

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>10 AUGUST 2022</b>
<b>TITLE OF REPORT:</b>	<b>204443 - OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR THE RESIDENTIAL DEVELOPMENT OF 3 DWELLINGS AT LAND ADJACENT TO THE OLD KILNS, CHURCH LANE, HOWLE HILL, ROSS-ON-WYE,</b>  <b>For: Mr Jordan per Ms Victoria Poole, John Poole Arts And Study Centre, Main Street, Bishampton, WR10 2LX</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=204443&amp;search-term=204443">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=204443&amp;search-term=204443</a>
<b>Reason Application submitted to Committee - Redirection</b>	

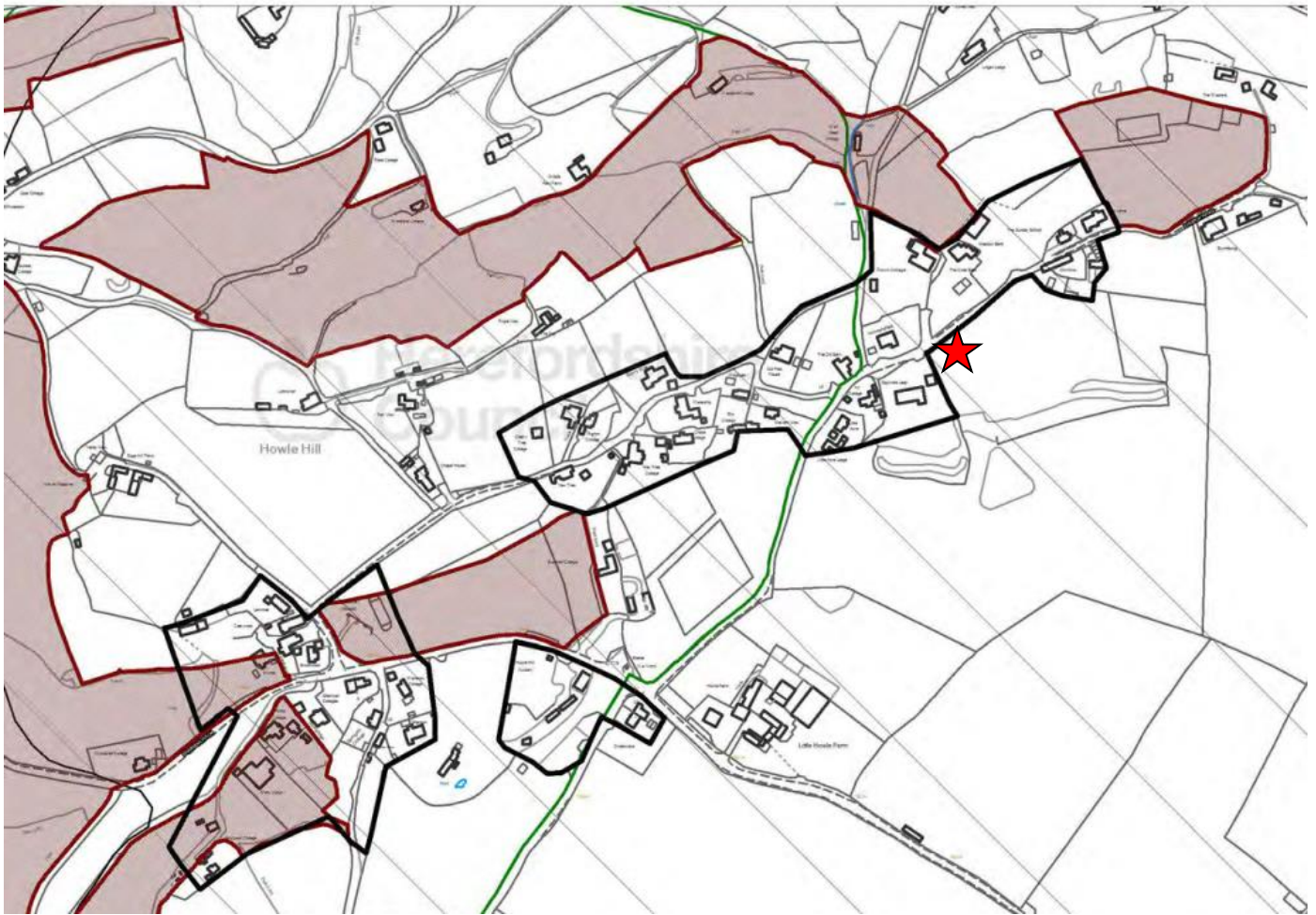
**Date Received: 16 December 2020    Ward: Kerne Bridge    Grid Ref: 360850,220688**

**Expiry Date: 30 July 2021**

Local Members: Cllr Yolande Watson

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

- 1.1 The application site comprises part of a field lying at the western edge of a larger field parcel. The site is to the south east of the U70414 (Church Lane), which is a dead end past the site only serving a few properties, with mature hedgerow adjacent to the road. There is an existing gateway from the road providing access into the site. To the rear of the site, but outside of the site boundary is an area of deciduous woodland.
- 1.2 The site is currently used as grazing land, the eastern part of the wider field comprises of old kilns, which are also not part of this application.
- 1.3 The site area is approx. 1.45 hectares. The land undulates and generally slopes from the south east in a north-west direction, with a raised portion of ground in the location of the old kilns.
- 1.4 There are existing residential properties immediately to the north and west and slightly further east of the site.
- 1.5 The map below shows the location of the site (marked by the red star) within the settlement and in relation to the surrounding properties.



- 1.6 The site is not located within an Area of Outstanding Natural Beauty, although the boundary of the Wye Valley AONB lies to the north west of the site. It is not within in a Conservation Area. There are no Listed Buildings within the immediate vicinity. There are no other designations on site.
- 1.7 This application seeks outline permission, with all matters reserved, for three dwellings. Indicative site layout plan was submitted as below:



- 1.8 It should be noted that through the course of this application, the proposed number of dwellings has reduced from five originally to three, this was altered on 28<sup>th</sup> June 2021 to take into consideration comments made from the Case Officer, local residents and the Councils' Landscape Manager.
- 1.9 Although landscaping is a Reserved Matter, a landscape strategy and landscape supporting statement were provided on 28<sup>th</sup> June 2021.
- 1.10 A drainage statement and preliminary ecology appraisal were also submitted.

## 2. Policies

- 2.1 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:-

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 in settlements outside Hereford and the market towns
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 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)

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.

