

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	26 AUGUST 2020
TITLE OF REPORT:	<p>191187 - OUTLINE APPLICATION FOR THE ERECTION OF 9 HOUSES AND THE IMPROVEMENT OF EXISTING ACCESS TO SERVE THE DEVELOPMENT. AT LAND BETWEEN LEEWARD HOUSE AND THE MILLENNIUM HALL, CROW HILL, UPTON BISHOP, ROSS ON WYE, HR9 7TU</p> <p>For: Mr David Greer and Mrs Montgomery per Mrs Nicola Inchbald, The Estate Office, Holdfast Manor, Holdfast, Upton Upon Severn, WR8 0RA</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=191187&search-term=191187
Reason Application submitted to Committee – Redirection	

Date Received: 2 April 2019

Ward: Old Gore

Grid Ref: 364124,226927

Expiry Date: 28 August 2020

Local Member: Councillor Barry Durkin

1. Site Description and Proposal

- 1.1 The application site is located within the village of Crow Hill in Upton Bishop two miles to the West of Ross on Wye in South East Herefordshire. The site is located between the village hall and existing residential development. The village is situated in a rural location, with a wide array of properties nearby including modern properties, listed buildings, a public house, church and village hall. The site is located within the main built form of Upton Bishop/Crow Hill, a settlement designated under Core Strategy policy RA2 for appropriate growth and is a greenfield site used for grazing. The site covers an area of approx. 0.43ha and the topography of the site slopes down towards the south.
- 1.2 Access into the site is via a short track fronting the B4211 with an existing field gate and fencing set back from the road. The boundaries of the site are marked by hedgerows and there are two semi mature trees located on the northern boundary of the site. It is noted that on the eastern boundary of the site are overhead power cables. To the west of the site is Leeward House (with planted conifer hedge) and the Millennium Village Hall (and its associated grassland) is situated to the east of the site. The heart of the village is located beyond Leeward House to the west and this is where the public house is located. Residential properties are located to the north as well as a junction between the Upton Crows Road and the B4221. To the south of the site is agricultural land.

- 1.3 The village hall, church, public house are all located within walking distance. The site is located within a 30mph zone. The roads within the area are generally single carriageway and there is a bus stop located in close proximity to the application site (on the B4211) and a bus service providing a service to Ross, Ledbury and Hereford.



Figure 1 and 2: Extract of illustrative Block Plan and Location Plan

- 1.4 There are no landscape or heritage designations on or immediately adjoining the site (demarcated by red star). The closest heritage assets being the property known as Felhampton Farm and adjacent Dovecote over 300m to the South East. These are amongst the cluster of buildings and are hatched in blue on the plan below. The listings can be seen on the Historic England website at:
Felhampton: <https://historicengland.org.uk/listing/the-list/list-entry/1301198>
Dovecote: <https://historicengland.org.uk/listing/the-list/list-entry/1099247>



- 1.5 The application is made in outline with all matters reserved (except for access) and seeks permission for the erection of 9 dwellings. The application has sought to resolve technical details in regards to highways and drainage during the application process.

- 1.6 As defined within The Town and Country Planning (Development Management Procedure) (England) Order 2015: “reserved matters” in relation to an outline planning permission, or an application for such permission, means any of the following matters in respect of which details have not been given in the application.

Access (included in this application): In relation to reserved matters, means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where “site” means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made;

Appearance: Means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;

Landscaping: In relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes —

- (a) screening by fences, walls or other means;
- (b) the planting of trees, hedges, shrubs or grass;
- (c) the formation of banks, terraces or other earthworks;
- (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
- (e) the provision of other amenity features;

Layout: Means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;

Scale: Except in the term ‘identified scale’, means the height, width and length of each building proposed within the development in relation to its surroundings;

- 1.7 This application has been supported by supporting documents in the form of:

- Amended site plan showing application area outlined in red
- Updated Transport assessment prepared by Cotswold Transport Planning dated November 2019
- Cotswold Transport Planning Plan reference CTP-18-644 Dwg SK01 Rev D. showing proposed access
- Cotswold Transport Planning Drawing reference CTP-18-644 SK06 showing Vertical Visibility Splays
- Cotswold Transport Planning Potential Traffic Calming drawing CTP-18-644 SK04 Rev A
- Planning Statement,
- Phase I Ecology report
- Drainage Strategy.

Revised drawings have been submitted during the application process in regards to additional clarification sought by the Local Highway Authority and Drainage Team.

- 1.8 No indicative layout plan has been submitted as part of the application, although it is evident that the site can adequately accommodate 9 dwellings. No proposed housing mix has been included on a plan. Although, it is acknowledged that within the planning statement the proposal seeks to provide a range and mix of houses. It is suggested that the site could potentially provide 2 bungalows, 4 starter homes and 3 family homes.

1.9 Access to the site is via a single access point off the B4211 and is considered in more detail in the officers appraisal below.

2. Policies

2.1 The following policies are considered to be relevant to this application:

Herefordshire Local Plan Core Strategy

SS1	–	Presumption in Favour of Sustainable Development
SS2	–	Delivering New Homes
SS3	–	Releasing Land for Residential Development
SS4	–	Movement and Transportation
SS6	–	Environmental Quality and Local Distinctiveness
SS7	–	Addressing Climate Change
RA1	–	Rural Housing Distribution
RA2	–	Herefordshire's Villages
RA3	–	Herefordshire Countryside
H1	–	Affordable Housing – Thresholds and Targets
H3	–	Ensuring an Appropriate Range and Mix of Housing
OS1	–	Requirement for Open Space, Sport and Recreation
OS2	–	Meeting Open Space, Sport 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 Environments and heritage assets
SD1	–	Sustainable Design and Energy Efficiency
SD3	–	Sustainable Water Management and Water Resources
SD4	–	Waste Water Treatment and River Water Quality

2.2 The National Planning Policy Framework (NPPF) has been considered in the assessment of this application. The following sections are considered particularly relevant:

- Chapter 2. Achieving Sustainable Development
- Chapter 5. Delivering a Sufficient Supply of Homes
- Chapter 8. Promoting Healthy and Safe Communities
- Chapter 9. Promoting Sustainable Transport
- Chapter 11. Making Effective Use of Land
- Chapter 12. Achieving Well-Designed Places
- Chapter 14. Meeting the challenge of climate change, flooding and coastal change
- Chapter 15. Conserving and Enhancing the Natural Environment

2.3 The Neighbourhood Development Plan is at the drafting stage. A Neighbourhood area application was received on the 5th January 2013. The NDP has no weight at this stage.

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

https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

3. Planning History

3.1 SE2000/0262/O – outline application for two new dwellings. Refused 22nd March 2000. Dismissed at appeal by decision notice dated 2nd November 2000.

- 3.2 SE2001/0385/O – outline application for the erection of one dwelling dated 15th February 2001. Refused to determine as within 2 years appeal decision and no material change in circumstances since that time- Decision issued 13th February 2001.

4. **Consultation Summary**

Statutory Consultations

4.1 Welsh Water (July 2020) – No objection

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

We acknowledge the amended details submitted regarding the proposed drainage strategy and note that there are various options to effectively drain foul water from the site, however it is not clear which option will be preferred, if a connection to the public sewer will be required and the exact point in which it will connect to the existing public sewerage network.

Therefore, if you are minded to grant planning permission we request that the following Conditions and Advisory Notes are included within any subsequent consent.

Conditions

No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate how the site will be effectively drained; the means of disposal of surface water and indicate how foul flows will communicate to the public sewerage system. Thereafter, the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further surface water or land drainage shall be allowed to connect directly or indirectly with the public sewerage system. Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

4.2 Natural England – No objection

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Notwithstanding the above, your authority should be aware of a recent Ruling made by the Court of Justice of the European Union (the CJEU) on the interpretation of the Habitats Directive in the case of Cooperatie Mobilisatie (AKA the Dutch Case) (Joined Cases C-293/17 and C-294/17).

The Cooperatie Mobilisation case relates to strategic approaches to dealing with nitrogen. It considers the approach to take when new plans/projects may adversely affect the ecological situation where a European site is already in 'unfavourable' conservation status, and it considers the acceptability of mitigating measures whose benefits are not certain at the time of that assessment.

Competent authorities undertaking HRA should be mindful of this case and should seek their own legal advice on the implications of these recent ruling for their decisions.

Natural England's advice on other natural environment issues is set out below.

Internationally and nationally designated sites

The application site is within the catchment of the River Wye which is part of the River Wye Special Area of Conservation (SAC) which is a European designated site, and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended), the 'Habitats Regulations'. The SAC is notified at a national level as the River Wye Site of Scientific Interest (SSSI) Please see the subsequent sections of this letter for our advice relating to SSSI features. In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

European site - River Wye SAC - No objection

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal. Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

River Wye SSSI - No objection

Based on the plans submitted. Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Internal Council Consultations

4.3 Principal Natural Environment Officer (Trees) – No objection

After viewing the available plans I have the following comments regarding the outline planning application for the erection of 9 houses and the improvement of existing access to serve the development.

At the frontage of the site there are two semi mature lime trees which appear to be either side of the proposed access point. At this stage it is unclear if these trees are to be retained but my preference is that they are. My understanding is that the total width of the access and footways will amount to 6m, the distance between the two lime trees is a minimum of 16m. In my opinion this should provide sufficient buffers to avoid damage and allow the access.

Both are set back from the highway and with appropriate remedial pruning can be maintain so that they don't block any views of the highway.

There are also a small number of boundary trees within the site or on adjacent land. I request that the layout plan avoids placing plots, hard standing or infrastructure within the rooting areas of any retained tree.

As part of reserved matters a BS5837:2012 report will be required to detail the quality of the trees and the potential impacts they will have on development above and below ground. The report should contain the following:

- Tree Survey
- Tree Constraints Plan
- Arboricultural Impact Assessment
- Tree Protection Plan.

4.4 Public Rights of Way Manager - No objection

There are no rights of way within the proposed site.

4.5 Team Leader Area Engineer – (January 2020) No objection

As previously stated there are concerns regarding the 85th%ile speed along the B4221. During discussions regarding these concerns, a number of traffic management proposals were submitted for review. Herefordshire Council has undertaken gateway features and implemented additional traffic management features through the county therefore It was the view that the proposals which have been implemented in Bosbury would change the environment coming into the village and reduce vehicle speed.

Whilst the visibility splay does not meet the 85th%ile speed, with the addition of the proposed traffic management provision will look to reduce the recorded 85th%ile to meet the signed speed limit. The proposed visibility splays are in excess of the signed speed limit of 30 mph.

