

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	20th October 2021
TITLE OF REPORT:	210068 - APPLICATION FOR VARIATION OF CONDITION 2 FOLLOWING GRANT OF PLANNING PERMISSION (174681) - TO SEEK APPROVAL FOR AMENDED HOUSING DESIGNS AT LAND SOUTH OF COBHALL COMMON LANE, COBHALL COMMON, HEREFORD, For: Mr Griffith per Mr Jim Hicks, Second Floor Offices, 46 Bridge Street, Hereford, Herefordshire, HR4 9DG
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=210068&search-term=210068
Reason Application submitted to Committee – Redirection	

Date Received: 12 January 2021

Ward: Wormside

Grid Ref: 345598,235401

Expiry Date: 29 September 2021

Local Members: Cllr C Bolderson

1. Site Description and Proposal

- 1.1 The application site is located to the south of Cobhall Lane on the eastern edge of the rural settlement of Cobhall Common, which is located around 5 miles south of Hereford, to the west of the A465 in the Parish of Allensmore. The site is a narrow rectangular parcel of former agricultural land with a total site area of 0.6 hectares. The site, benefitting from permission 174681/F, is currently under construction. While no foundations for the approved development have been laid large areas of the site have been cut in preparation. In addition the access and shared driveway has been laid with compacted hard-core. With the exception of the two vehicular accesses the site is bounded by mature hedgerow with a number of mature hedgerow trees scattered along its boundaries. The site adjoins Cobhall Lane with the residential properties of 'Elms Tree Cottage' and 'Red House' located on either end of the site. There are several residential properties located on the opposite side of Cobhall Common Lane.
- 1.2 The site benefits from detailed planning permission for 7 dwellings permitted under application reference 174681/F (and associated discharge of conditions application reference: 213279). The 7 dwellings approved under 174681/F were divided up into 1 x 2 bedroomed dormer bungalow (plot 6), 2 x 3 bedroomed dormer bungalows (plots 1 and 7), 2 x 3 bedroomed two storey dwellings (plots 3 and 5) and 2 x 4 bedroomed properties (plots 2 and 4). The approved 7 dwellings front onto Cobhall Lane and are set back behind the driveways around 20m from the highway on a staggered building line. While the design and appearance of the dwellings already approved varies across the site there was a unified material specification with facing red brick and vertical timbered weatherboarding on the walls and dark grey standing seam metal roofs.

- 1.3 The drainage arrangements, as approved under 174681/F, were for individual package treatment plants (PTP) for each dwelling with outfall of these PTPs connecting into a single shared deep drainage ditch on adjacent land which then in turn discharges to a culverted watercourse to the North East of the development site. Maintenance arrangements for this infrastructure were secured by way condition and have since been discharged under application 213279.
- 1.4 The current application has been submitted under s73 of the Town and Country Planning Act (1990) (as amended) for the variation of condition 2 of the extant permission and primarily seeks to amend the design of the dwellings. The proposed dwellings have been amended during the processing of this consent but are now divided up into 4 x 3 bedroom dwellings and 3 x 4 bedroom dwellings. The proposed siting of the dwellings remains set back from the highway by approximately 20m on a staggered building line. The amended design is such that there are three house types proposed. Plots 1 and 7 are 3 bedroom dwellings with a half dormer design and projecting front gable, as depicted below in Image 1, they are handed versions of each other. Plots 2, 4 and 6 are 4 bedroom dwellings and include integral garages and front projecting gables under an asymmetric dual pitched roof, as depicted in Image 2, Plot 6 is a handed version of Plots 2 and 4. Plots 3 and 5 are 3 bedroom dwellings set out on a square plan under a dual pitched roof with an attached garage, as depicted in Image 3, below. The reader is directed to the submitted plans for full details.

Image 1:

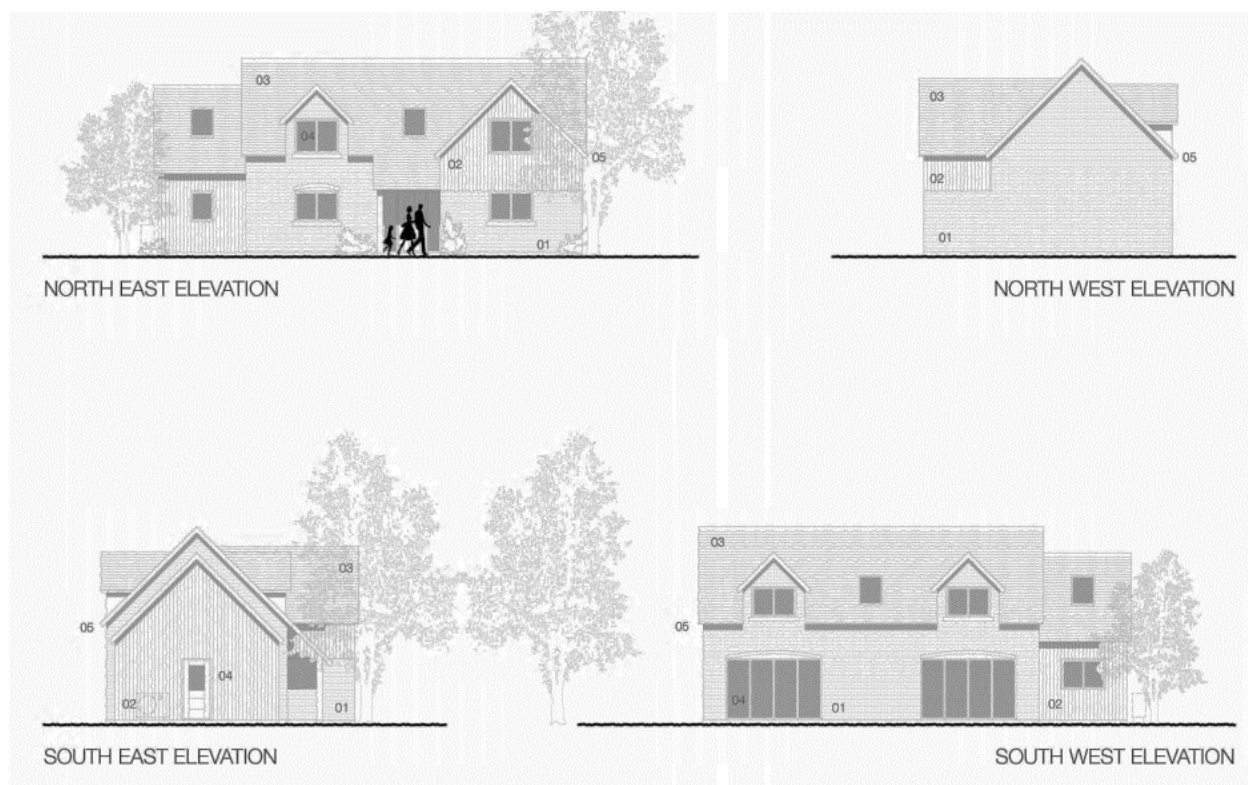


Image 2:



Image 3:



- 1.5 The proposed amendments includes a change in the material specification of the dwellings. However a unified approach has again been adopted with brick and timber cladding for the walls and a natural slate covering for the roof.
- 1.6 As part of this application the drainage strategy has also been amended and it is now proposed to discharge treated foul effluent from the 7 dwellings to a single shared PTP which discharges the treated effluent to a partial drainage field with additional outfall to the culverted watercourse to the North East of the application site.

