

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>18 JANUARY 2017</b>
<b>TITLE OF REPORT:</b>	<p><b>130945 - RESIDENTIAL DEVELOPMENT COMPRISING UP TO 20 DWELLINGS, INCLUDING UP TO 10 AFFORDABLE DWELLINGS WITH ASSOCIATED NEW ACCESS (VIA TUMP LANE) AND CAR PARKING ARRANGEMENTS FOR BOTH EXISTING AND PROPOSED AND COMMUNITY FACILITY AT LAND AT, TUMP LANE, MUCH BIRCH, HEREFORD, HR2 8HW</b></p> <p><b>For: LARKRISE CO-HOUSING AND HEREFORDSHIRE HOUSING LTD per Mr John Renshaw, 86 Constitution Street, Leith, Edinburgh, EH6 6RP</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=130945&amp;search=130945">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=130945&amp;search=130945</a>
<b>Reason Application submitted to Committee - Re-direction</b>	

**Date Received: 4 April 2013**

**Ward: Birch**

**Grid Ref: 349699,230575**

**Expiry Date: 2 September 2013**

Local Member: Councillor DG Harlow

## **1. Site Description and Proposal**

- 1.1 The site is accessed off the northern side of Tump Lane, a class III road (C1264) that links the A466 road and Wormelow to the south-west and the A49 (T) upslope and to the north-east. The proposed access route will be via an existing cul-de-sac of 14 dwellings, which comprises part of a much larger block of predominantly late twentieth century housing on this side of Tump Lane. The sloping site fringed by hedgerows is for grazing horses. There is a stable block on the northern end of the paddock.
- 1.2 This is an outline application with only the principle and means of access to be determined at this stage, the remaining matters will be determined at the reserved matters stage. The proposal is for 10 open market dwellings and 10 affordable dwellings that will be allocated for social rent or affordable ownership and managed by Herefordshire Housing/Larkrise in perpetuity.
- 1.3 The site comprises a sloping paddock fringed by native species hedgerow and trees on the northern, western and southern boundaries. It is open on the eastern side where it adjoins 7 existing dwellings and an informal play area and block of garages. The access route will pass between two blocks of garages. The northern block will remain, however five garages will need to be demolished on the southern side from a block of 8 garages. The original plan submitted detailed 4 garages would be demolished; this was revised following on-going discussion with the Transportation Manager.

---

Further information on the subject of this report is available from Mr Andrew Prior on 01432 261932

- 1.4 An indicative layout details three blocks of buildings bisected by a spine road. A new eastern boundary hedgerow boundary will be provided close to the line of a water mains. This indicative layout has been amended such that an area of the paddock provides an extension to the existing play area, off-site that is to the rear of an existing 10 block of 10 garages. This is in lieu of play area removed for 8 parking spaces for existing residents.
- 1.5 Five parking spaces for existing residents are proposed to replace the five garages to be demolished.
- 1.6 The application was accompanied by an Outline Landscape and Visual Assessment, Ecological appraisal, Flood risk Assessment, and Transport Assessment. The latter was updated in 2016 with details of a Safety Audit and speed survey.

## 2. Policies

### 2.1 The Herefordshire Local Plan - Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
SS6	-	Addressing Climate Change
RA1	-	Rural Housing Strategy
RA2	-	Herefordshire's Villages
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Wastewater Treatment and River Water Quality

### 2.2 NPPF

The following chapters are of particular relevance to this proposal:

- Introduction -
- Section 4 - Promoting sustainable communities
- 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
- Section 12 - Conserving and enhancing the historic environment

### 2.3 Neighbourhood Planning

The Neighbourhood Plan area for Much Birch was designated on 4 September 2013. The plan has reached Regulation 14 stage and whilst it is a material consideration it is not sufficiently advanced to attract weight for the purposes of determining planning applications.

