

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	28 SEPTEMBER 2022
TITLE OF REPORT:	<p>193042 - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS), FOOTWAY/CYCLEWAY AND VEHICLE TURNING HEAD, STOPPING UP AND RE-ROUTING OF A SHORT SECTION OF GRAFTON LANE, NEAR THE A49, PUBLIC OPEN SPACE, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE WORKS (AMENDED PLANS AND ADDITIONAL SUPPORTING AT LAND NORTH AND SOUTH OF GRAFTON LANE, HEREFORD, HR2 8BJ</p> <p>For: Anderson per Mr Rob Davies, Suite D, 1st Floor, 220 High Street, Swansea, SA1 1NW</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=193042&search-term=193042
Reason Application submitted to Committee – Redirection	

1. Site description and Proposal

- 1.1 Outline planning permission with all matters bar access reserved is sought for the erection of 230 dwellings within an area to the west of Ross Road (A49), north of Grafton Lane and at the south of the junction of Grafton Lane and Ross Road (A49). The application site also includes an area extending to the south and west of Grafton Lane associated with the drainage infrastructure and includes a dry pond, pumping station and an outfall into Withy Brook. The application site falls within the Parish of Hereford City. There are no local or national landscape or heritage designations either within the site or adjoining.
- 1.2 To the north lies the railway line which connects Hereford with Cardiff to the south and Birmingham to the north. To the east of the site lies the A49 Ross Road. There are four existing dwellings on the northern side of Grafton Lane; to the south lies Brandon Lodge hotel, a dwelling with small industrial units and a further hardstanding for parking and open fields. The application site is located to the south of Hereford area known as Redhill and the area or village known as Grafton is located to the west of the site. The site is agricultural land and the immediate environs of the site remain primarily agricultural in nature.
- 1.3 The application site area has been reduced in size during the application from 13.25 hectares (ha) to 10.09ha. The quantum of residential development land has also reduced from 300 to 230 dwellings. This equates to an average net density of up to 39 dwellings per hectare (dph). The reduction of the proposal was primarily to help reduce potential landscape and visual effects of the development on the surrounding landscape. The revised scheme has also been amended to

ensure the retention of veteran tree (T17) as well as amendments to the proposed footway along the A49 to ensure the Root Protection Area (RPAs) is avoided.

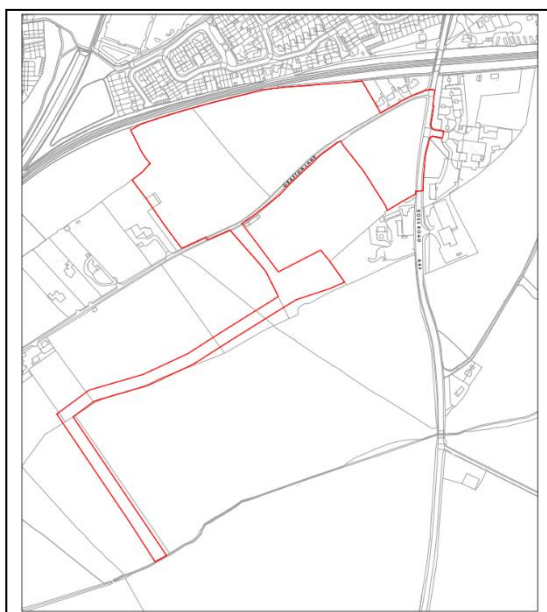


Fig 1: Site location plan (Amended)



Fig 2: Aerial shot

- 1.4 An Illustrative layout/framework plan (see fig 3) has been produced which demonstrates how the 230 homes can be delivered on the site along with car parking, LEAP, landscaping and associated infrastructure (pumping station and suds). The application is also accompanied by a range of supporting material as detailed below.