2. Policies

2.1 Herefordshire Local Plan - Core Strategy (CS)

SS1	-	Presumption in favour of sustainable development
SS4	-	Movement and transportation
SS6	-	Environmental quality and local distinctiveness
SS7	-	Addressing climate change
RA2	-	Housing in settlements outside Hereford and the market towns
H3	-	Ensuring an appropriate range and mix of housing
MT1	-	Traffic Management, highway safety and promoting active travel
LD1	-	Landscape and townscape
LD2	-	Biodiversity and geodiversity
LD3	-	Green Infrastructure
SD1	-	Sustainable design and energy efficiency
SD3	-	Sustainable water management and water resources
SD4	-	Waste water treatment and river water quality

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

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

2.2 Allensmore Neighbourhood Development Plan (ANDP)

Policy A1	–	Protecting and Enhancing Local Landscape Character
Policy A2	–	Protecting and Enhancing Local Wildlife
Policy A3	–	Proposed Site Allocations
Policy A4	–	Criteria for Development in Settlement Boundaries
Policy A5	–	Housing Mix
Policy A7	–	Drainage, Flooding and Sewage

The Neighbourhood Development Plan policies can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/directory-record/5458/allensmore-neighbourhood-development-plan>

2.3 National Planning Policy Framework 2021 (NPPF)

Chapter 2:	Achieving sustainable development
Chapter 4:	Decision making
Chapter 5:	Delivering a sufficient supply of homes
Chapter 8:	Promoting healthy and safe communities
Chapter 9:	Promoting sustainable transport
Chapter 11:	Making effective use of land
Chapter 12:	Achieving well-designed places
Chapter 13:	Protecting Green Belt land
Chapter 14:	Meeting the challenge of climate change, flooding and coastal change

Further information on the subject of this report is available from Mr David Gosset on 01432 261588

Chapter 15: Conserving and enhancing the natural environment

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 9th 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. In this case, the policies relevant to the determination of this application have been reviewed and are considered to remain entirely consistent with the NPPF and as such can be afforded significant weight.

3. Planning History

- 3.1 **P174681/F** - Proposed residential development for seven dwellings and accesses – Approved - 13-Mar-2019
- 3.2 **P213279/XA2** - Application for approval of details reserved by conditions 3 5 6 7 9 & 16 attached to planning permission 174681 – Approved - 23-Sep-2021

4. Consultation Summary

Internal Council Consultations

4.1 Ecology – no objection

The site is not within the hydrological catchment of the English River Wye SAC and no Habitat Regulations Assessment process is triggered by this application.

Utilising Natural England's SSSI Impact Risk Zone data and mapping information available there are no identified effects on any statutory designated nature conservation site from this application.

It is noted that the council's professional drainage consults are reviewing the amended foul and surface water management strategies and they can provide the required assurance that all relevant regulations and Core Strategy policies Sd3 and SD4 can be complied with and that the final scheme can be technically achieved.

There are no further ecology comments and no objection is raised to this application.

4.2 Public Rights of Way – no objection

4.3 Minerals and Waste – no objection

4.4 Local Highways Authority – no objection

1st February 2021:

The proposed amended drawings do not alter the details of the access arrangements secured under the original permission. In addition whilst the vehicle areas are altered by the proposal the redesigned internal layout is considered acceptable to cater for the requirements of the development. as a result there are no highways objections to the plan variations.

All applicants are reminded that attaining planning consent does not constitute permission to work in the highway. Any applicant wishing to carry out works in the highway should see the various guidance on Herefordshire Council's website:

www.herefordshire.gov.uk/directory_record/1992/street_works_licence

<https://www.herefordshire.gov.uk/info/200196/roads/707/highways>

3rd August 2021:

Condition 7: Development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the local planning authority and such provision shall be retained and kept available during construction of the development.

The submitted details are appropriate for the nature and scale of the development. There are no highways objections to the discharge of this condition.

4.5 Land Drainage – no objection

Latest response: 14th September 2021:

This response is in regard to the request to vary Condition 2 of planning permission 210068 which reads as follows:

2 The development shall be carried out strictly in accordance with the approved plans and documents listed below, except where otherwise stipulated by conditions attached to this permission.

- P001 - Site Location Plan - showing proposed off site drainage and passing bay
- P004 A - Street Scene as proposed
- P100 - Plot 1 as proposed
- P101 – Plot 2 as proposed
- P102 – Plot 3 as proposed
- P103 –Plot 4 as proposed
- P104 –Plot 5 as proposed
- P105 A - Plot 6 as proposed
- P106 – Plot 7 as proposed
- LB001 A - Landscaping and biodiversity enhancement scheme as proposed
- E001 C – Proposed site location plan
- D01 G – Drainage layout
- D02 B - Foul drainage route of outlet for treated effluent
- D03A – Ditch &Final outlet layout
- Drainage Strategy dated 22nd November 2017 by Tumu Consulting
- Ecological Assessment Ref OHA/1833/16.1

The applicant has presented an alternative foul drainage strategy and our comments are below. We note that the strategy would not be compliant with Condition 14 and so a request to vary this condition will be needed.

- 14 All foul water from the dwellings approved under this Decision Notice shall discharge into individual package treatment plants as outlined in the drainage strategy and drawings submitted to the Council on the 8th November 2018 by Paul Sloan from Tumu Consulting unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Habitat Regulations (2017), National Planning Policy Framework, NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2 and SD4 and the National Planning Policy Framework.

The submission also needs to meet the criteria defined in Condition 16

- 16 No development shall commence until a drainage construction and management plan, including management responsibilities and maintenance schedules for both foul and surface water arrangements have been submitted and approved in writing by the local planning authority. The management plan will set out the responsibilities for the various elements of the drainage systems. The plan shall be implemented as approved.

Reason: In order to ensure effective drainage facilities are provided in accordance with the requirements of Policy SD3 and SD4 of the Herefordshire Local Plan – Core Strategy Plan and the National Planning Policy Framework.

Our comments have also considered Conditions 9, 15 and informative 4, copied as follows:

- 9 Prior to the first occupation of any of the dwellings hereby approved the driveway and/or vehicular turning area shall be consolidated and surfaced at a gradient not steeper than 1 in 8. Private drainage arrangements must be made to prevent run-off from the driveway discharging onto the highway. Details of the driveway, vehicular turning area and drainage arrangements shall be submitted to and approved in writing by the local planning authority prior to commencement of any works.

Reason: In the interests of highway safety and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 15 Surface water will be managed through an appropriate Sustainable Drainage System (SuDS) and soakaway system within the development site on land under the applicant's control. The surface water management system shall include the collection of rain water from roofs and shall be implemented and hereafter maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Habitat Regulations (2017), National Planning Policy Framework, NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2 and SD3.

- 4 This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel: 01432 261800), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority. A minimum of 4 weeks notification will be required (or 3 months if a road closure is involved).

Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to coordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.

Overall Comments:

The original foul drainage strategy featured a private sewer to carry treated effluent from 7 package treatment plants to outfall in a deep Land Drain. The Land Drain had been installed by the former South Hereford District Council in the 1980s. The applicant had demonstrated that at the point of connection there was flowing water that arose from groundwater. The discharge would have effectively been a blind connection and so there were concerns that in the event of a package treatment plant malfunctioning, a case of pollution would go unreported. The asset life of the galvanised steel land drain could also have been reduced.

