

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	28 SEPTEMBER 2022
TITLE OF REPORT:	214073 - 6 NO. DWELLINGS WITH GARAGES AT LAND ADJACENT TO ARROW LEA, EARDISLAND, LEOMINSTER, HR6 9BU For: Mr Staples per Mr John Needham, 22 Broad Street, Ludlow, Shropshire, SY8 1NG
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=214073&search-term=214073

Reason Application submitted to Committee – Re-direction

Date Received: 3 November 2021

Ward: Arrow

Grid Ref: 342220,258873

Expiry Date: 10 January 2022

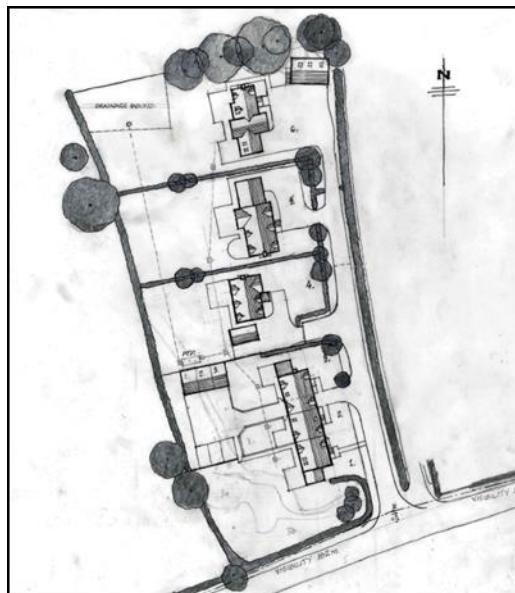
Local Members: Cllr R Phillips

1. Site Description and Proposal

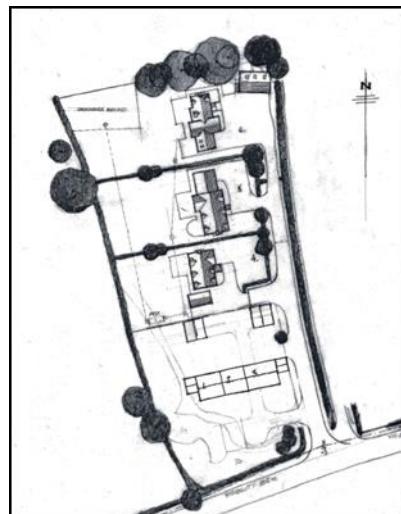
- 1.1 The site is located immediately east of the village of Eardisland. The site is adjacent the settlement boundary defined in the ENDP. It is rectangular, measures 0.65ha, and comprises agricultural land, devoid of any buildings. Hedgerows extend along the site's perimeter, including the road frontage. A large mature Oak tree to the rear of the site was removed prior to application lodgement.
- 1.2 Arable fields are to the east and south, on the opposite side of the road. A dwelling is to the rear, The Old Barn, as well as the west, Arrow Lea. To the southwest and diagonally opposite the site is a further dwelling, Swandrift.
- 1.3 The site is adjacent the eastern boundary of the Eardisland Conservation Area. The nearest designated heritage asset other than the Conservation Area is the Grade II listed Staick Cottage, approximately 110m west of the site.
- 1.4 Some of the northern and central areas of the site are in Flood Zone 1, while the southern and western areas are in Flood Zone 2 and 3. Drainage ditches are present to the south and eastern boundaries.
- 1.5 The site lies within the hydrological catchment of the River Lugg SAC, which comprises part of the River Wye SAC.
- 1.6 The application seeks full planning permission for six double storey dwellings. The housing mix comprises 1 x 2 bed, 3 x 3 bed, and 2 x 4 bed units.

- 1.7 The three rear dwellings are detached, the front three dwellings are terraced with parking proposed to the western side of the terrace, accessed via a single width undercroft incorporated within the terrace. The terrace is sited perpendicular to the road.
- 1.8 External materiality comprises plain tile roofs, brick, render and traditionally detailed window and door joinery.
- 1.9 Vehicle access is provided by a shared driveway extending along the site's eastern boundary, served by a new access point onto the B4529 near to an existing field access.

Proposed site layout:



- 1.10 The applicant has provided an alternative layout showing a revised siting arrangement for the front terraced dwellings. This is detailed below. This layout has been provided for illustrative purposes only, it does not form part of the application. On this basis, it is not considered further in this report.



2. Policies

2.1 Herefordshire Local Plan – Core Strategy Policies:

- SS1 - Presumption in favour of sustainable development
- SS2 - Delivering new homes
- SS3 - Releasing land for residential development
- SS4 - Movement and transportation
- SS5 - Employment provision
- SS6 - Environmental quality and local distinctiveness
- SS7 - Addressing climate change
- RA1 - Rural housing distribution
- RA2 - Housing in settlements outside Hereford and the market towns
- RA3 - Herefordshire's countryside
- 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
- LD4 - Historic environment and heritage assets
- SD1 - Sustainable Design and energy efficiency
- SD2 - Renewable and low carbon energy
- SD3 - Sustainable water management and water resources
- SD4 - Waste water treatment and river water quality

2.2 Eardisland Neighbourhood Development Plan 2016:

- E1 - General development principles
- E2 - Protecting heritage assets
- E3 - Landscape character
- E4 - Protecting and enhancing features of ecological value
- E5 - Surface water run off
- E6 - Dark skies
- E9 - Scale and type of new residential development
- E10 - Ensuring an appropriate range of tenures. Types and sizes of houses

2.3 National Planning Policy Framework

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

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

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

2.5 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.

3. Planning History

3.1 None identified

4. Consultation Summary

Statutory Consultations

4.1 River Lugg IDB

If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that infiltration tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year.

If surface water is to be directed to a mains sewer system the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow.

If the surface water is to be discharged to any ordinary watercourse within the Drainage District, Consent from the IDB would be required in addition to Planning Permission and would be restricted to 1.4 litres per second per hectare or greenfield runoff. No obstructions within 9 metres of the edge of an ordinary watercourse are permitted without Consent from the IDB.

If surface water or works are planned adjacent to a Main River within the Drainage District, then the Environment Agency should be contacted for any relevant Permits.

4.2 Welsh Water

Sewerage

Since the proposal intends utilising an alternative to mains drainage we would advise that the applicant seek advice from the Environment Agency and the Building Regulations Authority as both are responsible to regulate alternative methods of drainage. However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

Surface Water Drainage

With respect to the disposal of surface water flows from the proposed development, the developer is required to explore and fully exhaust all surface water drainage options outlined under Sections 3.2 and 3.4 of Part H of the publication 'Building Regulations 2000'. Disposal should be made through the hierarchical approach, preferring infiltration and, where infiltration is not possible, disposal to watercourses in liaison with the Land Drainage Authority, Natural England and/or the Environment.

4.3 Environment Agency

Further information on the subject of this report is available from on

31 May 2022 comments

We **object** to the proposed development, following the additional information. Please find our comments below.

Flood Risk: This site is located within Flood Zone 3, the high-risk zone and is defined for mapping purposes by our Flood Map. In accordance with Table 1: Flood Zones (Reference ID: 7-065-201-20140306) within the National Planning Practice Guidance (NPPG) Flood Zone 3 is considered 'high probability' of fluvial flooding and comprises land assessed as having a 1 in 100 year, or greater, annual probability of river flooding. We have reviewed the document Flood Risk Assessment – Response to EA December 2021 Comments produced by Corner Water Consulting, February 2022.

Finished Floor Levels (FFLs): The initial response from the Environment Agency (SV/2021/111156/01-L01) requested confirmation of the finished floor levels (**either 85.34 mAOD or 85.05 mAOD** with 300 mm of flood resilience) and floodplain compensation storage considering placement of garages.

Floodplain Compensation: Floodplain compensation is calculated from the lowest level of construction (84.30 mAOD) up to the 1% AEP plus 20% Climate Change flood level (84.45 mAOD) with 50 mm intervals. We accept the current proposals for floodplain storage results in an overall net gain of 22.7 cubic metres between 84.30- 84.45 mAOD. There is a loss of 4.4 cubic meters from 84.30-84.35 mAOD which we consider as posing **negligible risk** due to the area of the floodplain at this location.