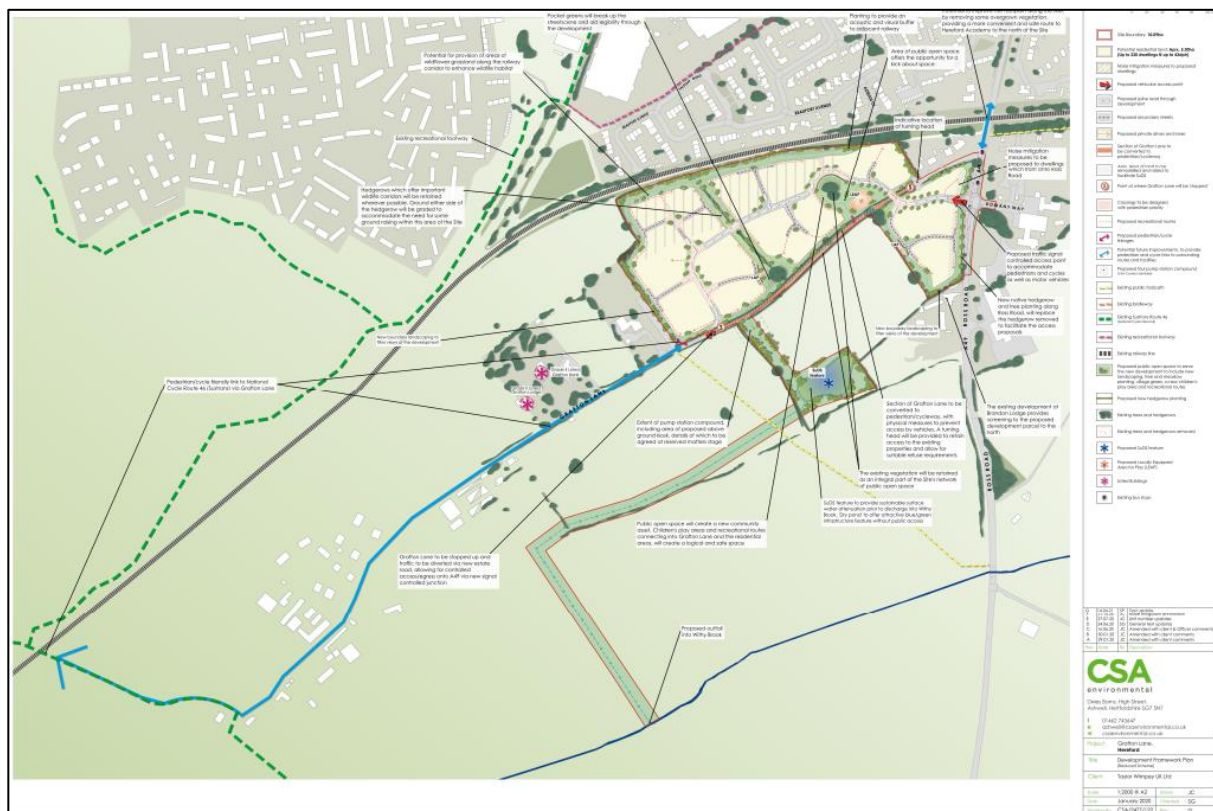


Fig 3: Illustrative Masterplan

- 1.5 Access is to be considered in this application with all other matters (Layout, Scale, Appearance and Landscaping) being reserved for future consideration. As defined in article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 'Access' means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
- 1.6 The proposal entails the formation of a new 4-armed signal controlled junction on the A49 which will incorporate the existing priority junction with Romany Way, approx. 65m south of the existing Grafton Lane junction. Grafton Lane will be stopped up for vehicular traffic to the west of Newlands, approx. 280m from the A49/Grafton Lane junction. Pedestrians, cyclists and horses will still have access through the existing Grafton Lane and a turning head will be provided where Grafton Lane is proposed to be stopped up. This will continue to serve the existing four properties on the eastern end of Grafton Lane.
- 1.7 In respect of pedestrian and cycle movement, Grafton Lane is used by pedestrians and it forms part of the Sustrans cycle route 46 (Hereford – Abergavenny section). There is a footpath near to the site and this runs between Grafton Lane and Redhill bridge on the A49. Internal access arrangement would be fully considered at reserved matters stage.
- 1.8 The Council has adopted a Screening Opinion confirming it does not consider the scheme to be EIA development (application 193010)
- 1.9 The applications is supported by the following documents:
- Development Framework Plan (Ref: CSA/2477/122 rev E)
 - Planning Statement
 - Travel Plan
 - Transport Assessment
 - Noise and Vibration Impact Assessment
 - Landscape and Visual Impact Assessment
 - Historic Environment Desk Based Assessment
 - Ecological Appraisal
 - Design and Access statement and addendum
 - Arboricultural Impact Assessment
 - Minerals Resource Assessment
 - Statement of community Consultation
 - Walking, cycling and Horse Riding Assessment
 - Flood Risk Assessment
 - Flood Risk Assessment Addendum
 - Document to inform HRA assessment
 - Climate change checklist energy statement
 - Entrance feasibility report

