

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>29<sup>th</sup> September 2021</b>
<b>TITLE OF REPORT:</b>	<b>210373 – PROPOSED DEMOLITION OF FARM BUILDINGS AND CONSTRUCTION OF 14 DWELLINGS WITH ASSOCIATED ACCESS. AT LAND OFF WYSON LANE, BRIMFIELD, HEREFORDSHIRE,</b>  <b>For: Mr Sambrook per Miss Stephanie Cain, Lowfield, Marton, Welshpool, SY21 8JX</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=210373&amp;search-term=210373">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=210373&amp;search-term=210373</a>
<b>Reason Application submitted to Committee – Redirection request by Local Member</b>	

**Date Received: 1 February 2021**

**Ward: Leominster  
North & Rural**

**Grid Ref: 352263,268147**

**Expiry Date: 31 July 2021**

Local Members: Cllr John Stone

## 1. Site Description and Proposal

- 1.1 The application site comprises disused agricultural buildings and associated land located to the North of the village of Brimfield, covering approx. 0.4 hectares. The site immediately adjoins residential development and/ or curtilages of individual properties to the North and East and South, and formal open space to the West, which separates the site from dwellings on Wyson Avenue. The site is located around 50 metres at its closest point to the West of the A49, however is partly screened by or with intervening residential development, curtilages and green infrastructure. The site's location is shown edged red on the map below –



Further information on the subject of this report is available from Mr C Brace on 01432 261947

Access and egress to the site is from Wyson Lane via an existing estate road serving ten no. dwellings on the development 'The Coppice'. The Coppice development was approved under Outline planning permission reference 143489/O and built to Reserved Matters approved under reference 190409/RM.

The site and surrounding area is neither within or immediately adjoining an Area of Outstanding Natural Beauty or conservation area, and no designated heritage assets are either on or adjoining the site.

The application is for the proposed demolition of farm buildings and construction of 14 dwellings featuring 6 no. 2 bed units and 8 no. 3 bed units, with associated access. All dwellings are to be affordable dwellings and shall be for shared ownership tenure.

## **2. Policies**

### **2.1 Herefordshire 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 – Housing Outside Hereford and the Market Towns  
RA3 – Herefordshire's 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 environment and heritage assets  
SD1 – Sustainable design and energy efficiency  
SD3 – Sustainable water management and water resources  
SD4 – Waste water treatment and river water quality

- 2.2 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](https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy)

### **2.3 Brimfield and Little Hereford Group Neighbourhood Development Plan**

- 2.4 The Neighbourhood Plan was made on 22 July 2016 and now forms part of the Development Plan. The relevant policies of this plan are considered to be:

BLH1 – New housing within the Brimfield settlement boundary  
BLH2 – New housing development  
BLH3 – Housing to meet local needs  
BLH4 – Ensuring an appropriate range of tenures, types and sizes of houses  
BLH8 – Building Design Principles  
BLH9 – Landscape Design Principles  
BLH12 – Water Management  
BLH13 – criteria for assessing the suitability of future potential development sites

BLH15 – Design for Flood resilience and resistance  
BLH16 – Design to Reduce Surface water run off

2.5 Link to NDP:

<https://www.herefordshire.gov.uk/directory-record/3039/brimfield-and-little-hereford-group-neighbourhood-development-plan-made-22-july-2016>

2.6 **National Planning Policy Framework – NPPF**

2.7 The NPPF also seeks positive improvements in the quality of the built, natural and historic environment and in regards people's quality of life. The National Planning Policy Framework has been considered in the assessment of this application. The following sections are considered particularly relevant and are explored in more details in the officers appraisal:

- Chapter 2. Achieving sustainable development
- Chapter 5. Delivering a sufficient supply of homes
- Chapter 6. Building a strong, competitive economy
- Chapter 8. Promoting healthy and safe communities
- Chapter 9. Promoting sustainable transport
- Chapter 11. Making effective use of land
- Chapter 12. Achieving well-designed places
- Chapter 14. Meeting the challenge of climate change, flooding and coastal change
- Chapter 15. Conserving and enhancing the natural environment
- Chapter 16. Conserving and enhancing the historic environment

3. **Planning History**

3.1 None on site

4. **Consultation Summary**

Statutory Consultations

4.1 **Severn Trent Water** *confirm that we have no objections to the proposals subject to the inclusion of the following condition:*

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

4.2 **Welsh Water** *comments We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets –*

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Further information on the subject of this report is available from Mr C Brace on 01432 261947

### *Sewerage*

- The application form indicates that the proposed foul flows are to connect to the mains sewer. However, our records indicate that there are no Welsh Water maintained sewers in the vicinity of the site. We therefore recommend that you seek to utilise alternative sewerage treatment methods.

### *Surface Water Drainage*

- With reference to the surface water we would not permit the communication of flows to the public sewer as it is designated to receive foul water only. Any drainage strategy should consider utilising a sustainable drainage technique. In addition, please note that no highway or land drainage run-off will be permitted to discharge directly or indirectly into the public sewerage system

### *Advisory Notes*

- The applicant is also advised that some public sewers, lateral drains or water mains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

### *Water Supply*

- Dwr Cymru Welsh Water has no objection to the proposed development

- 4.3 In response to precautionary comments received from internal consultees (see below) National Highways (Formally *Highways England* and Natural England have been consulted additionally. Comments have not yet been received and members will be updated.

### *Internal Council Consultations*

- 4.4 The **Council's Transportation Manager** comments *It is noted that the resubmitted drawings do not alter the highways considerations of the site.*

It is noted that this is a full planning permission and as such all matters are considered at this stage. In terms of the highways and transportation aspects of the proposal the primary considerations are access strategy and layout.

The access strategy is based on the previously approved application for the construction of infrastructure to serve 10 dwellings. It is noted that the outline application for this aspect of the previously approved development included consultation with Highways England due to the proximity of the site to the national strategic road network. It is recommended that this is undertaken for this expansion.

In terms of trip generation the additional 14 dwellings are assessed against the NPPF which sets out that development should only be resisted on highways grounds if the cumulative impact could be classed as severe. The additional units are unlikely to generate a significant additional peak hour flow from the site. Whilst it is clear that traffic levels will increase from the site the increase is insufficient to evidence a severe impact on the local road network. As a result of this highways consideration the LHA does not object to the principle of the development. A portion of these movements will be offset by the consideration of the existing permitted use of the site which will be removed, albeit this appears to be to the benefit of the national strategic road network due to the primary access point being onto the A49 in Shropshire.

The site proposal is to take access from an existing development road, essentially increasing the dwellings served from this route. It is understood that this section is to remain private which will result in this development also being private (it is not possible to adopt an 'island' of highway not connected to the highway network). It might be possible to offer the entire length of the road for adoption, however testing on the constructed sections would be required. With reference to the increase volume of dwellings the total number of dwellings served from the route will not exceed the local highway authority threshold for residential units served from a road of this nature. As a result, this aspect of the development complies with the requirements of Herefordshire Council's Highways Design Guide for New Developments.

The geometry proposed in the submission are appropriate. It is noted that the landscaping is arranged to not encroach upon the visibility splays and a footway exists on one side to provide pedestrian linkages consistent with the existing site. In addition, the parking provision is appropriate and includes visitor spaces. This approach will not result in vehicles needing to park injudiciously on either this proposed private infrastructure or the wider public highway.

In order to ensure that the future maintenance arrangements of the proposed site are considered condition CAQ is recommended in the event that permission is granted.

The drainage aspects of the development for the infrastructure will be commented on by the land drainage team as part of the site wide drainage strategy.

All new developments require cycle storage to supplement the access strategy. It is noted that each dwelling includes a shed for this cycle storage. As a result this is considered appropriate.

In conclusion, having regard to both local and national policies there are no objections from the local highway authority on the proposed extension to the existing development site.

4.5 **Principal Natural Environment Officer (*Landscape*)** comments *I have reviewed the revised material, together with the email (agent to planning officer, dated 29 April, 2021) explaining the changes and rationale for the revised design.*

The information provided is satisfactory and accept that some of the request from my previous comments have not been possible due to changes to the layout (i.e. revision to the car parking at the entrance). However some items have been addressed (such as the addition of hedgerows), and the inclusion of the Environmental Colour Assessment, as recommended is appreciated to provide a rationale for the colours, in particular the roof colour.

I note there was confusion on the revised DAS, version 2, on page 5 that showed the revised plan as another completely different site and development. I understood this as an error and assumed the main content related to this development.