Please condition as follows: -

- CAB - Visibility Splays – Eastbound 2.4 x 74m, Westbound 2.4 x 73m
- CAE - Vehicular access construction
- CAH - Driveway gradient
- CAJ - Parking - Estates
- CAP - Highways Improvement/off site works
- CAQ - On site roads - Submission of Details
- CAR - On site roads – phasing
- CAT - Construction Management Plan
- CAX - Direction of proposed lighting
- CB2 - Secure covered cycle parking provision
- I11 – Mud on highway
- I09 – Private apparatus within the highway
- I45 – Works within the highway
- I07 – Section 38 Agreement & Drainage details
- I05 – No drainage to discharge to highway
- I35 – Highways Design Guide and Specification

Previous comments June 2019:

Recommend refusal on the following grounds (quoting relevant paras. From NPPF and Core Strategy):-

The site is located within a 30 mph speed limit, however as shown from the submitted speed survey this is not being adhered to. The recorded 85th%ile speeds of 38.4 mph eastbound and 37.7 mph westbound are significantly higher than the signed speed.

As the recorded 85th%ile speeds are over 60kph and are significantly higher than the signed speed limit, the visibility splays should equate to 95m eastbound and 92m westbound meeting the Mfs2 desirable distances. The submitted proposals for the access cannot achieve these distances without requiring 3rd party land.

Therefore without the site meeting the required visibility splays shown above HC cannot look to support this application.

4.6 Land Drainage – No objection (July 2020)

Previous comments from the Land drainage consultant (April 2020 and July 2019) can be viewed via the following link:

24th April 2020:

<https://myaccount.herefordshire.gov.uk/documents?id=903d2d07-8883-11ea-9394-0050569f00ae>

3rd July 2019:

<https://myaccount.herefordshire.gov.uk/documents?id=defd278e-9ef9-11e9-8be4-0050569f00ad>

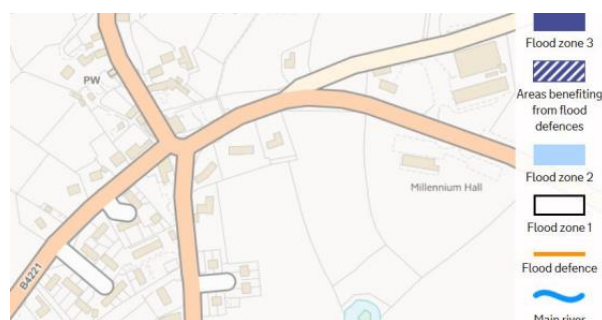
July 2020:

Overview of the Proposal

The Applicant proposes the construction of 9 dwellings. The site covers an area of approx. 0.43ha and is currently a Greenfield site. The topography of the site slopes down towards the south.

Site Location

Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), June 2019



Under our advice in July 2019 we advised that the following information should be provided within suitably worded planning conditions:

- 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;
- A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;
- 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 an appropriate increase in rainfall intensity to allow for the effects of future climate change and evidence that the Applicant is providing sufficient storage and appropriate flow controls to manage additional runoff volume from the development, demonstrated for the 1 in 100 year event (6 hour storm) with an appropriate increase in rainfall intensity to allow for the effects of future climate change;

- Results of infiltration testing undertaken in accordance with BRE365 and confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice;
- A detailed foul water drainage strategy showing how foul water from the development will be disposed of;
- Evidence that the Applicant has sought and agreed permissions to discharge foul water from the site with the relevant authorities;
- Demonstration that appropriate pollution control measures are in place prior to discharge;
- Confirmation of the proposed authority responsible for the adoption and maintenance of the proposed drainage systems.

In response to the above comments, the applicant has provided a Flood Risk and Drainage Statement (dated March 2020). A review of this additional information is provided below:

Development Description

The Applicant proposes the construction of 9 dwellings. The site covers an area of approx. 0.43ha and is currently a Greenfield site. The topography of the site slopes down towards the south.

Surface Water Management Strategy

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

✓ Information provided is considered sufficient

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

Information required	Reviewer comments	✓ ✗
Strategy		
Summary of likely ground conditions including permeability and contamination risks	Review of desk based sources (BGS and Soilsmap) indicates that soils underlying the site are freely draining. The applicant has also undertaken infiltration testing onsite in accordance with BRE365 guidance. This testing indicates that while the infiltration rates onsite where relatively low (1.49×10^{-6} m/s) they are sufficient to allow management of surface water discharge via infiltration. We agree with the tests in principle although note that these were not undertaken at the location of the proposed infiltration basin. We also note that the size of the test pit was very small compared to the size recommended by BRE365. <u>We therefore accept the tests for the purpose of outline planning, but advise that additional tests at the location and depth of the infiltration basin will be required to inform the detailed design (with information submitted to support the reserved matters application).</u> This must also demonstrate that the invert level of the infiltration basin is located a minimum of 1m above groundwater levels.	✓ (with note)
Confirmation of whether the site is located in a Source Protection Zone or Principal Aquifer	The site is not located in a source protection zone or principal aquifer.	✓
Summary of proposed surface water management strategy with supporting illustration, including location of proposed outfalls,	The applicant proposes to manage surface water runoff via porous paving and an infiltration basin. The infiltration basin will be located at the south of the site. Infiltration rates are relatively low however this has been considered by the applicant (discussed below). The provided drainage plan does not make it immediately clear how flow will be	✓ (with note)

Information required	Reviewer comments	✓ ✘
attenuation structures and/or infiltration features	directed to the infiltration basin. It is expected that this will be via the permeable paving and through the use of gullies and underground pipe systems. Given the size of the site and the proposed number of dwellings it is expected that it will not be difficult to fit a drainage system within the site. <u>As such, it is recommended that complete details of the drainage system and the positioning of gullies, pipes and areas of permeable paving in driveways and access roads is provided as part of the reserved matters application.</u>	
Demonstration that the SuDS hierarchy has been considered in accordance with NPPF and justification for the proposed method of surface water discharge	Infiltration to ground is proposed as the first solution to managing surface water drainage, demonstrating that the Suds hierarchy has been followed.	✓
Infiltration systems		
For infiltration to ground, summary of key design criteria, demonstrating sufficient space within the site to ensure no increased flood risk up to the 1 in 100 year event and allowing for climate change effects	Due to the low infiltration rate for the site the infiltration basin has been designed to accommodate the 1 in 1000 annual probability event. The applicant states that this has been done as the standard 24hr half drain time cannot be achieved. Information regarding the half drain time for smaller events (i.e. the standard 1 in 10 annual probability event) has not been provided. We agree with this approach although recommend that information regarding the drainage time for small events will need to be provided to inform the reserved matters application as these may indicate that further storage is required. Calculations for the 1 in 100 + 40% climate change annual probability event will also be required as this event may be more significant than the 1 in 1000 annual probability event.	✓ (with note)
Drawing to illustrate that attenuation structures are not located within an area at risk of fluvial flooding up to the 1 in 100 annual probability event and taking the effects of climate change into account, unless it can be demonstrated that the capacity of the drainage system will not be reduced and that any loss of fluvial flood storage can be compensated for elsewhere without increasing risk to people, property or infrastructure	The entirety of the site is situated in Flood Zone 1. As such it is not expected that the proposed infiltration basin will be affected by fluvial flooding.	✓
Exceedance		
Assessment of natural surface water flow paths through the site, noting that natural flow paths should be retained as far as practicable within a development layout, and demonstration that consideration has been given to the potential for overland flow to overwhelm the capacity of the proposed drainage system	The Flood Risk and Drainage Statement indicates that the EA's surface water flood risk maps show an area of flooding through the central-eastern area of the site generated by runoff from part of the B4211 and partly from the application site itself. This area of flooding is categorised as Low Risk with a flood depth below 300mm. The Flood Risk and Drainage Statement states that this risk will be mitigated by directing these flows along the proposed access road through the site. This may, however, overwhelm the capacity of the drainage system and infiltration basin that will only be sized to cater for surface water generated by the development. <u>As part of the reserved matters application the applicant must therefore demonstrate that this water</u>	✓ (with note)

Information required	Reviewer comments	✓ ✘
	<p><u>can be directed safely through the site to an area of low vulnerability without compromising the capacity of the site's drainage system and without posing flood risk to the development or elsewhere.</u></p> <p>The previous response by BBLP also noted that there was potential for highway gullies along the B4221 to discharge to this development site. This has not been identified by the applicant. <u>As part of the reserved matters application the applicant should investigate this potential source of flooding and demonstrate that this water can be directed safely through the site to an area of low vulnerability without compromising the capacity of the site's drainage system and without posing flood risk to the development or elsewhere.</u></p>	
Access, adoption and maintenance		
Confirmation if access or works to third party land will be required and, if so, confirmation of the party with which agreement will be required	It is not expected that third party land will need to be crossed. The proposed infiltration basin sits outside the proposed development boundary. It is however indicated that this land also belongs to the applicant.	✓
Confirmation of proposed adoption and maintenance arrangements for the surface water drainage system	The applicant has not provided details of the proposed adoption arrangements for the surface water management system. It is however expected that the system will be managed by a third-party management company. This point can be clarified as part of the reserved matters application, noting that an operation and maintenance plan will need to be submitted that also demonstrates that appropriate vehicular access to the infiltration basin will be provided.	✓

We note that a highway drain discharges into the site. The site would need to be developed to facilitate positive drainage from the adjacent highway without causing a nuisance to future landowners

Foul Water Management Strategy

The applicant has presented a revised foul drainage strategy. A connection to the public foul sewerage system is proposed. The exact connection point has not yet been identified, but Welsh Water have confirmed that there is capacity at Lower Cleeve Treatment Works.

Summary

We hold no objection to the proposed development. Should the Council be minded to grant planning permission, the following information should be provided within suitably worded planning conditions:

- 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. Additional soakaway testing to BRE 365 will be required to refine the design of the proposed soakaway basin
- A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;
- A detailed foul water drainage strategy showing how foul water from the development will be disposed of;
- Demonstration of the management of surface water during extreme events that overwhelm the surface water drainage system and/or occur as a result of blockage;

4.7 Principal Natural Environment Officer (Ecology) – No objection

As identified by Natural England and this LPA this application triggers a Habitat Regulations Assessment process. Subject to Natural England approving the appropriate assessment submitted to them by this LPA a condition to secure agreed mitigation is requested on any planning consent granted.

Habitat Regulations (River Wye SAC) – Foul- and Surface Water

All foul water shall discharge through a connection to the local Mains Sewer network; and all surface water managed through on site Sustainable Drainage Scheme (SuDS); unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Habitat Regulations (2018), National Planning Policy Framework (2019), NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2, SD3 and SD4.

The supplied ecology report is noted. The ecological working methods should be secured through a relevant condition:

Nature Conservation – Ecology Protection, Mitigation

The ecological protection, mitigation, compensation and working methods scheme, as recommended in the ecology report by Worcestershire Wildlife Consultancy dated October 2018 shall be implemented in full as stated unless otherwise approved in writing by the local planning authority

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Habitats & Species Regulations 2018 (as amended), Policy LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006

As identified in the NPPF, NERC Act and Core Strategy all developments should clearly demonstrate how they are going to achieve a net gain in local biodiversity. To secure this a relevant pre-commencement condition is requested.