To mitigate the risk of an episode of pollution going unreported, the original foul drainage strategy featured a deep ditch. It was suggested that any episodes of pollution would be noticed by people who passed the ditch. The planning application was approved on this basis.

The most recent submission does not feature a deep ditch. A Partial Drainage Field has been proposed.

Partial Drainage Fields may be used in locations where groundwater levels are sometimes high. Conventional drainage fields rely on groundwater being at least 1m lower than the spreaders at all times.

Partial Drainage Fields are usually specified within 10m of a watercourse. The Environment Agency would class a discharge to a watercourse as a Water Discharge Activity, such permits need to be made within 10m of a watercourse. Partial Drainage Fields are therefore usually installed next to watercourses to avoid the need for a separate Groundwater Activity Permit. There is no technical reason why a Partial Drainage Field cannot be installed more than 10m from a watercourse.

A partial drainage field installed at the location would be compliant with the Binding Rules, even if at some times in the year the groundwater level were high. This is because the effluent would be dispersed to flowing water.

Our original concerns regarding failure of treatment facilities have been mitigated because pumps are now proposed. The original design featured a gravity system. The pumps would require a Service Contract to be established with a Pump Maintenance, otherwise the entire system would ultimately fail. Whilst it is possible that the Package Treatment Plant could operate ineffectively with a high amount of sludge, we respect that the owner would follow best practice and would

implement cyclical cleansing of the tank. The technicians servicing the pumps would notice odours and would highlight the need to complete desludging works.

In principle, drainage fields can be used to serve septic tanks, although such an arrangement is normally only used for one or two houses. In the event of PTP failure, the proposed drainage field would offer some treatment even when water levels were high.

We note that a groundwater test pit demonstrated that there was no groundwater within a 2m pit. For the proposed purpose as a Partial Drainage Field this is acceptable.

In principle we hold no objection to the conceptual design and offer the following specific remarks about the foul drainage strategy:

- The pipe crossing the field only has a cover of around 450mm. The Building Regulations identify the need to install pipes below fields with a minimum of 600mm – 700mm cover below fields (Table 10). We note that the applicant has suggested that “Cover levels to be built up with arisings and/or site won material to ensure minimums of 600mm cover achieved for all drainage runs”. However, ploughing can damage pipework as soil moves, so the pipework needs to be shown lower down.*
- A Land Drainage Consent will be needed for the connection to the culverted watercourse*
- A Kiosk would need to be shown on the drawing, this is referenced in the product specifications as attached*
- We note that an internet based monitoring system is proposed for the pumping station to help facilitate emergency maintenance as shown in the attached product specifications. There are ongoing costs associated with this which need to be planned for.*
- We note that a contractor has been identified that can attend to complete tankering within 24 hours of an alarm being raised. The applicant has proposed using the service road to park a tanker or a service vehicle.*
- An Environmental Permit will be required as the discharge to ground or surface water would exceed 5 m³ per day.*
- A NRSWA notice would be needed for any private apparatus installed below the highway*

We provide the following remarks about the operation and maintenance strategy.

- Item 1.9 advises that an easement will exist enabling access to maintain and repair the drainage field. The land on which the drainage field is located needs to be owned by the residents so that they can take steps to protect it against ad-hoc damage. If the drainage field were to be damaged then the residents association would be liable for any pollution episode. This policy is consistent with our SuDS guidance and will ensure continuity if the management company went into administration. If the LPA consider that it is not practical to request the drainage field is owned by the residents then the operation and maintenance strategy should identify a measure such as fencing that could be implemented to reduce the likelihood of adhoc damage*
- There is no service interval shown for the pump. The service interval for pumping stations should be at least twice a year*
- The pumping station will need to be configured correctly. Individual Home Treatment Systems’ (AE892) is a guidance note published by North Dakota State University in the USA. Where pumping is required, it is suggested that the pump controls should be set so that a dose equal to one quarter of the daily wastewater volume is discharged to the drainage field when the pumps start. This will provide a rest period between doses and allows the effluent to infiltrate before the next dose. In addition, it increases pump life as frequent stopping and starting of the pump will reduce the life of the pump controls. ‘*

The operation and maintenance strategy does not include any annual cost details. We acknowledge that the cost implications of maintaining the sewerage facilities is not a material planning consideration.

However, we strongly recommend that if planning approval is granted then a Condition is included requiring the provision of a Cost Estimate for Annual Maintenance of the sewerage system. We note that in the event of pump failure or PTP failure, the exceedance route for effluent would be via highway drains into neighbouring property.

There is a need to demonstrate compliance with Policy SD3, i.e. to avoid episodes of foul flooding

This is a very small development of only 7 dwellings. All of the planning applications for housing estates that BBLP have been approved to date that have featured pumping stations have been much larger than this and so the costs associated with maintaining the infrastructure have been spread across many dwellings.

To ensure the sustainability of the proposed system, those purchasing the dwellings will need to be made aware of the likely annual maintenance costs. For this development the annual maintenance costs will be much higher than for a connection onto the public sewerage system.

Normally pumping stations are adopted by Water Companies. Most sewerage connections are via gravity, accordingly the charges raised from dwellings with gravity connections effectively subsidise the maintenance costs for dwellings served by pumping stations. Water Companies are able to utilise reserve budgets to fund emergency repairs to ensure compliance with OFWAT criteria

A cost estimate needs to be prepared and identified on the Planning Portal, to demonstrate that the sustainability of the sewerage facilities has been fully considered.

BBLP maintains 4 pumping stations as part of the Public Realm Contract. We have some cost data related to the maintenance of these pumps (based on 5 years). This can be used by the applicant to help develop a cost estimate, noting the following details which may impact the budget:

Cost Estimate				BBLP Cost data		
Net Cost	VAT	Gross Cost		Net Cost	VAT	Gross Cost
£1,540	£308	£1,848	Engagement of Management Company to facilitate ongoing funding			
£921	£184	£1,105	Average repair bills, based on BBLP data	£4,603	£921	£5,524
£560	£112	£672	"Option 2" Servicing fee, TT Pumps			
£1,115	£223	£1,338	SEER junior unit (Monitoing - Cloud Subscription and Data), TT Pumps			
£340	£68	£408	Tankering during repair work (see extract from BBLP contractor's invoice below)			
£1,243	£249	£1,492	Sinking fund, pumps	£6,216	£1,243	£7,459
£890	£0	£890	Environment Agency Permit annual fee			
-	-	-	Other costs as discussed below			

As referenced above, "92 The Pastures, Hereford" is a Surface Water pumping station that BBLP maintain. This station does not operate on a daily basis. The costs of maintaining a foul pumping station are likely to be higher than this.

BBLP also maintain a pump that is installed at Homs Road surface water pumping station, Ross on Wye. These pumps were only installed in April 2018, but only 2 years later there was a maintenance bill of around £4,500.

The cost profile needs to be developed on the basis that provision will be needed for potential spikes in maintenance costs. The cost profile needs to consider how spikes in maintenance costs may be funded. There is also a risk that a home owner could fall into arrears, the management company will need to be aware of this risk and levy the annual fees to ensure that a reserve is adequately maintained.