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

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>

### **3. Planning History**

- 3.1 None

### **4. Consultation Summary**

#### Statutory Consultations

- 4.1 Welsh Water states that there are no issues as regards water supply or capacity at the treatment works subject to conditions and with particular regard to a water main that runs along the length of the eastern boundary

#### Internal Council Consultations

- 4.2 Transportation Manager: The applicant has persevered and developed a proposal that in principle is acceptable though more work is needed including a weight, speed, and parking restriction (TRO). Conditional support subject to conditions relating to Section 278 works and for a Travel Plan.
- 4.3 Conservation Manager (Landscape) states that there will be a minor localised change to the wider landscape, the new development will be viewed as an extension of the existing. Conditions recommended for habitat enhancement and softening in particular western boundary.
- 4.4 Conservation Manager (Ecology) recommends that a condition be attached in relation to habitat enhancement particularly relating to existing hedgerows
- 4.5 Conservation Manager (Parks and Countryside) recommends that contributions be made and that an equal area be provided for play space given that it is to be removed for existing residents parking. This advice was revised following a revised plan detailing an open space area on the application site that would adjoin the existing one on the housing estate. It is recommended that any contributions made, under the Planning Obligation relate to this combined area.
- 4.6 Land Drainage Manager recommends 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.

### **5. Representations**

- 5.1 Much Birch Parish Council object:

The Much Birch Parish Council objects to the planning application on the grounds of access and highway safety, paying particular regard to the access point into the Tump Lane Estate and the potential for increased traffic generation on Tump Lane. It also objects on the grounds of the impact to the existing community by way of the overbearing nature of the proposal in that existing residents are being required to make imposed sacrifices to facilitate the application.

It is therefore the wish of this Parish Council that the Planning Application be rejected.

If however the Planning Committee are minded to approve the application then the Much Birch Parish Council would be seeking the imposition of three specific conditions to safeguard residents and road users :-

- 1) The reduction in speed limit for the entire length of the road known as Tump Lane from 40mph to 30 mph
- 2) The imposition of a vehicular maximum weight limit of 17.5 tonnes
- 3) The installation of a pavement to enable safe pedestrian use of the road for its entire length

Much Birch Parish Council object (following the receipt of further plans and details)

The Much Birch Parish Council has considered the application and the amendments and has heard representation from the parish residents, concerning the application, and is minded to continue to **OBJECT** to the proposals.

The reasons for this are as previously conveyed and additionally, whilst the Parish Council acknowledges the attempts that have been made to try to make changes to the priorities of the traffic coming up towards the A49 along Tump Lane and arrangements for passing places and single file traffic, these are not believed to adequately address the issues likely to be experienced in the Lane. It is believed that the proposed arrangements will make life more difficult for the existing residents in Tump Lane, above the Estate, in terms of being able to gain access to their properties and to receive deliveries to their homes. For example near to the property known as "The Slinget", where a passing place is to be located, and a large delivery vehicle will block the passing place and so cause traffic to tail back in both directions. The Parish Council are concerned that the proposals will lead to the possible incidence of conflict between vehicular traffic and pedestrians and there are serious concerns for the safety and welfare of any wheelchair, or pushchair, users who may be forced out into a single track road and into the path of the traffic. The Parish Council are dissatisfied with the proposals relating to pedestrian safety overall.

- 5.3 34 letters of objection, together with two separate petitions appended by 21 signatures and 167 signatures and 34 letters of support have been received making the following main points:-

#### Objection

- Dangerous access onto Tump Lane, not capable of taking additional traffic (40 Cars?)
- Existing 14 dwellings part of development of 54 dwellings.
- A lot of lorries/tractors using Tump Lane have been accidents including pets killed.
- Spill over parked vehicles at top of Tump Lane associated with school
- Accident on A49 (12 October) at school crossing
- Conflict when my property is serviced as on proposed footpath
- Vehicles will cross painted lines of footpath proposed-accidents will happen
- Hedgerows /trees will grow out over new footpath.
- Loss of garaging
- Loss of play area ;conflict between parking proposed and children playing area
- Told when 51-54 Tump Lane built would be no more development
- Area used by range of animals including bats and birds
- Loss of view-Black Mountains
- Commune created; 'us and them' . Misuse of public funds
- Co -housing only worked in Totnes, no evidence will work here in smaller community
- Schools full and GP surgery also

## Support

- Community enhancement, will provide services and facilities to community will follow success of Kingstone project
- Mixture of housing tenures, including much needed affordable housing
- Accords with national and local policies
- Rat run of Tump Lane addressed by traffic calming measures
- New improved play area

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

<https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=130945&search=130945>

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

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

## **6. Officer's Appraisal**

### **Policy Context**

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

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

6.2 In this instance the 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 Core Strategy (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 Core Strategy 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 The local authority is currently failing to provide a 5 year Housing Land Supply, plus a 20% buffer, which must be met by all local authorities in accordance with paragraph 47 of the NPPF. Paragraph 49 of the NPPF states that *'relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'*.