Nature Conservation – Biodiversity net gain- enhancement

Prior to commencement of any construction works a detailed plan of proposed biodiversity enhancement- 'net gain' features, including significant provision for bat roosting, bird nesting, pollinating insect homes and hedgehogs, has been submitted to the local planning authority for written approval. The approved scheme shall be implemented in full and hereafter maintained unless otherwise approved in writing by the local planning No external lighting shall illuminate any new ecological feature or adjacent habitat or boundary feature; and all lighting shall support the Dark Skies principles.

Reason: To ensure that all protected species are considered and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Habitat Regulations 2018 (as amended), Policy LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006.

4.8 Environmental Health Service Manager (Noise) - No objection

Our department has been re- consulted with regard to an Addendum to Planning Statement regarding this outline proposal for 9 dwellings. Our department responds to this application with regard to noise and nuisance. I have seen the objections raised by the Millennium Village Hall Committee and other residents that the use of land in close proximity to the village hall could lead to complaints regarding noise for weddings in particular. Looking at the history of applications for

temporary event notices held by our department I can see that 13 temporary event notices have been requested in the last 4 years. In other words the weddings occur on average 3 times a year. I would have no issue regarding the proposal to develop the western half of this site for residential developments but I do acknowledge the risk that a noisy wedding could be audible for the proposed housing on the eastern side. That said, there are a minimal number of noisy events taking place each year. On balance I am not of the opinion that the land should not be subject to residential development just because of this and take the view that any refusal made by the planning authority on noise grounds would be unlikely to be upheld on appeal. Careful design and layout of the proposed housing could help to mitigate against any noise generated from a noisy event at the village hall (placing bedrooms upstairs for example with windows facing westwards)

4.9 Principal Natural Environment Officer (Landscape) – Qualified Comments/Objection

The site falls within landscape character type Principle Settled Farmlands. The site itself is an open field with hedgerow boundaries which include occasional trees. The field slopes gently from the northern boundary with the main road down towards a small pond in the adjacent field to the south. Historic maps (1919 – 1943) show that built form within Crow Hill was based around the cross roads and stretching slightly north along the B4224. Post war development has seen the village expand to the south west. In landscape terms the site provides a green open gap on the east edge of the village providing a transition to open countryside. The Millennium Hall is adjacent to the east boundary of the site but it is a unique building set well back from the road and in a large plot surrounded by open space (including car park).

Residential development is proposed for the site. This would have the negative landscape impact of extending the urban character of the village to the east, where the character is currently a transition to rural. In particular the construction of a dense development of nine buildings with associated parking and infrastructure would appear completely out of character with this side of the village. This is contrary to Core Strategy Policy LD1 because a dense development does not demonstrate that the character of the landscape and townscape has influenced the scale and site selection.

If residential development is deemed to be required on this site then at Reserved Matters stage the design and scale should reflect the transition character of this eastern side of the village and should be of lower density which would allow for more open space and protection of existing trees and hedgerows. In accordance with Policy LD1 any reserved matters should include a new landscape scheme and management plan to ensure that the development integrates appropriately into its surroundings. It is important to maintain the boundary hedgerows and trees, in particular I agree with the Tree Officer that the two small lime trees on the northern boundary contribute positively to the landscape character of the site and should be retained.

4.10 Planning Obligations Manager – No Objection

The outline application proposes the erection of 9 dwellings. This falls below the threshold for affordable housing or financial contributions towards community infrastructure. A section 106 agreement is not required.

5. Representations

5.1 Upton Bishop Parish Council: Objection (January 2020)

Upton Bishop Parish Council consider that outline planning should not be granted without surety that there is a workable solution to the technical challenges of the planning application - particularly site access, foul and surface water treatment and disposal. Both these aspects require considerable expert design input to ascertain IF there is a feasible solution, devoid of unacceptable risk, and therefore these issues should not be left as conditions to be satisfied post

approval. Our position is that currently there is insufficient detail in the application to allow an approval and on that basis the application should be rejected.

Detailed objections are stated as follows:

The proposed amendments include a traffic calming proposal for the B4221. The Parish Council have recently submitted a Traffic Calming. Proposal for the whole of Upton Bishop, not just the one small section of road that meets the needs of the developer.

Traffic calming is an issue that needs to be addressed throughout the Parish as much of the problem stems from transient traffic using Crow Hill as a shortcut between the A40, M50 and A449, together with local users and others travelling between local communities. These are busy roads. The issue is primarily one of re-educating users that the roads form part of a large community of houses with children and elderly people walking, mostly without footpaths. Whilst Traffic Calming may be welcome, simply adding calming on one small section because it suits this development is pointless and will not resolve the greater problem in the community. This is a community issue that all parishioners should be involved in, and the Parish Council have undertaken to deal with this on a Parish wide basis and involve all Parishioners in any decisions.

Traffic calming itself, will not make the access and, more specifically the egress, from this proposed development sufficiently safe. Evidence has been submitted to Hereford Council by video showing that a vehicle traveling at 28 mph in an easterly direction (away from Crow Hill) would have to take evasive action to prevent colliding with a vehicle leaving the proposed junction (this is 4.5 mph below the average speed identified in the Speed Survey). In addition, HC's own Transport Dept are declining to support the proposal and there has been no obvious change to this decision. It is unclear how the proposed changes will mitigate this issue. Having theoretical discussions about splays and surveys will have little credence and bring small comfort to anyone involved in an accident.

A further survey has challenged the data in the original road survey and vehicle speed along this section is far higher than previously thought.

The Parish Council are in discussion with Balfour Beatty and West Mercia Police about the wider issues.

The document claims this is not 'a visibility splay issue but one of speed enforcement'. This is demonstrably not the case.

The amended site plan appears to show the acquisition of land in front of Leeward House that the developer claims is in their ownership (marked in red). Has this been confirmed? Is the current owner of Leeward House aware that access to their property is across land that someone else claims to own?

The statement about a 'covenant' relating to noise being placed on all future residents is unrealistic and possibly not supportable in law. The Government's website states it is the Local Council who must issue an 'enforcement notice' if there is a complaint. Given the subjective nature of peoples' perception of noise, it is unclear how HC can prevent people from complaining as they will simply argue the noise level and time of day is not as they were led to believe. HC will not be able to simply ignore a noise complaint which is alleged to be 'Normal' as suggested.

Noise insulation is being suggested but this is irrelevant as noise will effect people in their gardens and when their windows are open. The definition of statutory noise nuisance is; "a legal term which has been developed over many years and has come to mean something which is stopping you from enjoying your property". Therefore, if the noise, in the owner's opinion, is preventing this he has the right to complain regardless of any covenant and HC have a duty to react. This could

lead to restrictions on the bookings the hall takes, use of the outdoor space at the hall, a loss of revenue and potentially a loss of the only community facility we enjoy.

In the proposals for dealing with wastewater, it is now accepted that there is no mains sewer and a Waste Water Treatment Plant is proposed within the land already owned. This would be privately owned and there is no guarantee it would be properly maintained.

If this system were to fall into disrepair, this takes no account of the adjacent landowner's pond that could become polluted as a result of any failure of this plant. What measures are proposed to ensure no contamination of this pond? In a conversation with Welsh Water, they confirmed that this would be a private Waste Water Treatment facility and not their responsibility. As such, the proposal should be referred to the Environment Agency to determine the suitability of such a scheme so close to a pond and the watercourse flowing through the site.

Given the current high levels of water across the site following prolonged rainfall, what guarantee will there be that surface water running from this site will not flood neighbouring land once it has been developed and the addition of wastewater discharge is added?

The report concludes that the benefits to the community will be environmental, social and economic. There are:

- a) No environmental benefits, in fact hedgerows and some mature trees will be lost and good RA2 land lost to development
- b) No social benefits as none of the properties are designated 'affordable' for local people that need them
- c) No economic benefits as this development will not provide any work opportunities for local people, will increase traffic in the community travelling to and from work outside of the Parish, and potentially reduce the income for the village hall.

The conclusion claims this is a sustainable development but as it is only an outline application, there is no evidence that this will be the case.

The claim in the conclusion that traffic calming is for the 'benefit of the wider community' is insulting to Crow Hill residents. It is for the purpose of trying to get this development approved and nothing else.

There is now much concern about the removal of trees and hedgerows as part of this development. It should be noted that the HC Landscape Officer has stated that this development would have a negative effect on the current rural character of the village. She also states the development 'would appear completely out of character with this side of the village'. Other Parishioners have raised similar concerns.

The conclusion is still stating that this is a development of 9 properties despite clear evidence in Map 2 on Page 20 of the Preliminary Ecological Appraisal to show there is the intention to 'add' a bungalow when it suits to increase this to 10. Ms Inchbald states that 'there is no illustrative layout to accompany the application' but on Page 1 of the original Planning Statement it clearly states; 'The proposed development is for 0.43 ha of land and attached is an illustrative layout'. No such layout was made available, but it clearly exists as it is in the Ecological Appraisal and shows 10 properties.

It is noted that the developer has expressed 'disappointment' at the lack of engagement with the Parish Council. Can we point out that since May 2019, there has been an almost entirely new Parish Council, and at no time have we been approached to discuss any of the matters relating to this development proposal (her only emails were to the Clerk back in early 2018 but nothing since).

Nicola Inchbald wrote to the NDP Chair on March 2019 (not mid-2018 as stated) and was written to by the NDP Chair on 23 April 2019 pointing out these changes. She has made no contact since

so it is hardly reasonable to state that we have not engaged with her. She would have been very welcome to attend a Parish Council Meeting and make her case to the Parishioners, an option she chose not to pursue.

We would also point out that the objections raised by the Parish Council, are those raised during public meetings attended by many parishioners and do not just reflect the thoughts of any individual on the Parish Council nor the NDP Panel as suggested. This comment is inflammatory, untrue and should be withdrawn. An appropriate apology from Ms Inchbald would also be appreciated.

This Parish Council objection is further borne out by the volume and varied objections from across the entire community. There is not a single submission of support for this development as people are all to aware of the damage it could cause our community.

This addition to our previous comments supports the community and Parish objection to this development.

5.2 Upton Bishop Parish Council: Objection (June 2019)

Objections have previously been raised to any development on this land for a variety of reasons including detracting from the rural character and appearance of the surrounding area – nothing has changed since this ruling.

The land is designated as RA3 and is currently in use and has been for many years as grazing land. The tenant would need to be served notice to quit good quality agricultural land to allow this development. A call for sites later this year as part of the NDP is hoped to yield more appropriate sites.