2. Policies

2.1 Herefordshire Local Plan – Core Strategy (CS)

- 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
- HD1 - Hereford
- HD3 - Hereford Movement
- H1 - Affordable Housing – Thresholds and Targets
- H3 - Ensuring an Appropriate Range and Mix of Housing
- RA1 - Rural Housing Distribution
- RA2 - Housing in Settlements Outside Hereford and the Market Towns
- RA3 - Herefordshire's Countryside
- OS1 - Requirement for Open Space, Sports and Recreation Facilities
- OS2 - Meeting Open Space, Sports and Recreation Needs
- MT1 - Traffic Management, Highway Safety and Promoting Active Travel
- LD1 - Landscape and Townscape
- LD2 - Biodiversity and Geodiversity
- LD3 - Green Infrastructure
- LD4 - Historic Environment and Heritage Assets
- SD1 - Sustainable Design and Energy Efficiency
- SD3 - Sustainable Water Management and Water Resources
- SD4 - Wastewater Treatment and River Water Quality
- ID1 - Infrastructure Delivery

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

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

2.3 National Planning Policy Framework 2021 (NPPF)

- Chapter 2: Achieving sustainable development
- Chapter 4: Decision making
- Chapter 5: Delivering a sufficient supply of homes
- Chapter 8: Promoting healthy and safe communities
- Chapter 9: Promoting sustainable transport
- Chapter 11: Making effective use of land
- Chapter 12: Achieving well-designed places
- Chapter 14: Meeting the challenge of climate change, flooding and coastal change
- Chapter 15: Conserving and enhancing the natural environment
- Chapter 16: Conserving and enhancing the historic environment

3. Planning History

193010: EIA screening opinion:

Request for screening Opinion for the proposed construction of up to 300 homes (with all matters reserved except for access), footway/cycleway and vehicle turning head, stopping up and re-routing of a short section of Grafton Lane near the A49, public open space, landscaping and associated infrastructure works. Local Planning Authority concluded: An Environmental Statement will not be required. Date of decision: 18/9/2019

4. Consultation Summary

Statutory Consultations

4.1 **Welsh Water: Comments on amended proposal**

No objection subject to conditions

We understand that the development proposal has reduced the total number of dwellings from 300 to 240 and therefore we have no further comment to make following our previous response dated 19/09/2020

4.2 **Welsh Water - Previous comments:**

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development. We have had the opportunity to assess this development as the applicant engaged with us through a pre planning enquiry and at that time we concluded that the immediate water supply network did not have the required capacity to service the site and recommended a hydraulic modelling assessment be undertaken to identify a point of connection and to understand if any reinforcement works are required. To date we have not received any instruction to commence with this hydraulic assessment and we recommend that the applicant contacts us to discuss. In the absence of such an assessment on the potable water we are only able to provide a connection point to a point of adequacy circa 1000m away from the site boundary at grid ref 350680, 238680. With regards to foul drainage we have reviewed the information submitted as part of this application with particular focus on the Flood Risk Assessment ref 173077.

The report captures discussions held to date and we can confirm that adequate capacity exists in the public sewer network to accommodate 300 residential dwellings. We note that the intention is to drain surface water to the Withy Brook and offer no further comment on this aspect of the proposal. It is noted that an off-site connection point has been identified, however the on-site drainage network is only indicative.

Notwithstanding the above, if you are minded to grant planning permission we request that the following Conditions and Advisory Notes are included within any subsequent consent. Conditions No development shall take place until a potable water scheme to serve the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary a scheme to upgrade the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any building. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.

Reason: To ensure the site is served by a suitable potable water supply.

No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Advisory Notes The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory

requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times

4.3 **Environment Agency:**

I have received a consultation on a proposed development on land to the north and south of Grafton Lane (Ref: 193042). I would have no comments to offer on the application which falls within Flood Zone 1, the low risk Zone. I would recommend you seek the comments of your internal drainage team as the Lead Local Flood Authority. I note from the Planning Statement (para 6.32) that Welsh Water have confirmed that the public sewerage system can accommodate the proposed development. Liaison with Welsh Water should be maintained moving forward to ensure that they are satisfied with any proposed foul drainage details

4.4 **National Highways: Recommend that conditions should be attached**

Annex A: Reason for recommending that conditions should be attached to any planning permission that may be granted National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regards to planning application P193042 and has been prepared by Neil Hansen.

National Highways has previously issued a Holding Recommendation (HR) for this planning application on 9th February 2022. Since then we have reviewed the additional information submitted, liaised with the applicant on conditions and agreed outstanding issues.

In view of the above, National Highways recommends that planning conditions be attached to any planning permission that may be granted: These can be viewed in the full response and are included in the recommendation below:

<https://myaccount.herefordshire.gov.uk/documents?id=e84e140a-d75c-11ec-863e-0050569f00ad>

4.5 Previous National Highways responses:

National Highways (previously Highways England) have previously issued a Holding Recommendations to allow the reviewing of additional information which has been requested and subsequently submitted, also to allow liaising with the applicant and Local Planning Authority on conditions and agree outstanding issues.