As per my previous comments, I approve with conditions:

- *Herefordshire Council reference: CK3 Landscape Scheme*

Reason: To safeguard and enhance the character and amenity of the area in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework

- *Herefordshire Council reference: CK5 Maintenance Plan*  
Include: For a 10 year period

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

- 4.6 **Principal Natural Environment Officer (Ecology)** comments The updated ecology report by Turnstone Ecology (August 2021) is noted. This report with additional optimal period survey information and detailed recommendations for working methods, mitigation, compensation and confirming the need for a protected species licence to be obtained (from Natural England subsequent to any grant of planning consent and prior to any works commencing.) appears relevant and appropriate and should be secured for implementation in full by a condition on any planning consent granted.
- 4.7 **Principal Natural Environment Officer (Arboriculture)** comments *Having viewed the available plans and tree report I can confirm I have no objections to the proposed development, subject to the following conditions.*

Conditions.

- CK9 Trees In accordance with plans

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

- APPENDIX 2: TREE LOCATION AND PROTECTION PLAN – drawing APP2 Revision B
- Tree Condition Report Arboricultural Impact Assessment Root Protection Areas Method Statement.

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

- CKA – Retention of existing trees.

- 4.8 **Open Spaces Planning Officer** comments *It is noted that Amended site plan now includes a bin and a bench in the POS.* This is in accordance with my previous comments. I have no further comments to make.

Original comments stated –

Open Space Policy Requirements: In accordance with CS policy OS1 and OS2 requirements open space, sport and recreation facilities will be sought from all new residential development on a site by site basis in accordance with all applicable set standards.

Minimum Standards: On-site POS/Children's play provision arising from a development of 14 houses in accordance with the standards set out above would only require as a minimum:

- POS: 130sq m
- Children's Play (informal) 250sq m

Total 380sq m

On-Site POS: Given the size of development and minimum requirements for POS I would normally ask for an off-site contribution given the site lies in proximity to an existing POS and play area off Wyson Lane which would benefit from investment, but as the proposal is for a full planning application for 14 affordable houses, this is not possible in accordance with the SPD on Planning Obligations.

Some POS is shown as provided along the eastern edge of the site which looks to meet the minimum requirements described above. The Design and Access statement describes the POS as an essential aspect of any new development in order to encourage physical activity and in accordance with CS policies OS1 and OS2. While this is supported the primary function of the

proposed open space along the eastern boundary is described as to create a buffer between the houses and the A49. As per my pre-application comments, I am still of the opinion that the proposed green space given its size will offer little in physical recreation opportunities and provides little more than some visual amenity value. I do note however that given the number of existing trees and proposed trees that the area will provide landscape and biodiversity value which can be enjoyed by residents. This enjoyment could be enhanced if the space became more of a communal space where residents could perhaps meet up with neighbours and sit and chat. This could be provided through the simple installation of a bench or picnic table and bin. This would also support the on-site POS requirements in accordance with CS policies OS1 and OS2.

*Adoption and Maintenance:* I cannot see any details of the proposed management of the POS. Suitable management and maintenance arrangements will be required to support any provision of open space and associated infrastructure within the open space in line with the Council's policies. This could be a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

These could be provided as part of an agreed Heads of Terms or as part of the Landscape Management Plan.

- 4.9 **Environmental Health Service Manager (Contaminated Land)** comments Given the change of use to one which is more sensitive, I'd recommend the following precautionary condition be appended to any approval to ensure the site is safe and suitable for its intended residential use.

*Recommended condition*

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

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

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

c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing.

The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: In the interests of human health.

2. The Remediation Scheme, as approved pursuant to condition no. (1) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted and agreed in writing before the

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

Reason: In the interests of human health.

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

Reason: In the interests of human health.

#### Technical notes about the condition

1. Assessment is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework 2019.

2. All investigations of potentially contaminated sites are required to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.

3. Where ground gas protection measures are required, they shall be validated in accordance with current best practice guidance

4.10 The **Land Drainage Engineer** comments *In principle, we have no objections to the proposed development.*

4.11 **Strategic Housing Manager** comments –

- The mix of 2 and 3 bed units is acceptable
- I note that the units will be delivered by Citizen Housing Group. As such there will be grant funding provided from Homes England to deliver these units. I would advise that as a result there will be no requirement within the S106 for a local connection criteria.
- With regards to the need for additional affordable housing, the emerging Housing Market Area Needs Assessment (HMANA) estimates that there is an additional need of 220 units compared with the Local Housing Market Assessment (LHMA) which estimates 183. This clearly shows that there has been an increase in need for affordable housing in the last 7 years.
- This site will help to deliver much needed affordable housing, by way of affordable home ownership, not just for Brimfield but also for the wider population
- Strategic Housing is in support of this application

## **5. Representations**

5.1 **Bleathwood and Little Hereford Parish Council** comments *The Parish Council stand by their previous comments and object to this application for the reasons outlined below:*

The Parish Council object to this application as it does not adhere to policies BLH1, BLH2 and BLH3 of the Neighbourhood Development Plan. The site is outside the settlement boundary and it does not sit adjacent to it. Although the applicant has advised that a housing needs study for the whole parish has been carried out, we understand that many Little Hereford residents did not receive a survey.

Policy BLH3 states that development will be supported subject to BLH1 and BLH2. The site lies outside the settlement boundary and the local need for more housing does not appear to have been met.



Wyson is very congested, further housing developments of this size cannot be supported, a fact that was highlighted when making our plan. The site chosen in BLH1 eases the congestion in the centre of the village, if approved, it will more than meet the current need for affordable housing. Local roads are becoming extremely busy and dangerous for vehicles and walkers through the village. Wyson Lane in particular at both entry and exit points are dangerous, vehicles often have to reverse to let others pass, adding to the danger for pedestrians. The local sewage system struggles to cope with existing capacity, developments of this scale would have a big impact on the system.

Our Neighbourhood Development Plan is more than meeting private and local housing need and with Herefordshire Council's five year land housing supply now at over 4 years, this application should be refused. We further request, via our Ward Member, that this application be decided at a Committee.

**5.2 24 letters of objection** have been received, comments are summarised as

- Development is outside the settlement boundary
- Development is contrary to the NDP
- Concern over Highway safety especially in and around Wyson Lane
- Impact on the safety of the strategic road network, especially A49 cross roads
- Concerns regarding surface water
- Impact on local infrastructure
- Lack of facilities in the village
- Unimaginative design
- Impact on residential amenity
- Impact and concerns of construction phase on amenity
- No local need for the housing
- Impact on protected species
- Overdevelopment
- Reference made to houses for sale, other applications and planning permissions

**5.3 2 letters of support** have been received, comments are summarised as

- Welcomed regeneration of a derelict site
- These affordable homes will help get locals on the housing ladder
- Access onto Wyson Lane has good visibility
- No amenity concerns
- Small developments such as this are better for the village
- Constraints limit where development is feasible in Brimfield

**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=210373&search-term=210373](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=210373&search-term=210373)

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

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

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

### *Policy context and Principle of Development*

**6.1** Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows "*If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material*

*considerations indicate otherwise.”* The development plan is the Herefordshire Core Strategy and Brimfield and Little Hereford Group Neighbourhood Development Plan.

- 6.2 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9 November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application.

### **Herefordshire Local Plan – Core Strategy**

- 6.3 Core Strategy Policy SS1 echoes the NPPF’s presumption in favour of sustainable development. Setting out the strategy for delivery of new homes, CS Policy SS2 provides that the majority of housing is directed to Hereford city or one of the five market towns and in the rural areas, housing will be acceptable within identified settlements listed under CS Policy RA2.
- 6.4 One hundred and nineteen settlements have been identified under policy RA2 across the county to be the main focus of proportionate housing development in the rural areas. Residential development is to be located within or adjacent to the main built up area(s) of the named settlements. This is to ensure that unnecessary isolated, non-characteristic and discordant dwellings do not arise which would adversely affect the character and setting of a settlement and its local environment. Outside of Hereford city, the market towns and such settlements listed under RA2 (and their settlement boundaries defined within Neighbourhood Development Plans), sites are considered to be within a countryside location and residential development strictly controlled and limited to exceptions listed under CS Policy RA3.
- 6.5 Outside of the main built form of Leominster and the main built form of any of the 119 settlements listed under Core Strategy policy RA2 sites are considered to be in an open countryside location. Core Strategy policies RA3 restricts residential development within the open countryside to exception criteria which includes the provision *development is rural exception housing in accordance with Policy H2.*
- 6.6 Policy H2 - Rural exception sites allows Proposals for affordable housing schemes in rural areas may be permitted on land which would not normally be released for housing where:
1. the proposal could assist in meeting a proven local need for affordable housing; and
  2. the affordable housing provided is made available to, and retained in perpetuity for local people in need of affordable housing; and
  3. the site respects the characteristics of its surroundings, demonstrates good design and offers reasonable access to a range of services and facilities normally in a settlement identified in Policy RA2.

In order to enable the delivery of affordable housing some market housing may be permitted as part of the development to subsidise a significant proportion of affordable housing provision. However, evidence will be required – by way of a financial appraisal, in order to demonstrate that the proposed scale of market housing is that required for the successful delivery of affordable housing.