In the rejection of the last appeal HC cited problems associated with noise from the adjacent village hall as follows:

Numerous local people and the Parish Council have objected to the development. In addition to the main issues, they are concerned that the development, if allowed, would prejudice the full use of the village hall, the siting of which was deliberately chosen away from housing. Excessive noise and disturbance from activities associated with the use of the hall could be controlled by other legislation. But nevertheless, I agree that the location of the proposed dwellings in close proximity to the village hall, could give rise to complaints from the future occupiers of the development concerning noise and general disturbance arising from activities associated with its use.

Anything, the hall is now more frequently used for parties and weddings utilising the outdoor space, especially at weekends and during the evenings. It would inevitably lead to complaints from the new residents which will cause conflict and division in the Parish.

Although this application does not contain a drawing showing the proposed layout the ecological section shows potentially 10 properties, not 9 a clear difference with the application. 6 of these could have their rear gardens facing towards the Hall and this will inevitably cause problems associated with noise.

The proposed housing layout shows the 9 properties requested in the planning application but an additional bungalow is also located on the land which is not mentioned elsewhere. Clearly if this is a development of 10 properties, provision is required for affordable housing. It appears that the development is being engineered in such a way as to avoid this but still build 10 properties.

The piece of land is smaller than the footprint occupied by seven of the new houses/bungalows at Pomona Grove. It is unclear how ten properties, including 2/3 detached 4 bedroom houses and

a detached bungalow can fit comfortably on this site. If this is a serious application it would be reasonable to see a proper layout of the proposal.

Although the Parish NDP is still in progress, feedback from the Open Day in November (which is available on the Parish Website) indicates that developments of this size are not the preference of the Parish. A further questionnaire has been postponed to September, but this will be a chance for Parishioners to say more about how they want to see the Parish develop. This planning application pre-empts the chance the parishioners to state their preferences.

The proposal will impact on the privacy and outlook of Leeward House. The NDP steering group is keen to avoid development that impacts on existing residents in this way.

There is a huge concern that this is a part development of the field in question with only 1/3 of it being used. If the remainder were to be developed in the same way, up to 30 houses could be built. The PC does not believe that the evidence from the Open Day would justify this, but it is hard to imagine that this is not likely to happen.

Upton Bishop as a Parish is comprised of a variety of properties, many of a distinctly individual style. The addition of 4 smaller housing developments has contributed to a change of balance in Crow Hill but not detracted from its character. The oldest of these is Powell Croft with 22 properties, The Pastures is 9 properties, Spring Meadow 8 and Pomona Grove 10 including 2 flats. The addition of a large estate of ultimately up to 30 properties (25% increase) would be completely alien to the village structure and would change the visual impact completely. It also conflicts with the recent introduction of smaller developments and the desire of parishioners to see smaller 4/5 property developments in the Parish.

The land in question falls between Crow Hill and Upton Crews, the two settlement areas identified in the Core Strategy. A map showing these has been sent to the PC for ratification for inclusion with the questionnaire. The steering group is of the view that Crow Hill and Upton Crews should be clearly kept separate and this development is a step towards reducing the independent nature of the settlements and their separate identities.

The steering group was also of the opinion that open space should be maintained around the Millennium Hall and this development will encroach on this desire to be incorporating into the NDP.

None of the properties appear to have garages only parking spaces. This appears to be a way of forcing more properties into a relatively small area.

The transport report suggests there is ample opportunity for walking and cycling around the Parish. This takes no account of the hilly nature of the locale and the lack of footpaths and is a view that cannot be supported.

Egress from the site will be up a steeply ramped road exiting onto a bend that gives poor visibility in both directions. The traffic survey talks about average speeds of 32mph but takes no account of buses and cars that often travel at 40mph past this new exit.

Representations

5.3 To date a total of 33 representations have been received from local residents over a number of consultations (including comments from the village hall committee).

The contents of the objecting representations are summarised below:

- Stretch of road unsuitable and dangerous visibility. Highway safety concerns. Close to busy junction.

- No mains sewage in Upton Bishop. Sewage/drainage could affect neighbouring sites
- Drainage from the site is very poor
- Ditch at the front of site and run off for surface water
- The properties will not be in keeping with the area
- Illustrative masterplan misleading (10 not 9 listed)
- Noise from village hall, concerned about complaints to the village hall
- Village hall deliberately located away from neighbouring dwellings.
- Another application will come forward on neighbouring field
- This application is too large for the village
- Sewage will run into private pond and pollute it
- 2 houses rather than 9. Over development. Out of context. No need for the housing
- Other more suitable sites for development available
- Electricity pylons/lines over the site. Health risk.
- Village already had 10 dwellings approved. No more jobs, so site not sustainable.
- Site not sustainable. No drs surgery, shop, post office, school
- Decline in local wildlife population, ecology damage
- Houses should be built in Ledbury and Ross not villages. No need for properties
- Transport statement is factual incorrect.
- Site Lines. Forward visibility is not achievable.
- Impact on Felhampton Farm pond
- Errors in planning application form
- Leeward House – privacy concerns
- Lack of affordable housing
- Vis splay will involve loss of habitat
- Loss of privacy (Rose Cottage)
- Massing not in keeping, does not respect local context scale and proportions
- Concerns about the transport statement. Timing of survey. Where the ATC was located.

Following revised drawings/submission: new areas of concerns raised:

- Applicant will have to maintain beech hedge. If not maintained visibility will become restricted. Conditions and covenants are easily broken
- BioDisc's klargesters problems are expensive and problematic
- Concerns that the traffic speed reduction scheme will resolve the site access concerns issue. Strongly object
- No parallels can be drawn between Bosbury and Upton Bishop traffic calming No evidence this has worked at Bosbury
- Two trees roots will be disrupted
- Developers make profits and run
- 28% reduction in speed is disputed
- Poor deign implementation and ill-conceived junction
- Don't believe noise/impact from the hall can be mitigated by a condition or covenant.
- Noise spills comes also from people leaving the hall, cars arriving/leaving, children playing and marquees get erected
- The visibility splay puts 3 well established trees at risk. Attractive and add significant beautification in the approach and exit of the village. In context with area.
- Procedures have not been followed when looking at the Flood risk
- foul and surface water design considerations for the development are fundamental and have not been adequately dealt and should not be dealt with as reserved matters.

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=191187&search-term=191187

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>

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

6. Officer's Appraisal

Policy context and Principle of Development

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows "If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The NDP is only at drafting stage and as such no weight can be given to this document. The National Planning Policy Framework (NPPF) is also a significant material consideration.
- 6.3 Core Strategy Policy SS1 – Presumption in favour of sustainable development, in line with the NPPF, has a positive approach to such development. Furthermore, planning permission will be granted unless the adverse impact of the permission would significantly and demonstrably outweigh the benefits of the proposal.
- 6.4 Core Strategy Policy SS2 – Delivering new homes sets out Herefordshire is to deliver a minimum 16,500 dwellings during the plan period and that designated rural settlements play a key role in that delivery and support the rural economy, local services and facilities. Such settlements will deliver a minimum 5,600 dwellings.
- 6.5 Core Strategy policy SS6 describes proposals should conserve and enhance those environmental assets that contribute towards the county's distinctiveness, in particular its settlement pattern, landscape, biodiversity and heritage assets and especially those with specific environmental designations. Policy SS6 then states in its list of criteria that development proposals should be shaped through an integrated approach and based upon sufficient information to determine the effect upon landscape, townscape and local distinctiveness, especially in Areas of Outstanding Natural Beauty.
- 6.6 Core Strategy policy SS7 – Addressing climate change describes how developments will be required to mitigate their impact on climate change, and strategically, this includes:
- Focussing development to the most sustainable locations
 - Delivering development that reduces the need to travel by private car and encourages sustainable travel options including walking, cycling and public transport
- 6.7 Core Strategy policy RA1 – Rural housing distribution sets out the strategic way housing is to be provided within rural Herefordshire and to deliver a minimum 5,600 dwellings. Herefordshire is divided into seven Housing Market Areas (HMAs) in order to respond to the differing housing needs, requirements and spatial matters across the county. Upton Bishop lies within the Ross HMA. The figures from April 2020 indicates Upton Bishop has a deficit of 22 dwellings.
- 6.8 Core Strategy policy RA2 – Housing outside Hereford and the market towns identifies the settlements in each HMA area where both the main focus of proportionate housing development will be directed, along with other settlements where proportionate housing growth is appropriate. Upton Bishop is one of these settlements and is within the Ross HMA.

Core Strategy Policy RA2 – Housing in settlements outside Hereford and the market towns.

To maintain and strengthen locally sustainable communities across the rural parts of Herefordshire, sustainable housing growth will be supported in or adjacent to those settlements identified in Figures 4.14 and 4.15. This will enable development that has the ability to bolster existing service provision, improve facilities and infrastructure and meet the needs of the communities concerned. The minimum growth target in each rural Housing

Market Area will be used to inform the level of housing development to be delivered in the various settlements set out in Figures 4.14 and 4.15.

Neighbourhood Development Plans will allocate land for new housing or otherwise demonstrate delivery to provide levels of housing to meet the various targets, by indicating levels of suitable and available capacity.

Housing proposals will be permitted where the following criteria are met:

1. 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 they result in development that contributes to or is essential to the social well-being of the settlement concerned;
2. Their locations make best and full use of suitable brownfield sites wherever possible;
3. 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; and
4. They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlements, reflecting local demand.

Specific proposals for the delivery of local need housing will be particularly supported where they meet an identified need and their long-term retention as local needs housing is secured as such.

6.9 As detailed above the Neighbourhood Development Plan is the mechanism for setting growth as it allocates land for new housing or otherwise demonstrates delivery to provide levels of housing to meet the various targets, by indicating levels of suitable and available capacity. Upton Bishop Parish does not have a progressed Neighbourhood Development Plan.

6.10 Core Strategy Policy MT1 – Traffic management, highway safety and promoting active travel states development proposals should incorporate the following principal requirements covering movement and transportation:

1. 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;
2. 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;
3. 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;
4. 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;

5. 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; and
6. Have regard to with both the council's Highways Development Design Guide and cycle and vehicle parking standards as prescribed in the Local Transport Plan - having regard to the location of the site and need to promote sustainable travel choices.

6.11 Core Strategy policy LD1 criteria require that new development should:

- Demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, including protection and enhancement of the setting of settlements and designated areas;
- Conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including Areas of Outstanding Natural Beauty, through the protection of the area's character and by enabling appropriate uses, design and management.