6.5 Irrespective of the weight to be ascribed to the Core Strategy housing supply policies, it is useful to review the application in context. Much Birch is identified as one of the rural settlements within the Ross-on-Wye Market Area (HMA). These settlements are to be the main focus of proportionate housing development in the rural areas. The strategy set out at Core Strategy Policy RA1 is to ascribe an indicative housing growth target for the settlements listed within each rural HMA. Within the Ross-on-Wye HMA the indicative minimum housing growth is 14%. The minimum indicative growth target for Much Birch Parish between 2011 and 2031 is 57

dwellings. To date there have been 6 completions and 30 commitments. Therefore, this leaves a minimum number of 21 dwellings.

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. Much Birch Parish Council has not progressed the NDP. Accordingly, the Neighbourhood Plan is not presently sufficiently 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 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 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.

6.8 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.*

6.9 This proposal needs to be assessed against Policy RA2 as regards the context of the site, whether or not it is a sustainable location and makes a positive contribution to the settlement.

6.10 This application also needs to be determined in accordance with policies relating to the impact in the landscape, the biodiversity of the site, the means of access from Tump Lane, the provision of a footpath linking the site to facilities to the north and the impact on the amenity of residents living in the vicinity of the site.

6.11 The site is centrally located in the settlement of Much Birch and is, having regard to the NPPF and CS, a sustainable location as confirmed by its listing within RA2.

6.12 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 of sustainable development in the NPPF. In providing a greater supply of housing and breadth of choice officers consider that the scheme also responds positively to the requirement to demonstrate fulfilment of the social dimension of sustainable development.

## **Transport**

---

Further information on the subject of this report is available from Mr Andrew Prior on 01432 261932

- 6.13 It is stated in representations received that the existing means of access is not satisfactory. However, the proposed means of access onto Tump Lane has good visibility in both directions. Also, Tump Lane is capable of absorbing the additional traffic generated by this proposal without having an adverse impact on highway safety. The main issue though is the provision of improved pedestrian access, which will require pedestrian refuge further north on Tump lane to link existing footpaths that eventually lead up to a school crossing on the A49(T) and further on footpaths along the class I road that provide access to the medical centre and community hall. Tump Lane is already used by residents who walk to the school and medical centre and the measures proposed which have been the subject of protracted negotiation will on balance provide an improved choice of modes of transportation. This was one of the central issues with an earlier proposal, for 12 affordable dwellings, on Tump Lane. It was refused by Committee in March 2014 and subsequently dismissed at appeal on grounds of poor connectivity together with landscape impact.
- 6.14 It is stated in representations received that the parking of service vehicles on Tump Lane will be on the line of the new footpath contrary to highway safety for pedestrians. This is though already occurring and such intermittent activity needs to be viewed in the context of peak periods for traffic between 8 am and 9 am and 3pm and 4pm and does not constitute a ground for resisting development, given the significant benefits that would accrue by improving connectivity for residents seeking to reach the school and other facilities in Much Birch.
- 6.15 This proposal will provide for increased parking provision across this part of the estate, together with the option for specific on-site parking provision for 5 residences. The works proposed to Tump Lane fall within the highway verge and will therefore need to be the subject of a planning condition and Section 278 Agreement including a traffic regulation order to reduce the speed limit to 30 mph, weight restrictions, new kerbing, surfacing and line demarcation before occupation of any dwelling on the site. This factor provides a good degree of certainty in respect of the necessary off-site works needing to be completed. Therefore, whilst further details will be required, particularly at the reserved matters or detailed stage a safe access will be provided to Tump Lane and in addition significantly improved pedestrian access to the A49, as required by the provisions of Policy MT1 of the Core Strategy.