- 6.7 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 states *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.*

- 6.8 Core Strategy policy SS7 – *Addressing climate change* describes how development 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
- 6.9 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.
- 6.10 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. Brimfield is one of these settlements and is within the Leominster HMA. Policy RA2 sets Housing proposals will be permitted in the identified settlements where the criteria are met but also directs that Neighbourhood Development Plans will allocate land for new housing.
- 6.11 Core Strategy Policy MT1 – *Traffic management, highway safety and promoting active travel* states Development proposals should incorporate the following principle 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.
- 6.12 Where traffic management measures are introduced they should be designed in a way which respects the character of the surrounding area including its landscape character. Where appropriate, the principle of shared spaces will be encouraged.
- 6.13 Core Strategy policy LD1 criteria requires new development must achieve the following:
- 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

6.14 Core Strategy Policy LD2 – Biodiversity and geodiversity states Development proposals should conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire, through the:

1. retention and protection of nature conservation sites and habitats, and important species in accordance with their status as follows :
  - a) Development that is likely to harm sites and species of European Importance will not be permitted
  - b) Development that would be liable to harm Sites of Special Scientific Interest or nationally protected species will only be permitted if the conservation status of their habitat or important physical features can be protected by conditions or other material considerations are sufficient to outweigh nature conservation considerations
  - c) Development that would be liable to harm the nature conservation value of a site or species of local nature conservation interest will only be permitted if the importance of the development outweighs the local value of the site, habitat or physical feature that supports important species
  - d) Development that will potentially reduce the coherence and effectiveness of the ecological network of sites will only be permitted where adequate compensatory measures are brought forward.
2. restoration and enhancement of existing biodiversity and geodiversity features on site and connectivity to wider ecological networks; and
3. creation of new biodiversity features and wildlife habitats.

6.15 Core Strategy policy LD4 – Historic environment and heritage assets sets out as relevant to this appeal that Development proposals affecting heritage assets and the wider historic environment should:

1. *Protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design, in particular emphasising the original form and function where possible*
2. *the conservation and enhancement of heritage assets and their settings through appropriate management, uses and sympathetic design. Where opportunities exist, contribute to the character and local distinctiveness of the townscape or wider environment, especially within conservation areas.*

6.16 Core Strategy Policy SD3 – *Sustainable water management and water resources* states Measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk; to avoid an adverse impact on water quantity; to protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation. This will be achieved by ensuring that:

1. *Development proposals are located in accordance with the Sequential Test and Exception Tests (where appropriate) and have regard to the SFRA 2009 for Herefordshire;*
2. *Development is designed to be safe, taking into account the lifetime of the development and the need to adapt to climate change by setting appropriate floor levels, providing safe pedestrian and vehicular access, where appropriate, implementing a flood evacuation management plan and avoiding areas identified as being subject to rapid inundation from a breach of a Flood Defence;*

3. Where flooding is identified to be an issue, new development should reduce flood risk through the inclusion of flood storage compensation measures, or provide similar betterment to enhance the local flood risk regime;

4. Development will not result in the loss of open watercourses and culverts should be opened up where possible to improve drainage and flood flows. Proposals involving the creation of new culverts (unless essential to the provision of access) will not be permitted;

5. Development includes appropriate sustainable drainage systems (SuDS) to manage surface water appropriate to the hydrological setting of the site. Development should not result in an increase in run-off and should aim to achieve a reducing in the existing run-off rate and volumes where possible;

6. Water conservation and efficiency measures are included in all new developments, specifically:

- Residential development should achieve Housing – Optional Technical Standards – Water efficiency measures. At the time of adoption the published water efficiency standards were 110 litres/person/day; or
- Non-residential developments in excess of 1,000 m<sup>2</sup> gross floorspace to achieve the equivalent of BREEAM 3 credits for water consumption as a minimum;

7. The separation of foul and surface water on new developments is maximised;

8. Development proposals do not lead to deterioration of EU Water Framework Directive water body status;

9. Development should not cause an unacceptable risk to the availability or quality of water resources; and

10. In particular, proposals do not adversely affect water quality, either directly through unacceptable pollution of surface water or groundwater, or indirectly through overloading of Wastewater Treatment Works.

- 6.17 Development proposals should help to conserve and enhance watercourses and riverside habitats, where necessary through management and mitigation measures for the improvement and/or enhancement of water quality and habitat of the aquatic environment. Proposals which are specifically aimed at the sustainable management of the water environment will in particular be encouraged, including where they are required to support business needs such as for agriculture. Innovative measures such as water harvesting, winter water storage and active land use management will also be supported. In all instances it should be demonstrated that there will be no significant adverse landscape, biodiversity or visual impact.”
- 6.18 Core Strategy Policy SD4 – *Wastewater treatment and river water quality* states Development should not undermine the achievement of water quality targets for rivers within the county, in particular through the treatment of wastewater.
- 6.19 In the first instance developments should seek to connect to the existing mains wastewater infrastructure network. Where this option would result in nutrient levels exceeding conservation objectives targets, in particular additional phosphate loading within a SAC designated river, then proposals will need to fully mitigate the adverse effects of wastewater discharges into rivers caused by the development. This may involve:
- incorporating measures to achieve water efficiency and/or a reduction in surface water discharge to the mains sewer network, minimising the capacity required to accommodate the proposal, in accordance with policy SD3;

- phasing or delaying development until further capacity is available;
- the use of developer contributions/community infrastructure levy funds to contribute to improvements to waste water treatment works or other appropriate measures to release capacity to accommodate new development;
- in the case of development which might lead to nutrient levels exceeding the limits for the target conservation objectives within a SAC river, planning permission will only be granted where it can be demonstrated that there will be no adverse effect on the integrity of the SAC in view of the site's conservation objectives; and
- where the nutrient levels set for conservation objectives are already exceeded, new development should not compromise the ability to reduce levels to those which are defined as favourable for the site.

## Neighbourhood Plan

- 6.20 The Brimfield and Little Hereford Neighbourhood Development Plan was made on 22 July 2016 and now forms part of the Development Plan.
- 6.21 The site is not within however adjoins the settlement boundary of Brimfield as defined within the NDP and as such is in a countryside location. NDP policies which are relevant to the application are –
- 6.22 BLH1 – *New Housing Within the Brimfield Settlement Boundary* directs development to such land and sites however also has 6 criteria which are all required to be satisfied, as follows
- A. They are well related to the existing village in terms of accessibility and location, adjoining the built up area and having consideration for relevant footpaths, pavements and cycleways
  - B. They do not lead to the loss of existing community facilities, or designated local green space and access to recreation
  - C. They do not lead to the loss of local employment opportunities, including tourism
  - D. They are not at significant risk of flooding and they can demonstrate they will not increase the risk of flooding elsewhere
  - E. They have suitable provision for access and do not impact adversely on existing highway networks and particularly country lanes
  - F. They do not lead to a loss of residential amenity
- 6.23 BLH2 – *New Housing Development*, along with setting out parameters and aspirations for the allocated site notes its support for at least 38 further dwellings in Brimfield and Little Hereford, with the primary focus being delivery at Brimfield.
- 6.24 BLH3 – *Housing to Meet Local Needs* supports development (noting a requirement of at least 58 units over one or more sites) where it comprises one or a combination of the following –
1. Affordable housing for rental or shared ownership by those with a local connection as defined by Herefordshire Council's local connection policy
  2. Properties should be preferably 1 or 2 bedrooms to meet the needs of first time buyers and small families, but have no more than 3 bedrooms maximum
  3. Properties designed to be suitable for older people should be built to lifetime homes standards and be located close to key facilities

All proposals are required to be accompanied by an up to date housing needs assessment.

- 6.25 BLH8 – *Building Design Principles* which sets out new development must enhance and reinforce local distinctiveness and show how character, scale, mass and layout fits with the 'grain' of the surrounding area through a Design and Access Statement or similar. The policy directs new development to be of a scale, mass and form which responds to the characteristics of the site and its surroundings. Protection of visual amenities and impact on wider landscape views are

prioritised within the policy and the impact on amenity should be minimised along with careful consideration to noise, odour and light. New buildings are required to follow a consistent design approach in the use of materials and fenestration which should complement and add to the quality or character of the area.

- 6.26 BLH9 – *Landscape Design Principles* requires development must preserve or enhance the character of the area and local habitats and wildlife and protect mature and established trees. New locally relevant species planting is promoted and encouraged. All development must incorporate SuDS which are compliant with the most current standards.
- 6.27 BLH12 – *Water Management* requires new development to incorporate suitable sustainable drainage measures and where there are known surface water issues, appropriate mitigation and construction measures required.
- 6.28 BLH16 – *Design to Reduce Surface Water Runoff* requires the maximisation of surface water being retained on site with run off minimised with attenuation measures such as ponds provided within development sites where possible.