National Planning Policy Framework

- 6.12 The NPPF has 'sustainable development' central to planning's remit and objectives. The NPPF also seeks positive improvements in the quality of the built, natural and historic environment and in regards people's quality of life.
- 6.13 Paragraphs 7 and 8 set out and define sustainable development and of the three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways, the social objective requires planning to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.
- 6.14 Paragraph 11 of the Framework sets out the presumption in favour of sustainable development. For decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies of the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 6.15 Footnote 7 to Paragraph 11 states that, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73). The local authority is currently failing to provide a 5 year Housing Land Supply, plus a buffer and as such Paragraph 11 is engaged due to conflict with the relevant requirements of NPPF chapter 5 'Delivering a sufficient supply of homes'.
- 6.16 Where the existence of a five year land supply cannot be demonstrated, there is presumption in favour of granting planning permission for new housing unless the development can be shown to cause demonstrable harm to other factors that outweigh the need for new housing. In reaching a decision upon new housing the housing land supply position will need to be balanced against other factors in the development plan and/or NPPF which could result in the refusal of planning permission. This site is therefore assessed and considered on its suitability as being sustainable in regards its location and material constraints and considerations.

- 6.17 Accordingly, the Council's housing land supply position regarding the NPPF does not result in the proposal being acceptable when there are both material considerations demonstrating the development should be refused or where, locally, housing supply targets can be demonstrated.
- 6.18 Paragraph 103 states: The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
- 6.19 Paragraph 109 states: Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.20 NPPF Paragraph 124 states: The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.21 Paragraph 127 outlines that planning decisions should ensure that developments:
- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 6.22 This is an application in outline form; it therefore only seeks to establish the principle of residential development for nine dwellings and the access thereto. Access as set out in the NPPG, means - the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
- 6.23 Whilst 'layout', is a reserved matter, officer's opinion is that the site can accommodate a development of 9 dwellings with an appropriate layout. Layout means - the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- 6.24 With this in mind, the application is to be considered against its compliance with policy in respect of the principle of the development and the matter of access.

- 6.25 This development will help to boost the housing supply in the locality, assisting the area in meeting their growth targets in the immediate area as well as wider county requirements.
- 6.26 Spatially when looking at the site it is appropriate to undertake an assessment against policy RA2. The site is located adjacent to the main built up part of the settlement. The pattern of development is largely linear along this part of the road but there are examples of dwellings being set further back from the roadside and it is therefore not wholly wayside. The site is closely located to the existing built form and a robust landscape boundary would be expected as part of any reserved matters application. This will be covered more in the sections below.
- 6.27 The site's location is one that is considered to be acceptable, the development of the site must be considered having regard to the other policies of the Core Strategy, and the NPPF taking into account any material considerations as appropriate

Impact upon the character and appearance of the settlement

- 6.28 The requirements of policy RA2 are underpinned by Policy LD1 Landscape and Townscape. Development proposals need to demonstrate that features such as scale and site selection have been positively influenced by the character of the landscape and townscape, and that regard has also been had to the protection and enhancement of the setting of settlements. Development proposals should also conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including locally designated parks and gardens; and should incorporate new landscape schemes and their management to ensure development integrates appropriately, through the retention of important trees, appropriate replacement of trees lost through development, and new planting to support green infrastructure. Paragraph 127 of the NPPF reinforces this further by stating that development should be sympathetic to local character including the landscape setting. Green infrastructure is also covered by Policy LD3, which requires development proposals to protect, manage and plan for the preservation of existing and delivery of new green infrastructure; and to protect valued landscapes, trees and hedgerows. Proposals will be supported where the provision of green infrastructure enhances the network and integrates with, and connects to the surrounding green infrastructure network.
- 6.29 Whilst layout is a matter for future consideration, a layout coming forward can accommodate an appropriate character and pattern of development of the immediate area and vicinity. Officers would therefore conclude that this scale of development is capable of compliance with the requirements of this policy although acknowledge that the matter of layout is one for future consideration.
- 6.30 In terms of landscape impact the site falls within a landscape character type 'Principle Settled Farmlands' and it is currently an open field with hedgerow boundaries which include occasional trees. There are no landscape or heritage designations on or immediately adjoining the site which is located between the village hall, residential development and has a road frontage.
- 6.31 Whilst it is noted and confirmed by the landscape officer the village has expanded to the south west the site does currently form a gap to the east. The landscape officer within their comments have advised the proposed residential scheme would have a 'negative landscape impact' of extending the urban character of the village to the east and has raised concerns in regards to the density of the scheme. Albeit, the officer acknowledges that at Reserved Matters stage the design and scale can reflect the transition character of this eastern side of the village.
- 6.32 Officers would consider the proposal is a relatively small scheme and this infill development can be deemed to be appropriate for this edge of settlement location. When considering the degree of adverse impact upon the landscape the land is low lying and essentially flat in character; this in conjunction with the field hedgerows and the landscape buffer along the road will reduce the visual effects of the scheme substantially. Hedgerow loss will be for the access only, and this is the case as the visibility can be achieved in front of this. Landscape and tree colleagues reference

the two small lime trees on the northern boundary contribute positively to the landscape character of the site and should be retained. However, the fence (and trees) on the northern boundary of the site are not with the applicant's ownership.

- 6.33 It is referenced in the planning statement an area of the site is under power lines and the intention is this area will be undeveloped. It is apparent there are views from the road edge across the application site to open countryside. Officers recognise the previous decisions on the site and the subsequent dismissed appeal (back in 2000), which concluded development would have the undesirable effect of extending the settlement eastwards by creating a ribbon of development south of the B4221 and would detract significantly from the rural character and appearance of the area, and would be exacerbated by the prominence of the site in views from the south. However, critically it was evident back in 2000 the site was looked at as being within 'open countryside' and outside of the defined settlement boundary of Upton Bishop and the plan policies at this time looked to restrict such development.
- 6.34 The site does conform with current plan policy RA2 and would appear to form a natural extension to the settlement. As such it is considered that it is a naturally contained site and will not have wider implications in regards to projecting, in an unrestrained inappropriate manner, into open countryside. Landscaping is a matter reserved for future consideration.
- 6.35 In conclusion, officers are satisfied that the development lies in a position that relates well to the existing built form, is contiguous and can be achieved without causing unacceptable landscape impacts. The detail of the landscaping should form part of the reserved matters submissions and can be secured via a condition and it will be necessary to give careful consideration to any reserved matter application to ensure that the landscape character is taken into account at design stage.
- 6.36 Officers are satisfied that, on the basis of the information provided, a scheme can be delivered that accords with Policies LD1 and LD3 of the Core Strategy.

Highways (Access and parking)

- 6.37 Core Strategy policy MT1 of the Herefordshire Local Plan, requires development proposals to demonstrate that the strategic and local highway networks can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce or mitigate any adverse impact from the development. Developments should also ensure that proposals are designed and laid to achieve safe entrance and exit, and have appropriate operational and manoeuvring space. NPPF Policies require development proposals to give genuine choice as regards movement. Core Strategy policy SS4 requires developments to minimise the impacts on the transport network. NPPF 103 requires Local Planning Authorities to facilitate the use of sustainable modes of transport and paragraph 108 refers to the need to ensure developments generating significant amount of movements should take into account whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken on the transport network or impact on highway safety can be mitigated. Development should only be prevented or refused on transport grounds where the 'residual cumulative impacts of development are severe.' (NPPF para 109).
- 6.38 The site is currently accessed by an existing gated field access via a vehicle crossover and off the B4221.

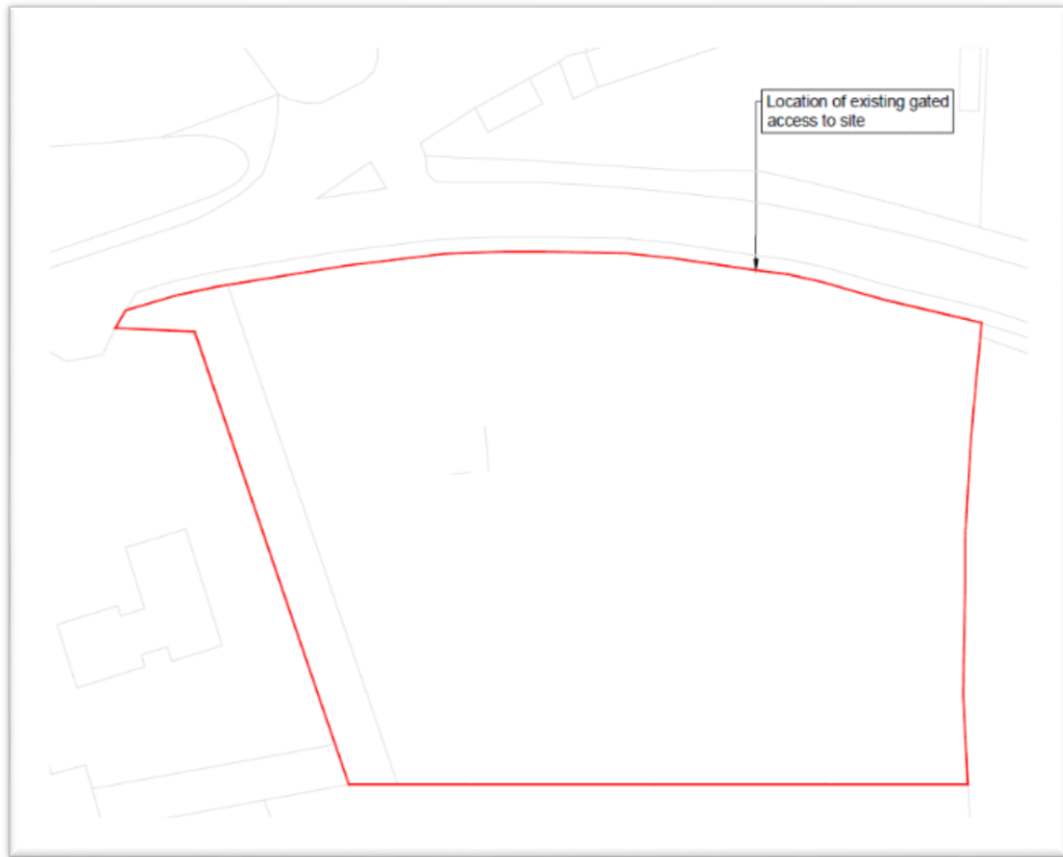
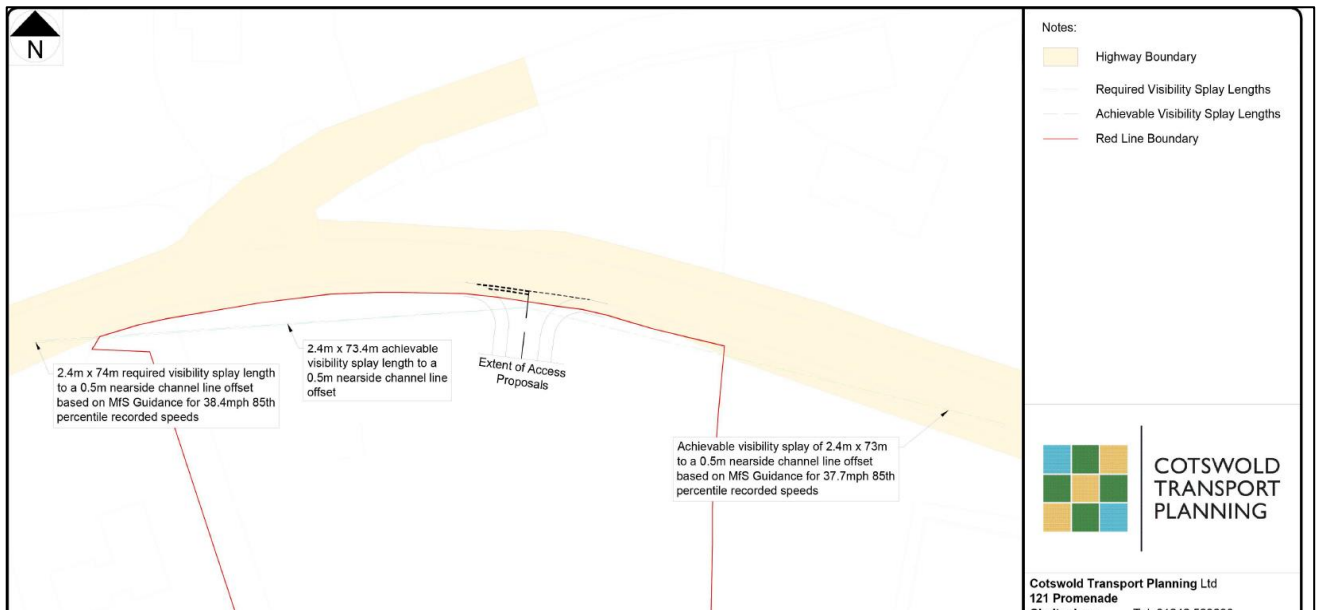