The holding responses (x 9) can be viewed on line: Please see link below:

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=193042&search-term=193042

4.6 **Natural England: No Objection.**

Advise that a Habitat Regulations Assessment is required (Screening/and appropriate assessment). A Habitat Regulations Assessment – appropriate assessment (HRA AA) was sent to Natural England on the 1 October 2019

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.

Natural England's advice on other natural environment issues is set out in their response:

<https://myaccount.herefordshire.gov.uk/documents?id=4418524d-fbe1-11ea-a466-0050569f00ad>

4.7 **Network Rail comments: Update Comments following discussion about conditions**

As outlined in Rob's email, we have been in discussion with Asbri over the impact of the development on the level crossing and can confirm we are satisfied by the proposed approach. We would however request that the amended condition is included in any decision notice should the application be successful at committee, as we consider a S106 agreement at this time cannot be agreed as neither the scope of works required at the level crossing or the associated cost of any such scheme has been identified or robustly considered.

Suggested amended condition:

No development hereby approved shall take place until a scheme to mitigate the anticipated risk to the Ashy use worked level crossing is submitted to and agreed with the Local Planning Authority in order to mitigate the anticipated additional risk of trespass and misuse of the level crossing. The scheme will include details of the measures required to prevent trespass and misuse of the level crossing and timescales for its delivery.

Therefore, as it would be premature to enter a S106 for any scheme yet to be identified, we would consider the use of a pre-commencement planning condition which requires the applicant to work with Network Rail to firstly identify the risks and subsequently develop a scheme of mitigation or closure which can then be delivered. Ideally this information should subsequently be included in the S106 agreement, however we have previously been able to control the implementation of such a scheme via a suitably worded planning condition (as proposed) and then via separate agreement.

Asbri are now aware that to progress with development of a scheme they will be required to instruct us to undertake a Developer Impact Assessment at the crossing, which will give a clear indication of the impact the new development will have at the level crossing and will identify a reasonable and justified scheme to mitigate this additional risk. This will then be used to subsequently partially discharge any planning condition subject to the consent.

I hope the above is useful in preparing the application for committee, however, should you require any additional information in the meantime please let me know

Network Rail Comments: No objection subject to condition Original Comments

Thank you for your letter dated 29th August 2019, together with the opportunity to comment on this proposal. Having reviewed the proposed development, we consider the proposal will introduce an increased risk to health and safety at Ashley user worked level crossing.

I have attached a location outlining the location of the Level Crossing subject to this letter. Ashley Level Crossing is a private user worked level crossing located at HNL1 02m 33ch, located to the west of the proposed development. The level crossing has a recorded history of misuse and

trespass as it has easy access from footpaths and the formal cycling route providing access to Grafton. From reviewing the applicants Travel Plan it indicates walking and cycling as preferred methods of transport and suggests access to the cycle path and footpaths will be promoted. Ashley Level Crossing is located between the development and the nearby area known as Newton Farm, within close proximity to formal and informal paths, and cycle route. Due to the nature and location of the level crossing we anticipate there will be an increase in misuse and trespass on the level crossing following the development, resulting in an unacceptable health and safety risk. We would therefore object to the proposal in the absence of any scheme to mitigate the risk to the level crossing. Notwithstanding the above, to overcome our objection a scheme for the closure of the level crossing should be secured through any approved planning consent. The scheme would include the formal closure of the level crossing, along with any ancillary reinforcements required to prevent future misuse and trespass.

Having reviewed the level crossing and the proposed development, should your authority consider it appropriate to approve the application we consider that this could reasonably be controlled by the imposition of a suitably worded planning condition, as outlined below:

Condition - No development hereby approved shall take place until a scheme outlining the closure of Ashley user worked level crossing is submitted to and agreed with the Local Planning Authority in order to mitigate the additional risk of trespass and misuse of the level crossing. The scheme will include details for the closure and securing the level crossing from future trespass and misuse. No dwellings shall be occupied until the agreed scheme of closure has been completed in full. Reason: To mitigate the additional health and safety risk of misuse and trespass on this user worked level crossing.

FOUNDATIONS Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

DRAINAGE All surface water drainage should be directed away from Network Rail's land to the public mains system. Soakaways are not acceptable where the following apply: a) Where excavations which could undermine Network Rail's structural support zone or adversely affect the bearing capacity of the ground b) Where there is any risk of accidents or other acts leading to potential pollution of Network Rail's property/infrastructure c) Where the works could adversely affect the water table in the vicinity of Network Rail's structures or earthworks.