### **National Planning Policy Framework**

- 6.29 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.
- 6.30 Paragraphs 7 and 8 set out and defines 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 well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being. This also includes making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 6.31 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 (having regard to footnote 6) 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.
- 6.32 With particular reference to the matter of access, the NPPF sets out how transportation, highways impact and non-vehicular movement should be considered, assessed and supported in paragraphs 110 – 113, stating –

*In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and

- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

- 6.33 Paragraph 111 explicitly 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.*
- 6.34 NPPF Paragraph 126 states *The creation of high quality beautiful and sustainable 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.* Paragraph 130 outlines 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.
- 6.35 Paragraph 131 emphasises *Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change.* Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places
- 6.36 The NPPF paragraph 174 (e) requires the decision making process should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution. Paragraph 185 requires development should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 6.37 NPPF section 16 sets out the position regarding conserving and enhancing the historic environment. Specific principles and policies relating to the historic environment and heritage assets and development are found in paragraphs 189 – 208.
- 6.38 Paragraph 199 advises that *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is*



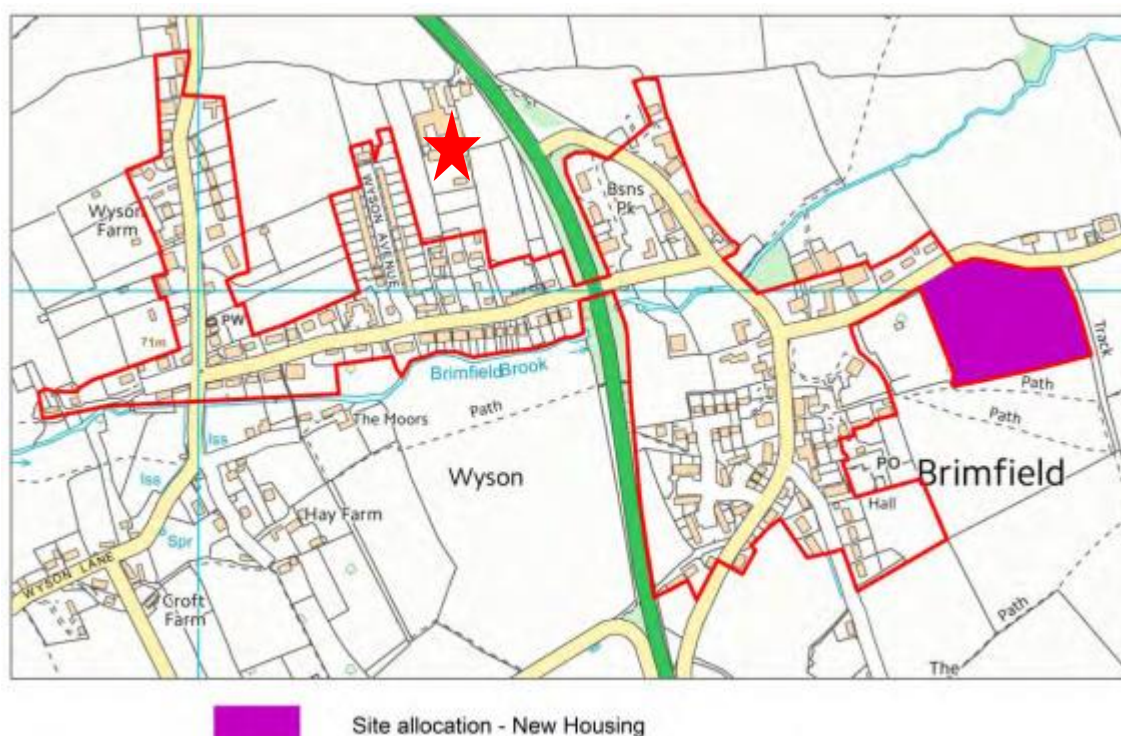
*irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

- 6.39 Paragraph 203 states *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

## **Assessment**

### Principle of Development

- 6.40 The site adjoins the main built form of Brimfield as required by CS policy RA3 and H2 and as defined by the settlement boundary of the village detailed in the Neighbourhood Development Plan as shown below, with application site denoted with the red star –



- 6.41 In addition to the definition of the settlement boundary for Brimfield, The NDP aims for provision of at least 75 new houses over the Plan period on sites within the identified Brimfield settlement boundary (shown above). At the time of the NDP's adoption a target of 67 remained. Residential development will be permitted on both identified areas and windfall sites within the settlement boundary where proposals are in accordance with other policies this Plan. Where possible, built form should respect and continue the existing building line and not build up to the edge of the identified settlement boundary. The Core Strategy does not allocate land directly for housing, however the Neighbourhood Development Plan does incorporate such allocations, as shown above.
- 6.42 The principle of development has been established by the site's alignment with the Core Strategy under policy RA3 and satisfying the locational criteria of CS policy H2. There is however a policy tension with CS policy H2 and NDP policy BLH3 as the proposal will not be retained solely for local people in need of affordable housing. This is due to the funding rules from Homes England. However, as the proposal will assist in meeting a proven local and countywide need for affordable housing as demonstrated by the housing needs assessment provided with the application, and the comments of support from the Council's Strategic Housing Officers, the benefits are

considered to outweigh this conflict There is also nothing preventing local people or those with a local connection applying for these dwellings. The affordable housing provided however is made available to, and retained in perpetuity for people in need of affordable housing and this is secured by legal agreement; and the site respects the characteristics of its surroundings, demonstrates good design and offers reasonable access to a range of services and facilities of a settlement identified in Policy RA2

#### Sustainability and addressing Climate Change

- 6.43 Further to 'principle', described above, the development is located in a sustainable location where residents will have access to local services and facilities, which include Church, Public House and bus services to Leominster and Ludlow, all by foot. The availability of other services and facilities in the surrounding rural hinterland at other RA2 settlements nearby such as Woofferton, Orleton and Kimbolton, or higher level and range of services, facilities, shops and employment at the market town of Leominster around 7 miles away, and provides medical care provision, a railway station with services to Hereford and the North, Secondary School and supermarkets and independent shops. Similar services and facilities are found out of County at the market town of Ludlow, 5 miles to the North and also has a train station, and the market town of Tenbury Wells, 5 miles East.
- 6.44 The development will be designed to meet the requirements of the current Building Regulations, Approved Document Part L – *Conservation of Fuel and Power*, and Part F – *Ventilation*. These documents set out the standards required to achieve good levels of heat retention and ventilation.
- 6.45 All of the dwellings will be built using Timber Frame construction. This method of construction allows for greater levels of thermal performance and increased air tightness, all of which will benefit the occupier and reduce energy consumption and resultant bills. It also uses a completely renewable and therefore sustainable source of material which adheres to policy SD1 of the Herefordshire Core Strategy. Further to this a condition for the efficient use of water is recommended for both environmental and cost saving benefits. All dwellings are also served with cycle storage and EV charging points to encourage more environmentally friendly and sustainable ways to travel. These features are secured and maintained from first occupation through conditions.

#### Landscape

- 6.46 Both policies RA2 and the NDP housing supply policies are underpinned by Policy LD1 of the Core Strategy – 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 into its surroundings. The proposed layout is shown below –



- 6.47 The site is accessed through the new residential development to the South, which in turn has access and egress on to Wyson Lane. The layout proposed responds to that adjoining development, with the vertical linear layout repeated across the Northern three quarters of the site, and a horizontal orientated group of three number blocks of semi detached dwellings. This enables the efficient use of land in terms of number of units provided whilst also safeguarding adjoining amenity of the dwellings to the South as the aerial picture above demonstrates.
- 6.48 Open space is provided across the proposed development including informal amenity space and natural green space. A mix of planting is proposed throughout the open space providing ecological and biodiversity enhancements. These features assimilate the development into its site and setting.
- 6.49 The proposal will be viewed, and having regard to its scale, mass and height, as a continuation of the existing residential development hereabouts, especially on views towards Brimfield as approach in a southerly direction on the A49 or with views across to the village from the B4362 and A465. The built extent of the village is not increased in an appreciable with regards to harm to the landscape character of the area or setting of Brimfield.
- 6.50 It is concluded that the development of this site in the form proposed would represent development that would be in keeping with the local landscape character and the character and setting of the settlement, and as such satisfies the requirements of policies LD1, SD1 and RA2, and consequently Policy H2 of the Herefordshire Local Plan – Core Strategy, Brimfield NDP and relevant landscape and response to context aims and objectives of the NPPF.

