. Moreover, the Transportation Manager is content there is no quantifiable evidence to suggest that the highway network is not capable of safely accommodating the traffic generated.
- 6.30 In terms of the promotion of sustainable travel, the scheme promotes a network of internal footways and shared spaces, with pedestrian access exiting out to a signalised crossing over the main road to be delivered by the developer as part of the S278 agreement. The Transportation Manager is, on balance, persuaded that the proposal is satisfactory, although the site's location on the north side of the B4349 has presented problems in devising an acceptable crossing point on what is, for a rural area, a heavily trafficked road – and only liable to become more so.
- 6.31 Insofar as is possible and practicable the scheme is considered to accord with the relevant requirements of Policy MT1.

Other Matters

Heritage Assets

- 6.32 There are no designated heritage assets within the built up part of the village. Cage Brook House and New Mill stand 300m to the west, but given the intervening topography, officers consider that the development proposed would have an insignificant impact on the aforementioned designated heritage assets.

S106 Contributions

- 6.33 The S106 draft Heads of Terms are appended to the report. A restriction is also imposed requiring the provision of on-site public open space. A maintenance contribution towards the management of on-site public open space and SUDs system, if adopted by the Council, will also be required. The contributions have not yet been agreed. If Members are minded to refuse the application, a reason for refusal is proposed on the basis that a S106 agreement is not yet signed.

Impact on Adjoining Residential Amenity

- 6.34 The application is made in outline with all matters bar access reserved. Although development would affect the outlook from properties lying adjacent, the impact on residential amenity would not, subject to appropriate detail at the subsequent RM stage, be likely to cause undue impact.

7. Summary and Conclusions

- 7.1 The application is for large-scale residential development on land adjoining the built up form of the village at Clehonger. It is, however, considered to represent development that is contrary to the existing village-scape, in that it would make a significant, detrimental incursion into pastoral land with urbanising effects and concomitant loss of historic hedgerow.
- 7.2 Moreover, the village WwTW is operating over-capacity. In the absence of agreement between Welsh Water and the applicant, a solution has not been found and the Council has had to conclude that the development would be likely to give rise to significant effects on the River Wye SSSI/SAC and its tributary the Cage Brook SSSI. Natural England objects on this basis

and the scheme is held to be contrary to Core Strategy Policies LD2 and SD4 as well as NPPF 118, a restrictive policy, which overrides the presumption in favour of sustainable development.

7.3 The application is recommended for refusal accordingly.

RECOMMENDATION

That Members are minded to refuse planning permission for the following reasons:-

- 1. The application is for large-scale residential development on land adjoining the built up form of the village at Clehonger. It is, however, considered to represent development that is contrary to the existing settlement pattern, which is almost completely contained within the boundaries created by the surrounding roads. The development would thus make a significant, detrimental incursion into pastoral land with urbanising effects and concomitant loss of historic hedgerow. The development is thus considered contrary to Herefordshire Local Plan – Core Strategy Policies RA2 and LD1 as well as Paragraph 17 of the National Planning Policy Framework.**
- 2. The village Wastewater Treatment Works is operating over-capacity with the effect that additional discharge would be likely to adversely affect the conservation status of the River Wye SSSI/SAC and its tributary the Cage Brook SSSI. In the absence of agreement between Statutory Undertaker and applicant, a solution enabling connection to the foul mains has not been found and nor has an acceptable alternative arrangement been suggested. The Council is unable to conclude that the development would not lead to a likely significant effect on the River Wye SSSI/SAC and its tributary the Cage Brook SSSI and that on this basis the scheme is contrary to Core Strategy Policies LD2 and SD4 as well as NPPF 118, a restrictive policy, which overrides the presumption in favour of sustainable development.**
- 3. A legal agreement pursuant to S106 of The Town and Country Planning Act 1990 (As Amended) has not been completed. As such there is no legal mechanism by which the Council can require the payment of contributions that comply with the CIL regulations at Section 122(2) (b) or properly regulate the delivery, construction and occupation of the affordable dwellings. These measures are necessary to make the development acceptable and the financial contributions are considered fairly related in scale and kind with the proposal. The absence of an agreement is in conflict with Herefordshire Local Plan – Core Strategy Policy ID1, the Council’s Planning Obligations Supplementary Planning Document and guidance set out in the National Planning Policy Framework 2012.**