GROUND DISTURBANCE The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

ACCESS POINTS Where Network Rail has defined access points, these must be maintained to Network Rail's satisfaction. The Developer should contact the Network Rail's Asset Protection Wales Team well in advance of mobilising on site or commencing any works. The initial point of contact is assetprotectionwales@networkrail.co.uk. The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.

FENCING If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or

wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

ENCROACHMENT The developer/applicant must ensure that their proposal, both during construction and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land or structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then they must seek approval from Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

GROUND LEVELS The developers should be made aware that Network Rail needs to be consulted on any alterations to ground levels. No excavations should be carried out near railway embankments, retaining walls or bridges. Network Rail Infrastructure Limited Registered Office: Network Rail, One Eversholt Street, London, NW1 2DN Registered in England and Wales No. 2904587 www.networkrail.co.uk

SITE LAYOUT It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

PILING Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

EXCAVATIONS/EARTHWORKS All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

NOISE The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of Planning Policy Wales and Technical Advice Notes which hold relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.

LANDSCAPING It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.

PLANT, SCAFFOLDING AND CRANES Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall

onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

LIGHTING Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers' vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Following occupation of the development, if within three months Network Rail or a Train Operating Company has identified that lighting from the development is interfering with driver's vision, signal sighting, alteration/mitigation will be required to remove the conflict at the applicant's expense. I hope the above assists in the determination of this application, however should you require any further information in the meantime please do not hesitate to get in contact with me.

Internal Council Consultations

4.8 Team Leader Area Engineer (Highways) comments:

Comments on amended scheme:

No objection

This outline application for 230 dwellings includes access to the site by all modes. The comments made herewith are only in relation to the outline application and do not refer to matters which would be dealt with under a reserved matters application, e.g. internal layout.

Whilst it is recognised that the main vehicular access for the site is via the A49 which is part of the National Highways (NH) network and therefore for NH to comment on, access to the site by sustainable modes is part of the local highway authority's (LHA) remit. It is noted that the sustainable transport access strategy for the site is heavily reliant on existing infrastructure and where deficiencies occur the applicant anticipates that upgrades will be funded by S106 contributions as stated in the Sustainable Transport and Design Report.

In relation to what improvements are necessary to encourage travel to and from the site by sustainable modes the Sustainable Transport and Design Report sets out the following off site works:

- Clearance of vegetation and maintenance work of footway along A49 to the north of the railway bridge (paragraph 3.1.3). Currently this stretch of footway has very little footfall, however, this length of footway would be the main walking route for residents of the site heading into the City Centre, Hereford Academy and Marlbrook School, therefore it is necessary to provide the full width of footway.
- Improved pedestrian routes, in particular a cut-through from the A49 onto Merestone Road, which would reduce the walking distance to Hereford Academy (a key destination) by approximately 200m (paragraph 3.1.5). It should be noted that this would involve a route across land owned by Conexus, therefore discussions regarding its viability would need to be entered into with the land owner. However, if the route is possible it would provide an extremely beneficial route for residents to access a key destination.

The above improvements are considered to be a minimum requirement and are included in parts 5 and 6 of the transport section (as noted on the plan) of the S106 Draft Heads of Terms.

Provided that the above are included in the S106 Agreement the LHA has no objection to the application subject to the below conditions.

Conditions: CAP (off-site works), CAT (Construction Management Plan), CB3 (Travel Plan)
Informatives: I11, I09, I45, I08, I51, I41, I36, I35

4.9 Team Leader Area Engineer (Highways)

Previous comments

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

The proposal is currently for a residential development for up to 230 dwellings located to the south of Hereford City in the area of the A49 and its junction with Grafton Lane. It is noted that the access strategy for the site heavily relies upon the national strategic road network for which Highways England is the relevant highway authority. As a result, they will provide comment on the suitability of the access design and the use of the A49 corridor as the key section of highway network providing access to and from the site.

The application form sets out that this is an application for outline permission, which only considers the principle of the development and its access strategy at this stage. This comment reflects this.

Traffic Capacity

It is noted that the developer is reviewing the Transport Model for Hereford City and the impacts of this development on those outputs. The Highways England responses on this matter have been reviewed and further information is requested to ensure that the output is robust. The local highway authority will comment further on this as required following the product of that resubmission/update for Highways England.