#### Design and Amenity

- 6.51 Notwithstanding the landscape matters assessed above, CS policy SD1 requires that new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development. While making a positive contribution to the architectural diversity and character of the area including, where appropriate, through innovative design and safeguard residential amenity for existing and proposed residents. The NPPF 2021 has also raised design standards, paragraph 127 is explicit that *The creation of high quality, beautiful and sustainable*



*buildings and places is fundamental to what the planning and development process should achieve.*

- 6.52 The proposal offers 3 different designs over 4 layouts configurations over the 14 houses as shown below. There is a degree of commonality in design terms with the adjoining existing estate –



- 6.53 The materials palette includes brick and render treatments, and roof tiles coloured russet or slate grey and uPVC windows coloured grey or white. This approach prevents monotony over the development, creates visual interest and helps create a sense of identity to the development which is also complementary to its location and setting.

- 6.54 As such the proposal is considered an appropriate design response to context, building on and reinforcing local character through this complementary development. The proposal is considered to satisfy CS policies SS6, RA2 and LD1, the relevant policies of the Brimfield NDP and relevant design and context aims and objectives of the NPPF.
- 6.55 The proposed layout of the site has been strongly influenced by the fact it is located near to the A49. Houses have been designed to sit along the western edge of the site as this is furthest from the A49. Public Open Space has naturally been provided to the eastern edge of the site in order to create a buffer zone. It is noted the proposed houses are located further to the West of the A40 than the dwellings through which access is gained are.
- 6.56 As discussed above, dwellings annotated 1 – 6 on the proposed site layout are orientated to minimise the impact on amenity of the dwellings they adjoin to the South. All dwellings have an acceptable sized private rear garden. Dwellings 7 – 14 overlook the access drive and open space and planting to the East and their principle elevations, whilst their rear gardens and outlook West is over a recreational open space and play area.
- 6.57 Having regard to the existing site condition and lawful agricultural uses which could be carried out on the land and within the existing buildings, the proposals will greatly enhance both the amenity and setting of Alma House and Rose Cottage to the North and North East of the site, and nos 7 – 10 The Coppice specifically. There will, it is considered, be wider amenity and setting benefits to Brimfield and residents hereabouts from the proposal over the current condition and land uses of the site.
- 6.58 With regards to the amenity of Alma House, given the distance to and from the external wall of the nearest dwelling is over 20 metres, and having regard to orientation, proposed boundary treatments and planting, no significant or unacceptable impact is identified.
- 6.59 The orientation of dwelling no.1 and 2, along with the elevation facing the dwellings on The Coppice to the East, being blank ensures amenity of both sets of occupiers is protected. Permitted development rights are recommended to be removed to ensure this position remains.
- 6.60 Finally, with regard to noise nuisance from the A49, it is noted the new dwellings on The Coppice are located closer to it and noise did not preclude that development coming forward. Furthermore, combined with intervening green and built infrastructure, sufficient amenity will be enjoyed similar to all the existing dwellings hereabouts.
- 6.61 Having regard to all the above it is considered occupiers of the proposals have a good level of amenity and privacy and there is no significant adverse impact on adjoining amenity or privacy created from the proposals. The proposal is considered to satisfy CS policies SS6, RA2, LD1 and SD1, the relevant policies of the Brimfield NDP and relevant amenity aims and objectives of the NPPF.

### Heritage

- 6.62 When considering the impact of a development proposal upon the setting of a Heritage Asset, there are several stages. Firstly identifying those assets which may be affected and their significance. Then those aspects of their setting which contribute to the significance are identified and lastly the impact of the development upon this significance. It should be noted that a view to or from a Heritage Asset does not necessarily mean that a site is within that assets setting, this depends upon whether that view contributes to the significance of the asset. Also a site can be within the setting of a heritage asset without there being a direct view under certain circumstances. The fundamental principle is whether or not a development affects the significance of a heritage asset, including those aspects of its setting which contribute to its significance.

- 6.63 The site is not within a conservation area, and it is noted Brimfield does not have one, nor does the site contain or adjoin any designated heritage assets. The nearest heritage assets are all some way South of Wyson Lane itself and further separated by existing development, fields or green infrastructure. These assets are hatched blue and their relationship with the application site, denoted with the red star, are shown on the map below –



- 6.64 Based on the evidence before me which includes the site history and my observations from my site visit, there is adequate separation between the site and the nearest listed building's, as shown above, that their setting is not impacted upon. Furthermore, I have concluded as set out above that the development relates to the established linear pattern of Brimfield hereabouts and the scale of development is such it would not appear incongruous in the village context. Consequently, the proposed development would not result in material harm to the character and appearance of any heritage asset hereabouts. Therefore, the proposed development would preserve the character or appearance, and consequently the significance, of these heritage assets. Having reached this conclusion there would be no conflict with CS Policy LD4 or the relevant policies of the Brimfield NDP.
- 6.65 As such the proposals are not considered to result in harm on designated heritage assets. When assessed against the requirements of the NPPF, the proposal is considered acceptable based on an assessment of the assets value and importance weighed against and considering the wider benefits of the proposal. It is concluded the proposal accord with policies SS6 and LD4 of the Herefordshire Core Strategy, heritage aims and objectives of the NPPF and Section 66 (1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Highways

- 6.66 Access arrangements serving the proposal have been demonstrated achieve relevant technical standards and required visibility splays to the satisfaction of the Transportation Manager. The access strategy is in compliance with Manual for Streets 2 and Herefordshire Council's Highways Design Guide.

- 6.67 The access arrangements on to the local road network utilise an existing and modern access point on Wyson Lane, increasing the dwellings served from this route. It is understood that this section is to remain private which will result in this development also being private (it is not possible to adopt an 'island' of highway not connected to the highway network).
- 6.68 With reference to the increase volume of dwellings the total number of dwellings served from the route will not exceed the local highway authority threshold for residential units served from a road of this nature. As a result, this aspect of the development complies with the requirements of Herefordshire Council's Highways Design Guide for New Developments.
- 6.69 In terms of trip generation the additional 14 dwellings are assessed against the NPPF which sets out that development should only be resisted on highways grounds if the cumulative impact could be classed as severe. The additional units are unlikely to generate a significant additional peak hour flow from the site. Whilst it is clear that traffic levels will increase from the site the increase is insufficient to evidence a severe impact on the local road network. As a result of this highways consideration the LHA does not object to the principle of the development. A portion of these movements will be offset by the consideration of the existing permitted use of the site which will be removed, albeit this appears to be to the benefit of the national strategic road network due to the primary access point being onto the A49 in Shropshire.
- 6.70 The geometry proposed in the submission are appropriate. It is noted that the landscaping is arranged to not encroach upon the visibility splays and a footway exists on one side to provide pedestrian linkages consistent with the existing site. Due to this and its location, the development has good pedestrian connectivity to services and facilities in the village. In addition, the parking provision is appropriate and includes visitor spaces. This approach will not result in vehicles needing to park injudiciously on either this proposed private infrastructure or the wider public highway.
- 6.71 On this basis and with regards to the Transportation Managers' comments, the proposal addresses highway safety, has connectivity to local services and facilities so to offer sustainable transport options and no severe impact justifying refusal as set out within NPPF paragraph 109 is assessed to be created with regards additional vehicular movements associated with the proposals.
- 6.72 All new developments require cycle storage to supplement the access strategy. It is noted that each dwelling includes a shed for this cycle storage. As a result this is considered appropriate and will be secured and retained by condition. Similarly, EV points are required by condition to serve each dwelling.
- 6.73 The proposal complies with CS policies SS4 and MT1, Herefordshire Council's Highways Design Guide and the relevant aims and objectives of the NPPF.

#### Drainage

- 6.74 Review of the Environment Agency's Flood Map for Planning and the submitted Flood Risk Assessment indicates that the site is located in Flood Zone 1. Review of the EA's Risk of Flooding from Surface Water map indicates that the site is not at risk of surface water flooding. Review of the EA's Groundwater map indicates that the site is not located within a designated Source Protection Zone or Principal Aquifer.
- 6.75 The surface water drainage runoff at this site is managed using soakaways / infiltration methods and the foul water drainage strategy is proposed to outfall via gravity into the existing private foul drainage system operated by Severn Trent Water.
- 6.76 The comments of the Council's Drainage Engineer are noted, along with correspondence from Severn Trent Water, whose final position of no objection subject to requested conditions being

imposed being recorded. As such CS policies SD3 and SD4 are satisfied and suitable drainage arrangements can and will serve the development.