We note that the Operation and Maintenance Schedule does make reference to the need for the 7 homeowners to contribute. The last sentence below suggests that when the sinking fund has been exhausted, the residents will need to contribute. Whilst this principle is appropriate, the management company will need to ensure that there is sufficient funding to avoid the scenario of the 7 home owners being approached for finances to continue operation of the system

- 1.4 Owners of each of the seven properties that use the wastewater treatment plant, pumping station and drainage field shall be obliged to join a 'Resident Association' with each property owner paying an equal, agreed-upon contribution on a regular basis. The monetary contribution shall cover the regular maintenance regime of these assets, in addition to establishing a 'sinking fund' to cover any one-off expenses such as emergency repair or replacement of any of the elements of the foul drainage system. Any expense not entirely covered by the sinking fund shall be borne equally between the current members of the Resident Association.

The cost estimate needs to consider additional costs not outlined in the table above as follows :

- accounting (management company function)
- electrical costs
- removal of debris from PTP and de-sludging
- a sinking fund for the PTP
- a sinking fund for the drainage field

Whilst we are supportive of the principle of the operation of the sewage treatment facilities, all parties need to be aware of the costs.

Comments on the surface water strategy follow:

The initial geotechnical investigation identified intermittent soakage across the housing site. SA02 was excavated to 2.9m but did not drain properly. The trial pits identified a layer of gravel around 2.6m deep. We note that the recent testing at Plot 6 demonstrated adequate permeability rates. To facilitate sign off from Building Control, more localised testing is likely to be needed, another option would be to install granular material linking some of the soakaways where levels are similar. This detail can be addressed at site level.

We note that the provision of soakaways for roof drainage and porous paving for the access road should reduce runoff from the existing plot. However the road is lower than adjacent farmland.

We note the proposals to install 150mm diameter Ductile Iron culverts below each access road as these can be laid with minimal cover. The drawing however still shows bends and this requires amendment

There is a highway culvert below the road which is not visible and needs to be reinstated. This is opposite the proposed site entrance. The alignment of this culvert will need to be confirmed so that the inlet to the highway drain is not covered up at the site entrance. The applicant will need to realign the culvert below the highway so that water can drain from the roadside ditch



Existing highway drainage catchpit located on north side of road, to the left of this hedge



Existing highway drainage catchpit



Existing highway drainage catchpit showing pipe below the highway, noting that the inlet is not visible

There is a separate problem of a foul drain that has been installed by the site owner. We understand that there were previous reports of a septic tank that discharged effluent into the roadside ditch. It would appear that the spreader from the septic tank, discharges into the development plot. It would also appear that the landowner has extended the spreader to ensure that foul water does not cause a practical problem during the proposed development of the site. The applicant will need to consider how this foul water will be addressed during the future lifetime of the site

Overall Comment

In principle we would hold no objection to the existing foul discharge that has been found on site being diverted into the proposed foul drainage system.

Minor amendments can be made to the scheme drawings and specifications to address the following issues, if these can be agreed by the applicant then we hold no objection to the scheme :

- Amend the detail of new culverts below proposed access road*
- Realign the existing highway drain that crosses below the lane, so that the ditch will drain*
- The new final effluent pipe across the field needs to be laid at the correct depth*
- Complete amendments to the Operation and Maintenance Strategy as outlined above*

A kiosk needs to be shown on the planning drawings. The pump manufacturer's literature (attached) suggests that this would be 750mm wide x 1250mm high x 400mm deep, although the applicant will need to confirm this detail

An Environment Agency Permit will be required. The connection to the existing HC Land Drain would require a Land Drainage Consent

As referred to above, a Cost Estimate for maintenance of the sewerage system is needed post Determination

All previous Land Drainage Comments are available on the Council's website:

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=210068&search-term=210068

5. Representations

5.1 Allensmore Parish Council

Allensmore Parish Council does not object to the amendments but does have major concerns. Specifically:

It is well known that drainage of the site is difficult and whilst lowering the ground level achieves a lowering of the roof lines, which is to be welcomed, this could exacerbate the drainage challenges. Our concern is that the drainage proposals need to be particularly rigorously designed, scrutinised and enforced to minimise the risk to the surrounding area, as well as the new houses. The drainage plans must also include the building phase to ensure that the flooding of the lane is not made worse during this period. (Run-off from the site in the recent rains is already adversely affecting nearby residents

Secondly, this is a large development in the context of the narrow lane and the impact it makes on nearby residents and the local environment. We urge that the conditions imposed for the development phase recognise this context to ensure minimum disruption and are strictly enforced. These should ensure that the anticipated passing place is created in time to alleviate the problems of the additional traffic and HGVs during the development phase – however, this must be done at a time and way to cause minimum damage to the bird / wildlife population.

Whilst we do not object to the amendments, we strongly urge that the above matters are addressed and regularly monitored by the planning as a condition of any approval given.

Further comments 21st September 2021

I have been asked to write, on behalf of the Allensmore Parish Council, to advise you regarding concerns expressed about Riparian rights and the potential for there to be flooding of property in the Cobhall Common area of Allensmore. The Parish Council had a representation made by a resident of the common, Mr John Slough of Armstrong House, Cobhall Lane, who showed a map (dated circa 1950) at the parish council meeting held on 16/09/21. The map contained a diagram of properties with reference made, via a key, to certain areas of riparian responsibility within the Cobhall Common catchment. Mr Slough is extremely concerned about a development of houses (on "Land south of Cobhall Common Lane" and the subject of planning application 210068 for a variation of conditions) that is currently in progress opposite his property and which has seen considerable soil excavation at the location. Mr Slough is worried that the development will infringe his Riparian rights and that the site will flood making his property vulnerable to risk of flooding as a direct result of the building of homes that is taking place. Mr Slough also wants to ensure that the developers of the site fulfil their Riparian responsibilities. Mr Slough wishes for the parish council to record these concerns and to make representation, on his behalf, concerning the situation for the matter of public record

- 5.2 **Third Party Representations** – to date a total of 57 representations have been received, comprising of 44 letters of objection, 2 general comments and 11 letters of support. Many individuals submitted multiple comments as amendments to the application were made. Comments are summarised below:

Initial Consultation (3rd February 2021)	
1 Objection	
Objection:	
Principle	<ul style="list-style-type: none">- Size of the development- Increase vehicle activity

Drainage/Flooding	- Flooding and drainage not addressed
Amenity	- Size of the dwellings - Impact on privacy due to overlooking as site is higher than adjacent land
Highways	- Narrow access with no pavements
<p style="text-align: center;">Re-consultation (21st April 2021) Amended house design, scale, mix, site levels and drainage strategy 25 (17 Objections, 2 General Comments & 6 Support)*</p>	
Objections:	
Principle	- Should include smaller affordable units - 7 dwellings inappropriate for local context (flooding and highways) - Principle of development needs reconsidering
Drainage/Flooding	- No drainage plan and no detail of wider drainage infrastructure - No mains drainage in the area - PTP located close to neighbouring site and can be noisy, smelly omit bio aerosols - Level of proposed houses just above water table - Development will lead to increased risk of flooding - Removal of soil and replacement of stone will increase flood risk locally - Adjoining land lower than drainage infrastructure - Drainage field no longer in applicants control - Does not comply with requirements set out on nearby development - Does not account for high water table - Insufficient testing of infiltration and ground water level - Drainage field should not be installed in a flood plain or in a seasonally waterlogged, boggy or frequently wetted area - Pipe work should be laid deeper to avoid disturbance from arable farming - Surface water flooding likely to occur as some water will run-off permeable paving and flood ditch and nearby properties therefore infringing riparian rights
Amenity	- Height of dwellings remain excessive and will impact adjacent/opposite dwellings - Loss of light and privacy as a result of overbearing design
Highways	- Narrow access lane need widening, passing places and pavements
Other matters	- Loss of green space and agricultural land - Work commenced in breach of condition - Hedgerow removed in bird nesting season - Advertisement on A465 - Variation of condition 2 does not deal with condition 16
Supporting comments	- Opportunity for the village to grow - Includes electric car chargers and air source heat pumps - Enhanced house design - Improved drainage scheme - Support employment in the area
<p style="text-align: center;">Further representations (3rd August 2021) Following amended drainage strategy</p>	