INFORMATIVES:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

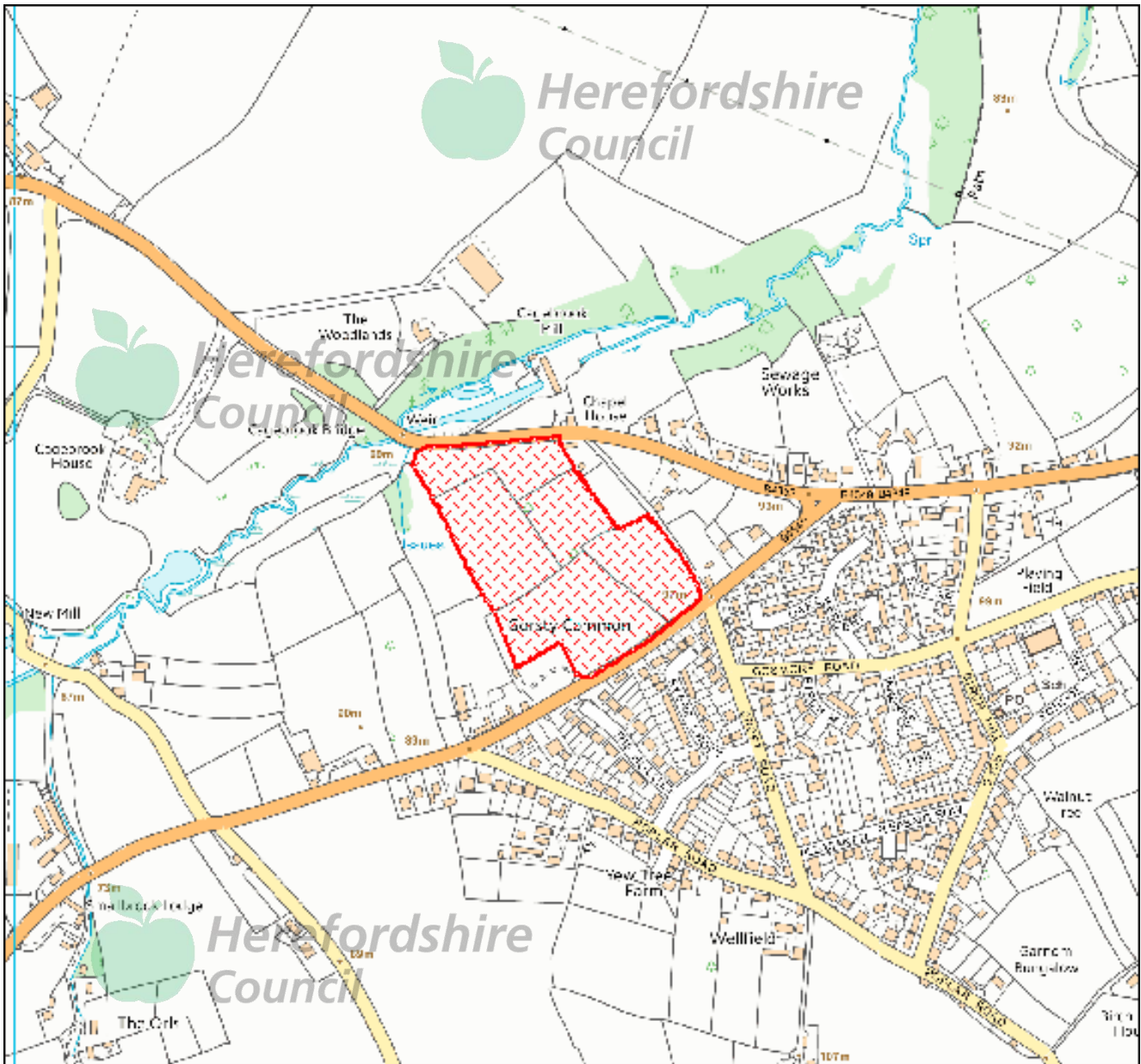
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: 141964/O