- 2.2 NPPF  
 Chapter 2 - Achieving sustainable development  
 Chapter 4 - Decision making  
 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

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Further information on the subject of this report is available from Mrs G Webster on 01432 261803

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

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/810197/NPPF\\_Feb\\_2019\\_revised.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf)

- 2.3 Walford Parish Council are currently preparing a Neighbourhood Development Plan, the Regulation 16 draft plan consultation was submitted to Herefordshire Council on 27 June 2022. The Consultation period is running from 6<sup>th</sup> July 2022 until 31<sup>st</sup> August 2022. At this time the policies in the dNDP can be afforded weight as set out in paragraph 48 of the National Planning Policy Framework 2019, which is considered to be limited weight. Relevant policies within the NDP are:

Policy WALF1: Promoting Sustainable Development

Policy WALF2: Development Strategy

Policy WALF4: Conserving the Landscape and Scenic Beauty of the Parish

Policy WALF5: Protecting Important Views within the Parish and the Settings of its Settlements

Policy WALF6: Enhancement of the Natural Environment

Policy WALF8: Wastewater Drainage

Policy WALF10: Sustainable Design

Policy WALF12: Highway Design Requirements

Policy WALF17: Design and Appearance

Policy WALF20: Housing Development in Howle Hill

### **3. Planning History**

- 3.1 DCH942711/F – Portal Steel Framed general purpose agricultural building – approved December 1994

### **4. Consultation Summary**

Statutory Consultations

#### **4.1 Welsh Water**

Welsh Water has no objection to the proposed development.

It appears that the proposed development does not intend to connect to the public sewer network. As the sewerage undertaker we have no further comments to make. However, we recommend that a drainage strategy for the site be appropriately conditioned, implemented in full and retained for the lifetime of the development.

#### **4.2 Natural England**

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

#### **4.3 Forestry Commission**

No comments to make

Internal Council Consultations

#### **4.4 Principal Natural Environment Officer (Landscape) comments received 26 March 2021**

The site was visited 24<sup>th</sup> March 2021. I have reviewed the pre-application advice, together with the submitted Design and Access Statement (DAS) and the Landscape Supporting Statement (LSS).

The site falls just outside of the Wye Valley Area of Outstanding Natural Beauty. The landscape character type is forest small holdings and dwellings. The location is typical of the character type in terms of "dense settlement pattern with a complex matrix of narrow intersecting lanes fringed by wayside cottages interspersed with small hedged pastures and pockets of rough grazing". The site itself is unusual, being an historic quarry and now appearing more like an undulating paddock. Views into the site are largely from the roadside gateway, with native hedge along the roadside.

The application is outline but specifies for 5 dwellings.

#### Landscape Character

The LSS incorrectly identifies the site as part of Principal settled farmlands landscape character type (para 3.7). This therefore leads to some confusion about the settlement pattern being in clusters of development, however this is not characteristic of principal settled farmlands or forest small holdings and dwellings. The Herefordshire Landscape Character Assessment for forest small holdings and dwellings settlement pattern specifically states "*clustered groups of new housing as typically proposed by developers would not be sympathetic to the landscape character*". It also goes on to say that '*additional **individual** dwellings may be appropriate in some circumstances where the **scale** of the original settlement would not be compromised*'.

The proposal for residential development on this site will alter the character of the site completely. This is true of any greenfield site, however the proposal for 5 dwellings, with associated infrastructure, leaves no space to reflect the unique quarry setting or retain any reference to the undulating ground. No topography survey has been provided, which could have allowed the new boundaries to meander slightly to follow the unusual ground forms. In order to deliver the amount of building and hard surfacing it is assumed that the site would be levelled.

While local stone is illustrated in the DAS for the built form, there is no reference to its use for boundary walls, gate posts or any other external character elements. Splitting the rear of the site into five garden strips is completely different to the surrounding setting where most properties are set in irregular shaped plots. The east boundary will form a harsh line and random new corner in the wider historic quarry setting.

#### Visual amenity

It is agreed with the LSS (para 5.8) that the general visibility of the location is limited to the immediate setting only. It is also agreed that development on the site should not be hidden and that high quality design should link to the village. In this case, however, it is considered that a row of four new buildings, with the infrastructure of five dwellings, will appear as a complete anomaly in the area.

#### Details

The site may be more suitable to 1 or 2 dwellings that could be arranged more organically with less hard standing and less suburban layout. Ideally this application would be made in full rather than outline so that site specific details and landscape scheme could be included, which is vital to ensure that new development on this site integrates appropriately into its surroundings. At reserved matters details on the filtration area / play area / dewpond / biodiversity proposed to the front of the site would be required, together with the wildlife corridor / biodiversity area to the rear. These areas would also require management and maintenance plans, clearly identifying how they will develop in the long term and who will be responsible for them.

#### Conclusion

The proposed site may be suitable for residential development, but the proposal for five units would not significantly enhance its immediate setting and does not fit in with the overall form and layout of the surrounding settlement. This is contrary to the requirements of Core Strategy Policy LD1, which requires proposals to demonstrate that the character of the landscape has positively influenced the design, **scale**, nature and site selection of the development (bullet point 1).

### ***Additional comments received following amended plans – received 8 July 2021***

I have reviewed the updated documents, of particular importance is the reduction from five dwellings to three and the Landscape Strategy.

#### *Landscape character*

It is accepted that the three houses, individually designed, with gaps between, better reflects the rural character and overcomes the urban compactness of the previous scheme. This is a more suitable scale of development for the site.

#### *Visual amenity*

The proposed layout of the three dwellings being staggered and slightly random, with attached garages and parking immediately adjacent, will create softer views from the adjacent highway than the previous scheme.

#### *Details*

The Landscape Strategy is particularly welcome to demonstrate how the new development can suitably integrate into its surroundings. My main suggestion would be that the roadside hedgerow may benefit from incorporating a large tree (away from the access) which would enhance the public amenity along the road and biodiversity of the site.

#### *Conclusion*

It is considered that the updated proposals are in accordance with Core Strategy Policy LD1 as they better demonstrate that the character and scale of the development is suitable to the setting.

#### *Conditions*

If the application is to be approved then at reserved matters stage details on the important and welcome features of a water basin / fruit trees / hedgerows and biodiversity proposed to the front of the site would be required, together with the wildlife corridor / biodiversity area to the rear. These areas would also require management and maintenance plans, clearly identifying how they will develop in the long term and who will be responsible for them. This would be covered by the standard conditions on a hard and soft landscape scheme and a management plan.

#### **4.5 Principal Natural Environment Officer (Ecology)**

The site is within the Bailey Brook catchment of the River Wye SAC which comprises part of the River Wye Special Area of Conservation (SAC); a habitat recognised under the Habitats Regulations, (The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations')) as being of international importance for its aquatic flora and fauna.

The LPA must complete a relevant Habitat Regulations Assessment process and have legal and scientific certainty that there are no adverse effects on the integrity of the designated site PRIOR to any grant of a planning consent. The LPA must as required submit any HRA appropriate assessment for formal consultation and approval by Natural England prior to any planning consent being granted.

The LPA requires legal and scientific certainty in order to complete the HRA process.