22 Objections (2 objections have since been withdrawn)*

Objections:	
Principle	- Allensmore has exceeded housing target
Drainage/Flooding	<ul style="list-style-type: none"> - Increased risk of flooding and impact on insurance of neighbouring properties, development should be directed elsewhere - Flood risk increasing due to climate change - Foul effluent from adjacent Red House not dealt with - 3 developments close by having ongoing flooding and drainage issues - High water table locally not accounted for - On going flood issues in the area - EA Permit unlikely to be achievable and should be secured by pre-commencement condition - Hundreds of metres of pipework should be under ownership of future residents - Undo effectiveness of private flood alleviation works - Road floods regularly, made worse by lack of maintenance to highway drains - No mains drainage available and tanked systems will not work - Pollution of the River Wye - Impact on area if management company goes bust
Highways	<ul style="list-style-type: none"> - Passing place required pre-commencement - Single track road to access the site - 7 dwellings will add significantly to the amount of traffic
Other matters	<ul style="list-style-type: none"> - Hedgerow removed in bird nesting season - Concrete causes 8% of global CO2 emissions

Further representations (17th August 2021)

Following site meeting between developer, residents and Ward Cllr

9 (4 Objections & 5 Support)*

Objections:	
Drainage/Flooding	<ul style="list-style-type: none"> - High water table locally - Soil removed from site and membrane and stone laid in replacement prior to conditions being discharged - Increase risk of flooding - Infringe riparian rights of adjacent landowners - Existing pumped system nearby fails in periods of rain - Outlet pipes can get blocked causing further pump failures - Highway ditches not maintained leading to flooding along Cobhall Lane - Construction began without discharging pre-commencement conditions
Highways	- Passing place opposite existing passing place
Other matters	- Hedgerow removed in bird nesting season
Supporting comments:	<ul style="list-style-type: none"> - Improvement to the existing drainage arrangements under 174681 - Less likely to exacerbate flooding than original approval and will mitigate some of the concerns of residents - Developer has sought to address local concerns - Improved aesthetic appearance and landscaping

Further information on the subject of this report is available from Mr David Gosset on 01432 261588

**N.B. 7 letters of representation (5 in support and 2 in objection) did not provide an address and it was, therefore, not possible to ascertain whether they were local to the area.*

- 5.3 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=210068&search-term=210068

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."
- 6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS) and the 'made' Allensmore Neighbourhood Development Plan (ANDP). The National Planning Policy Framework 2021 is a significant material consideration but does not hold the statutory presumption of a development plan.
- 6.3 As the application is a Section 73 application to vary a condition on which a previous planning permission was granted, the principle of the development on the site is considered to have been established in planning terms, and the previous permission represents a significant fall-back position. While the planning policy position has altered since the approval of 174681, by way of the ANDP becoming part of the development plan, the ANDP designates the application site for residential development for 7 dwellings through Policy A3 and therefore further confirms the principle of development. Given the nature of the application and the consistency of the planning policy position it is Officer's assessment that the principle of development is not under consideration as part of this application.

Layout and landscape impact

- 6.4 Both policies RA2 (CS) and A3 (ADNP) are underpinned by Policy LD1 (CS) and A1 (ANDP), respectively. These policies require development proposals to demonstrate that features such as scale and layout 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. In particular the ANDP seeks to protect the dispersed, low density character of the parish, with large plots set back from the highway and specific to the site (through policy A3) that the local linear settlement pattern is maintained. 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 (extract from P003 Rev F):



- 6.5 The proposed layout of the development, as set out above, is broadly in accordance with the previously approved layout for 174681. The layout provides a linear development pattern with dwellings setback from the highways edge, each on large plots. Landscaping is provided within the development site through the rear gardens and to the front of the dwellings, with the mature roadside hedgerow retained, as previously approved, along the northern site boundary. This helps to assimilate the development into its site and setting.
- 6.6 The amended form of the development continues to represent development that is in keeping with the local landscape character and the character and setting of Cobhall Common. It is considered to satisfy the requirements of policies RA2, LD1, A1 and A3 in this regard.

Design and amenity

- 6.7 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. 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.
- 6.8 Furthermore policy SD1 states that development should safeguard amenity of existing and proposed residents and ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination and therefore scale, height and proportion needs consideration. This refers to the overshadowing or overlooking of neighbouring properties and how overbearing structures are.
- 6.9 The proposed development is considered to function well within its surroundings and will add to the overall quality of the area, establishing a strong sense of space and arrival into the settlement, using the streetscape to create an attractive and comfortable place to live, not only for the future residents but for those living in existing properties.

6.10 The proposed amendments to the scheme are best illustrated in the submitted street scene plan:

Approved under 174681:



Proposed amendments:



- 6.11 The current proposal has been amended through the processing of this application to address concerns with scale, visual massing, and the integration with adjacent dwellings. Nevertheless when compared to the approved scheme the proposed development does increase the visual massing of the development which results in the appearance of a denser form of development. This is primarily as a result of the inclusion of an attached garage on Plot 4 which widens this dwelling in combination with an increased massing at first floor level on Plots 1, 6 and 7. The ridge heights on plots 2, 3, 4 and 5 remain largely the same or slightly below that previously approved. While the ridge heights on Plots 1 and 7 increase marginally by between 150mm and 500mm and Plot 6 increases materially by approximately 1.6m.
- 6.12 A key aspects of the approved scheme was the integration with the surrounding development by concentrating development to the centre of the site and lowering the ridgelines on Plots 1 and 7 at the site edges. Despite the slight increase in ridge heights for Plots 1 and 7 this stepped down approach is maintained with Plots 1 and 7 having ridgelines approximately 1.15 - 1.7m lower than other plots. The ridgelines for Plots 1 and 7 are akin to those seen at Elm Tree Cottage to the immediate west of the application site and Red House to the immediate east.
- 6.13 The approved material specification was a modern selection of materials that aligned with the design of the dwellings but took little reference from the surrounding built form. The proposed amendment uses natural materials that accord with local character and are present in the surrounding built form of the village. The material specification will add some uniformity and create a sense of identity to the development while the variance in design will avoid any visual monotony.
- 6.14 As such the proposal is considered an appropriate design response to the context, building on and reinforcing local character through this complementary development. The proposal is considered to satisfy CS policies SS6, RA2 and SD1, the relevant policies of the ANDP and relevant design and context aims and objectives of the NPPF.
- 6.15 The positioning of each dwelling continues to provide adequate spacing between the proposed and existing dwellings. With front to front distances of 30-40m to the dwellings on the northern side of the U73417 (Cobhall Lane). Over this distance the slight increase in ridgelines of Plots 1, 6 and 7 from the approved scheme will not elicit any material visual amenity impacts and the dwellings are not considered to be overbearing or to overshadow those dwellings opposite.