Safe Access and Egress: The initial Flood Risk Assessment acknowledges that the B4529 running south of the site and the entrance have historically flooded. The FRA should demonstrate that a safe route of access and egress is available to a location outside of the 1% AEP plus climate change flood extent.

Pedestrian access should preferably remain flood free during the design flood event. However, in cases where this may not be achievable, the FRA may demonstrate that pedestrian access is acceptable based on an appropriate assessment of 'hazard risk' including water depth, velocity and distance to higher ground (to the design flood level incl climate change). Reference should be made to DEFRA Hazard risk (FD2320) – 'Danger to People for Combinations of Depth & Velocity' (see Table 13.1 – DEFRA/EA Flood Risk Assessment Guidance for New Development FD2320

Access and egress by vehicular means is a matter for your Emergency Planners and the Emergency Services.

We would expect safe access and egress to be addressed in a FRA. However, we note that your resilience team have recommended a condition relating to the proposed access and a Flood Evacuation Management Plan. We would be happy to comment further upon receipt of the FFLs as discussed above. Once we are satisfied with the information submitted, we would recommend conditions to confirm the FFLs and flood storage compensation

7 June 2022 comments

Following the correspondence from Mr Needham (agent), we do not need a formal re-consultation and wish to withdraw our objection subject to the following conditions with regards to Finished Floor Levels and Flood Compensatory Storage.

1. Condition: Finished floor levels should be set no lower than 85.05mAOD as detailed in the Flood Risk Assessment – Response to EA December 2021 Comments (by Corner Water Consulting, dated February 2022). This figures includes an allowance for climate change. 300mm of flood resilience measures should also be incorporated.

Reason: To protect the development from flooding.

2. No development approved by this permission shall be commenced until a scheme for the provision and implementation of flood compensatory storage works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details (CWC-K0988-DG-01, Flood Compensation Layout Plan)

Reason: To alleviate increased risk of flooding.

Internal Council Consultations

4.4

Historic Buildings Officer

The submission of a heritage statement and the acknowledgement within that statement that the application would cause *less than substantial harm* is welcomed.

As well as a heritage statement, an amended site plan has been submitted showing the terrace of three cottages re-orientated to face the road. While this change does respond better to the prevailing character of development in this part of the village and conservation area, a holding heritage objection remains.

The amended site plan and submitted heritage statement do not address the concerns over density and layout raised in previous comments. It is felt six dwellings in this location on the edge of the settlement and at a gateway point between the village and open countryside is too great and would go against the established grain. The re-orientation of the terrace of cottage helps alleviate some of the linear character of the previous site plan however, the three detached dwellings to the rear of the site retain a cul-de-sac arrangement. The amended site plan as currently proposed would also not achieve a farmstead plan form as mentioned in the supporting heritage statement and it is unclear whether that comment was made with specific reference to drawing no.1549/5/1.

Original comments received 26/01/22:

Summary: Objection is raised from a heritage perspective. The application site lies just outside the designated boundary of the Eardisland conservation area, however forms an integral part of its setting. It is felt the application for a cul-de-sac style development of six houses would go against the grain of development and erode the special character of the area leading to harm to its significance as a heritage asset. This harm would be classified as *less than substantial*.

Policy:

Section 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 requires special attention to be paid to preserving or enhancing the character or appearance of conservation areas.

Section 16 of the National Planning Policy Framework requires local authorities to assess the impact of proposed development on heritage assets, including any contribution made by setting.

Policy LD4 of the Herefordshire Core Strategy requires development to protect, conserve and where possible enhance the historic environment, heritage assets and their settings.

Policy E2 of the Eardisland Neighbourhood Development Plan requires all new development to preserve and enhance the positive attributes of heritage assets and their settings.

Site: The application site is a rectangular parcel of agricultural land to the north side of the B4529 on the eastern edge of the settlement if Eardisland. It lies just outside, but immediately adjacent to the designated boundary of the Eardisland conservation area. The site is highly visible on the eastern approach to the village travelling along the B4529 from Leominster.

Significance: The significance of the Eardisland conservation area as a designated heritage asset lies in its character and appearance as a historic and rural settlement which developed in this defensible location on both sides of the river Arrow. There is a wealth of surviving historic buildings and good quality architectural design which combine to create a strong sense of place.

The settlement has its origins in the medieval period. The scheduled ancient monument adjacent to the church contains the remains of a motte and moat likely Norman in date. The Church of St. Mary is the oldest surviving structure in the village dating to the early C13 with some additions dating to the C14 and C18.

The main built form of the village is clustered to the south of the river, with some lower density development characterising the north bank area. The prevailing settlement pattern is one of dwellings in individual plots with a relationship to the highway, though some modern development has introduced suburban features such as cul-de-sacs and double depth plots which detract from the rural character of the area and should be avoided in future. The approach to the village from both the east and the south is characterised by a gradual introduction of built form interspersed with areas of open spaces and agricultural fields.

Comments:

Proposed development: The application calls for the construction of six new dwellings accessed via a single entrance on the edge of the settlement of Eardisland.

Impact on the conservation area and key views:

As outlined above, the significance of the conservation area is that of a historic and rural settlement. The designated boundary is drawn around the main built core to reflect this.

As a rural village, its setting is characterised by large areas of undeveloped and agricultural land, with some dispersed farmsteads and isolated properties. Approach to the village from both the south and east is by the gradual introduction of built form and this aspect of its setting makes an important contribution to the significance of the conservation area. Due to the relative flat and straight nature of the B4529 on approach from the east, glimpsed views of Arrow Lea and Swandrift can be achieved at a distance of several hundred metres. The two dwellings form an attractive gateway to the village in this location. This view on arrival to the village has been identified as a key vista, among others, as part of the village Neighbourhood Development Plan (appendix 6) and are given protection as part of policy E1(h) General Development Principles.

The part of the conservation area (CA) north of the river has a prevailing settlement pattern of single plot dwellings generously spaced with a relationship to the highway. The proposed site plan of six plots perpendicular to the road would go against the established settlement pattern in this area and would alter its essential character. It is felt the introduction of a cul-de-sac would be an overly suburban intrusion in this edge of settlement location, and would negatively impact the appearance of this rural gateway to the village, an integral part of the setting of the CA. The edge of the village would become more strongly defined by this solid block of built form, and would lose the gradual approach which presently marks the start of the village in this area.

The development would also be highly visible on approach from the east and would impact a protected view identified in the NDP. It is appreciated the supporting document addresses this concern and proposes to mitigate any impact by siting the development further back from the highway than the neighbouring properties. However, based on the plans submitted, the first of the three terraced cottages would be set back by only an additional 3m than Arrow Lea, meaning views would be obscured from a distance.

Conclusion: It is felt the application would fail to preserve or enhance the setting of the Eardisland conservation area as required and would be contrary to statutory policy. As such objection is raised from heritage perspective.

4.5 Transportation

As previously mentioned this site does not provide a consistent safe connectivity provision for all users. Whilst there are sections of verge which can provide refuge they are not consistently provided especially as in a narrow section near the village centre before for a footway is provided. The route into the village centre requires walking along sections of carriageway this includes the section which has the village gateway feature. The connectivity of the site only looks to connect the site to the village for able body people and people without a pushchair, therefore not providing a safe route.

There is a significant difference between the signed speed limit adjacent to the site and the speeds recorded as part of this application. The signed speed limit is 30 mph, whilst the 85thpercentiles have been recorded as 43.1 mph westbound and 44 mph eastbound. The request to extend the speed limit to increase the 30 mph has not been supported by the applicant.

With the significant concerns regarding this site the LHA cannot look to support this application.

4.6 Emergency Planning

I have noted the comments of EA, Land Drainage, Transportation, Parish Councils and others. The risk of flooding is well documented. Access to the proposed site is through area/road identified as Flood Zone 3, whilst the residential development is in Flood Zone 1.