Notes in respect of HRA process:

- The proposal creates three new residential dwellings with associated new foul water flows.
- A new package treatment plant is proposed but no supporting BS6297 percolation and ground water testing have been supplied to demonstrate that the proposed foul water system can be actually achieved and relevant sized drainage field accommodated within the development boundary.

- The shared foul and surface water 'Sustainable Drainage Scheme systems finally approved will be subject to a Reserved Matters condition to legally secure a responsible body and the 'in perpetuity' management and maintenance of all shared aspects of the systems, as required to provide required certainty for the HRA process.

Once this additional detailed drainage testing and certainty that the proposed foul water system can be achieved the LPA can progress the required HRA process.

At this time due to legal and scientific uncertainty and phosphate neutrality not secured there **is an identified Adverse Effect on the Integrity** of the River Wye Special Area of Conservation (a European Site, 'National Network Site' or 'Higher Status' nature conservation site). There is an Ecology OBJECTION raised as the application does not demonstrate compliance with Core Strategy SD4 and SD3 (SS1, SS6 and LD2 also apply); The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'); NPPF; and NERC Act obligations..

*Additional ecology comments:*

The Preliminary Ecological Appraisal by Naturally Wild dated November 2020 is noted and refers.

The development does not include the area of identified Habitat of Principal Importance (deciduous woodland) that is located south of the proposed development site. The supplied plans indicate that this woodland is retained and enhanced as a "wildlife corridor-biodiversity area"

From available data and information the LPA has no reason to consider that the proposed development will have any significant effect on local protected species populations and other wildlife subject to the 'intrinsically dark landscape that benefits local amenity and nature conservation' is considered and maintained through the use of a condition to ensure all external lighting is minimised and designed with wildlife and dark skies considered. This can be secured through a relevant Reserved Matters condition.

The LPA has no reason to consider that there could be any direct or significant effects of the proposed dwellings to protected species, although there are known local bat populations and nesting birds should be considered. An advisory note to remind the applicant and their contractors of their own legal obligations to considering and protecting all wildlife is requested.

As identified in supporting information and as identified in the NPPF, Council's Core Strategy polices, declared Climate Change & Ecological Emergency and ethos of the soon to be enacted Environment Bill all development should clearly demonstrate how it will deliver/has delivered and secured, net gain in local biodiversity potential – this 'net gain' should be clearly detailed and secured through condition.

***Additional comments received following amended plans – received 14 January 2022***

The site lies within the catchment of the River Wye SAC and a Habitat Regulations Assessment process is triggered by this application. The appropriate assessment completed by the LPA should be subject to consultation with Natural England prior to any final grant of planning permission.

Notes in respect of HRA process

- The proposed development is for THREE new residential dwellings with associated foul water flows.
- This development is within the 'English' Lower Wye catchment of the Wye SAC.

- Natural England have not currently advised this LPA that this catchment area is failing its conservation status.
  - The proposal is to install a shared foul water and surface water management system with the applicant becoming legally responsible for all future management and maintenance of all parts of the shared system.
  - The shared FW system will comprise of a single suitably sized Package Treatment Plant.
  - The PTP will discharge to a soakaway drainage field on land within the development site that remains under the applicant's legal control.
  - The supplied BS6237 compliant drainage report and additional supporting information by Link Engineering confirms that a suitably sized soakaway drainage field can be achieved at this location.
  - No nutrient-phosphate pathways are identified subject to the proposed scheme being implemented.
- Any additional clean surface water created by the development can be managed by through a suitably sized sustainable drainage system that will remain under the control and management of the applicant.
- The agreed foul and surface water management systems and the ongoing maintenance and management by the Applicant of all shared systems can be secured by conditions on any planning permission granted.

Subject to a no objection response from Natural England to the HRA appropriate assessment completed by the LPA suggested conditions have been made.

All previous ecology comments and suggested informatives and conditions remain valid

#### 4.6 Neighbourhood Planning Manager

The Walford NDP has reached its Reg16 consultation stage. The consultation is underway from 6 July to 31 August 2022.

With regards to para 48 of the NPPF and Planning Practice Guidance set out the weight that may be given to relevant policies in emerging plans, including NDPs, and indicated that weight may be given to relevant policies in emerging NDPs according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Taking each of these criteria in turn:

- 1) As the Regulation 16 consultation is still underway, the material weight is adjudged from the post Reg14 position. This is because subsequent representations could be received during the ongoing consultation period.
- 2) Although the LPA does not see the Reg14 representation directly, the Consultation Statement which accompanies the submission Reg16 Walford NDP does outline the representations received. A number of comments were made to the Reg14 plan some of which have resulted in a change to the plan and some which have not. Therefore at this stage (during the consultation period) there could be some continuing unresolved objections as a result.



- 3) Strategic Planning team have confirmed conformity of the draft Reg14 NDP with the adopted Core Strategy. Comments have yet to be received regarding the conformity of the revised Reg16 NDP with the adopted Core Strategy.

Therefore the current weight of the Walford NDP, in accordance within para 48, would be **limited**. This may change following the conclusion of the consultation period on 31 August 2022.

For information, so far 7 comments have been received to the ongoing Reg16 consultation:

- Resident - object to the proportion of development in Bishopswood compared to other areas of the parish
- Resident – support Policy WAL6
- Resident – objection Howle Hill is not a village, priority habitats should be recognised on the map and under Policy WAL6
- Resident – Policy WAL17 should include privacy criteria regarding no overlooking windows
- Environment Agency – No concerns at this time
- Primary Care – support proposals for high speed broadband allowing access to healthcare services in rural areas
- Planning Agent – Settlement boundary should include sites with existing planning permission

We are anticipating that the Walford NDP progressing towards Examination in September 2022.

#### 4.7 **Team Leader Area Engineer**

It is noted that this application is for the principle of the development at this stage. The highways aspects of the development are access and layout. The proposal includes sufficient details to demonstrate that both of these factors can be accommodated on the site with regard for the relevant standards.

There are no highways objections to the principle of the development at this point, acknowledging that more detailed submissions on access strategy and layout will follow in the event that this application is granted.

#### ***Additional comments received following amended plans – received 30 June 2021***

No objections to the proposed plan changes

#### 4.8 **Land Drainage Consultant**

*Numerous comments / correspondence have been received through the application process with many alterations to the drainage strategy. The following comments are the most recent and up to date comments received on 7 June 2022:*

Our knowledge of the development proposals has been obtained from the additional sources following our previous comments in December 2021, February 2022 and May 2022:

- Email Correspondence with Andy Powick 1.6.22;
- Amended Drainage Strategy – provided via Email (Ref: C100 Rev B);
- Drainage Technical Note 28.04.22 – provided via Email.