Further information on the subject of this report is available from Mr David Gosset on 01432 261588

Similarly over this distance, with the intervening public highway and significant mature hedgerow boundary to the north of the site the impact on privacy remains negligible in accordance with that previously approved.

- 6.16 The impact of an increase in the ridge heights of Plots 1, 6 and 7 at either end of the site is adequately reduced by the separation distance, existing mature boundaries and the comparability of these ridgelines with the immediately adjacent dwellings. As such no harm is identified in regards to overbearing or overshadowing from the proposed changes. In regards to privacy the dwellings proposed at Plots 1 and 7 have no windows proposed in the north west and south east side elevations, respectively, and therefore there is limited opportunity for overlooking to occur.
- 6.17 Officer's acknowledge that a number of objections were submitted noting the visual impact of the proposed development and the impact on residential amenity values. However, when comparing the approved scheme with what is proposed, no policy conflict has been identified in this regard and the schemes are largely comparable.
- 6.18 Finally, with regards to noise and nuisance, noting the content of some of the objections submitted the proposed amendments will not materially alter the development in this regard. The proposed 7 dwellings will have a comparable level of activity associated with the construction period and once occupied. In either event the construction period is temporary and is not given significant weight in regards to its disturbance.
- 6.19 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 proposed changes. The proposal is therefore considered to satisfy CS policy SD1, the relevant policies of the ANDP and relevant amenity aims and objectives of the NPPF.

Housing Mix

- 6.20 The proposed amendments will alter the housing mix which is now proposed to be 4 x 3 bedroom dwellings and 3 x 4 dwellings. Housing mix should be assessed under Policy H3 of the CS and policy A5 of the ANDP jointly.
- 6.21 Both policies H3 of the Core Strategy and A5 of the ANDP state that residential developments should provide a range and mix of housing units which can contribute to the creation of balanced and inclusive communities. The Housing Market Area Needs Assessment (available on the Council's website) details the affordable and open housing market requirements across the County. The market housing required within the Ross Housing Market Area (and more specifically for 'Ross Rural' where the site lies) can be found below:

Table 12.11 Ross-on-Wye HMA Recommend Housing Mix by Tenure by Size

		1 Bedroom	2 Bedrooms	3 Bedrooms	4+Bedrooms
Urban	Market	5%	30%	50%	15%
	Affordable home ownership	25%	35%	35%	5%
	Affordable rented housing	40%	30%	25%	5%
Rural	Market	5%	25%	50%	20%
	Affordable home ownership	20%	35%	35%	10%
	Affordable rented housing	35%	30%	30%	5%
HMA	Market	5%	25%	50%	20%
	Affordable home ownership	20%	40%	35%	5%
	Affordable rented housing	40%	30%	25%	5%

Source: Housing Market Model and Modelled Outputs, Appendix A

- 6.22 The proposed housing mix focuses predominantly on the provision of 3 bedroom units which accords with the identified needs of the area and accords with the specific terms of Policy A5. The provision of 4 bedroom units is considered to be over represented on the site and the loss of a 2 bedroom unit from the approved scheme is considered to be a disbenefit. Despite the slight over provision of 4 bedroom units having regard to the small scale of the site it is recognised to broadly accord with the aspirations of both Policy H3 and A5.

Highways

- 6.23 Policy SS7 requires proposals to focus development to the most sustainable locations and reduce the need to travel by private car. This aim is reflected by policies SS4 and MT1, which stipulate that proposals should facilitate a genuine choice of travel modes such as a walking, cycling and public transport. These policies are reflective of the National Planning Policy Framework objectives to guide development to sustainable locations. Given the nature of the application the principle of development is not under consideration and it is the proposed changes that are to be considered.
- 6.24 These policies accord with the guidance for decision making set out in Chapter 9 of the NPPF, specifically Paragraph 110 states that in assessing applications for development it should be ensured, amongst other matters, that safe and suitable access can be achieved for all users. Furthermore, paragraph 111 indicates that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.
- 6.25 Access arrangements have not been altered and the proposal remains to create two vehicular accesses to serve the development. The proposed layout includes private parking arrangements for all dwellings, the level of which has been confirmed as acceptable by the Transportation Manager. The site layout also provides sufficient space for a tanker to park in front of Plot 7, without blocking access to their parking area, to carry out maintenance and desludging of the shared PTP. As such the development site is considered to adequately provide for the parking needs of future occupiers such that displacement of parked vehicles onto the public highway will not occur.
- 6.26 The approved scheme secured, via condition 11, the provision of a passing place along Cobhall Lane, east of the site on route to the A465. It is Officers recommendation that the condition is re-imposed to secure this public benefit. In addition the developer has agreed to providing drainage arrangements for the passing place that would connect into the existing ditch infrastructure to help alleviate the issue of highway flooding experienced along Cobhall Lane on a regular basis. This is a material benefit of the proposed scheme.

Flooding and drainage

- 6.27 Policy SD3 of the Core Strategy states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water. For waste water, policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway).
- 6.28 Specific to the Parish policy A7 seeks to further protect local areas from flooding given the high-water table throughout much of the Parish. Development must be supported by a sustainable foul drainage strategy, ensure minimum risk of pollution or flooding elsewhere, provide mitigation to reduce run-off in line with SuDS hierarchy.
- 6.29 Drainage and flooding has been the reason for the majority of representations received and it is clearly a significant local concern. Primarily objectors are concerned that the proposed development will worsen the flood risk locally, affecting existing and future residents. In addition there are concerns that the proposed drainage strategy does not adequately account for local conditions, significantly the high water table. A full summary of representations is available in section 5.2 above.
- 6.30 As part of the proposed amendments the application includes a revised drainage strategy from that already approved under 174681. The proposal is for the installation of a single shared PTP for all 7 dwellings, this will be located within the landscaped area to the front of the development site on land that will ultimately be under the shared ownership of future occupiers. Treated foul effluent will then be pumped from the site to an adjacent agricultural field. Here it will be delivered to a partial drainage field. The partial drainage field will operate as a typical drainage field during dry conditions when the ground water level is not elevated. When ground water levels rise, as they are known to in this area, the partial drainage field will instead discharge to the existing culverted watercourse which is known to run during wet conditions. The infrastructure will be covered by legal easements that enable maintenance to be carried out in a manner which accords with the approval of 174681.
- 6.31 A detailed Operation and Maintenance Strategy has been provided as part of the application which details how the infrastructure will be serviced and maintained to avoid failure and environmental pollution. This includes a service agreement to fix the pump within 24 hours in the event of failure. In such an event there is sufficient storage in the system to ensure foul effluent does not back up.
- 6.32 The Council's Drainage Engineer has reviewed the proposed strategy for foul effluent and has confirmed that in principle they support the proposed strategy as it accords with the relevant development plan policies, above. While some technical aspects were highlighted in the most recent comments these have now been dealt with as follows:
- Cover for all pipe work is noted to be minimum 600mm which accords with the stated requirement;
 - Manufacturer has confirmed that no above ground kiosk is required.
- 6.33 Overall the proposed foul drainage arrangements accord with Policy SD4 and are considered to be an improvement on the previous iteration which is acting as the fall-back position.