The issue of 'Safe Access' is not sufficiently addressed. The FRA (Section 4.4 Residual Risks) does recommend that residents sign up to 'EA Flood warning scheme plus any run by the local parish council. Leaving the site prior to the peak of the flooding in a major event should be considered. Due to the enhanced accuracy of Met Office severe weather warnings residents will be aware well in advance that heavy rainfall may lead to flooding'

The site in severe weather (not defined) would become an Island site. Should residents be unaware of the risks and remained on during such an event they would put pressure on the emergency services should emergency access/egress be required.

Should planning permission be granted there is a requirement for a Flood Evacuation Management Plan. As identified, of particular importance is the issue of 'Safe Access'. Any plan should focus on how the occupants are made aware of any potential flood related event; what key decisions need to be taken, by who, and at what time to ensure that they can leave the site before any flooding occurs. This detail should also reflect how residents can access the site should they so wish before the roads become compromised.

4.7 Ecology

The application site lies within 150m of the River Arrow a main tributary of the River Lugg and lies within the hydrological catchment of the River Lugg 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.

At present the levels of phosphates in the River Lugg exceed the water quality objectives and it is therefore in unfavourable condition. Where a European designated site is considered to be 'failing' its conservation objectives there is limited scope for the approval of development which may have additional damaging effects. The competent authority (in this case the Local Planning Authority) is required to consider all potential effects (either alone or in combination with other development) of the proposal upon the European site through the Habitat Regulations Assessment process.

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The HRA process must be based on a demonstration of legal and scientific and be undertaken with a 'precautionary' approach.

The following notes refer in respect if the HRA process:

- The proposal is for SIX new residential dwellings with creation of additional foul water flows
- The site is within an area well known and recorded as flooding – Flood Zone 2 and 3 and surface water flooding (EA data) – this is clearly shown on the Council's drainage consultant response dated 21/12/2021 and the Flood risk management, surface water management and foul drainage strategy by Hydrologic Services ref K0988a (14/10/2021) submitted by the applicant.
- There are existing dwellings adjacent to the development site "The Old Barn" to the north of the proposed development site; and Arrow Lea to the west. Other residential properties and curtilages are within 200m.
- Drainage ditches are noted as being present to south and eastern boundaries

There is no mains sewer catchment identified at this specific location

The proposal is to manage all foul water created through a 'shared' private package treatment plant discharging to a mound soakaway drainage field. The need for a mound system is unclear with percolation at the relevant testing point of Vp 46.56 given supplied information and as noted by the drainage consultation response. Certainty on final system proposed is requested – a mound should only be used where it can be clearly evidenced one is technically required.

Both the shared PTP and Drainage Mound are located within the boundary of separate individual private dwellings. No details of how management and maintenance of all shared systems will be legally secured for the lifetime of the development has been supplied. Given the location of shared systems this must be certain prior to any HRA process being initiated by the LPA.

Foul water flows are calculated as being a population equivalent of 26 (circa 4m³/day - outside of consideration under General Binding Rules for soakaway drainage fields – limit 2m³/day). The guidance utilised in the supplied report by Hydrologic Services refers to the criteria agreed between Natural England and the Council in respect of small private treatment and applies to systems that are within the flow volumes covered by General Binding Rules – and thus the criteria are not a significant consideration for this specific application and certainty that there are no nutrient pathways must be fully evidenced and supplied.

There are potential drainage fields and sources of phosphate pathways within 200m of the proposed drainage field arising from adjacent/nearby properties. These create a potential 'in combination and cumulative affect with the current proposed development. No scientific and legal certainty that there are no potential other sources within 200m has been supplied - reliance on client 'hearsay' is not certainty.

The supplied and available Flood mapping and surface water flooding maps indicate that the proposed drainage field is directly adjacent to Flood Zone 3 and areas subject to surface water flooding – such events would create pathways for washout of nutrients directly into the River Lugg Catchment. There would appear to be little option to locate any foul water outfall outside of these flooding areas at this location.

The applicant has not demonstrated any certainty that the development will not create additional nutrient (Phosphate) pathways in to the River Lugg SAC as a result of this proposed development. The applicant must provide a clear scientific and legal certainty of Nutrient Neutrality for the lifetime of the development PRIOR to the LPA being able to complete the required HRA process and grant any planning permission.

If all other aspects of the development are satisfactory from a planning perspective the applicant may wish to explore Nutrient Neutrality options such as purchasing Phosphate Credits. Any scheme proposed must be demonstrated as scientifically and legally secured for the lifetime of the development prior to submission to the LPA.

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 Lugg (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.

Other ecology comments:

The “Ecological Impact Assessment of land east of Eardisland” by Churton Ecology dated September 2021 refers. It should be noted that this report is NOT an Environmental Impact Assessment as legally defined within relevant EIA regulations and is in reality a standard ‘Preliminary Ecological Appraisal’.

Comments made now are based on a planning consent being granted within the ‘valid’ period for the supplied report. This valid period is considered as a maximum of 2 years from actual onsite survey dates (06/09/2021) – so if planning permission is not granted by September 2023 further updated ecological surveys and report will be required.

The site is currently an agricultural field bounded by hedgerows and trees. It is noted that currently no final details of how required vehicular access and visibility splays + any roadside pedestrian access routes will impact on the existing roadside hedgerow (Habitat of Principal Importance) have been supplied. No loss of Hedgerow is likely to be acceptable. Once a final ‘highways compliant’ scheme has been designed – considering that no or minimal loss of hedgerow will be acceptable, final ecology comments can be made.

The development is bounded to the west by Eardisland conservation area and is directly linked by trees and hedgerows to this designated area. No information has been supplied on the potential impact of development and construction works on existing trees and hedgerows – in particular in respect of buildings at plot 6 and trees within/outside of development boundary to the north. A detailed BS5837 tree survey and clearly identified root protection areas (and protection scheme) is requested to clearly evidence no impacts on any trees or hedgerows will occur due to building locations and how all such features will be fully protected for the lifetime of the development

Until such time as all relevant information has been submitted for consideration there is an ecology OBJECTION raised due to uncertainty on impacts and effects on a recognised Habitat of Principal Importance (irreplaceable habitat) – any loss would be contrary to Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’), Wildlife and Countryside Act 1981,), National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council’s declared Climate Change & Ecological Emergency.

Subject to the objection above being withdrawn and any additional conditions suggested other additional general comments currently are:

From information supplied and images available there are no immediate ecology related concerns with adjacent to the site. There are relevant species records within the wider locality – including bat roosting. The applicant and their contractors have their own legal duty of care towards wildlife protection under UK Legislation that applies throughout any demolition and construction process.

Further information on the subject of this report is available from on

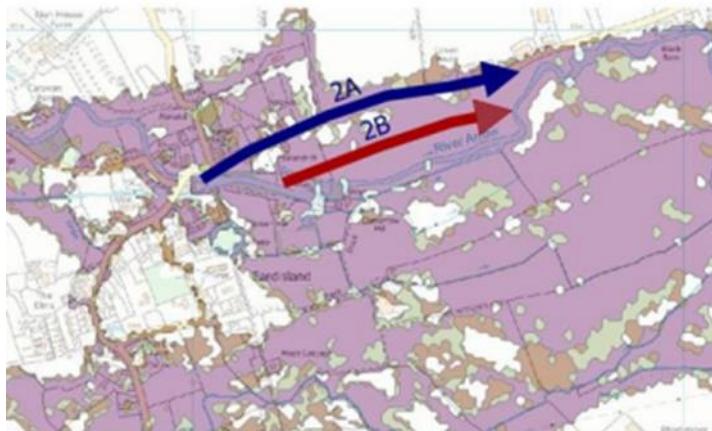
Any breach of this legal Duty of Care would be a criminal offence. In this instance this LPA has no reasonable cause to require further information as part of the planning application or include a specific ecology protection condition. However a relevant information note is requested.

The site is in an area with an intrinsically dark landscape that benefits local amenity and nature conservation, including nocturnal protected species known to be present in the area. A condition to ensure all external lighting is kept to the essential minimum and any systems installed compliant with current best practice is requested.

As identified in policies and frameworks all developments should clearly demonstrate how they will ensure a biodiversity net gain is achieved. As this is a separate standalone application it should clearly demonstrate such BNG and a relevant condition to ensure this is achieved and secured is requested.