#### *Flood Risk*

##### *Fluvial Flood Risk*

Review of the Environment Agency's Flood Map for Planning indicates that the site is located within the low risk Flood Zone 1. As the proposed development is less than 1ha and is located within Flood Zone 1, in accordance with Environment Agency standing advice, the planning application does not need to be supported by a Flood Risk Assessment (FRA).

##### *Surface Water Flood Risk*

Review of the EA's Risk of Flooding from Surface Water map indicates that the site is not at risk of surface water flooding. Small areas of surface water ponding are identified adjacent to the southwest corner of the site.

#### *Other Considerations and Sources of Flood Risk*

There may be a risk of surface water flooding from higher land. The Applicant would need to consider the likely flow routes in the vicinity of the proposed development site. It may be necessary to raise the threshold levels slightly to prevent ingress. Review of the EA's Groundwater map indicates that the site is not located within a designated Source Protection Zone or Principal Aquifer.

#### *Surface Water Drainage*

Following our request, we note that additional infiltration testing has been undertaken at the site by a professional, third-party company. One trial hole was excavated to 1.7mBGL and three tests were conducted. The average infiltration rate recorded was 0.187m/hr which equates to  $5.19 \times 10^{-5}$  m/s. This is an acceptable rate. A groundwater level assessment was also undertaken and confirmed that no groundwater was encountered at 2.5mBGL.

The Drainage Layout has been amended whereby the infiltration basin is now proposed for the northwestern site corner. We previously addressed concerns regarding the infiltration being oversized. Within the Drainage Technical Note, an amended Drainage Strategy drawing has been provided. The labelling states that the infiltration basin will have a base area of 25m<sup>2</sup> and a depth of 1m. Furthermore, the MicroDrainage calculations have been revised whereby the average infiltration rate of 0.187m/hr has been used for the infiltration coefficient when sizing this feature. Consequently, the required area and depth for the basin, as stated above, are more appropriate for the size of the proposed development.

We are now aware of the Applicant's intention for the drainage infrastructure to be jointly owned and managed between the three dwelling owners. This is a favourable arrangement. We acknowledge a 6m offset between the infiltration basin and the adjacent highway should be sufficient.

#### *Foul Water Drainage*

Additional percolation testing has also been undertaken at the site whereby two trial pits were excavated to approx. 1mBGL. The slowest Vp rate obtained was 25.6s/mm which is acceptable. We note that a shared package treatment plant is proposed to serve all three dwellings before discharging to a shared drainage field. The Drainage Technical Note states that a package treatment plant will be sized for a population of 15. We agree with this figure as the potential population used to size the drainage features should be 16 (2 x 5p and 1 x 6p) multiplied by a scaling factor of 0.9. The proposed sizing for the shared drainage field  $15 \times 25.6 \times 0.2 = 76.8\text{m}^2$ .

From the Drainage Strategy drawing, the current proposed location of the shared package treatment plant is less than 10m from the nearest dwelling. In accordance with the Building Regulations Part H Drainage and Waste Disposal guidance, a 10m offset distance must be achieved between the package treatment plant and nearest building.

The amended Drainage Strategy drawing confirms a 17m offset distance between the proposed drainage field and nearest dwelling. An 11m offset distance can be accommodated between the package treatment plant and nearest dwelling. The proposed layout allows a 5m offset between the adjacent highway and the drainage field which is more than the required 2m.

As above, we now note proposals for all drainage infrastructure to be jointly shared between the three dwelling owners. Also, we understand that it is the Applicant's intention, once all three dwellings are completed, to establish a management company to whom the dwelling owners will equally pay, for the maintenance of both the surface and foul water drainage infrastructure.

Due to foul flows being greater than 2m<sup>3</sup> but less than 15m<sup>3</sup> and outside an SPZ, a standard Environmental Permit must be acquired.

#### *Overall Comment*

We hold no objections to the proposed development, subject to conditions. Should the proposed site layout be amended at Approval of Reserved Matters, which affects the proposed layout of the surface water and foul water drainage layout, then we ask that Land Drainage is reconsulted. Should any surface water or foul water drainage details be amended at Approval of Reserved Matters, then we ask that Land Drainage is reconsulted

#### 4.9 **Environmental Health Manager – Contaminated Land**

Because the site, according to our records, encroaches a former quarry, which is later recorded as an area of 'unknown filled ground' I'd recommend a condition be appended to any approval to ensure the site is safe and suitable for its intended residential use

#### 4.10 **Principal Planning Officer – Minerals and Waste**

I can confirm that the site is identified under saved HUDP Policy M5 for the safeguarding of minerals.

However, given the scale and nature of the proposal, and the relative abundance of hard rock reserves across the county, I have no objection to this application

### 5. **Representations**

#### 5.1 **Walford Parish Council – comments received 18 February 2021**

Object to the subject planning consultation for the following reasons: -

- Whilst Howle Hill has been identified as a settlement, in reality it is a hamlet comprising a scatter of dwellings and this proposed development would represent a density that would be completely out of keeping with the area
- The services and amenities that qualified Howle Hill as a settlement no longer exist and have long since been turned into private dwellings e.g. the pub and church, therefore, it would not be a sustainable development and would be contrary to Core Strategy policy RA2
- The proposed site is not in a sustainable location with access being via unlit, steep, narrow and winding country lanes. Church Lane located off Howle Hill road, is a narrow dead-end single track with no pavements or verges which struggles to cope with the current level of traffic
- The siting and urban style of houses being proposed is not in keeping with the character of the hamlet and would be contrary to Core Strategy policy RA2
- There would be a significant increase in light pollution arising from these dwellings
- Herefordshire Council has recently rejected a planning application at Waters Edge P190316F which is located in very close proximity to this application. Many of the reasons for refusing the Waters Edge application apply equally in this case

#### ***Additional comments received following amended plans – received 22 July 2021***

Despite the applicants reduction in quantity of proposed dwellings, Walford Parish Council still object to the subject planning consultation for the following reasons:

- Whilst Howle Hill has been identified as a settlement, in reality it is a hamlet comprising a scatter of dwellings and this proposed development would represent a density that would be completely out of keeping with the area
- The services and amenities that qualified Howle Hill as a settlement no longer exist and have long since been turned into private dwellings e.g. the pub and church, therefore, it would not be a sustainable development and would be contrary to Core Strategy policy RA2
- The proposed site is not in a sustainable location with access being via unlit, steep, narrow and winding country lanes. Church Lane located off Howle Hill road, is a narrow dead-end single track with no pavements or verges which struggles to cope with the current level of traffic
- The siting and urban style of houses being proposed is not in keeping with the character of the hamlet and would be contrary to Core Strategy policy RA2

- There would be a significant increase in light pollution arising from these dwellings
- There is no public transport therefore the development is not sustainable (contrary to Policy SS1)

5.2 In response to the public consultation a total of 61 objectors commented on the application throughout the process, this includes additional comments made following amended plans, the objections detailed the following points:

- Should allow 60 days for proper consultation
- Church Lane is a narrow, no through road with no verges
- Adjacent property owners will not grant new wayleaves to Western Power Distribution for moving any overhead lines
- Howle Hill should not be defined as a village
- Additional 5 houses will cause issues on the highway network
- No services in the village, all journeys need to be made by car to Ross
- Shouldn't replace scenery, trees and hedges with brick and mortar
- 5 dwellings would be out of keeping here and cramped on site
- Will impact the ecology of the area, and the ancient woodland to the rear
- Construction traffic will cause issues for local residents
- Applicant/ agent never undertook community consultation as stated in the D&A statement
- Drainage is a concern, particularly surface water run off
- No affordable housing to be provided, looks to be high value
- Is there any heritage value on the site?
- Has the site been subject to landfill
- No job opportunities in the village
- Plot 5 is up against the boundary of the adjacent property impacting residential amenity
- Impact upon walkers/ cyclists/ horse riders on narrow roads
- Additional noise and pollution from the development
- Suburban form of development of 5 dwellings in cul de sac arrangement- unacceptable and harmful impact upon the character of the Wye Valley AONB and Howle Hill
- Impact on dark skies
- Not well related to built up area of village
- Poor design of houses
- Limestone has been extracted all over the site so site is likely to be unstable
- Ecology report has missed nearby ponds
- Target for new housing has been met
- Water pressure low in the area
- Highway safety from the access on narrow lane and limited visibility splays
- Removal of green fields will increase flooding
- Impact on local bee hives adjacent to the site
- Potential for cumulative development

Further comments of objection raised following amended plans:

- Still lack of facilities in the village
- Isolated site outside of settlement boundary
- Access is narrow and all roads are single track
- Topography of the site is unusual
- Could create precedent for more development
- Already met housing target for the area
- Will overlook adjacent properties
- Area is characterised by single plot, low density with large gardens
- Still in linear arrangement
- Houses further north on site so likely more flood risk to the area
- Woodland to the rear will still be impacted

- Still represents cluster development
- Landscaping is forest small holdings and dwellings
- Plot C all windows now overlook neighbouring properties
- Both iron kilns and limestone quarry on the site
- Likely to impact the River Wye SAC
- Surface water will still run off to road and impact houses to the north
- Levelling the land could disturb contamination
- Proposed houses will be visible from windows of nearby houses
- Wildlife will be impacted and lost
- Church Road is a no through road
- Herefordshire Council can now supply a five year housing land supply
- Broadband speed is limited / no mobile signal
- Likely to disrupt natural springs that are behind the site
- The overhead power cable is likely to need to be moved / put underground this could make the site unviable

5.3 8 letters of support were received raising the following points:

- Would benefit the community, ensuring housing is in keeping with the landscape
- In accordance with planning policy
- Need similar affordable homes – 2 beds
- Design is in keeping with surrounding housing
- Sited adjacent to main cluster of houses on the hill
- Need more houses in smaller developments rather than large schemes
- Allows opportunity for local people to buy in the area
- Ideal infill site to build on
- Reduction from 5 houses would likely to alleviate most of the concerns raised
- Not met housing target as some applications in the area now lapsed
- Younger generation can get onto property ladder
- Surface water flooding already erodes the surface of the roads in the area

Further comments of support raised following amended plans:

- Main objections were due to number of dwellings the amended plans now show a reduction
- Limited supply of properties available at Howle Hill
- Highways state they have no objection
- Plans states the dwellings will be done in local stone
- Planning is only outline with all matters reserved so objections shouldn't focus on design
- Issues with flooding been mentioned yet Welsh Water no objection and drainage statement submitted
- The Ancient woodland is not part of the site
- Change can be good for community
- No technical objections
- Be good to get more families into the area

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=204443&search-term=204443](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=204443&search-term=204443)

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

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Further information on the subject of this report is available from Mrs G Webster on 01432 261803

### *Policy context and Principle of Development*

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:  
*“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”*
- 6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration. It is also noted that the site falls within the Walford Neighbourhood Area, which published a draft Neighbourhood Development Plan (NDP) for Regulation 16 consultation on 6 July 2022.
- 6.3 Policy SS1 of the Herefordshire Local Plan – Core Strategy (CS) sets out that proposals will be considered in the context of the ‘presumption in favour of sustainable development’ which is at the heart of national guidance contained within the NPPF. This policy states:

*‘When considering development proposals Herefordshire Council will take a positive approach that reflects the presumption in favour of sustainable development contained within national policy. It will always work proactively to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the social, economic and environmental conditions in Herefordshire.*

*Planning applications that accord with the policies in this Core Strategy (and, where relevant, with policies in other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.*

*Where there are no policies relevant to the application or the relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking account whether:*

- a) Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in national policy taken as a whole; or*
- b) Specific elements of national policy indicate that development should be restricted.’*