### **Ecology**

- 6.16 The main issue raised by the Council's Ecologist relates to the need for enhancement of bio-diversity as recommended in the appraisal supporting the proposal. Therefore, subject to further enhancement being carried out as recommended in a condition this proposal accords with Policy LD2 of Core Strategy.

### **S106 contributions**

- 6.17 The S106 Draft Heads of Terms are appended to the report, are CIL Regulation compliant, have been negotiated and are summarised as follows:
- 'Education Contribution' - 10 dwellings will attract this contribution. The amount due cannot be specified as the bedroom numbers are not known
  - 'Sustainable Transport Contribution' – 10 dwellings will attract this contribution. The amount due cannot be specified as the bedroom numbers are not known
  - 'Off site play' - . This contribution would be directed to the enlarged play area created.
  - At least 7 houses shall be for social rent with the remainder for intermediate tenure
  - 'Waste & Recycling' - is £80 per unit to cover the cost of the bins and will relate to all dwellings.
- 6.18 The S106 will also include provisions to ensure 50% of the development meets the definition of affordable housing, together with requisite standards and eligibility criteria.

## **Impact on Residential Amenity**

- 6.19 Representations have been received in relation to the perceived impact on residential amenity. This is with regard primarily to loss of distant views through the site. Whilst, it is acknowledged that there will be an impact on the amenity currently enjoyed, the development, notwithstanding it is only submitted in outline form, is not one that will have a direct adverse impact such as overlooking or overshadowing on existing properties given the relationship of the site to dwellings in Tump Lane and accordingly this proposal accords with the requirements of Policy SD1 of the Core Strategy

## **Recreational Area**

- 6.20 This is an issue that has been raised in both representations received and by the Conservation Manager (Parks and Countryside), with regard to the removal of existing recreational area on the estate to provide parking spaces for existing residents in the locality. This has been addressed by the applicant with the provision of a larger area, by including part of the development site. Therefore, the proposal accords with policies OS1, OS2 and OS3 of Core Strategy.

## **Foul Water Drainage and Proximity to Water Mains**

- 6.21 This is an issue that has been raised in representations received. However Welsh Water has confirmed that there is capacity for the additional foul water generated, but that foul and surface water will need to be separated and, in addition, care will be required given the proximity to an existing water mains that runs along the eastern boundary of the site. The latter can be addressed by an informative and the former by standard planning conditions.

## **Other Matters**

- 6.22 There is scepticism in respect of the type of proposed housing. This needs though to be set aside against the fact that 10 affordable housing units, predominantly for rent will be provided in a sustainable location and subject to the control of a Section 106/Planning Obligation, together with a mix of market housing.

## **Summary and Conclusions**

- 6.23 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. This is carried on in the provisions of the Core Strategy objectives which translate into policies encouraging social progress, economic prosperity and controlling environmental quality.
- 6.24 When considering the three indivisible dimensions of sustainable development as set out in the paragraph 14 of the NPPF, officers consider that the scheme when considered as a whole is representative of sustainable development and that the presumption in favour of approval is engaged. The site is within the settlement of Much Birch. Also, there is not a 5 year housing land supply at the present time. It is concluded that, as Much Birch has been identified as a settlement for growth in Policy RA2 of the Core Strategy, this proposal is not only environmentally acceptable in relation to this part of the settlement but it will also provide a significant contribution to that supply, including much needed affordable housing. It is considered to be a sustainable location with very good access to a wide variety of services and facilities particularly in Much Birch including the school and medical centre. In this respect the proposal is in broad accordance with the requirements of chapter 4 of the NPPF (Promoting sustainable travel) and choice of modes of transport.