4.8 Land Drainage

The Applicant proposes the construction of 6 dwellings with garages. The site covers an area of approx. 0.65ha and is currently an arable field. The River Arrow, a main river, flows approximately 155m to the south of the site. We understand that there are drainage ditches located along the eastern and southern site boundaries. The topography of the site is relatively flat however the land to the north of the site slopes from north to south.



Flood Risk

Fluvial Flood Risk

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that some of the northern and central areas of the site are in Flood Zone 1, however the southern and western areas are in Flood Zone 2 and 3. We note that the Environment Agency have provided comments regarding the submitted Flood Risk Assessment. We agree with their comments and await a revised Flood Risk Assessment, with hydraulic modelling (or use of an existing model), to be submitted. We recommend that the development is restricted to the northern area of the site, with access located along the eastern boundary. We also highlight to the Planning Officer and Applicant of the anecdotal information presented by local people, which shows route of flood water from the River Arrow. This information was presented when the Parish Council engaged a consultant to complete a flood study on their behalf.

We note that Eardisland has suffered from significant flood events in recent years. Therefore, Herefordshire Council Emergency Planners should be consulted on the viability of this development given that the site access road is located within the functional floodplain.

Surface Water Flood Risk

Review of the EA's Risk of Flooding from Surface Water map indicates that the site is at risk of surface water flooding due to a flow route indicated down the western boundary. The adjacent highway to the south of the site has a high surface water flood risk in addition to the existing

development located to the north of the site also presenting a high surface water flood risk. The eastern surface water flood risk indicated is associated with the field drainage ditch.

Figure 4: EA Surface Water Flood Map, December 2021



Other Considerations

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

We note that infiltration testing in accordance with BRE 365 has been undertaken at the site. Two infiltration trial pits were excavated to a depth of 1.5m and acceptable rates were recorded (6.22×10^{-5} and $5.15 \times 10^{-5} \text{ m/s}$). No groundwater was encountered at 2.6m BGL. The total impermeable area plus 10% urban creep will be $1,711.6 \text{ m}^2$. We understand that the private access road to the rear of plots 1-3 and parking spaces around the proposed dwellings will be permeable paving. We note proposals for the access road and turning area for plot 4 to be adopted. An "infiltration tank" is proposed to be located underneath the shared private turning and parking area at the back of plots 1-3. We assume that the "infiltration tank" would be a geo-cellular soakaway. Runoff from the impermeable area will be routed to 3 concrete ring soakaways. These ring soakaways will need to be positioned away from the adoptable highway (refer to guidance in the Herefordshire SuDS Handbook for the distance from the highway). We note that all drainage features have been sized appropriately for a 1 in 100yr + 40% CC event. This modelled an adequate storage volume for the infiltration tank as 126.2 m^2 plus 660mm effective depth. The three concrete ring soakaways/lined soakaways will have a diameter of 1.5m and an effective depth of 1m per soakaway.

Foul Water Drainage

We understand that the site is located within the River Lugg Catchment. We note that percolation testing has been undertaken at the proposed site. Three percolation trial pits were excavated to a depth of 1m, however the acceptable results of only two are mentioned within the main drainage report (46.56 s/mm and 51.84 s/mm).

It is proposed that foul water from all proposed dwellings will be piped to a package treatment and then pumped to a drainage mound. Existing local drainage ditches are found along the eastern and southern site boundary; however it is stated that the site area for the proposed drainage mound is location more than 40m from any surface water features. The drainage mound has been sized appropriately and will require an area of 252 m^2 . We are unsure why a drainage mound is proposed when acceptable percolation tests have been conducted to a depth of 1m, which would be viable for a drainage field. Pumped systems are not preferable for foul water drainage systems due to the possibility of failure resulting in foul surface water flooding. In the event of pump failure there would be an inconvenience to all site users and the highway would be flooded. If this

occurred in winter conditions, then this could create a hazard to road users. The site layout should be altered to facilitate a gravity fed foul drainage system.

Overall Comment

The proposed site layout could lead to the scenario where effluent emerges onto the highway which could cause an accident in freezing conditions. We recommend that the following information is provided prior to the Council granting planning permission:

- Confirmation of discussion with Herefordshire Council Emergency Planners over the viability of the development due to flood risk.
- Revised Flood Risk Assessment, including hydraulic modelling (or use of an existing model) as outlined by the Environment Agency.
- Revised foul water drainage strategy.

5. Representations

Eardisland Parish Council

5.1 2 May 2022 comments:

At its meeting on Thursday 28 April 2022, Eardisland Parish Council resolved to continue to OBJECT to this application as it now stands on the grounds set out below. All previous comments in the first response from the Parish Council stand and should be taken into consideration with this further response. For ease of reading, points are numbered and relevant application documents are referenced in italics.

1. The application site is a functional floodplain which serves to soak up water. If houses are built on the site it lessens the value of the field as a floodplain. As previously stated, flooding is a major issue in Eardisland. In the last 20 years (2001-2021), 8 flood events causing damage to property in Eardisland have been recorded in the 2 flood studies, undertaken by Parsons Brinkerhoff in 2015 and the Environment Agency in 2021, culminating in the catastrophic event in February 2020 when 24 properties were flooded. In addition there have been multiple occasions when the roads have flooded leading to road closures and dangerous access and egress in Eardisland. Therefore there is a serious flood risk from this proposal.
2. Herefordshire's Resilience Team states that safe access/egress has still not been addressed and that the site would have to be evacuated before any flood event as during such an event it would become an 'island site'.
3. The proposed pump system is liable to fail and is not recommended by Herefordshire's Land Drainage team due to the risk of sewage contamination, on the site and on the adjacent road (C1035). According to submitted documents, 3 percolation test pits were made but results for only 2 are given, also noted by the Land Drainage Team. The pits were undertaken in July which the PC considers is not representative. In addition, the Land Drainage team has not accepted the proposed surface/foul water strategies.
4. The application is for a small estate which changes the nature of the village. The row of 3 'cottages' described in the D&A Statement (Planning Design and Access Statement) does not enhance but actively damages protected view 1 in Eardisland's made NDP, which was selected for its open agricultural landscape on either side of the road which provides a precursor to the entry to the village. Therefore the application is in non-conformity with the NDP and is against the settlement pattern. Herefordshire's Heritage Officer has objected and states that the plan would not achieve a 'farmstead plan' described in documents.
5. The PC is not against development in the parish as such but, as noted in its previous response, Eardisland NDP states that developments comprising more than 5 dwellings will not be supported. Unfortunately the amended plan continues to show 6 dwellings and therefore is in non-conformity with the NDP.

Further information on the subject of this report is available from on

6. There are 10 dwellings already permitted in the parish and this application does not meet further need for inexpensive housing that is affordable for local people as it includes 3 large executive style houses.
7. It is noted that heat pumps would be supplemented with wood burning stoves, which are no longer recommended and which therefore raise an environmental issue.
8. As noted in the PC's first response, pre-application changes to the site including removal of a large mature Oak have reduced biodiversity and already damaged the site. Development should conserve, restore and enhance biodiversity not damage it.
9. The email from the agent is incorrect. As noted in the PC's previous response, flooding regularly occurs immediately outside the site not just further up the road. The 2 deepest areas of flooding, both in major flood events and the frequent episodes of road flooding, are at the S-bend in the west of the village outside Orchard Farm and on the road outside the application site stretching up to Posh Sheds. See points 1 and 2 above.
10. In addition the agent's email states 'The Parish Council's response would appear to suggest that the Flood Risk Assessment, Surface Water Management and Foul Water Drainage Strategy report has not been prepared by a competent firm. This is absurd.' This is not acceptable, the PC challenged statements made in the document as incorrect, in line with the PC's role in scrutinising planning applications and responding to them on behalf of the parish. The Land Drainage team also queried the proposal, see 3. above.
11. Therefore the application does not conform to ENDP policies E1, E2, E3 and E9, nor does it conform to Herefordshire's Local Plan Core Strategy (CS) policies SS6, LD1 and LD4 and the NPPF. Therefore the PC asks that the application be refused.

15 December 2021 comments:

At its meeting on Thursday 9 December 2021, Eardisland Parish Council resolved to OBJECT to this application as it stands on the grounds set out below. For ease of reading, points are numbered and relevant application documents are referenced in italics.