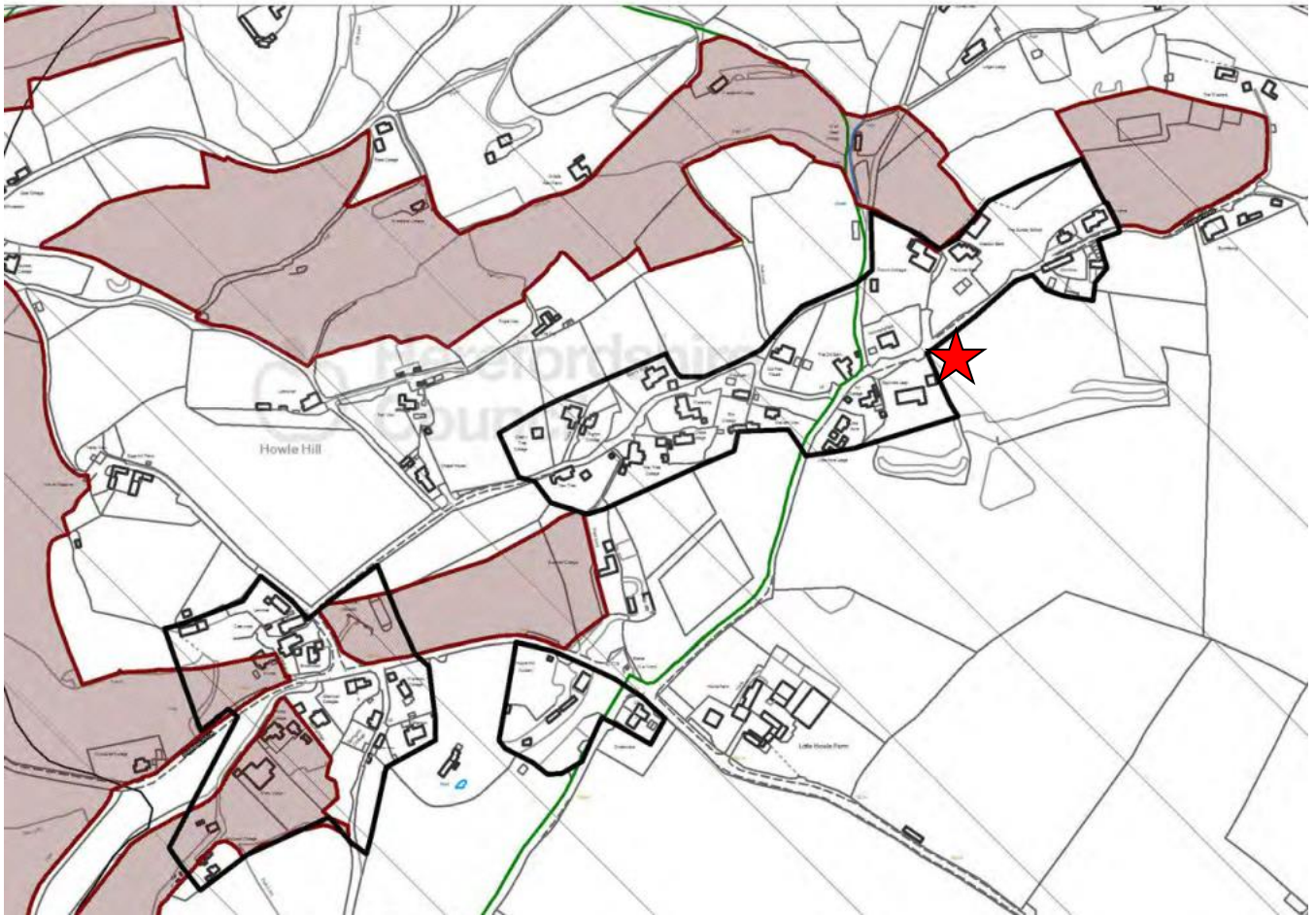
- 6.4 Following the recent publication of the 5 year housing land supply, it is confirmed that the Council is now able to demonstrate a five year housing land supply (6.19 years), the result of which is that the tilted balance set out at Paragraph 11d of the Framework no longer applies. Development proposals should now be considered more simply in relation to their compliance with the Development Plan and other material considerations:

### *Location of residential development*

- 6.5 In locational terms, paragraph 79 of the Framework seeks to restrict development in isolated locations, but does acknowledge in rural locations it may be the case that development in one village supports the services in another village nearby. That said, the adoption of the Core Strategy represents a shift in policy that recognises proportionate growth is required in rural areas for social and economic purposes. It is with this in mind that the proposal is assessed under the CS policies alongside the Framework, notwithstanding the out of date nature of the policies.
- 6.6 Policies SS2 (Delivering new homes) and SS3 (Releasing land for residential development) of the CS clearly set out the need to ensure sufficient housing land delivery across the County. In order to meet the targets of the CS the Council will need to continue to support housing growth by granting planning permissions where developments meet with the policies of the CS, (and, where relevant with policies in other Development Plan Documents and Neighbourhood

Development Plans). Policy SS2 states that a supply of deliverable and developable land will be identified to secure the delivery of a minimum of 16,500 homes in Herefordshire between 2011 and 2031 to meet market and affordable housing need. 6,500 of these will be in Hereford, where it is recognised that there is a wide range of services and consequently it is the main focus for development.

- 6.7 Outside of Hereford City, and the market towns, CS Policy RA1 identifies that Herefordshire Rural areas will need to find a minimum of 5,300 new dwellings between 2011 and 2031 to contribute towards the county's housing needs. The dwellings will be broadly distributed across the seven Housing Market Areas (HMA's). Howle Hill is within the Ross-on-Wye HMA, which is earmarked for an indicative 14% indicative housing growth and is listed in Figure 4.15 under policy RA2 as a settlement where proportionate housing is appropriate. This percentage increase translates to 91 dwellings being required across the parish of Walford in the plan period.
- 6.8 Policy RA2 states that for smaller settlements identified in figures 4.15 of the Core Strategy, *'proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement'*.
- 6.9 In addition, the preamble to Core Strategy Policy RA2 states that NDPs will be the principal mechanism by which new rural housing will be allocated. As stated above, the Walford NDP is currently undertaking the Regulation 16 draft plan consultation which will conclude on 31 August 2022. The Neighbourhood Planning Manager has provided a helpful summary of the up-to-date position regarding the responses received the the plan but it is important to note that the consultation period does not expire until 31 August 2022. In this regard the NDP can only be afforded limited weight.
- 6.10 Within the draft NDP Policy WALF2 and WALF20 states that proposals for new market housing will be supported within one of the identified settlement boundaries in Howle Hill. Howle Hill is defined by three separate clusters of built up areas. Although the proposed settlement boundaries only currently have limited weight, it does demonstrate the clusters clearly for the settlement as a whole. The following map includes the black line of the settlement boundaries with the site being indicated by the red star:



- 6.11 The map clearly demonstrates that the site is directly adjacent to the largest of the main clusters of built form in Howle Hill, and whilst shown to be outside of the proposed settlement boundary the settlement boundary runs immediately along the west and northern boundaries of the site and continues past the edge of the site to existing dwellings further to the east. It is considered that this demonstrates how the site could also be considered as a form of infill development due to its siting between existing development directly to the west and further to the east beyond the wider field boundary.
- 6.12 In light of the above and the up to date advice provided by the Neighbourhood Development Manager, and having regard to the relative weight to be attached to the adopted Development Plan, the principle of this proposal is considered acceptable and in accordance with planning policy RA2. The following sections will go on to consider whether there are any other material considerations of such weight and magnitude that might lead to a conclusion that the proposal represents an unsustainable or unacceptable form of development.

#### *Ecology and trees*

- 6.13 Policies LD2 and LD3 of the Core Strategy are applicable in relation to ecology and the impact on trees. These state that development proposals should conserve, restore and enhance the biodiversity and geodiversity asset of the County and protect, manage and plan for the preservation of existing and delivery of new green infrastructure.
- 6.14 The application is accompanied by a Preliminary Ecological Assessment. The Council's Ecologist has viewed this and is content with the findings and recommendations, subject to these being conditioned on any approval. With the site falling within the River Wye Special Area of Conservation (SAC) catchment, a Habitat Regulations Appropriate Assessment (HR AA) has been undertaken. This identified Likely Significant Effects upon the SAC but that these are



capable of being mitigated. The HR AA has been sent to Natural England for their approval and they have confirmed they have no objections to the proposal.