SITE ADDRESS : LAND OFF, MADLEY ROAD, CLEHONGER, HEREFORDSHIRE, HR2 9TE

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Further information on the subject of this report is available from Mr E Thomas on 01432 260479

DRAFT HEADS OF TERMS

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

Planning Application – P141964/O

Site address:

Land off Madley Road, Clehonger, Herefordshire, HR2 9TE

Planning Application for:

residential development of up to 90 dwellings including access, parking, public open space, play facilities and landscaping

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1st April 2008, and Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended). All contributions in respect of the residential development are assessed against open market units only except for item 3 which applies to all new dwellings.

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of (per open market unit):
 - £1,201.00 (index linked) for a 2 bedroom open market dwelling
 - £2,143.00 (index linked) for a 3 bedroom open market dwelling
 - £3,471.00 (index linked) for a 4+ bedroom open market dwelling

to provide enhanced educational infrastructure at Clehonger Primary School. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sums of (per open market unit):
 - £1720 (index linked) for a 2 bedroom open market unit
 - £2580 (index linked) for a 3 bedroom open market unit
 - £3440 (index linked) for a 4+ bedroom open market unit

to provide a sustainable transport infrastructure to serve the development. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:

- Improvements to the highway network in Clehonger to facilitate pedestrian access to the village amenities
- Improvements to the public right of way network within the vicinity of the development
- Improvements to bus passenger waiting facilities in Clehonger with the provision of shelters and dropped kerbs

Note: A footway will be required to be delivered along the frontage of the development site adjacent to the B4349, with a controlled crossing of the B4349 to the grass verge on Croft Road which will be converted to a pedestrian footway. This is necessary to make the development acceptable and will be a condition of the planning permission to be delivered through Section 278 agreement.

3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £80 (index linked) per dwelling. The contribution will be used to provide 1x waste and 1x recycling bin for each open market property. The sum shall be paid on or before occupation of the 1st dwelling
4. The developer covenants with Herefordshire Council to provide 2.15 hectares of on-site green infrastructure comprising;

- 0.86 hectares of Public Open Space which includes 0.04 hectares of formal play for toddlers, children and teenage age groups, a community orchard, amenity green space and areas of informal recreation space
- 0.54 hectare Nature Conservation Area
- 0.06 hectare Attenuation Basin
- 0.76 hectares of retained structural landscaping

The on-site green infrastructure shall be made available on or before occupation of the 1st open market dwellinghouse.

Note: This exceeds the Council's planning policy requirement for Public Open Space which would equate to 0.24 hectares.

5. The maintenance of any on-site Public Open Space (POS) will be by a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as the parish council and/or a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

NOTE: Any attenuation basin and/or SUDS which may be transferred to the Council will require a commuted sum calculated in accordance with the Council's tariffs over a 60 year period

6. The delivery of the affordable housing will be a condition of the planning permission on the following basis:
The development shall not begin until a scheme for the provision of affordable housing as part of the development on the site, has been submitted to and approved in writing by the local planning authority.

NOTE: The affordable housing shall be provided in accordance with the approved scheme which shall include:

- 1) The numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 35% of housing units;*
- 2) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;*
- 3) The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing, if no Registered Social Landlord is involved;*
- 4) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and*
- 5) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.*

Reason: To secure satisfactory affordable housing provision in accordance with policy H1 of the Herefordshire Local Plan Core Strategy 2011-2031 and the National Planning Policy Framework.

7. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, and 3 above, for the purposes specified in the agreement within 10 years of the date of payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.

8. The sums referred to in paragraphs 1, 2, and 3 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.

9. If the developer wishes to negotiate staged and/or phased trigger points upon which one or more of the covenants referred to above shall be payable/delivered, then the developer shall pay a contribution towards Herefordshire Council's cost of monitoring and enforcing the Section 106 Agreement. Depending on the complexity of the deferred payment/delivery schedule the contribution will be no more than 2% of the total sum detailed in this Heads of Terms. The contribution shall be paid on or before the commencement of the development.

10. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

Peter Clasby
Planning Obligations Manager

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