1. The application is for 6 no. dwellings with garages. Eardisland NDP (ENDP) states that developments comprising more than 5 dwellings will not be supported. Unfortunately when setting out the planning policy context, the Planning Design and Access Statement (D&A Statement) does not consider the made ENDP in enough detail to note the restriction in acceptable dwelling numbers and other policies and is therefore in non-conformity with the ENDP.
2. ENDP policy E2 protects the heritage aspects of Eardisland. Protected views are designated including view 1 which includes much of the site. The view was selected for its open agricultural landscape on either side of the road which provides a precursor to the entry to the village.
3. The D&A Statement suggests that a 'row of three traditional looking cottages' will be sympathetic to the village. This is totally inaccurate, the application provides an urban streetscene completely at odds with the historic street frontages and against the grain of development of single houses facing the road in large gardens. The application detrimentally affects both the Conservation Area and the landscape character of the area and the D&A Statement does not provide any justification of benefit to the landscape. Therefore the application does not conform to ENDP policies E2, E3 and E9, nor does it conform to Herefordshire's Local Plan Core Strategy (CS) policies SS6, LDI and LD4 and the NPPF.

4. No Heritage Statement, as required by the NPPF, is submitted with the application to consider the effect on the many heritage assets in the village and its wider environment.
5. As the proposal is against the grain of development, the amenity of neighbouring houses will be adversely affected, particularly by car lights, trampolines in gardens etc and overlooking from the development and therefore it does not conform to ENDP policies E1 and E9.
6. Flooding is a major issue in Eardisland. In the last 20 years (2001-2021), 8 flood events causing damage to property in Eardisland have been recorded in the 2 flood studies, undertaken by Parsons Brinkerhoff in 2015 and the Environment Agency in 2021, culminating in the catastrophic event in February 2020 when 24 properties were flooded. In addition there have been multiple occasions when the roads have flooded leading to road closures and dangerous access and egress in Eardisland.
7. The site is in Flood Zone (FZ) 3 on Environment Agency maps. The FRA shows the site as mostly within FZ 2 and FZ 3 but then states that the dwellings will be in FZ 1. The flood risk data in the Flood Risk Assessment (FRA) for the site is therefore a matter of concern.
8. Flood risk is not merely about risk to inhabitants of new development but the increased risk from that development on existing properties, as noted in the NPPF, CS and the ENDP. In addition, development should not lead to increased risk for emergency services having to attend to rescue or help when water levels are of unknown and dangerous depth, outside and even within the site.
9. It is recognised that the 2 deepest areas of flooding, both in major flood events and the frequent episodes of road flooding, are at the S-bend in the west of the village outside Orchard Farm and on the road outside the application site stretching up to Posh Sheds.
10. It is inaccurate to say in the D&A Statement that 'the site can be accessed during flooding periods by coming out of the site onto the B4529 and then turning immediately right on to the road to Pembridge which does not flood. This will avoid the flooding in Eardisland village and on the road to Leominster.' Coming out of the site onto the C1035 (not the B4529) there is no turning immediately right to Pembridge and residents would be at risk from driving either into flooding through the village or on the road to Leominster. Deep road flooding is also experienced on the C1085 and the C1033 in such events, therefore access and ingress from all sides of the village are seriously affected.
11. The flooding issue leads the application to not conforming to the ENDP, CS and NPPF.
12. Surface flood water on the site will be affected by the impermeable roofing and access road and also by the hard standing of the dwellings, risking more water draining onto the road. Although rainwater butts and attenuation tanks are described in the D&A Statement, for conformity to ENDP policy E5 and better sustainability, rain water harvesting should be in place.
13. Concern is noted that land on the other side of road will be submitted for planning as a precedent will be set if this application is approved.
14. The foul drainage solution is complicated and will need to be closely considered by relevant agencies. In addition the drainage mound must be the relevant distance from all properties not just new dwellings. It is well known that there is no mains drainage and that all properties in Eardisland are on private drainage. Therefore the FRA is inaccurate in saying there are no drainage systems within 200m of the site.
15. In times of flood there are significant risks from overflow from sewage plants/septic tanks leading to contaminated water on the roads and into drains, adding to the damaging

phosphate issues in the River Lugg catchment. Although the phosphate issue is temporary barrier, no information was given in the application to demonstrate phosphate neutrality.

16. The site comes out onto a 60mph road and the only method of providing adequate visibility is to remove part of a neighbour's hedge, therefore in non-conformity with ENDP policy E1 and CS policies. Additionally there is no pavement/footway to the site from the village reducing the ease of walking or cycling into the village.
17. Biodiversity on the site has already been compromised by the felling of a large mature Oak tree and heaps of top soil and breeze blocks being put on the site before the planning application was made. No real details are provided of any biodiversity or ecological improvements that could mitigate the development, as required by ENDP policy E4 and the CS.
18. Although there are different size houses within the application, inexpensive housing that is affordable for local people is required in Eardisland not more large properties. The application does not address this.
19. A site for 10 houses within the village is already approved.
20. The PC has reservations about the design of the dwellings and consider the D&A Statement to be incorrect in saying that the dwellings have been individually designed for Eardisland, as the plans are little changed from those submitted for multiple other sites by the agent, including in Eardisland. Therefore the application does not conform to ENDP policy E1.
21. The PC would have liked a site visit but this was withdrawn though originally offered by the agent.
22. Although the parish council is not against development in the parish, it considers there are better locations for such a development and therefore the parish council objects to the application as it stands

5.2

Public consultation:

The application has been subject of to a number of reconsultations, triggered as a result of additional information received from the applicant following the original lodgement of the application in November 2021.

The total number of objecting representations received is 69.

Grounds of objection (summarised) are as follows:

- Outside settlement boundary
- Contrary to the ENDP
- Highway safety
- Impact on Conservation Area
- Impact on village setting
- Impacts protected view
- Traffic survey data inaccurate
- Severe flooding risk
- Foul drainage system is compromised
- Pedestrian safety
- No affordable housing
- No mix of housing sizes
- Lack of mains drainage will add to pollution
- Impacts on local wildlife
- Privacy, noise and disturbance for neighbours

A total of eight supporting representations have been received, based on the following grounds (summarised):

- Pedestrian route to the village is safe
- No proven evidence of flooding
- Inaccurate objections
- Provides opportunity for younger families to move to the village
- Eardisland needs to develop or the village will die.

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=214073&search-term=214073

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

Statutory Context

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

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

6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS) and the Eardisland Neighbourhood Development Plan 2016 (ENDP). The National Planning Policy Framework 2021 is a significant material consideration.

6.3 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.

Principle of Development

6.4 CS Policy SS1 echoes the NPPF's presumption in favour of sustainable development. Setting out the strategy for delivery of new homes, CS Policy SS2 provides that the majority of housing is directed to Hereford city or one of the five market towns and in the rural areas, housing will be acceptable within identified settlements listed under CS Policy RA2.

6.5 CS Policy RA2 identifies the settlements in each Housing Market Area (HMA) where both the main focus of proportionate housing development will be directed, along with other settlements where proportionate housing growth is appropriate. Eardisland is one of these settlements. Policy RA2 sets out that housing will be permitted in the identified settlements where the criteria are met

but also directs that Neighbourhood Development Plans will allocate land for new housing. CS Policy RA2 permits housing in or adjacent the identified settlements provided it:

1. reflects the size, role and function of the settlement
2. makes best use of brownfield land
3. constitutes a high quality scheme that contributes positively to its landscape setting, and
4. delivers housing that reflects local demand.

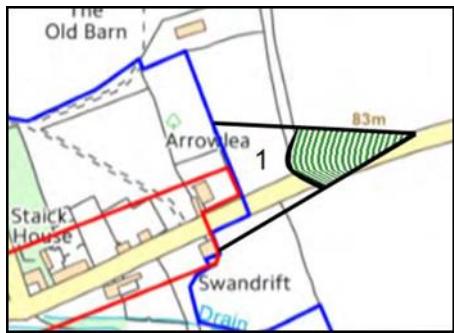
- 6.6 ENDP Policy E9 states that new housing development will only be supported if it meets nine listed criteria. In terms of assessing the acceptability of the principle of housing being brought forward at the site, one criterion is most relevant – criterion (b). It states that housing must be located within or adjacent to the defined settlement boundary or as close as flood risk constraints allow.
- 6.7 The site adjoins the village's eastern settlement boundary. The proposal meets criterion (b), conforming in principle with ENDP Policy E9. Being adjacent the identified settlement it also, in-principle, conforms with CS Policy RA2.
- 6.8 The principle of developing the site with housing is therefore accepted, subject to its performance in respect to all other criteria, in addition to any other material planning considerations. These matters are assessed below.