- 6.34 It is acknowledged that an Environment Agency permit is required. This is managed through separate legislation and, in accordance with paragraph 188 of the NPPF, should not be a matter for consideration within the planning process. The proposed foul drainage arrangements are considered to accord with policy and to avoid adverse environmental impacts. The developer's Drainage Engineer has submitted details which set out how an EA permit will be achieved.
- 6.35 During the initial construction phase of the development a third party discharge of foul effluent was identified as discharging to the highway drain. It is accepted that this is not from the development site and does not form part of the considerations of this application. It was explored whether it could be incorporated into the foul drainage arrangements of the proposed development but this was not possible.
- 6.36 The surface water drainage strategy remains principally the same as already approved with roofs and impermeable areas discharging to individual soakaways across the development site. These have been moved from the front of the development site to the rear further from adjacent development and the public highway. The shared access, parking and turning areas will be laid with a permeable membrane to reduce surface water run-off from the development. It is acknowledged that the application site is higher than the public highway and development opposite and so there is a risk of surface water run-off, in heavy rainfall events, still occurring despite the permeable surfacing proposed. However, the amended site levels compared with the approved 174681 reduces the fall from the development site to the road and therefore reduces the amount and speed of surface water runoff. It is therefore considered that the removal of soil from the site and the adjustment of the site level will have a beneficial impact for the surrounding area in regards to surface water flood risk when compared to the approved scheme.
- 6.37 It has been highlighted in the public representations and by the Parish Council, that if the development site was to discharge water to adjacent land this may infringe individual's riparian rights. Riparian rights are rights and responsibilities of owners of land abutting a watercourse. As set out at paragraph 188 of the NPPF, below, this is not a matter that planning decisions should consider as it would be a duplication of separate regimes:
- "The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively."*
- 6.38 In this context, therefore, riparian rights are not considered to be a material planning consideration and would likely be a civil matter between the two land owners.
- 6.39 The proposed foul and surface water drainage strategies are considered to represent an improvement to the approved scheme, which is the fall-back position against which assessment should be made. The development adequately controls the disposal of foul and surface water and in accordance with CS policies SD3 and SD4 as well as ANDP policy A7.

Climate Change

- 6.40 CS policy SS7 requires focus on measures to address the impact that new development in Herefordshire has on climate change, outlining how development proposals should include measures which will mitigate their impact on climate change, with policy SD1 also seeking to support these measures. Herefordshire Council has unanimously passed a motion declaring a Climate Emergency, signalling a commitment to ensuring that the council considers tackling Climate Change in its decision-making, with this resolution came a countywide aspiration to be zero carbon by 2030; and a Climate Change Checklist to aid the consideration of development proposals.

- 6.41 Proposals for residential development are considered by the Council to need to help redress the climate emergency, and so notwithstanding the sustainable location of the development thus reducing the need to travel for services, the proposal is considered to need to include measures to support low-carbon ways of living & sustainable transport modes (as defined by the framework). The NPPF sets out at paragraph 110 that LPA's in assessing sites for specific applications for development should ensure that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up. Further to this paragraph 112 sets out that developments should be designed to enable the charging of plug-in and other ultra-low emission vehicles, with such vehicles contributing to the objectives of reducing reliance on fossil fuels and so climate change.
- 6.42 In line with the provision of car charging points, the government has reaffirmed by way of a Written Ministerial Statement on 18 November 2020 (Statement UIN HCWS586), the commitment to electric vehicles by seeking to "accelerate the transition to electric vehicles, and transforming our national infrastructure to better support electric vehicles" as it has announced the ban on the sale of new fossil fuel reliant vehicles by 2030, thus the need for the provision of electric vehicle charging points is amplified; it follows that to make the decision acceptable given the above material planning considerations, a condition for electric vehicle charging points is recommended to require such provisions are available for future residents.

Conclusion and balance

- 6.43 The application proposes under s73 of the Town and Country Planning Act (1990) to vary the conditions under which permission 174681 was granted. The proposed amendments amount to a redesign of the dwellings including amended site levels, a change to the housing mix and an updated drainage scheme. Permission 174681 is considered to be extant and difference between the approved and proposed scheme has been assessed in the preceding sections.
- 6.44 In accordance with the statutory requirement, determination must be made in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF, at paragraph 11, states that the presumption in favour of sustainable development means "approving development proposals that accord with an up-to-date development plan without delay". Although paragraph 12 affirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 6.45 At this time the Development Plan comprises the Core Strategy and Allensmore Neighbourhood Development Plan. Having regard to the three indivisible dimensions of sustainable development as set out in the Core Strategy and NPPF, officers conclude that the scheme, when considered as a whole, is representative of sustainable development and that the presumption in favour of approval is therefore engaged. The contribution that the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged as fulfilment of the economic and social roles.
- 6.46 While the amended housing mix does effectively lose a 2 bedroom unit which is replaced with a larger 4 bedroom unit this adverse impact is not significant and does not result in a breach of either Policy H3 or A5. Accordingly it is considered that the schemes benefits outweigh its harm and the provision of a more suitable drainage arrangement to that of the approved scheme along with the already notable benefits associated with the provision of 7 dwellings amounts to moderate benefits.
- 6.47 On the basis of the clear direction from NPPF paragraph 11, the compliance with the relevant development plan policies, a lack of technical reasons or other material considerations that indicate planning permission should be withheld and all within the context of the fall-back position of the approved scheme 174681 it is Officers recommendation that planning permission be granted for the variation of conditions attached to permission 174681.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1** The development shall be carried out strictly in accordance with the approved plans and documents listed below and the schedule of materials indicated thereon, except where otherwise stipulated by conditions attached to this permission.
 - **P001 - Site Location Plan - showing proposed passing bay**
 - **P002 B – Block plan as proposed**
 - **P003 F – Site plan as proposed**
 - **P004 E - Street Scene as proposed**
 - **P100 B - Plot 1 as proposed**
 - **P101 C – Plot 2 as proposed**
 - **P102 B – Plot 3 as proposed**
 - **P103 C –Plot 4 as proposed**
 - **P104 B – Plot 5 as proposed**
 - **P105 C - Plot 6 as proposed**
 - **P106 B – Plot 7 as proposed**
 - **LB001 C - Landscaping and biodiversity enhancement scheme as proposed**
 - **PC001 A – Access parking and turning details as proposed**
 - **PC002 B – Site operative parking details as proposed**
 - **C001 F – Engineering layout sheet 1**
 - **C002 G – Engineering layout sheet 2**
 - **C010 – Construction details**
 - **Operation and Maintenance Schedule – SuDS/Drainage – Revision C (CTP-21-0251)**
 - **Ecological Assessment Ref OHA/1833/16.1**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1, LD1, H3, SD3 and SD4 of the Herefordshire Local Plan – Core Strategy, Policies A1, A3, A4, A5 and A7 of the Allensmore Neighbourhood Development Plan and the National Planning Policy Framework.

- 2** The soft landscaping scheme as shown on the approved plan no. LB001 C 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. The landscaping shall be maintained for a period of 5 years. During this time, any trees, shrubs or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period. The hard landscaping shall be completed prior to the first use/occupation of the development hereby permitted

Reason: In order to maintain the visual amenities of the area and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy, Policy A1 of the

Allensmore Neighbourhood Development Plan and the National Planning Policy Framework.