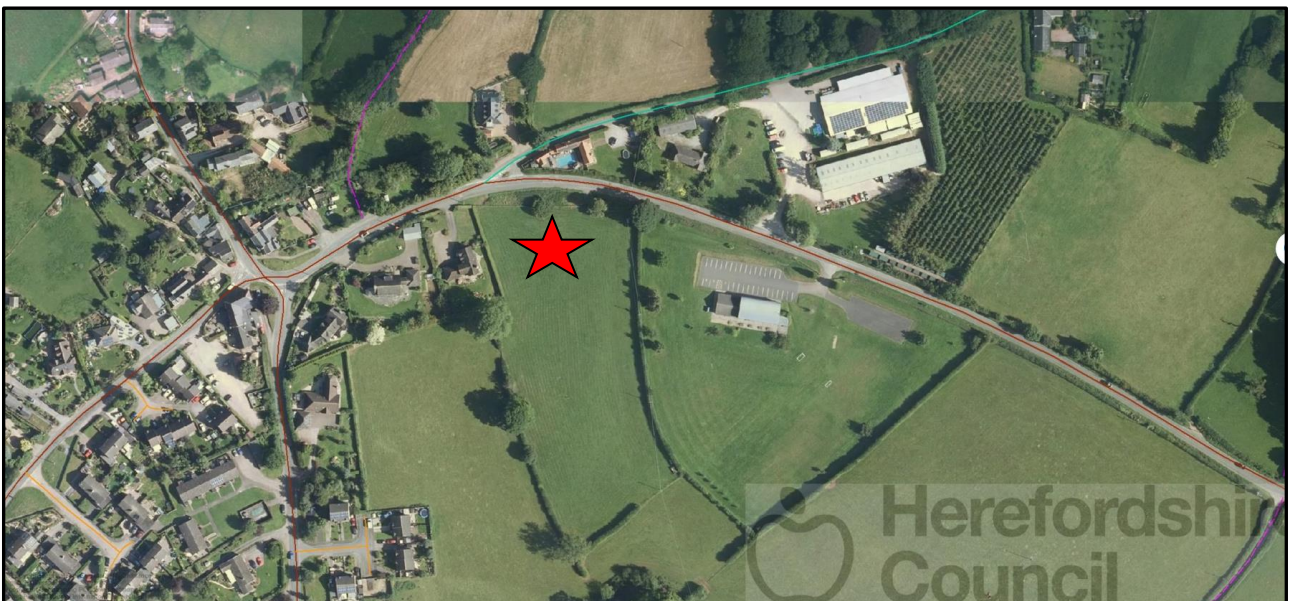
Figure 3: Existing access point. Dwg SK03

The application is supported by a transport statement (including an update). This statement provided additional data and information as requested by the Local Highway Authority and included the following:

- Review of the site location
 - Analysis of local highway safety data
 - Critique of proximity of local services and amenities
 - Review of transport policy
 - Description of the development proposals, access arrangements, pedestrian connections, parking, refuse, emergency access
 - Trip generation
- Within the submitted details the proposed access as shown below (See below).



Proposed site access drawing
Drawing no SK01 rev D



Aerial photograph to help with site context

- 6.39 It is evident the highway engineer acknowledges the concerns about the speeds entering Upton Bishop, as can be seen from the original objection to the proposal as no mitigation of the traffic calming facilities was submitted or proposed. It is also apparent that across the county opportunities to slow vehicles down or keep the speeds near the signed speed limit through villages are encouraged.
- 6.40 The updated plans show a single point of access of the road frontage and in regards to the visibility issue and the MfS 2 visibility calculations are applicable at speeds at 60kph (37.3 mph). The recorded 85th percentile speeds on this application were eastbound 38.4mph and westbound 37.7mph. It is evident and not disputed that the proposed visibility splays are very close to this threshold. Highway colleagues have reviewed the data and drawings and have taken into account the character and usage of the B4221 and as such challenged the calculations and additional works have been proposed.

- 6.41 During discussions regarding these concerns, a number of traffic management proposals were submitted for review. Herefordshire Council has undertaken gateway features and implemented additional traffic management features through the county therefore it was the view that the proposals which have been implemented in Bosbury would change the environment coming into the village and reduce vehicle speed.
- 6.42 Whilst the visibility splay does not meet the 85th%ile speed, with the addition of the proposed traffic management provision will look to reduce the recorded 85th%ile to meet the signed speed limit. The proposed visibility splays are in excess of the signed speed limit of 30 mph.
- 6.43 To clarify the visibility requirements. The proposed enhancements of the existing 30mph speed limit only needs to reduce speeds on the B4221 by 1.1mph for eastbound traffic and 0.4mph for westbound traffic, then bringing the speeds into the MfS 2 envelope, making the splays acceptable based on the speeds supporting the transport statement. Further to this we consider the content of the Design Manual for Roads and Bridges (DMRB) for the site. This sets out that for a 30mph speed limit a splay of 90m is required, but there is also provision for a 70m splay to be found acceptable as 'one step below desirable minimum'. DMRB works a little differently to MfS.
- 6.44 The final consideration will be the change in character of the roadside environment which is also likely to influence vehicle speeds by expanding the 'built up' nature of the B4221 through Upton Bishop. The application site seeks to provide splays of 74m to the east and 73m to the west according to Cotswold Transport Planning drawing numbered SK01.
- 6.45 In balancing these facts the access strategy was found not to have a detrimental impact on highway safety and not resulting on a cumulative impact that could be classed as severe as demanded by the NPPF as judged by the Local Highway Authority (LHA). By extension this is also considered by the LHA to be in accordance with policy MT1 of the Core Strategy.
- 6.46 As with all applications, regardless of size the overall access strategy is considered. This is proportionate to the scale of the development and the key factor is the package of works to make the development acceptable in highways terms, paying regard to the posted speed limit and compliance of traffic with this legal requirement.
- 6.47 The required measures will be secured via a condition to ensure their deliverability. The condition seeks to ensure Visibility Splays of 74m Eastbound with a 2.4m set back and Westbound 73m with a 2.4m set back.
- 6.48 It is apparent the Parish and local residents do have concerns regarding the issue of speed and this could be a potential opportunity to have investment put in to the highway to help slow the speeds in the village. It is recognised local residents and the Parish Council have raised significant concerns in regards to the highway network, volume of traffic, and are concerned about the access and line of sight. The Council's Highway Engineers have assessed the proposed means of access, and particularly the visibility splays and are satisfied that adequate visibility can be provided and that the traffic movements associated with the proposed development can be absorbed without adversely affecting the safe and efficient flow of traffic on the highway network.
- 6.49 A construction management plan condition has been suggested below that will manage construction traffic. As highlighted above the comments from the Area engineer endorse the view that the access is acceptable and raise no objection to the scheme. On this basis, officers would therefore conclude that the proposal is compliant with Policies MT1 and SS4 of the Core Strategy.

Design and Amenity

- 6.50 Core Strategy policy SD1 (Sustainable Design and Energy Efficiency) seeks to secure high quality design and well planned development, that contributes positively to the character of the area and that development successfully integrates into the existing built, natural and historic environment. This policy also seeks the inclusion of physical sustainability measures, including orientation of buildings, provision of water conservation measures, storage for bicycles and waste, including provision for recycling and enabling renewable energy and energy conservation infrastructure. Policy SD1 also states that development should safeguard amenity of existing and proposed residents and ensures new development does not contribute to, or suffer from, adverse impact arising from noise, light or air contamination and therefore scale, and height need to be considerations.
- 6.51 The application submission is in outline form only, which reserves all details apart from access for further consideration. Many of the issues raised will need to be carefully considered at the Reserved Matters Stage, in particular the relationship with nearby dwellings opposite (north) and west of the site. However, given the size of the site and the number of properties proposed, officers are satisfied that a scheme could be developed that ensures that its residential amenity is secured. The policy also requires consideration in relation to matters of the amenity of residents / occupants of the new dwellings and this will again be a matter for consideration at a later stage.
- 6.52 SS7 is a strategic policy requiring focus on measures to address climate change. Policy SD1 also seeks to secure this. It is noted that whilst this is primarily a matter for Reserved Matters stages, it is expected that developers will consider matters such as the fabric first approach, and layout. Green energy measures, efficient use of resources and energy are covered by parallel legislation such as Building Regulations, however also by condition such as requirements for the demonstration of the development's efficient use of water and provision of electrical vehicle charging points. Further energy efficiency and green technology measures will be expected within any Reserved Matters proposals and assessed accordingly at that specific time.
- 6.53 Policy SS6 of the Core Strategy outlines that development proposals should support the local distinctiveness of an area. As such it is felt that the design of any housing should respond to the character of traditional buildings within the locality and the wider area. This element would be considered within any reserved matters application.
- 6.54 The site measures approximately 0.43 hectares and a development of 9 dwellings represents a relatively moderate density of approx. 20 dwellings per hectare that is entirely in keeping with the village and immediate vicinity.
- 6.55 It is noted that any proposed layout coming forward would need to respond to the local context, which is a rural village and should not be overtly urban in form and character. Officers would conclude that the proposal accords with the requirements of Policy SD1 of the Core Strategy.