Landscape Character

- 6.9 National policy requires the protection and enhancement of valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan. CS Policy SS6 notes that development proposals should conserve and enhance those environmental assets that contribute towards the county's distinctiveness and in particular its landscape. CS Policy SD1 states that development should be designed to maintain local distinctiveness, achieved through the incorporation of architectural detailing and the use of appropriate materials. CS Policy LD1 seeks to ensure development proposals demonstrate how the character of the landscape and townscape has positively influenced the design, scale, and nature and site selection of the proposal. Development should be integrated appropriately through the use of landscape schemes and their management.
- 6.10 ENDP Policy E3(d) requires development to protect the setting of Eardisland village and its important relationship with the surrounding rural landscape.
- 6.11 ENDP Policy E9(e) supports development provided it is not backland development which impacts the character of the village.
- 6.12 ENDP Policy E1(h) requires development to not have a detrimental impact on protected views of the village. The site is located within protected view 1 – the eastern approach to the village along the C1036. Appendix 6 of the ENDP describes the protected view 1 as follows:

The open agricultural landscape on either side of the road provides an appropriate precursor to the inviting entry to the village. It leads to the dramatic revelation of the River Arrow immediately followed by the first sight of the village centre from the brow of the bridge. The visual and emotional appeal of this impression should never be underestimated.

- 6.13 The extent of the protected viewshaft is detailed below (extract from Appendix 6):



- 6.14 As is evident in the above map, the subject site is the principal contributor to the 'open agricultural landscape' from which the character significance of the protected view is derived.
- 6.15 The proposed development would substantially erode the open, agricultural landscape that view 1 seeks to protect. Six dwellings would urbanise the site and in so doing would significantly detract from the valued rural setting of the village. The depth of the plot is highly visible when approaching the village from the east. The eastern side elevation of the development will read as a suburban bank of development, with limited spacing between dwellings offering little visual relief. The built form will extend the depth of the plot upward of 90m in length, much of it extending over two storeys. The result is a dense, suburban-like development that will be highly prominent upon the village approach. This is not a development density considered appropriate and proportionate to its surroundings, as required by ENDP Policy E9(c).
- 6.16 The valued 'open agricultural landscape' would be all but lost. It is acknowledged that this impact is mitigated by the setback of the development from the road, however it is not generous enough to offset the identified landscape harm in any real way. Six two storey dwellings in the currently proposed location would materially detract from the valued character of the village gateway. The rear plots would present as backland development adversely impacting village character. There is clear and obvious conflict with ENDP Policies E1(h), E3(d) and E9(e).
- 6.17 ENDP Policy E1(c) states that the density of development is to be appropriate with 4-5 dwellings the optimum size of any development. The development exceeds the maximum dwelling number by one. This in itself is not considered fatal to the application, as one additional dwelling does not of itself cause serious landscape harm. What is fatal to the application, in landscape character terms, is the deleterious effect of the development as a whole, on the rural setting of the village. The village setting is not positively influenced, contrary to CS Policy LD1 and RA2, it is not protected, contrary to Policy E3(d), and the locally distinctive landscape setting is not conserved, contrary to CS Policy SS6.

Heritage Character

- 6.18 Section 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 requires special attention to be paid to preserving or enhancing the character or appearance of conservation areas. Section 16 of the National Planning Policy Framework requires local authorities to assess the impact of proposed development on heritage assets, including any contribution made by setting.
- 6.19 Policy LD4 of the Herefordshire Core Strategy requires development to protect, conserve and where possible enhance the historic environment, heritage assets and their settings. ENDP Policy E2 requires all new development to preserve and enhance the positive attributes of heritage assets and their settings.
- 6.20 As noted above the site adjoins the Eardisland Conservation Area. The application is supported by a Heritage Statement. It considers the harm to the setting of the conservation area to be less than substantial.

- 6.21 As noted by the HBO, the significance of the conservation area lies in its character and appearance as a historic and rural settlement which developed in this defensible location on both sides of the river Arrow. The prevailing settlement pattern is one of dwellings on individual plots with a relationship to the highway. The approach to the village from the east is characterised by a gradual introduction of built form interspersed with areas of open spaces and agricultural fields and this aspect of its setting makes an important contribution to the significance of the conservation area.
- 6.22 The HBO considers that the proposed six plots, sited perpendicular to the road, would go against the established settlement pattern. The HBO considers the introduction of a cul-de-sac would be an overly suburban intrusion in this edge of settlement location, and would negatively impact the appearance of this rural gateway to the village, an integral part of the setting of the conservation area. The edge of the village would become more strongly defined by this solid block of built form, and would lose the gradual approach which presently marks the start of the village in this area.
- 6.23 The outcome is a development that fails to preserve or enhance the setting of the conservation area, contrary to CS Policy LD4 and ENDP Policy E2.
- 6.24 The identified heritage harm is less than substantial, engaging the balancing test at NPPF paragraph 202. The public benefits of the scheme relate principally to the increase in the local housing supply brought about by an additional six residential units. The county benefits from a five plus year housing supply. In this context, six additional homes brings about a less than moderate housing supply benefit. There will be economic benefits, through construction, jobs and local spend by future occupants, however these will not be significant given the modest six dwelling scale. The benefits do not outweigh the identified heritage character harm.

Housing Mix

- 6.25 The Parish Council is concerned that the development does not meet further need for inexpensive housing that is affordable for local people, observing that it includes three large executive style houses.
- 6.26 CS Policy RA2 permits housing adjacent identified settlements provided it delivers housing that reflects local demand. ENDP Policy E10 states that new housing will have to demonstrate how they contribute to maintaining an appropriate mix of types and size of dwellings in the parish. The ENDP, at page 25, refers to census data highlighting the lack of one and two bedroomeed properties in the parish. The 2013 Community Led Plan (CLP), also referenced in the ENDP, appears to express a community desire that does not align with the census data, indicating a preference for family homes and stating that apartments and bungalows were considered less appropriate or not needed by the parish. In this context the proposed provision of five family homes and a two bedroom unit is not considered an inappropriate mix of house types.
- 6.27 CS Policy H3 advises that: '*Residential developments should provide a range and mix of housing units which can contribute to the creation of balanced and inclusive communities.*' The policy goes on to say: '*The latest Local Housing Market Assessment will provide evidence of the need for an appropriate mix and range of housing types and sizes.*
- 6.28 In this case the scheme includes a terrace comprising 1 x 2 bed and 2 x 3 bed and a detached 3 bed unit and 2 x detached 4 bed units (albeit one upper floor room for plot 5 is labelled as an 'office'). The latest housing needs evidence base (Iceni Report, July 2021) confirms an open market need in the rural part of the Leominster Housing Market Area of: (combined 1 and 2 bed units) 30%, 3 bed units 50% and 4+ bed units 20%. The proposal meets the 3 bed unit requirement and rounds the number of 4+ bed units up instead of the 2 bed units. On balance, whilst not strictly complying with the findings of the report, the proposal does provide a reasonable housing mix and this is not considered to be fatal to the application.

Residential Amenity

- 6.29 CS Policy SD1 requires development proposals to safeguard residential amenity for existing and proposed residents. ENDP Policy E1(e) and E9 requires development to not unduly harm the amenity of neighbouring properties.
- 6.30 There are only two sensitive amenity interfaces, to the west with Arrow Lea and north to The Old Barn. The development is concentrated more to the eastern side of the plot, meaning a good separation distance is provided between the proposed built form and Arrow Lea. Noted also is that the dwelling at Arrow Lea is set some distance off the common boundary with the subject site. The physical separation serves as an effective amenity mitigation buffer. The interface between the development and Arrow Lea is considered acceptable in residential amenity terms.
- 6.31 A not dissimilar interface is to the north. The proposed rear dwelling is set off the northern boundary with a garage located nearest to the northern neighbour. The physical relationship is such that the development will not unacceptably impact the amenity of The Old Barn. The proposal accords with CS Policy SD1 and ENDP Policies E1(e) and E9.