- 6.25 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 of sustainability.
- 6.26 The proposal site is well contained within existing hedgerows, which can be enhanced, this factor will together with the established built form assist in settling the development into this sloping site.
- 6.27 Additional traffic will join the B4361 however the road is capable of taking the increased traffic volumes without having an adverse impact on highway safety as confirmed by the Council's Transportation Manager.
- 6.28 Acceptable foul and surface water drainage can be provided. There is sufficient land available for the treatment of foul drainage and surface water drainage. The latter will require careful consideration and will be the subject of the prior approval of the planning authority.
- 6.29 Ecological issues can be addressed by submission of further details for the enhancement of bio-diversity around the development site.
- 6.30 The residential amenity of residents living in the vicinity of the site will not be adversely impacted, given the separation between existing residences and the proposal site and that the orientation of the new dwellings and window placement will be addressed at the reserved matters stage.
- 6.31 Officers conclude that there are no overriding landscape, highways, drainage, amenity and ecological 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 in accordance with the provisions of the NPPF. It is therefore recommended that planning permission be granted subject to the completion of Section 106 Agreement/Planning Obligation together with appropriate 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 below and any other further conditions considered necessary by officers.**

- 1. A02 Time limit for submission of reserved matters (outline permission)**
- 2. A03 Time limit for commencement (outline permission)**
- 3. A04 Approval of reserved matters**
- 4. A05 Plans and particulars of reserved matters**
- 5. B02 Development in accordance with the approved plans**
- 6. C01 Samples of external materials**
- 7. F14 Removal of permitted development rights**
- 8. G02 Retention of trees and hedgerows**
- 9. G10 Landscaping scheme**

10. **G11 Landscaping scheme implementation**
11. **The recommendations set out in the ecologist's report dated 7<sup>th</sup> February 2013 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.**

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

**Reasons:**

**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 Policy LD2 of Herefordshire Local Plan – Core Strategy.**

**To comply with Herefordshire Council's Policy LD2 of Herefordshire Local Plan – Core Strategy in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006.**

12. **H21 Wheel washing**
13. **I16 Restriction of hours during construction**
14. **L01 Foul/surface water drainage**
15. **L02 No surface water to connect to public system**
16. **L03 No drainage run-off to public system**
17. **LO4 Comprehensive and Integrating draining of site**
18. **The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the public sewer.**

**Reason: To protect the integrity of the public sewer and avoid damage thereto.**

19. **H30 Travel Plans**
20. **H29 Covered and secure cycle storage**
21. **H17 Junction improvement/off site works.**

**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

**2. HN07 – Section 278 Agreement**

- 3** If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652.

Some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal we request the applicant contacts our Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

The Welsh Government have introduced new legislation that will make it mandatory for all developers who wish to communicate with the public sewerage system to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW). The Welsh Ministers Standards for the construction of sewerage apparatus and an agreement under Section 104 of the Water Industry Act (WIA) 1991 will need to be completed in advance of any authorisation to communicate with the public sewerage system under Section 106 WIA 1991 being granted by DCWW.

Welsh Government introduced the Welsh Ministers Standards on the 1st October 2012 and we would welcome your support in informing applicants who wish to communicate with the public sewerage system to engage with us at the earliest opportunity. Further information on the Welsh Ministers Standards is available for viewing on our Developer Services Section of our website - [www.dwrcymru.com](http://www.dwrcymru.com).

- 4** The development of the site with our water main located as shown on the attached plan will involve certain conditions which must be strictly adhered to. These are:-

1. No structure is to be sited within a minimum distance of 4 metres from the centre line of the pipe. The pipeline must therefore be located and marked up accurately at an early stage so that the Developer or others understand clearly the limits to which they are confined with respect to the Company's apparatus. Arrangements can be made for Company staff to trace and peg out such water mains on request of the Developer.

2. Adequate precautions are to be taken to ensure the protection of the water main during the course of site development.

3. If heavy earthmoving machinery is to be employed, then the routes to be used in moving plant around the site should be clearly indicated. Suitable ramps or other protection will need to be provided to protect the water main from heavy plant.

4. The water main is to be kept free from all temporary buildings, building material and spoil heaps etc.

5. The existing ground cover on the water main should not be increased or decreased.

6. All chambers, covers, marker posts etc. are to be preserved in their present position.

7. Access to the Company's apparatus must be maintained at all times for inspection and maintenance purposes and must not be restricted in any way as a result of the development.