C1227 Grafton Lane

In terms of the local highway network, managed by Herefordshire Council, the principle consideration is the realignment of the C1227 Grafton Lane. This falls into broadly two areas, the treatment of the first section of the C1227 where there are circa 6 existing properties and the section of the lane to be realigned through what would become the residential estate in the event that permission were granted. The first section was the subject of a discussion at a meeting on the 2nd October 2020 where Cllr Rone representing the Ward area expressed a preference to ensure that the existing residents of this section were afforded the provision of a turning head, making this area of Grafton Lane in effect a cul-de-sac. This was an acceptable suggestion to the local highway authority and it is noted that this is included on the illustrative master plan numbered CSA/2477/125 Rev A.

The local highway authority is content to discuss the precise routeing and layout of Grafton Lane through the estate at a reserved matters stage, should this outline application be successful.

Pedestrian and Cycling Provision

It is noted that the principle access strategy for encouraging walking and cycling from the site relies on the A49 corridor to the north and connection to NCN 46 along Grafton Lane. Taking these points in turn, the A49 corridor offers some opportunities for improvement as alluded to on drawing number CSA/2477/125 Rev A, however these are primarily for those heading east. This is an important destination as the is significant employment lane located in this direction so encouraging active travel to this location is a key component for the access strategy, however links to the school are indirect.

It is not clear from the submission if the provision of alternative links in the direction of Hereford Academy have been explored but this would be a beneficial exploration for the provision of a safe, direct and easy to use active travel link to this point. The local highway authority will comment further on this when clarification is provided on this point.

In terms of the connection to NCN 46 the route currently utilises the carriageway of Grafton Lane. It is noted from the indicative masterplan that this existing alignment could be set aside to provide a designated walking and cycling link along this corridor. The detailed design of this can be discussed as part of the reserved matters application in the event that this outline application is granted, however the contents of LTN 1/20 will need to be applied to this route and those links feeding this route from the development.

Public Transport Provision

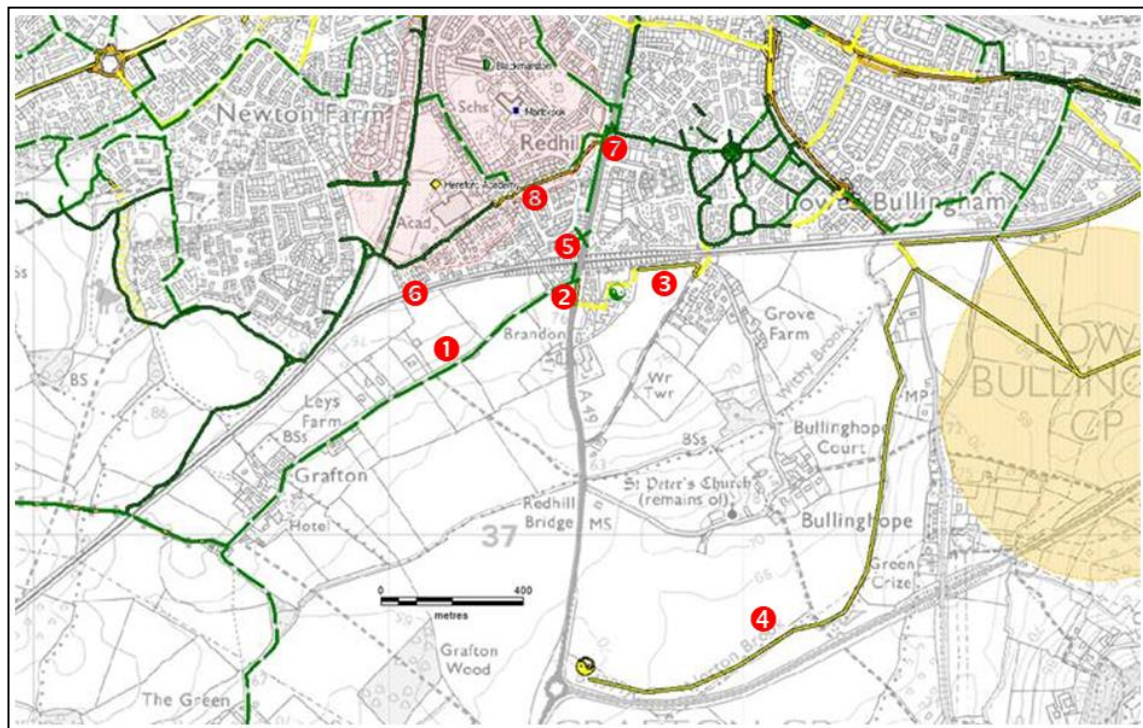
It is noted that the current bus provision that has a stop near to the site exit on the A49 is a well-used service. As a result, the inclusion of a pedestrian phase on the A49 junction would be beneficial if not already included, at the discretion of Highways England.