Highway Safety

- 6.32 CS Policy MT1 seeks to ensure that developments, amongst other matters, are sited, designed and laid out in a manner which ensures the safe and efficient flow of traffic, safe entrance and exit and have the appropriate operation manoeuvring space to accommodate all modes of transport. ENDP Policy 9 requires development to achieve safe and appropriate access and be accommodated safely within the existing highway infrastructure. This is echoed at ENDP Policy E1(f). Generally, the principles of the development plan are consistent with the advice set out within the NPPF.
- 6.33 The application is supported by a Transport Statement. It demonstrates that the visibility splays at the proposed entrance are standard compliant (182m west and 188m east). On-site vehicle parking is standard compliant and sufficient vehicle turning areas are provided so that vehicles can egress in a forward manner. There is ample scope for on-site cycle storage and EVC infrastructure can be readily incorporated. Traffic generation, at 30 trips per day, will amount to a negligible impact on the local road network. None of these transport-related matters are considered unsatisfactory.
- 6.34 The Highways Engineer objects to the scheme with the principal concern relating to the safety of pedestrians using sections of the carriageway between the site and the village that does not benefit from a footpath. The Transport Statement considers this issue having regard to relevant guidance, including Road Safety GB – Assessment of Walked Routes to School. The Statement notes the section of carriageway without a footpath is relatively short, it is straight with good visibility of approaching vehicles, it is entirely within the 30mph limit, and the well-maintained verges generally provide good step-off opportunities should vehicles be encountered. The Statement also highlights that there are existing houses along this section and none of the crash data shows evidence of pedestrian safety issues at this location.
- 6.35 However, the Transport Statement also includes speed data which shows that; notwithstanding the 30 mph speed limit, recorded speeds at the 85th%iles have been recorded as 43.1 mph westbound and 44 mph eastbound. The Highway Engineer notes that a request to extend the speed limit to increase the 30 mph has not been supported by the applicant.
- 6.36 In response to the Highways Engineer concerns, the applicant has provided a plan showing an alternative pedestrian route to from the site to the village – shown below. Given the considerable additional distance involved, it is arguably somewhat fanciful to suggest that future occupants of the development will utilise this route to access the village.



- 6.37 Paragraph 112 of the NPPF is quite clear that:

applications for development should:

give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
and;

create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

- 6.38 The Highway Engineer is clearly of the view that the proposal fails to achieve either of these requirements; a view that is shared by the case officer. The failure to provide adequate connectivity from the site for pedestrians represents a significant flaw in the application. Paragraph 111 of the NPPF says that:

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 6.39 With a clear priority being given to pedestrians and cyclists at a national level, a failure to provide an appropriate link for them to the centre of the village, along a stretch of road where it has been demonstrated that vehicle speeds significantly exceed the 30 mph limit, officers are of the view that the proposal would result in an unacceptable impact on highway safety, contrary to CS Policy MT1 and the NPPF.

Biodiversity

- 6.40 CS Policy LD2 states that development proposals should conserve, restore and enhance the biodiversity and geodiversity assets of the district. ENDP Policy E4 requires the safeguarding of features of ecological value.

- 6.41 The application is supported by an ecology report that has been reviewed by the ecologist. The ecologist is concerned with potential impacts associated with any loss of the roadside hedgerow and impacts on the northern trees within the site. The visibility splay plan shows there is no requirement to remove any roadside hedgerow. Tree impacts can be adequately managed by planning condition.

- 6.42 Light spill and the delivery of biodiversity net gain can also be addressed by planning conditions.

- 6.43 The concerns of the ecologist outlined above do not warrant the withholding of planning permission. The proposal, subject to appropriate conditions, accords with CS Policy LD2 and ENDP Policy E4.

Water Quality

- 6.44 CS 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). With either of these non-mains alternatives, applications are to demonstrate that there will be no likely significant effect on the water quality, in particular of designated national and European sites including the River Wye SAC.
- 6.45 ENDP Policy E1(k) and E9(h) requires development to avoid or adequately mitigate any likely significant effect on the River Wye SAC.
- 6.46 As noted above, the site is in the hydrological catchment of the River Wye SAC. Wastewater management will be via a shared private package treatment plant discharging, via a pumped system, to a mound soakaway drainage field in the northwest corner of the site.
- 6.47 The applicant has not demonstrated any certainty that the development will not create additional nutrient (Phosphate) pathways into the River Lugg SAC. The ecologist objects to the scheme on this basis. The ecologist also observes that the drainage field is directly adjacent to Flood Zone 3 and areas subject to surface water flooding, and that flooding events would create pathways for washout of nutrients directly into the River Lugg Catchment. Moreover, there are potential drainage fields and sources of phosphate pathways within 200m of the proposed drainage field arising from adjacent/nearby properties, creating a potential in combination and cumulative effect with the current proposed development.
- 6.48 The application does not adequately demonstrate that wastewater disposal will not have a likely significant effect on local water quality in the River Wye SAC. The application therefore fails to meet CS Policy SD4 and ENDP Policy E1(k) and E9(h).
- 6.49 The Drainage Engineer expresses concern regarding the mechanical pumped system, noting that there appears scope to provide a gravity fed system. The concern centres on pump failure, potentially resulting in foul surface water flooding and presenting further risk to water quality by adding pathways for washout of nutrients directly into the River Lugg Catchment. Additionally, the highway would be flooded which in winter could result in road user safety risk. This element of the scheme weighs negatively in the planning balance.

Flooding

- 6.50 ENDP Policy E1(j) requires development to include flood resilience measures which do not exacerbate flood risk elsewhere. ENDP Policy E9(a) requires development to be directed away from areas at highest risk of flooding, consistent with NPPF paragraph 159.
- 6.51 NPPF paragraph 167(e) requires development in areas at risk of flooding to demonstrate that safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 6.52 CS Policy SD3(2) requires development to provide safe pedestrian and vehicular access and implementing a flood evacuation management plan where appropriate.
- 6.53 As noted above part of the site is in Flood Zone 3. All dwellings are located within Flood Zone 1 land, in accordance with ENDP Policy E9(a) and NPPF paragraph 159. The application is supported by a Flood Risk Assessment. After much review and engagement between the applicant and the Environment Agency, the Agency advises that it no longer objects to the scheme subject to conditions, including the setting of minimum floor levels.

- 6.54 The proposed access traverses land affected by Flood Zone 3. Emergency Planning is of the view that the application has not sufficiently addressed safe access during a flood event, observing that the site will become an island during a flood event. It is not made clear how residents can safely egress from the site during flooding. Such details would be outlined in a Flood Evacuation Management Plan. No such plan supports the application. It is not considered appropriate to defer this matter to a planning condition, as it is a fundamental aspect of the development design and fundamental to the safety of the development's future occupants. The absence of safe access results in the application failing to meet NPPF paragraph 167(e) and CS Policy SD3(2).

Surface Water Management

- 6.55 CS Policy SD3 of the Core Strategy states that measures for sustainable water management will be required to be an integral element of new development. ENDP Policy E5 repeats this requirement, requiring the implementation of sustainable drainage systems.
- 6.56 The proposal features an infiltration tank and three concrete ring soakaways. The Drainage Engineer does not object to this arrangement. Surface water management is therefore not fatal to the application.