Noise

- 6.56 The concerns raised by the Parish and local residents in respect to potential future residents of the proposed development making complaints in respect of the Millennium Hall have been noted. It is acknowledged the hall is an important local community facility used and can be booked for different events including weddings and classes. Officers have consulted and liaised with the Council's Environmental Health officer who confirms that there is no recent record of temporary event licence applications for sale of alcohol or Regulated Entertainment (Discos, live music, etc) nor is there any record of complaints from local residents. A planning condition has been added to ensure noise insulation measures for all future residential dwellings on the site. It is also noted the applicant has offered and is willing to place a restrictive covenant on the land preventing objections from future residents in respect of the normal operation of the Millennium Hall. In

regards to excessive noise and disturbance from activities associated with the use of the hall this can be controlled by other legislation.

- 6.57 Officers would conclude that the proposal accords with the requirements of Policies SD1 and SS6 of the Core Strategy.

Open Space Provision

- 6.58 Policy OS1 and OS2 of the Core Strategy require the provision of open space. Open space requirements from all new developments are to be considered on a site by site basis and in accordance with all applicable set standards. In this instance, the small scale development that provides private garden areas and is in close proximity to access to open countryside would not be expected to provide on-site play / open space provision and officers are satisfied that the site is capable of being developed in accordance with the requirements of policy OS1 and OS2 of the Core Strategy.

Drainage

- 6.59 Local Plan Policies SD3 and SD4 of the Core Strategy seek to ensure that matters of flood risk and drainage are considered.
- 6.60 The site is located within Flood Zone 1 (as defined by the Environment Agency), this is deemed to be: an area of low probability for fluvial flood. As part of the application a drainage strategy has been submitted and reviewed by officers.
- 6.61 During the application process, a revised foul drainage strategy was presented. This proposed a connection to the public foul sewerage system. It is noted that the exact connection point has not yet been identified, however Welsh Water have confirmed that there is capacity at Lower Cleeve Treatment Works. The sewerage infrastructure would need to be adopted by Welsh Water, but as private connections to the public system are not permitted the requirement to adopt is inferred.
- 6.62 In regards to surface water the proposal seeks to manage surface water runoff via permeable paving and through the use of gullies, underground pipe systems and an infiltrations basin. The drainage engineer is confident that due to the size of the site and the proposed number of dwellings it will not be difficult to fit a drainage system within the site. As such details of the drainage system including the positioning of gullies, pipes and areas of permeable paving in driveways and access roads can be provided as part of the reserved matters application.
- 6.63 Representations raise concerns about network capacity for the foul drainage. Welsh Water have jurisdiction over this element and are the statutory consultee. They have not raised any objection to the development in terms of capacity. In terms of surface water drainage, the Land Drainage Consultant has not raised an objection and has recommended conditions and informative notes and as such the requirements of policy SD3 and SD4 can be met.
- 6.64 Concerns have been raised regarding the review of the information and officers can confirm they are not aware of any deviations from our standard practice in reviewing this application. It is acknowledged that the application site is gently graded and although the surface water flood map shows flooding, the depth is likely to be shallow.
- 6.65 At this outline planning stage, the proposal demonstrates that the development can be suitably drained in principle ensuring the protection of adjoining land from flooding by surface water. The Land drainage consultant has accepted the soakaway tests for the purpose of outline planning, but have requested additional soakaway tests to support a reserved matters application. The developer is therefore proceeding at risk. If the soakaway basin can be designed and built according to the respective design standards then there will be a net volumetric reduction in surface water runoff from the site. In a large rainstorm it is possible that the additional flow from

the highway may cause the infiltration pond to overflow, but in this case there will be more water held on the site than in the pre-development scenario.

- 6.66 The recommended condition requires this detail to be submitted with the reserved matters application to ensure that the layout addresses the drainage strategy.

Heritage assets

- 6.67 The proposed development site does not lie within a Conservation Area. As noted at paragraph 1.4 above there are two listed buildings that lie over 300m away to the south east of the site. The landscape character is considered in detail above, and whilst acknowledging the indivisibility between the site and heritage asset, the intervening distance and context of the site on the edge of the settlement leads officers to the conclusion that the proposed development would not result in harm. However, as detailed above, the Reserved Matters application would be the appropriate point to consider the detailed matters and any associated impacts on the assets. As such officers would conclude that they are satisfied that a development in this location would protect and conserve the heritage assets and their settings and comply with the requirements of policy LD4 of the Herefordshire Local Plan – Core Strategy and with the guidance set out in the National Planning Policy Framework.

Ecology

- 6.68 Noting the nature of the site, both policies LD2 and LD3 are applicable. The application submission has been supported by a Phase 1 ecological survey and this report found that the ecological value of the site is currently low, and that the development proposals will improve the ecological value of the site beyond the current situation through the planting of native species, wildlife hedgerows and the provision of bat boxes, bird boxes and hedgehog habitat features within the site. Policy LD2 of the Core Strategy seeks to ensure that development proposals conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire. It is noted that the ecologist has raised no objection following the submission of an ecological assessment and is satisfied with the conditions suggested that require more detail to be submitted prior to work commencing before reserved matters stage that the proposal would comply with the requirements of the policy. A condition has been included below to ensure compliance with policy LD2 and the guidance contained within the NPPF.
- 6.69 The site is within the River Wye SAC catchment and a Habitat Regulation Assessment has been completed. The completed appropriate assessment concluded that there would be no likely effects upon the integrity of the SAC subject to appropriate mitigation conditions being attached to any approval and this was reviewed further by Natural England who have confirmed they have no objection to the appropriate assessment submitted to them that recommends a condition to secure the relevant mitigation measures is requested on any planning consent granted. The proposal would therefore accord with the requirements of the policy and legislation.

S106 and Affordable Housing/Housing Mix

- 6.70 Policy H1 of the Core Strategy sets the threshold for the delivery of affordable housing at sites of more than 10 dwellings. The proposal is only for 9; and therefore there is no requirement for its provision.
- 6.71 Policy H3 requires a range and mix of housing units to be provided. Whilst this makes specific reference to larger housing sites of 50 or more dwellings, appeal decisions have suggested that it is equally applicable to smaller sites. Open Market housing should include a mix of predominantly two and three bedroomed properties. The scheme adheres to this policy.
- 6.72 The planning statement submitted suggests that the site could accommodate a scheme of 9 houses showing a mix of 2 x 3 bedroomed bungalows, 4 x 2 bedroomed houses, 2 x 3 bedroomed

houses and 1 x 4 bedroom property. This is not considered to be an unreasonable mix and would achieve the stated aim of the policy. A condition to ensure that the housing mix is provided is not considered to be unreasonable and would ensure that any reserved matters submission is policy compliant.

Other Issues:

Climate change

6.73 Elements specifically relating to addressing and mitigating climate change in line with Core Strategy policies SD1 and SS7 will be covered at reserved matters stage.

Non material planning considerations

6.74 Issues such as loss of a view, or negative effect on the value and resale of properties are not material planning considerations.

Illustrative layout

6.75 As highlighted above no illustrative plan has been submitted. However, the original ecology report as submitted referenced 10 units with an illustrative plan. As such an updated Ecology Report (prepared by Worcestershire Wildlife) was submitted confirming the 9 unit scheme (with no plan) and to provide clarity and remove any confusion.

6.76 There is concern from local residents as to the intent of the retained land South of the proposed application area. As such further access to the field through the site and middle of the development would not be supported on amenity and safety grounds. Although, it is important to advise this is not being proposed at this stage but if it was brought at the reserved matters stage the Local Planning Authority would need to consider safety and amenity.

Planning Balance & Conclusion

6.77 In accordance with the statutory requirement, determination must be made in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF affirms at paragraph 12 that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.

6.78 At this time the Development Plan comprises the Core Strategy. As set out in the foregoing paragraphs the development proposed is considered to accord with the Core Strategy. The site is well located within the main settlement of Upton Bishop with access to the public house and church and a bus service into Hereford, Ross and Gloucester. This proposal site constitutes an appropriately located site in this settlement identified for future growth in policy RA2 of the Core Strategy.

6.79 In principle the site is sustainably located and accords with Core Strategy policy RA2 as being suitable for development. The principle of development is considered to be acceptable with detailed design matters being considered in the Reserved Matters stage to ensure compliance, in particular, with Policies RA2, SD1, LD1, LD2 and LD3 of the Core Strategy.

6.80 Next it is necessary to turn to the material considerations, to ascertain if these indicate if a decision should be made other than in accordance with the Development Plan. A key material consideration is the NPPF. As the application is for the supply of housing, the current implications of the Local Planning Authority not being able to demonstrate a 5 year housing land supply, plus requisite buffer, as set out in the NPPF (footnote 7), must be considered. The current published position is a 4.05 year supply. At paragraph 11d the NPPF states that where policies which are most important for decision making are out-of-date, permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 6.81 This application is for housing, so the policies most important for determination of the application relate to housing. As per paragraph 11d, footnote 7, of the NPPF they must be considered as out of date by reason of the current housing land supply deficit. This does not mean that they attract no weight, but rather reduced weight that is determined by the decision maker.
- 6.82 Given the site's location and the proposal 11di is not engaged as there are not policies in the framework that provide a clear reason for refusal in this instance. Paragraph 11dii is, however, engaged, and the tilted balance adopted. The tilted planning balance, is generally assessed under the three overarching objectives of the planning system, namely the economic, social and environmental objectives. The proposal would positively contribute to the supply of housing at a time when at the county level the supply is not meeting targets and this would bring forward economic and social benefits. Furthermore it is noted that there is no NDP in place covering this area and so the local supply of housing land remains uncertain. There would be economic benefits during the construction phase to suppliers and trades and after occupation through increased expenditure of disposable incomes. The payment of the New Homes Bonus is also another benefit to take into account. There may be also some social benefits as a result of increased residents in the village and support for local facilities. These benefits are considered to cumulatively be moderate, given the scale of the proposal.
- 6.83 The application is made in outline with access to be determined. The proposals demonstrate that a means of access commensurate with the scale of development proposed (nine dwellings) can be provided and officers are of the opinion that the local road network can safely absorb the additional vehicular traffic, that the access to the site is considered to be safe and pedestrian movement generated from the development and note that the Highway officer has raised no objection to the proposed development. The concerns raised by the Parish Council and local residents have been carefully considered but the proposed works, with appropriate conditions and mitigation would ensure compliance with the requirements of policy MT1 of the Core Strategy and with the guidance contained within the National Planning Policy Framework
- 6.84 The Local Planning Authority (LPA) cannot demonstrate a 5 year supply of housing land with requisite buffer. The proposal delivers nine dwellings in a location identified as suitable for new residential development and officers consider a future layout can be achieved that respects and enhances the landscape character type. The 9 market dwellings in the context of an undersupply within the county are a factor to which significant weight should be attributed.
- 6.85 In the absence of an NDP with significant weight, the Council's housing land supply position, and ability to ensure an appropriate mix of dwellings by condition, there is no basis to resist the development on the basis of oversupply.
- 6.86 The relationship of the site to the host settlement lends itself to being acceptable and would support the required growth for the area. Technical matters relating to highways and drainage have been assessed as being addressed and where necessary, mitigated with conditions and meet local and national planning policy aims and objectives.
- 6.87 Having regard to the three indivisible dimensions of sustainable development as set out in the Core Strategy and NPPF, officers conclude that the scheme, when considered as a whole, is representative of sustainable development and that the presumption in favour of approval is therefore engaged. The contribution that 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 and social roles.