### Biodiversity

- 6.77 Policy LD2 states *Development proposals should conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire, through the:*
1. retention and protection of nature conservation sites and habitats, and important species in accordance with their status
  2. restoration and enhancement of existing biodiversity and geodiversity features on site and connectivity to wider ecological networks; and
  3. creation of new biodiversity features and wildlife habitats.
- 6.78 The advice in Chapter 15 of the NPPF, *Conserving and enhancing the natural environment*, reinforces this, stating *promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.*
- 6.79 The site is within 10km of Downton Gorge SAC and located downstream of the SAC/SSSI. Having reviewed all information including Natural England's SAC/SSSI Impact Risk Zone information NO effects are identified from this application in respect of Downton Gorge SAC and no further Habitat Regulations Assessment process is triggered.
- 6.80 The site is within 1km of The River Teme SSSI and the LPA must consider all potential effects that this development could have on this SSSI nature conservation site.
- 6.81 The River Teme SSSI is primarily designated for aquatic habitats and species. Natural England have not currently advised the LPA of any specific constraints on developments that could have an effect on the integrity of the Teme SSSI.
- 6.82 The proposed development would add additional foul water loading on the existing mains sewer network – managed by Severn Trent water. The local waste water treatment plant will have a final outfall within the River Teme SSSI catchment. It is noted Severn Trent in their comments dated 17<sup>th</sup> February 2021 have not raised any objection to a mains sewer connection for this development and the connection to local mains sewer can be secured by a condition on any planning consent granted. Similar, the surface water management strategy can be secured for implementation through any planning consent granted.
- 6.83 The LPA considers that the proposed foul and surface water management strategies are relevant and achievable and are technically compliant with all relevant local plans and policies. Subject to the strategy being secured for implementation by condition any effects from foul and surface water from the proposed development can be considered as fully mitigated and no adverse effect on the integrity of the River Teme SSSI is identified. The Core Strategy requires development proposals to conserve, restore and enhance biodiversity through the retention and enhancement of nature conservation site and habitats and important species. This is also supplemented and underpinned by Core Strategy policies LD2 – *Biodiversity and geodiversity* and LD3 – *Green infrastructure*.
- 6.84 The ecology appraisal by Turnstone Ecology is appropriate and includes the provision of mitigation and enhancement strategies, including during the construction phase. In line with Conservation of habitats and Species Regulations, NPPF, NERC Act, Core Strategy SS6 and LD2 as well as draft Environment Bill all developments should clearly demonstrate a significant and lasting biodiversity net gain. To secure this a condition requiring a fully detailed plan and specification for proposed biodiversity net gain enhancement features is suggested as a Condition.



- 6.85 Mitigation for the loss of approximately 31m of hedgerow and two trees will feature approximately 110m of additional hedgerow planting will be completed along the northern and western site boundaries and scattered trees will be planted along the southern site boundary. The new hedgerows are recommended to include a mix of native broadleaved species i.e. Hawthorn, Blackthorn, Crab Apple (*Malus sylvestris*) Hazel, Dog Rose (*Rosa canina* agg.), Rowan (*Sorbus aucuparia*), Dogwood (*Cornus sanguinea*), Honeysuckle (*Lonicera periclymenum*) and Field Maple (*Acer campestre*). Any tree planting within the proposed gardens and along the site boundaries should comprise native species such as Rowan, Crab Apple, Field Maple and Alder (*Alnus glutinosa*).
- 6.86 Three suitable hedgehog houses (such as those manufactured by Schwegler) should be installed around the site in suitable habitat and cover. Each fenceline in the gardens of the proposed properties should contain one gravel board with a gap measuring 13 cm by 13cm to allow Hedgehogs to move freely between gardens and across site.
- 6.87 A mix of two House Sparrow (*Passer domesticus*) terrace boxes, two hole fronted nest boxes, two open-fronted nest box and two House Martin nest boxes should be erected on the proposed dwellings (one box per dwelling) as part of ecological enhancement and mitigation measures.
- 6.88 A range of invertebrates, including pollinating insects, were recorded during the site survey and as such it is considered appropriate that enhancements specific to this group should be incorporated in to the proposed development. It is therefore recommended that an invertebrate hotel should be constructed in the area of Public Open Space adjacent to the retained trees along the eastern boundary as this location should offer a degree of shelter.
- 6.89 In conclusion, through the implementation of the safeguards and other requirements of ecological conditions, it is considered that the proposals accord with planning policy with regard to nature conservation at all administrative levels. In addition, it is considered that the proposal would create a net enhancement to biodiversity post development. As such the proposal complies with Herefordshire Core Strategy policies LB2, LD2 and LD3 and the relevant aims and objectives Chapter 15 of the NPPF.

#### Housing Mix

- 6.90 Policy RA2 (4) seeks to ensure that schemes generate the size, type, tenure and range of housing that is required in particular settlements, reflecting local demand.
- 6.91 The past delivery of affordable housing in Herefordshire has left the Council open to significant criticism at Planning Appeals, despite all the corporate policies seeking to delivery more and attempts to reduce levels of homelessness. A description of affordable housing delivery was described as '*pitiful*' at the recent Land to the North of the Viaduct, Ledbury Public Inquiry.
- 6.92 Considering past delivery of only 1,063 dwellings between 2011/12 and 2018/19 there has been an accumulated shortfall of 4,604 affordable dwellings. This is an affordable housing shortfall of 81% since 2011/12 against a target of 5,667 during the same period; or, put another way, just 19% of need has been provided. The scale of this shortfall is clearly significant and equates to almost 600 affordable homes per annum that are not being provided.
- 6.93 With further regards to the need for additional affordable housing, the emerging Housing Market Area Needs Assessment (HMANA) estimates that there is a need of 597 units per annum. This shows that there has been a further increase in need for affordable housing since the last assessment. This site will help to deliver much needed affordable housing, by way of affordable home ownership, not just for Brimfield but also for the wider population. This document is available to view of the Councils Website at:

- 6.94 The proposal will deliver 14 affordable units in a sustainable location and help meet both evidenced local need and dwelling size and tenures identified in the Brimfield NDP. The comments of the Strategic Housing are noted. The proposal would with a suitable affordable housing with regards type and tenure compliant with Herefordshire Core Strategy policies SS2, SS3, H2, RA2 and RA3 and as such represents development that meets with regards to housing, affordable housing and the social objectives of the NPPF which secure balanced mixed inclusive communities.

#### Section 106 Agreement / Planning Obligations

- 6.95 The Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1 April 2008, and Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended).
- 6.96 The Affordable Housing Units will be retained as such in perpetuity however there is no local connection as per the requirement of Homes England funding which finances the development.
- 6.97 The sum of **£5,360.00** (index linked) to provide infrastructure at Tenbury Surgery has been secured from the development. The sum shall be paid prior to the commencement of the development, and may be pooled with other contributions if appropriate.
- 6.98 On site green infrastructure comprising 0.013ha (130sqm) of Public Open Space and 0.0250ha (250sqm) of Informal Children's Play and the maintenance thereof is also secured.
- 6.99 The proposed planning obligations which includes the delivery of community infrastructure towards healthcare, open space and plan and the delivery of 14 affordable housing units will achieve the following ambitions and success measures of the County Plan 2020-2024;

#### Environment

- Improve resident's access to green space in Herefordshire

#### Community

- Improve Herefordshire's house affordability ratio, making accommodation more affordable to local people
  - Reduce the number of people admitted to hospital for unplanned events
- 6.100 On the basis of the above and as confirmed by the Planning Obligations Manager, a policy compliant draft Heads of Terms can be agreed.

#### Summary and planning balance

- 6.101 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."* The development plan is the Herefordshire Core Strategy and Brimfield Neighbourhood development plan.
- 6.102 In accordance with s.38 (6) of the 2004 Act, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Core Strategy constitutes a spatial strategy and policies designed to achieve sustainable development under the three objectives; social, economic and environmental. As concluded above the proposals are considered to accord with the development plan through meeting the criteria of relevant plan policies. This includes the policies of the Neighbourhood Development Plan. The NPPF, a

material consideration, also seeks sustainable development through the economic, social and environmental objectives for planning. To enable a conclusion to be reached on whether the application proposals are in accordance with the development plan and to take account of material considerations, I now consider the benefits and impacts of the proposals against each of the three roles or dimensions of sustainable development in turn.

### **Turning to the three objectives of sustainable development;**

#### *Economic Objective*

- 6.103 A key aspect of the economic role played by the planning system is to ensure that sufficient land of the right type is available in the right places and at the right time to support growth. The provision of land for housing is part of this overall role.
- 6.104 In this context, the proposals score, in economic terms at least, positively. The proposal could help to support economic growth arising from:
- employment and supply of associated materials, goods and services in the construction phase
  - support to local services and facilities arising from the new resident population
  - economic benefits to the Council through the payment of New Homes Bonus.
- 6.105 However, positive economic benefits arising from the scheme are not unique to this application proposal, but will arise to varying degrees of magnitude on every housing development and I attach only moderate weight to these benefits.