Section 106 Contributions

In addition to improvement measures proposed as part of the development scheme, due to its proposed scale, the development will attract Section 106 contributions for highway improvements in the area, in line with Herefordshire Council's SPD. Based on the content of paragraph 3.1.14 of the Supplementary Planning Document setting out planning obligations is relevant for the site that sets out that affordable housing numbers are exempt from these contributions, as a result the indicative value is calculated excluding these dwellings. High accessibility weighting S106 contributions would be required as follows, as a contribution towards the cost of public realm improvements and supporting active travel measures:

- Residential per 4 bed house - £ 3440
- Residential per 3 bed house - £ 2580
- Residential per 2 bed house - £ 1720
- Residential per Flat/1 bed house - £ 1465

In order to set out the likely schemes that could be included for Section 106, beyond the schemes set out on drawing CSA/2477/125 Rev A the views of the active travel team have been gathered and the notes below will assist in developing the heads of terms as required.



Key:

- 1 - Link to NCN 46 as set out in the comment above
- 2 - Park and Choose Site at Grafton Depot
- 3 - One option that has been explored is a link from the Park and Choose to Bullingham Lane, which would assist in connectivity to the employment land in Rotherwas.
- 4 - Whilst not necessarily directly linked to this proposed site, for completeness this link is shown. The Lower Bullingham SUE is expected to include a Park & Choose site at the Rotherwas access road roundabout. This is also expected to include a traffic free link.
- 5 and 6 - Walking and Cycling Links improved/new facilities provided to improve the links north/south over the railway line.
- 7 - The South Wye Transport Package envisaged improvements for pedestrians and cyclists to the A49 crossing at Redhill / Mayberry Road / Bullingham Lane

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

8 - From 7 toward the Hereford Academy the South Wye Transport Package also suggested an off-road alternative to Marlbrook Road on the grass area.

There are also potential improvements that Highways England may be interested in developing as some of these options come forward so inclusion of improvements for active travel to the A49 corridor may be included.

Travel Plan

The contents of the travel plan have been passed to the active travel team for further comment and their views will be shared as they become available.

Summary

There are a small number of items required to satisfy the local highway authority that the proposed access strategy for the site is acceptable. This comment will be reviewed and updated as further supporting information is submitted for comment.

4.10 Strategic Planning Manager:

In my comments I shall focus on the site's position in relation to the development site options under consideration in the development of the Hereford Area Plan (HAP). The site lies immediately adjacent to the existing edge of the built form of the city, currently bound by the railway line. It is within the area designated to be covered by the HAP. How the HAP will progress is not currently clear in light of the recent council decision to pause all work on the Hereford Bypass, and the expected upcoming review of the Local Plan Core Strategy (LPCS), the scope of which is not yet known.

With this in mind, I comment in the context of the existing planning policy resource available. The LPCS, adopted in 2015, identifies Hereford as the main focus for growth in the county on account of its wide range of services and its role as the main centre. It is set out in policies SS2 and HD1 that Hereford will accommodate 6500 new homes in the plan period (2011-2031). A significant proportion of around 2500 of this target is to be delivered through development of three strategic urban extensions at the broad locations identified at Holmer West, Three Elms and Lower Bullingham. These are detailed in policies HD4, HD5, and HD6 respectively. A further 800 are to be accommodated in the city centre area, with the majority in a new urban village, which is detailed in policy HD2. The residual allocation of around 3200 is to be delivered through windfall developments, and smaller non-strategic allocations, to come forward through the HAP. Work has been undertaken to identify sites that could form these allocations. A schedule of "Site Options" was prepared last year, comprising of land previously included in the Hereford Housing and Economic Land Availability Assessment (HELAA 2015-
https://www.herefordshire.gov.uk/downloads/download/215/hereford_housing_and_economic_land_availability_assessment_helaa, sites promoted by landowners through a call for sites process, and sites in council ownership. These were subject to technical assessments, with input from internal consultees, to determine their suitability to accommodate development. These assessments are available both in full and in summary to be viewed online:

https://www.herefordshire.gov.uk/info/200185/local_plan/731/hereford_area_plan_hap/3

The full assessments were published for consultation, which ran for seven weeks from 20th August to 8th October 2018. The sites and accompanying council assessment information were available for the public to view and make representations on. At the beginning of the consultation, members of the public were also invited to visit an exhibition, where this information was also available to view and officers were available to answer questions. Full details of the consultation can be viewed in the Consultation Statement, also available online:

https://www.herefordshire.gov.uk/download/downloads/id/16525/hereford_area_plan_housing_and_employment_sites_consultation_statement.pdf