- 6.88 It is acknowledged that while there will be a degree of reliance on the private motor vehicle this is considered not to weigh against the proposal given the provision of sustainable transport methods and access to some services locally which exceeds many other RA2 settlements in the HMA. The scheme provides an opportunity to enhance biodiversity, so this does not weigh against the scheme in environmental terms.
- 6.89 The benefit of granting planning permission would be the provision of nine dwellings. The provision of housing in an area where there is a shortfall in housing sites is a significant benefit which carries significant weight. In terms of identified harm, there would be a degree of localised visual harm resulting to the construction of the dwellings and a temporary loss of habitats and wildlife connectivity until the mitigating planting is established. However, there would remain an adverse landscape impact associated with the disruption of a view into the south to the south. As such there is a moderate conflict with Policy LD1 which is attributed moderate weight. No other conflict has been identified with the more general provisions of Policy LD1 as a result of the scale of the dwellings, site layout and proposed landscaping.
- 6.90 Bringing all of the above together the proposal aligns with the development plan and is considered to represent a sustainable pattern of development. In light of the tilted balance the adverse effects of the proposal in relation to landscape change are not considered to significantly outweigh the identified benefits. The adverse effects identified are not sufficient to significantly or demonstrably outweigh the benefits when assessed against the NPPF as a whole.
- 6.91 Having regard to the above, officers recommend approval of the proposed outline planning permission, subject to the following conditions below.

RECOMMENDATION

That planning permission be granted subject to the following conditions and any further conditions considered necessary by officers named in the scheme of delegation to officers

- 1 C02 -Time limit for submission of reserved matters**
- 2 C03 - Time limit for commencement (outline permission)**
- 3 C04 - Approval of reserved matters**
- 4 C05 - Plans and particulars of reserved matters**
- 5 C06 - Development in accordance with the approved plans**
- 6 The reserved matters application submitted pursuant to Condition 1 shall be accompanied by a BS5837:2012 report to detail the quality of the trees and the potential impacts they will have on development above and below ground.
The report should contain the following:**
 - Tree Survey**
 - Tree Constraints Plan**
 - Arboricultural Impact Assessment**
 - Tree Protection Plan.**

Reason: In order to maintain the visual amenities of the area and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 7 The reserved matters application submitted pursuant to Condition 1 shall be accompanied by details of a scheme for the delivery of the open market housing. This scheme shall comprise a schedule outlining the number of 2, 3 and 4 (+) bed dwellings; the overall mix being in general accord with the Council's Local Housing Market Assessment (or any successor document, adopted for these purposes by the local planning authority).

Reason: To define the terms of the permission and to comply with Policies SS2, RA2 and H3 of the Herefordshire Local Plan – Core Strategy and the housing and social aims and objectives National Planning Policy Framework.

Pre-commencement Conditions

- 8 CAT - Construction management Plan
- 9 CAB - Visibility Splays – Eastbound 2.4 x 74m, Westbound 2.4 x 73m
- 10 CAE - Vehicular access construction
- 11 CAQ - On site roads - Submission of Details
- 12 No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall demonstrate how the site will be effectively drained; the means of disposal of surface and foul water and shall include:

- A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change; detailed foul water drainage strategy showing how foul water from the development will be disposed of
 - Demonstration of the management of surface water during extreme events that overwhelm the surface water drainage system and/or occur as a result of blockage;
 - 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. Additional soakaway testing to BRE 365 will be required to refine the design of the proposed soakaway basin;
 - Indicate how foul flows will communicate to the public sewerage system.
- Thereafter, the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further surface water or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment and to manage flood risk in accordance with the requirements of policy SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework.

- 13 CCK - slab level plan

- 14 Prior to commencement of any construction works a detailed plan of proposed biodiversity enhancement- 'net gain' features, including significant provision for bat roosting, bird nesting, pollinating insect homes and hedgehogs, has been submitted to the local planning authority for written approval. The approved scheme shall be implemented in full and hereafter maintained unless otherwise approved in writing by the local planning No external lighting shall illuminate any new ecological feature or adjacent habitat or boundary feature; and all lighting shall support the Dark Skies principles.

Reason: To ensure that all protected species are considered and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Habitat Regulations 2018 (as amended), Policy LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006.

Pre-occupation Conditions

- 15 A scheme of noise insulation measures for all the residential accommodation shall be submitted to and be approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the first use of the development to which it relates commences and the measures shall be retained for the duration of the use.

Reason: To safeguard the amenity of the area in compliance with Policy SD1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 16 CAP - Highways Improvement/off site works

- 17 CB2 - Cycle parking

- 18 CE6 - Water efficiency

- 19 Prior to the first occupation of any dwelling a scheme to enable the charging of plug in and other ultra low emission vehicles (e.g. provision of outside electric sockets) to serve the occupants of the dwellings hereby approved shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior of the first occupation of each dwelling hereby approved.

Reason: To address the requirements policies in relation to climate change SS7 and SD1 of the Herefordshire Local Plan Core Strategy and the guidance contained within the National Planning Policy Framework.

- 20 CK8 - Landscape Management Strategy (following RM)

Compliance Conditions

- 21 All foul water shall discharge through a connection to the local Mains Sewer network; and all surface water managed through on site Sustainable Drainage Scheme (SuDS); unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Habitat Regulations (2018), National Planning Policy Framework (2019), NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2, SD3 and SD4.

- 22 The ecological protection, mitigation, compensation and working methods scheme, as recommended in the ecology report by Worcestershire Wildlife Consultancy dated October 2018 shall be implemented in full as stated unless otherwise approved in writing by the local planning authority.**

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Habitats & Species Regulations 2018 (as amended), Policy LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006.

- 23 CAX - Direction of proposed lighting**

INFORMATIVES:

- 1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

- 2 The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com**

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

- 3 I11 - Mud on highway**
- 4 I09 - Private apparatus within highway**
- 5 I45 - Works within the highway**
- 6 I07 - Section 38 agreement and drainage**
- 7 I05 - No drainage to discharge to highway**
- 8 I47 - Drainage other than via highway system**

9 I35 - Highways Design Guide and Specification

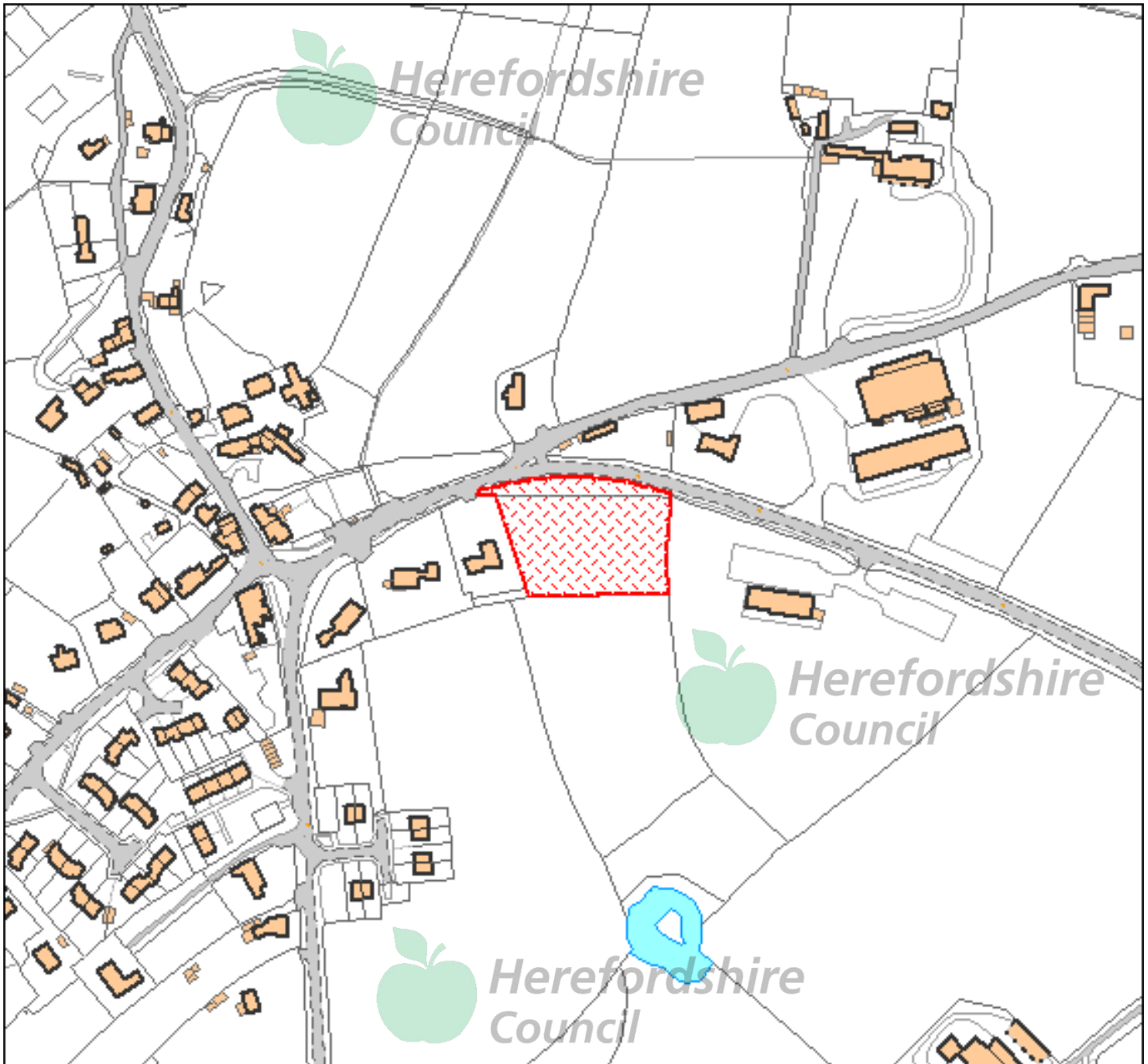
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 191187

SITE ADDRESS : LAND BETWEEN LEEWARD HOUSE AND THE MILLENNIUM HALL, CROW HILL,
UPTON BISHOP, ROSS ON WYE, HEREFORDSHIRE, HR9 7TU

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