- 6.15 The development does not include the area of identified Habitat of Principal Importance (deciduous woodland) that is located south of the proposed development site. The supplied plans indicate that this woodland is retained and enhanced as a “wildlife corridor-biodiversity area”, and therefore will not have a direct impact upon the woodland.
- 6.16 From available data and information there is no reason to consider that the proposed development will have any significant effect on local protected species populations and other wildlife subject to the ‘intrinsically dark landscape that benefits local amenity and nature conservation’ is concerned. It is considered that this can be mitigated and maintained through the use of a condition to ensure all external lighting is minimised and designed with wildlife and dark skies considered.
- 6.17 In addition a relevant informative note will be recommended highlighting the applicant’s responsibilities and duty of care in relation to the Wildlife and Countryside Act and other relevant legislation.
- 6.18 The proposal is found to comply with the aims of policies LD2, LD3, SD3 and SD4 and all reasonable and responsible measures have been taken such as to ensure the LPA legal duty of care has been exercised.

#### *Drainage*

- 6.19 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).
- 6.20 Foul water will be disposed off using shared package treatment plants with outfall into a soakway drainage field to the north east corner of the site. All surface water from the three properties will be disposed of via a surface water pipes into an infiltration basin on the North West Corner of the site adjacent to the road. This system will prevent any additional surface water from the site flowing onto the road. In addition, the proposed parking and turning areas are to be permeable surface to reduce the level of run off created by the development.
- 6.21 To ensure full management and ongoing maintenance of the drainage system, once the dwellings have been completed, a management company would be established which the 3 owners would equally pay into for the maintenance of the drainage infrastructure. This is detailed within the Drainage Technical Note received by the Local Authority on 1 June 2022. A maintenance schedule is also set out on page 4 and 5 of the attached Technical Note, which will ensure the continued performance on the proposed drainage
- 6.22 The Council’s Land Drainage Consultant, has had significant on going discussions with the agent in regards to the drainage on this site, and following receipt of revised details and an amended drainage strategy received 1 June 2022, subject to conditions, is content with the proposal and has no objections. As such, it is considered that the requirements of Policies SD3 and SD4 would be satisfied subject to suitably worded conditions.

#### *Landscape*

- 6.23 The site falls just outside of the Wye Valley Area of Outstanding Natural Beauty, which is to the north-west. It does nevertheless contribute to the character and setting of the settlement of Howle Hill. The landscape character type is forest small holdings and dwellings. The location is typical of the character type in terms of "dense settlement pattern with a complex matrix of narrow intersecting lanes fringed by wayside cottages interspersed with small hedged pastures and pockets of rough grazing".
- 6.24 The site itself is unusual, being an historic quarry which now appears more like an undulating paddock. Views into the site are largely from the roadside gateway, with native hedge along the roadside.
- 6.25 The proposal for residential development on this site will undoubtedly alter the character of the site, however it is considered that the revised indicative proposal for three houses, individually designed, with gaps between, better reflects the rural character and overcomes the urban compactness of the previous scheme of 5 dwellings.
- 6.26 The proposed layout of the three dwellings, whilst being acknowledged as being indicative at this stage, is staggered and slightly random with attached garages and parking immediately adjacent, which will create softer views from the adjacent highway than the previously submitted scheme layout.
- 6.27 The Landscape Strategy submitted demonstrates how the new development can suitably integrate into its surroundings. The Principal Natural Environment Officer (Landscape) has confirmed no objections to a scheme of three dwellings subject to recommended conditions for hard and soft landscaping, its maintenance and management to be provided in a Reserves Matters application.

*Other matters*

- 6.28 A number of other concerns were raised through local objections and these will be covered below.
- 6.29 The access road is single track to the site, as are the majority of rural roads within the area, however this does not preclude further development from taking place. The application is in outline form with all matters reserved, including detailed access matters. The proposal includes sufficient details to demonstrate that both the means of access and the internal layout can be accommodated on the site with regard for the relevant standards. The Team Leader Area Engineer does not have any objections to the principle of the development at this point, acknowledging that more detailed submissions on access strategy and layout will follow in the event that this application is granted.
- 6.30 In terms of the hierarchy matrix that was used to determine the settlements for proportionate growth under policy RA2, the Core Strategy is adopted and therefore forms part of the Development Plan for the County. Any concerns relating to the inclusion of Howle Hill as a RA2 settlement should have been submitted during the consultation of that document. This does not represent a reason to refuse a planning application now being considered.
- 6.31 The housing targets within the settlement are a minimum. Considering the 14% indicative growth required across the Ross on Wye Housing Market Area, a total of 91 new houses are required within the Parish between 2011 and 2031. As of April 2021 there was a total of 14 completions and 39 commitments, and a further 9 approved since April 2021, meaning that the parish requires a further 29 dwellings required in the Parish over the plan period.
- 6.32 There has been significant objections regarding the design and layout of the proposed dwellings. The plans that have been submitted with this application are only indicative and could be subject to change prior to a Reserved Matters application. This application is for outline with ALL matters

reserved and therefore it is the principle of development that is being considered rather than the siting, layout and design of the properties, which would be considered at a Reserved Matters stage.

- 6.33 In regards to the site encroaching a former quarry, the Environmental Health Officer – Contaminated Land has identified that the land has later been recorded as an area of 'unknown filled ground' and therefore has recommend a pre-commencement condition be appended to any approval to ensure the site is safe and suitable for its intended residential use

#### *Conclusion*

- 6.34 The application is for outline permission with all matters reserved, and therefore it is only the principle of development that is to be assessed. The revised and reduced scale of development is considered capable of being accommodated on the site but the detail of this is not currently under consideration.
- 6.35 The Walford NDP is currently undergoing a Regulation 16 consultation and therefore the proposed policies only currently have limited weight and as such the proposal falls principally to be considered under Policy RA2 of the Core Strategy at this time. There are three clusters which would be considered as built up parts of the village and the site lies adjacent to one of the largest clusters of built up residential areas within Howle Hill. The proposed settlement boundary within the NDP concurs with this, as the settlement boundary runs along the western and northern edge of the site and the eastern edge of the wider field, continuing past the site to the east. A scheme of three dwellings on this site set within fairly large plots and providing spacing between the dwellings will maintain the character of the area in accordance with Core Strategy policies RA2 and LD1 and therefore the principle of development is accepted.
- 6.36 The local concerns are acknowledged, but there is now a satisfactory drainage strategy submitted to overcome the surface water flooding concerns and many of the other concerns will be addressed at the Reserved Matters stage.
- 6.37 Given the lack of objection from highways, ecology, landscape, Natural England, Welsh Water and most recently land drainage, the proposal is found to be technically compliant with all policies.
- 6.38 In assessing the three indivisible dimensions of sustainable development as set out in the CS and NPPF, officers are of the opinion that the scheme is representative of sustainable development. The scheme will bring forward three policy compliant dwellings with the associated economic and social benefits that small developments in rural settlements support.