#### *Social Objective*

- 6.106 Planning's social role incorporates providing a supply of housing to meet present and future needs and the creation of a high quality built environment. The proposed development will add to the supply of housing, including social housing, which widen opportunities for home ownership and contribute to meeting housing requirements across the district as a whole.
- 6.107 The planning policy requirements are set out in Core Strategy policies RA1 for overall rural housing requirements and H2 for affordable provision. There is an acknowledged need to provide affordable housing in the Leominster Rural HMA, which includes Brimfield. The proposals will assist in reaching the indicative housing growth target set by policy RA1 for the area and so will contribute to meeting identified general countywide housing needs.
- 6.108 The proposal would provide a suitable range or mix of housing as required by CS policies H3 and RA2. I attach significant weight to this issue given the scale of affordable housing to be delivered by the development in a rural location, the overriding need for affordable housing countywide and clear policy requirements including affordable housing delivery, the proposal will help address. These benefits outweigh the tension with policy H2 and the NDP regarding these dwellings should be secured solely for local people.

#### *Environmental objective*

- 6.109 The environment objective requires consideration of how the development contributes to protecting and enhancing the natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution and mitigating climate change (low carbon economy).
- 6.110 The proposal will enable more sustainable patterns of activity through providing new homes in a sustainable location at a village with a range of service and facilities and public transport links. The proposal forms redevelopment of an existing derelict site where its lawful land use and activity

is not compatible with adjoining land uses. The proposals represent enhancement to amenity. The setting of the settlement and amenity gains the development delivers are significant and beneficial over the existing situation.

- 6.111 Taking all of the above into account, officers consider that the public benefits arising from the scheme, as outlined above are positive.

#### *Conclusions*

- 6.112 Policy SS1 of the CS reflects the presumption in favour of sustainable development in national policy and provides that planning applications that accord with the policies in the Core Strategy will be approved unless material considerations indicate otherwise. Policy SS1 also aligns itself with NPPF paragraph 11 and as a matter of local plan policy states *Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the council will grant permission unless material considerations indicate otherwise.*
- 6.113 The NPPF paragraph 11 provides the mechanism for the determination of the application stating:

#### **For decision Making**

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) 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:

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.

- 6.114 As detailed above there is conformity with the relevant policies of the development plan which includes the Brimfield and Little Hereford Neighbourhood Plan. These policies are consistent with the guidance contained within the NPPF.

- 6.115 On the basis of the clear direction from NPPF paragraph 11, the local plan policy and NPPF aims and objectives compliance officers would conclude that the proposals comply with the policies of the Development Plan and that there are no technical reasons for any other material considerations that indicate that planning permission should not be granted.

#### **RECOMMENDATION**

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

**That subject to either the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, or a condition requiring the completion of an agreement prior to the commencement of development, officers named in the Scheme of Delegation to Officers are authorised to grant planning permission, subject to the conditions below and any other further conditions considered necessary**

**That planning permission be granted subject to the following conditions:**

#### **Regulatory Conditions**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

- 2 The development shall be carried out strictly in accordance with the approved plans and supporting details:

- *To be completed*

except where otherwise stipulated by conditions attached to this permission.

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy RA2 and SD1 of the Herefordshire Local Plan – Core Strategy, Bosbury and Coddington Neighbourhood Development Plan and the National Planning Policy Framework.

### **Pre Commencement Conditions**

- 3 Before any work, including any site clearance or demolition begin, or equipment or materials moved on to site, a Construction Environmental Management Plan (CEMP) including a full Ecological Working Method Statement and a specified ‘responsible person’, shall be supplied to the local planning authority for written approval. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have finally been removed; unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies MT1, SD1 and LD1-3.

- 4 Before any work, including any site clearance or demolition begin, or equipment or materials moved on to site, a Construction Management Plan (CMP) including a full Construction Working Method Statement and a specified ‘responsible person’, shall be supplied to the local planning authority for written approval. The approved CMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have finally been removed; unless otherwise agreed in writing by the local planning authority.

The Construction Management Plan shall include, but is not limited to, the following matters:

- site management arrangements, including on-site storage of materials, plant and machinery; temporary offices, contractors compounds and other facilities; on-site parking and turning provision for site operatives, visitors and construction vehicles (including cycle parking for staff and visitors); and provision for the loading/unloading of plant and materials within the site;
- wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway;
- measures for managing access and routing for construction and delivery traffic;
- hours during which construction work, including works of site clearance, and deliveries can take place;
- Tree / hedge protection plan for the phase of development (as per condition 18);

- **Construction Traffic Management Plan, including construction access details if it differs from the access detailed under Condition 12 of this Decision Notice;**
- **Ecological mitigation and protection for the phase of development**

**Reason: In the interests of highway safety, in the interests of safeguarding adjoining amenity, protection of retained green infrastructure and to comply with National Planning Policy Framework (2018), policies MT1, SD1 and LD1-3.**

- 5 The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority.**

**The scheme shall be implemented in accordance with the approved details before the development is first brought into use and occupation and thereafter be maintained as such.**

**Reason: To ensure adequate drainage arrangements serve the development and to mitigate, prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution and prevent adverse impact on adjoining land and use and to comply with Herefordshire Core Strategy policies SD1, SS3 and SS4 and the Brimfield and Little Hereford Neighbourhood Development Plan.**

- 6 Development shall not begin in relation to the provision of road and drainage infrastructure until the engineering details and specification of the proposed roads and highway drains have been submitted to and approved in writing by the local planning authority.**

**The development shall be carried out in accordance with the approved details and completed prior to first occupation of the development hereby permitted.**

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

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

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

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

**c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing.**

**The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.**

**Reason:** In the interests of human health and to comply with Herefordshire Core Strategy policy SD1 and the relevant aims and objectives of the National Planning Policy Framework.

- 8** With the exception of any site clearance and groundwork (excluding any works to retained features), no further development shall commence on site until a landscape design has been submitted to and approved in writing by the Local Planning Authority. The details submitted should include:

- A plan(s) at a scale of 1:200 or 1:500 showing the layout of retained and proposed tree, hedge and shrub planting and grass areas
- A written specification clearly describing the species, sizes, densities and planting numbers and giving details of cultivation and other operations associated with plant and grass establishment
- Existing and proposed finished levels or contours
- Hard surfacing materials
- Minor structures (e.g. play equipment, street furniture, lighting, refuse areas, signs etc.)
- Any retained historic features and proposals for restoration

The approved soft landscaping scheme and planting details shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development.

**Reason:** To protect and enhance the visual amenities of the development and wider area and setting of Brimfield hereabouts, to maintain and enhance the character and appearance of the location and setting of Brimfield and to ensure that the development complies with the requirements of Policy SS6, RA1, RA2, LD1, LD4 and SD1 of the Herefordshire Local Plan – Core Strategy, the Brimfield and Little Hereford Neighbourhood Development Plan, and the design and environmental aims and objectives of the National Planning Policy Framework.

### **Compliance Conditions**

- 9** The ecological protection, mitigation, compensation and working methods scheme and biodiversity net gain enhancements as specified in the ecology report by Turnstone Ecology dated August 2021 shall be implemented in full as stated, and hereafter maintained, unless otherwise approved in writing by the local planning authority and Natural England as relevant to any protected species licences.

**Reason:** To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and Brimfield and Little Hereford Neighbourhood Development Plan.

- 10** No development in any phase, including any works of site clearance, shall commence during the bird nesting season (1 March – 31 August inclusive) unless it has been demonstrated through the submission of a method statement that shall previously have been submitted to and approved in writing by the local planning authority, that nesting birds can be adequately protected. Development shall be carried out only in accordance with the approved details which may include, but are not confined to, the timing of work, pre-work checks, avoidance of nesting areas, and protection zones around nesting areas.

**Reason:** To ensure that species and habitats are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 2017 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework 2018, NERC 2006.

- 11** No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the construction phase and thereafter for 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars.

**Reason:** To safeguard the character and amenity of the area and to ensure that the development conforms to Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 12** The construction phase of the development hereby permitted shall be carried out in strict accordance with the details specifying the measures to be put in place during the construction period for the protection of those trees and hedgerows to be retained, in accordance with the principles set out in BS 5837:2012 as detailed within the Tree Condition Report Arboricultural Impact Assessment Root Protection Areas Method Statement, listed under Condition 2 of this Decision Notice.

**Reason:** To safeguard and protect trees and hedgerows to be retained during the construction phase and to comply with Herefordshire Core Strategy policies LD1, LD2 and LD3.

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

**Reason:** In the interests of human health and to comply with Herefordshire Core Strategy policy SD1 and the relevant aims and objectives of the National Planning Policy Framework.

#### **Prior to Occupation Conditions**

- 14** Prior to the first occupation of any dwelling to which this permission relates an area for car parking shall be laid out within the curtilage of that property, in accordance with the approved plans which shall be properly consolidated, surfaced and drained, in accordance with details to be submitted to and approved in writing by the local planning authority and those areas shall not thereafter be used for any other purpose than the parking of vehicles.

**Reason:** In the interests of highway safety and to comply with Herefordshire Core Strategy policies SS4 and MT1.

- 15** No dwelling hereby approved shall be occupied until details including illumination areas, luminance levels and control systems of any floodlighting or external lighting proposed to illuminate any phase of the housing development, as relates to non domestic fixings, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.