**No work is to be carried out before this Company has approved the final plans and sections.**

**These are general conditions only and where appropriate, will be applied in conjunction with specific terms and conditions provided with our quotation and other associated documentation relating to this development.**

**(The plan referred to will be attached to the decision notice together with the above informatives in the event that planning approval is granted)**

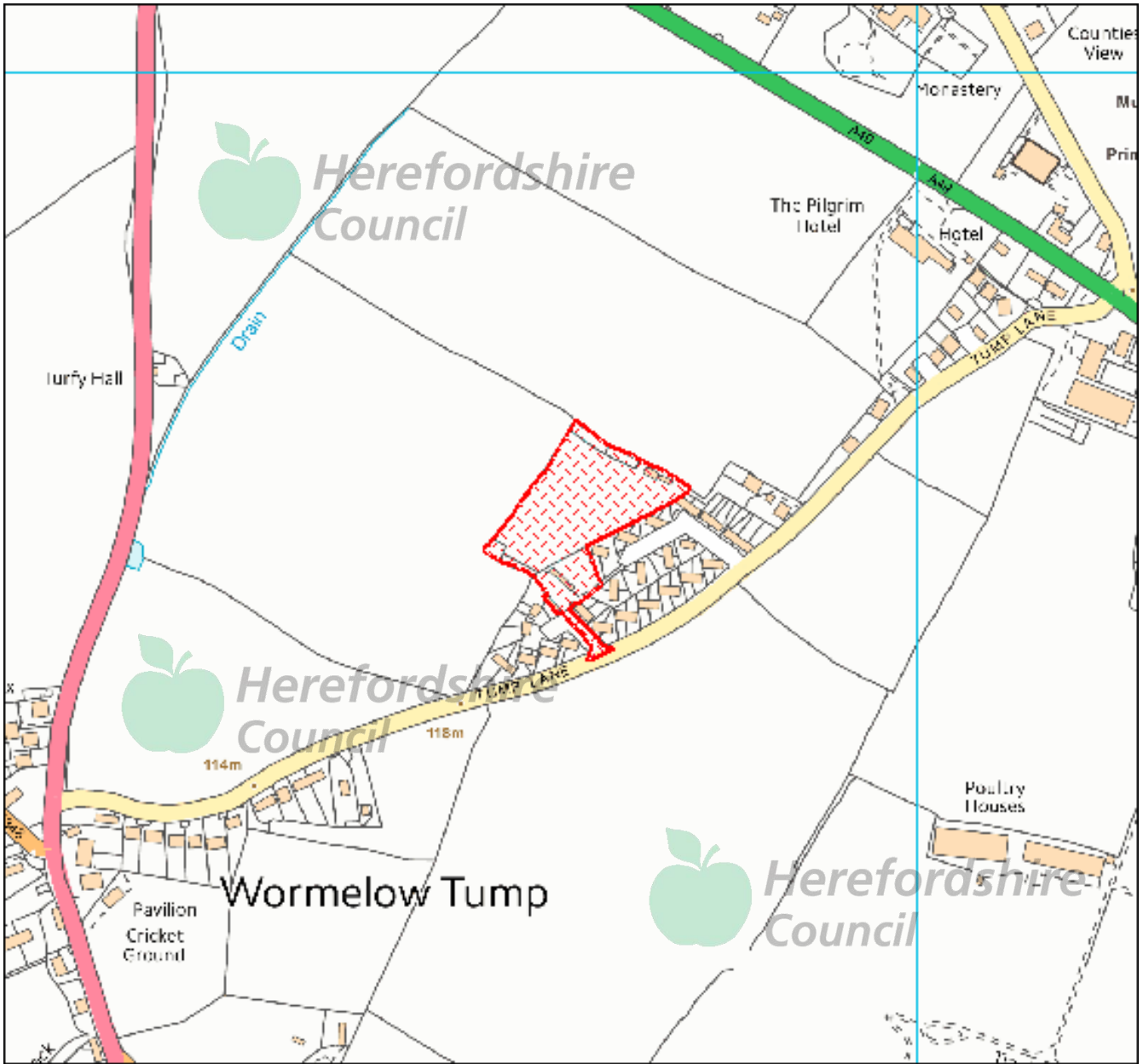
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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

**APPLICATION NO:** 130945

**SITE ADDRESS :** LAND AT, TUMP LANE, MUCH BIRCH, HEREFORD, HEREFORDSHIRE, HR2 8HW

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

Further information on the subject of this report is available from Mr Andrew Prior on 01432 261932