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

- 1. Time limit for submission of reserved matters (outline permission)**
- 2. Time limit for commencement (outline permission)**
- 3. Approval of reserved matters**
- 4. Development in accordance with the approved plans**

5. **Efficient use of water**
6. **Restriction of hours during construction**
7. **With the exception of any site clearance and groundwork, submission of detailed proposed foul and surface water design / constructions plans with the following information:**
  - **Pipe diameters**
  - **Invert levels**
  - **Cross sections**

**Shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first use of any of the buildings hereby permitted.**

**Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

8. **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**

9. **The Remediation Scheme, as approved pursuant to condition 8 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.**

**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**

10. **Landscape Implementation**
11. **Landscape Management**
12. **All foul water shall discharge through connection to a new shared private foul water treatment system (Package Treatment Plant) discharging to a suitably sized soakaway drainage field located on land under the applicant's control. The applicant shall undertake all future management and maintenance of the shared foul water systems. The scheme shall be implemented and hereafter maintained as approved unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD4.**

13. **All surface water shall discharge through connection to a new shared Sustainable Drainage System located on land under the applicant's control. The applicant shall undertake all future management and maintenance of the shared surface water-Sustainable Drainage System. The scheme shall be implemented and hereafter maintained as approved unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD4.**

14. **Prior to any new construction commencing a detailed lighting and illumination report – including consideration for all external lighting and internal light transmission – shall be supplied to the LPA. The report shall detail all relevant luminaire specifications, locations and any other recommended mitigation features. The approved scheme shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the local planning authority.**

**All lighting installed shall clearly demonstrate compliance with latest best practice guidance relating to lighting and protected species-wildlife available from the Bat Conservation Trust/Institution of Lighting Professionals.**

**Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3**

15. **Prior to any construction work above damp proof course level commencing a detailed scheme and annotated location plan for proposed biodiversity net gain enhancement features including provision of 'fixed' habitat features such as habitat boxes supporting bat roosting, bird nesting, hedgehog home, hedgehog 'highways' through all solid boundary features and pollinator homes must be supplied to and approved in writing by the local authority. The approved scheme shall be implemented in full**

and hereafter maintained as approved unless otherwise agreed in writing by the local planning authority.

**Reason:** To ensure that all protected species are considered and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended by 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 (2015) policies SS1, SS6 LD1, LD2 and LD3. Compliance with council's declared Climate Change and Ecological Emergency

16. Prior to the first occupation of the dwellings hereby permitted a scheme to enable the charging of plug in and other ultralow emission vehicles (e.g provision of cabling and outside 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.

#### **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. Contaminated Land 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.

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.

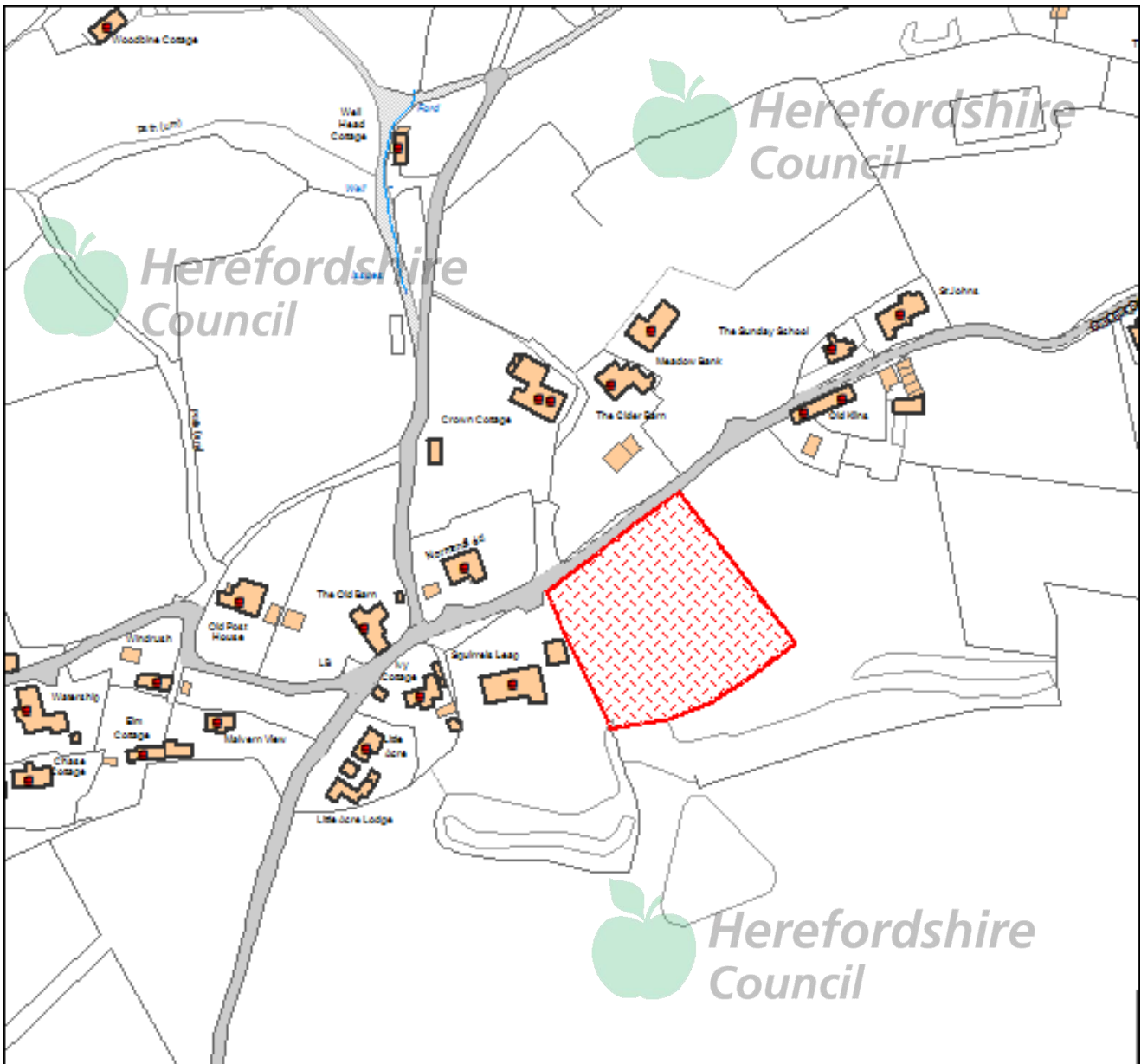
3. The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special "protected species" such as all Bat species, Great Crested Newts, Badgers and other wildlife that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that further advice from a local professional ecology consultant is obtained.

Decision: .....

Notes: .....

.....

**Background Papers – non identified**



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**APPLICATION NO:** 204443

**SITE ADDRESS :** LAND ADJACENT TO THE OLD KILNS, CHURCH LANE, HOWLE HILL, ROSS-ON-WYE

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Further information on the subject of this report is available from Mrs G Webster on 01432 261803