Conclusion

- 6.57 Developing the subject site with housing is acceptable in-principle owing to its location adjacent to the settlement boundary.
- 6.58 The site however is highly constrained in planning terms. Much of the land is prone to flooding (like much of the land surrounding the village), it does not benefit from wastewater mains connection, it contributes to the setting of a conservation area, to the setting of a rural village, and much of it sits within a designated protected viewshaft.
- 6.59 The proposed development form, density and layout is not consistent with the local settlement pattern and grain of plot subdivision. However, the six dwellings take on a suburban layout and appearance, urbanising the rural character of this edge of settlement location. The proposal would be detrimental to the protected view that is enjoyed at the village's eastern gateway. Landscape character harm would be significant.
- 6.60 The site is at the eastern edge of the Eardisland Conservation Area. The suburban appearance of the development would detract from the rural setting of the Conservation Area, harmful to the significance of the designated heritage asset. The HBO objects to the scheme for this reason. The proposal conflicts with heritage related policies of the development plan. The identified heritage harm is less than substantial, but nonetheless outweighs the scheme's public benefits.
- 6.61 The site's peripheral location means that it does not presently have good pedestrian links to the centre of the village. The scheme fails to make adequate provisions in this regard. The Transport Statement submitted by the applicant clearly shows vehicle speeds to be well in excess of the 30 mph speed limit currently in force. The Highway Engineer objects on the grounds that the proposal fails to provide safe and consistent connectivity. The scheme would unacceptably compromise highway safety and this has not been acceptably resolved.
- 6.62 There is no certainty that the proposed on-site wastewater management system would not compromise water quality targets and this aspect of the scheme is objected to by the ecologist.
- 6.63 Although the development can be brought forward without increasing flood risk elsewhere, and the dwellings can be constructed to minimum floor levels in accordance with EA recommendations, there is no certainty that safe access and escape routes are achieved during a flood event, placing the safety of the occupants of the dwellings at significant risk. This scheme element is objected to by Emergency Planning.

Further information on the subject of this report is available from on

- 6.64 Residential amenity, housing mix and biodiversity are not matters considered fatal to the application. Any outstanding concerns in these respects could be adequately managed by planning conditions.
- 6.65 There is material conflict with the development plan. There are no material considerations indicating that a decision should be made other than in accordance with the development plan. Planning permission is not recommended owing to the magnitude of the development plan conflict, including the Eardisland Neighbourhood Development Plan and the NPPF.

RECOMMENDATION

That planning permission be refused for the following reasons:

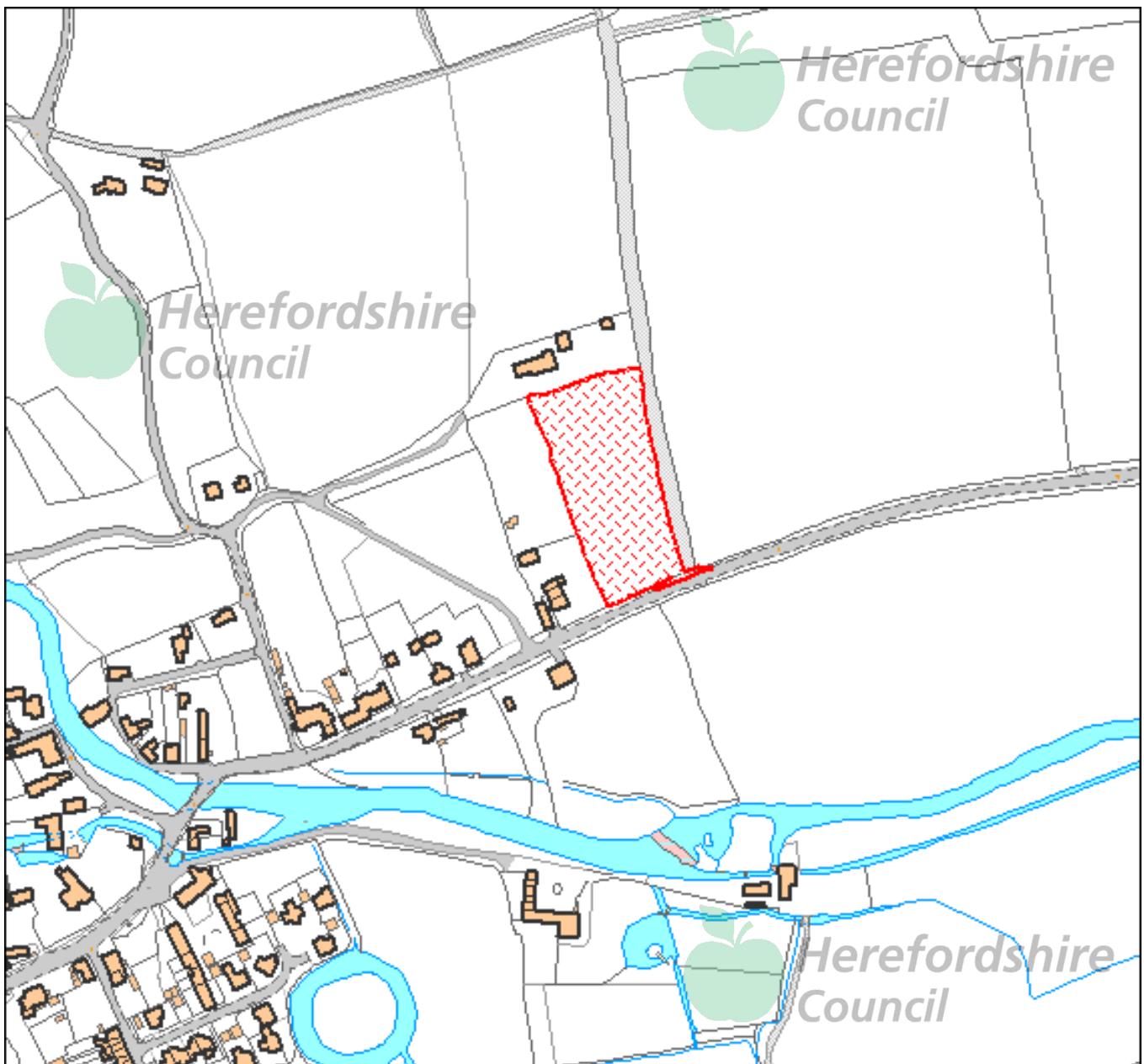
1. **The application fails to adequately demonstrate that the proposed means of waste water disposal adequately protects the water quality of the River Wye Special Area of Conservation (a European Site, ‘National Network Site’ or ‘Higher Status’ nature conservation site), contrary to Policies SS1, SS6, LD2 and SD4 of the Herefordshire Local Plan – Core Strategy, Policies E1(k) and E9(h) of the Eardisland Neighbourhood Development Plan 2016, the Conservation of Habitats and Species Regulations 2017, the National Planning Policy Framework and the Natural Environment and Rural Communities Act 2006.**
2. **The proposed development would, by virtue of its location, siting, density, massing, scale and layout, urbanise the rural setting of Eardisland village and be out of keeping with the established settlement pattern, detrimental to local landscape character, contrary to Policies SS6, SD1, LD1 and RA2 of the Herefordshire Local Plan - Core Strategy, Policies E1, E3 and E9 of the Eardisland Neighbourhood Development Plan 2016, and the National Planning Policy Framework**
3. **The proposed development would, by virtue of its location, siting, density, massing, scale and layout, urbanise the rural setting of the Eardisland Conservation Area, detrimental to the significance of the designated heritage asset, contrary to Policies SS6 and LD4 of the Herefordshire Local Plan - Core Strategy, and Policy E2 of the Eardisland Neighbourhood Development Plan 2016. The scheme’s public benefits would not outweigh the identified heritage harm, taking into account the statutory duties under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the weight to be afforded to the asset’s conservation as set out in the National Planning Policy Framework**
4. **With a clear priority being given to pedestrians and cyclists at a national level, a failure to provide an appropriate link for them to the centre of the village, along a stretch of road where it has been demonstrated that vehicle speeds significantly exceed the 30 mph limit, the proposal would result in an unacceptable impact on highway safety, contrary to Policy MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**
5. **In the absence of an agreed emergency evacuation plan and having regard to the site’s high susceptibility to flood risk, the application fails to adequately demonstrate safe access and escape routes for future occupants of the development during a flood event, contrary to Policy SD3(2) of the Herefordshire Local Plan - Core Strategy and paragraph 167 of the National Planning Policy Framework**

Decision:

Notes:

Background Papers – none identified

Internal departmental consultation replies.



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APPLICATION NO: 214073

SITE ADDRESS : LAND ADJACENT TO ARROW LEA, EARDISLAND, LEOMINSTER,
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