**Reason:** To safeguard local amenities and adjoining land uses, Dark Skies and to comply with Policy SD1, SS6 and LD1-3 of the Herefordshire Local Plan – Core Strategy, National Planning Policy Framework and Conservation of Habitats and Species Regulations (2018).



- 16 No dwelling hereby approved shall be occupied until arrangements to facilitate broadband and/or high speed internet connection to those dwellings have been implemented in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority.

Reason: To ensure occupiers have suitable facilities and 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.

- 17 Prior to the first occupation of any dwelling hereby permitted a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 of the Herefordshire Local Plan Core Strategy shall be submitted to and approved in writing by the local planning authority and implemented as approved.

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

- 18 Prior to the first occupation of any dwelling within any phase of residential development hereby permitted a scheme to enable the charging of plug in and other ultra low or zero 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.

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.

- 19 Details regarding the storage and collection location of bins should be provided and approved in writing by the Local Planning Authority prior to occupation of any dwelling. Bin collection points would need to be provided for any plot located over a 25 metre walking distance from where the RCV can safely access and shall be installed and made available for use prior to the occupation of the dwelling to which it serves.

Reason: In the interests of highway safety, public health and amenity and to comply with Herefordshire Core Strategy policies LD1, MT1 and SD1.

- 20 Before any dwelling is first occupied or brought into use, a schedule of landscape implementation and maintenance of non-private garden areas shall be submitted to and approved in writing by the local planning authority. Delivery and Maintenance shall be carried out in accordance with this approved schedule. The maintained height of existing and proposed hedgerows should be specified within the Schedule and a plan is required to show which areas are covered by the Estate Management Company.

Reason: To ensure the future establishment of the approved scheme, in order to protect and enhance the visual amenities of the area and setting of Brimfield hereabouts, to maintain and enhance the character and appearance of the location and setting of Brimfield and to ensure that the development complies with the requirements of Policy SS6, RA1, RA2, LD1, LD4 and SD1 of the Herefordshire Local Plan – Core Strategy, the Brimfield and Little Hereford Neighbourhood Development Plan, and the design and environmental aims and objectives of the National Planning Policy Framework.

- 21 The provision of covered and secure cycle parking on site and within the curtilage of each dwelling as shown on and within the approved plans and details listed under Condition 2

of this Decision Notice shall be made available for use prior to occupation of the dwelling it serves and thereafter be retained for such use.

**Reason:** In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 22** The Remediation Scheme, as approved pursuant to condition 7 of this Decision Notice shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted and agreed in writing before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

**Reason:** In the interests of human health and to comply with Herefordshire Core Strategy policy SD1 and the relevant aims and objectives of the National Planning Policy Framework.

- 23** Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, B, C, D and H of Part 1 and of Schedule 2, shall be carried out and furthermore no windows shall at any time be placed in any elevation, or dormer windows in any facing roof slope of the dwellings hereby permitted other than those shown on the approved plans listed under Condition 2 of this Decision Notice..

**Reason:** In order to protect the character and amenity of the locality, to ensure the design, character and appearance of this high quality development is protected, to maintain the amenities of adjoining property, ensure the development retains a mix of housing sizes and to comply with Policy H1, H3, RA2 and SD1 of the Herefordshire Local Plan – Core Strategy, the Brimfield and Little Hereford Neighbourhood Development Plan and the National Planning Policy Framework

- 24** The development hereby permitted shall be served by vehicular access and egress by the route through and from The Coppice and Wyson Lane only, as shown on the approved plans listed under Condition 2 of this Decision Notice.

**Reason:** In the interests of highway safety and amenity, to safeguard the strategic road network and having regard to the basis on which the development has been assessed and to comply with Herefordshire Core Strategy policies SS4 and MT1 and the relevant aims and objectives of the National Planning Policy Framework.

#### **Informatives:**

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

- 2 It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
- 3 The Developer is advised that some public sewers, lateral drains or water mains may not be recorded on Welsh Water's maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
- 4 With reference to the surface water, Welsh Water advise they would not permit the communication of flows to the public sewer as it is designated to receive foul water only. Any drainage strategy should consider utilising a sustainable drainage technique. In addition, please note that no highway or land drainage run-off will be permitted to discharge directly or indirectly into the public sewerage system.
- With regards to the requirements of Condition 7 –
- 5
- Assessment is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework 2021
  - All investigations of potentially contaminated sites are required to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission
  - Where ground gas protection measures are required, they shall be validated in accordance with current best practice guidance
- 6 This planning permission is pursuant to a Section 106 legal agreement dated XXX

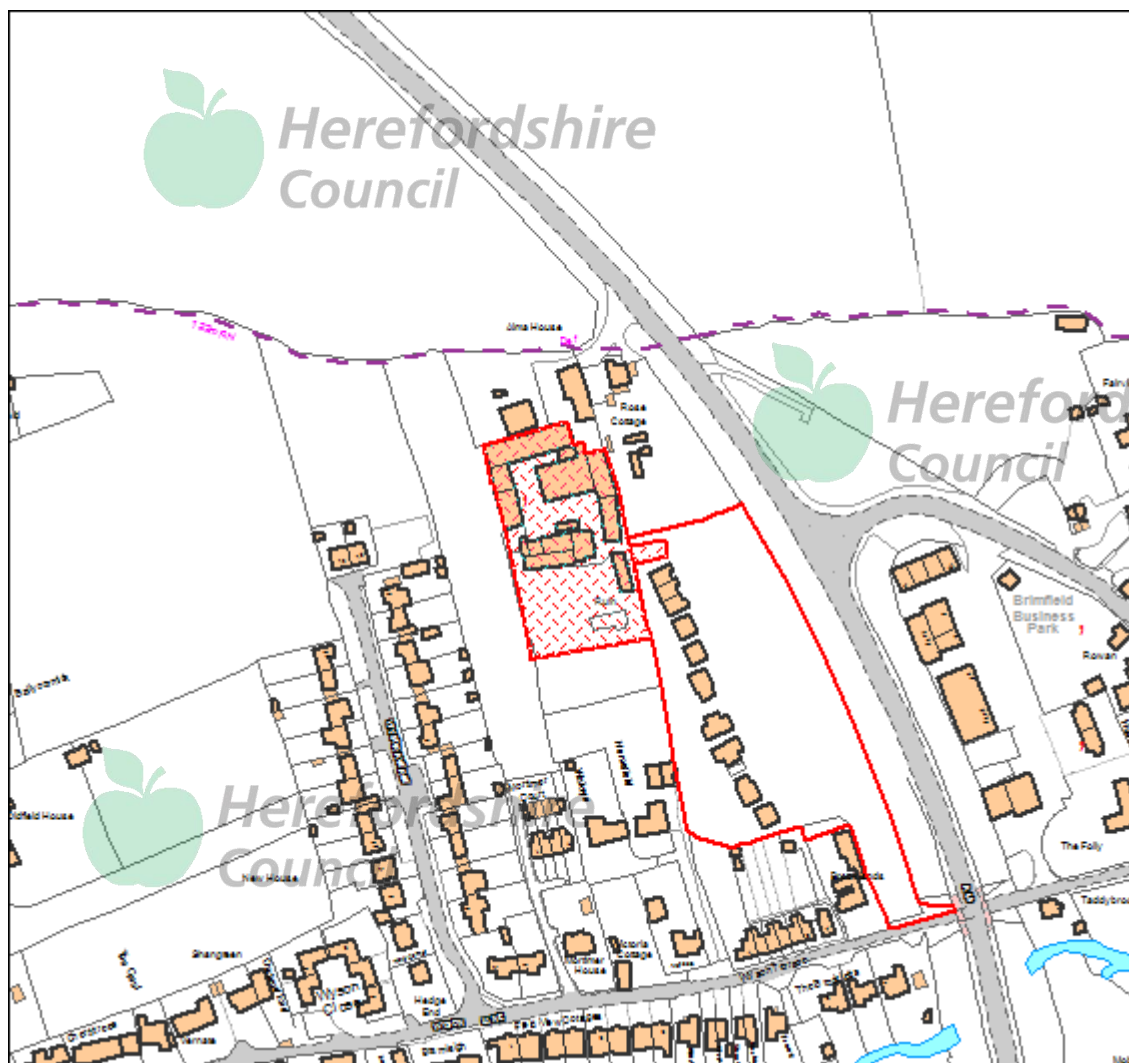
Decision: .....

Notes: .....

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## Background Papers

Internal departmental consultation replies.



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

**APPLICATION NO:** 210373

**SITE ADDRESS :** LAND OFF WYSON LANE, BRIMFIELD, HEREFORDSHIRE

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Further information on the subject of this report is available from Mr C Brace on 01432 261947