- 3 The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details set out on drawing PC001 and these areas shall thereafter be retained and kept available for those uses at all times.**

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 4 The parking for site operatives and visitors as set out on drawing PC002 B shall be retained and kept available during construction of the development.**

Reason: To prevent indiscriminate parking, with immediate effect, in the interests of highway safety and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 5 During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday - Friday 7.00am - 6.00pm, Saturday 8.00am -1.00pm nor at any time on Sundays, Bank or Public Holidays.**

Reason: To protect the amenity of local residents and to comply with Policy SD1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 6 Prior to the first occupation of any of the dwellings hereby approved the driveway and/or vehicular turning area shall be consolidated and surfaced at a gradient not steeper than 1 in 8. Private drainage arrangements must be made to prevent run-off from the driveway discharging onto the highway. As set out on the approved drawings PC001 A and C001 F.**

Reason: In the interests of highway safety and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 7 Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 31 metres to the east and 34 metres to the west along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.**

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 8** Within 6 months of this permission, unless otherwise agreed in writing with the Local Planning Authority, the proposed passing place shall be constructed and made available for use with an associated drainage arrangement, in accordance with technical specification and details (including evidence of an agreement under the Section 278 of the Highways Act 1980 S278 agreement) to be submitted to and approved in writing by the Local planning Authority.

Reason: To ensure the safe and free flow of traffic on the highway and to conform to the requirements of Policies MT1 and SD3 of Herefordshire Local Plan – Core Strategy Plan and the National Planning Policy Framework.

- 9** None of the existing trees or hedgerows on the site (other than those specifically shown to be removed on the approved drawings) shall be removed, destroyed or felled without the prior approval in writing of the Local Planning Authority.

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy, Policy A1 of the Allensmore Neighbourhood Development Plan and the National Planning Policy Framework.

- 10** The ecological protection, mitigation and working methods scheme as recommended in the Ecological Report by Star Ecology dated July 2017 and biodiversity enhancements on plan LB001 C shall be implemented in full as stated unless otherwise approved in writing by the local planning authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy, Policy A2 of the Allensmore Neighbourhood Development Plan and the National Planning Policy Framework, NERC 2006.

- 11** All foul water from the dwellings approved under this Decision Notice shall discharge into a single shared package treatment plant as outlined in the drainage strategy on drawings C001 F, C002 G and C010 unless otherwise agreed in writing by the Local Planning Authority. The drainage infrastructure shall be maintained in accordance with the details set out the Operation and Maintenance Schedule – SuDS/Drainage – Revision C (CTP-21-0251) for the lifetime of the development.

Reason: In order to ensure that satisfactory drainage arrangements are provided and maintained in accordance with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy, Policy A7 of the Allensmore Neighbourhood Development Plan and the National Planning Policy Framework.

- 12** Surface water will be managed through an appropriate Sustainable Drainage System (SuDS) and soakaway system within the development site on land under the applicant's control. The surface water management system shall include the collection of rain water from roofs and shall be implemented and hereafter maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy, Policy A7 of the Allensmore Neighbourhood Development Plan and 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. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2 In the light of the localised drainage characteristics of the site and its locality, future occupiers are advised of their maintenance responsibilities in relation to the drainage infrastructure associated with the development hereby approved.**
- 3 The attention of the applicant is drawn to Section 175A(3) of the Highways Act 1980 within which the Highway Authority shall have regard to the needs of disabled persons when considering the desirability of providing ramps at appropriate places between carriageways and footways and to any requirement of the Disability Discrimination Act.**
- 4 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.**
- 5 This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel: 01432 261800), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority. A minimum of 4 weeks notification will be required (or 3 months if a road closure is involved).**

Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to coordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.

- 6 This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park,**

Further information on the subject of this report is available from Mr David Gosset on 01432 261588

Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800), shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works.

Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.

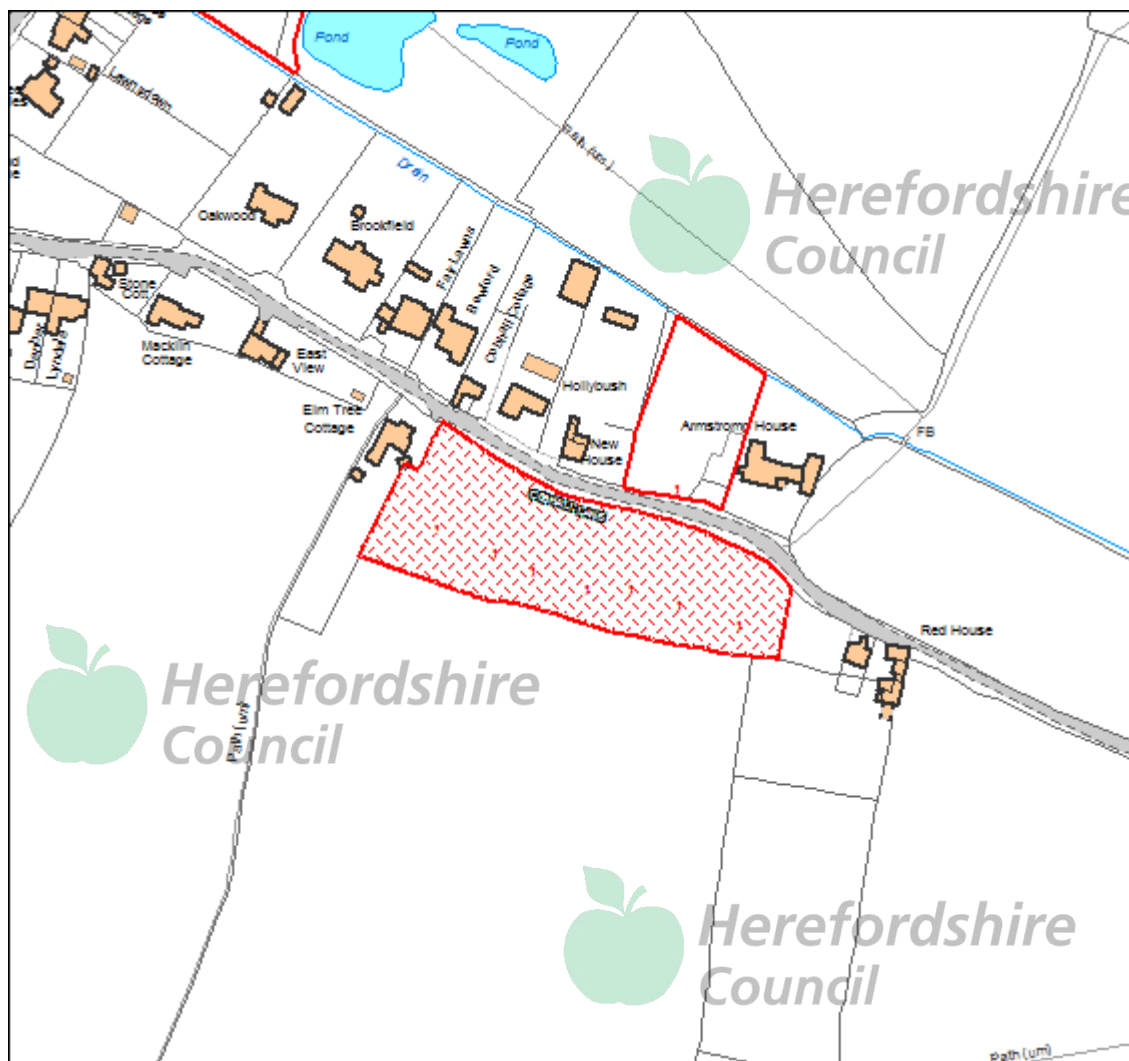
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 210068

SITE ADDRESS : LAND SOUTH OF COBHALL COMMON LANE, COBHALL COMMON, HEREFORD

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