The application site is included in this schedule of sites, assigned the reference of “Hol13”. Some key constraints were identified, which it was concluded would need to be overcome in order to advance any development proposals. The principal ones among these were highway capacity and connectivity, and landscape impact. In light of the concerns expressed, the assessment concluded that the site could be suitable for development, albeit in part. Namely, the area to the north of Grafton Lane, which could deliver more “discrete” development. It was estimated that the site could deliver up to approximately 155 dwellings. In response to the site options consultation, Asbri Planning acting on behalf of Taylor Wimpey have made representations that argues the site could accommodate a larger number of around 300 dwellings, and in their submission also advised of the planning application being prepared. Subject to the identified constraints in the HAP Options paper being satisfactorily addressed in the view of the relevant consultees, Strategic Planning does not have any objections to this proposal. The site has been identified as a suitable location to deliver a non-strategic urban extension in the development of the HAP, that can contribute in part towards the LPCS’s residual growth target for Hereford.

4.11 Public Rights of Way Manager Comments:

The development would appear to have a negative impact on public footpath HER52A, which is in close proximity to the site. If work is likely to endanger footpath users, particularly the installation of drainage, a temporary closure must be applied for. The Development Framework Plans shows proposed pedestrian links to the right of way. This is acceptable however the key refers to pedestrian/cycle linkages. Bicycles cannot be ridden on the footpath.

4.12 Land Drainage Engineer comments: No objection subject to conditions

Overall Comment We do not object to the proposed development on flood risk and drainage grounds. Should the Council be minded to grant planning permission, we recommend that the following information is included within any reserved matters application:

- Confirmation of groundwater levels to demonstrate that the invert level of any unlined attenuation features can be located a minimum of 1m above groundwater levels or demonstration that groundwater ingress can be appropriately be managed.
- Detailed drawings of the proposed surface water drainage strategy that demonstrate the inclusion of SuDS, where appropriate, and location and size of key drainage features.
- Detailed drawings of proposed features such as attenuation features and outfall structures.
- Calculations to demonstrate that the proposed surface water drainage system has been designed to prevent the surcharging of any below ground drainage network elements in all events up to an including the 1 in 2 annual probability storm event. FEH 2013 rainfall data is expected.
- Calculations to demonstrate that the proposed surface water management system will prevent any flooding of the site in all events up to an including the 1 in 30 annual probability storm event. FEH 2013 rainfall data is expected
- Calculations that demonstrates that the proposed drainage system will have sufficient capacity to cater for up to the 1 in 100 year event and allowing for the potential effects of climate change. FEH 2013 rainfall data is expected.
- Assessment of potential failure of above-ground attenuation features, including assessment of residual risks to downstream receptors, and proposed mitigation and management measures;
- Description and drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system.
- Demonstration that appropriate access is available to maintain drainage features.
- Operational and maintenance manual for all proposed surface water drainage features that are to be adopted and maintained by a third party management company.
- A detailed foul water drainage strategy showing how foul water from the development will be disposed of and illustrating the location of key drainage features and connection to the receiving network.

- Confirmation of agreement in principle of proposed adoption and maintenance arrangements for the surface water and foul water drainage systems

This response relates to the amended outline planning application received by Herefordshire Council following proposed changes to the scale and layout of the proposed development.

Due to the length of these comments, this is a summary. Full comments can be viewed online (links below)

Full comments (Jan 2022) can be viewed at:

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=193042&search-term=193042

Previous comments from the drainage officer can be viewed at:

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=193042&search-term=193042

4.13 **Housing officer comments:** **Updated Comments:**

Policy H1 states that there will be a requirement for the applicant to provide 35% (81 units) as affordable housing.

As outlined in the councils Affordable Housing Supplementary Planning Document incorporating the Technical Data Strategic Housing, and using this as guidance, we would require the following tenure breakdown.

- 23 units Affordable Rent
- 23 units Social Rent
- 35 units Shared Ownership

We would look for a breakdown of bed sizes as follows:

- 16 x 1 bed maisonettes – social/affordable rent
- 18 x 2 bed units – social/affordable rent
- 11 x 2 bed units – Shared Ownership
- 18 x 3 bed units – social/affordable rent
- 10 x 3 bed units – Shared Ownership
- 5 x 4 bed unit – Social/Affordable Rent
- 3 x 4 bed unit – Shared Ownership

Strategic Housing would be looking for the applicant to provide accessible housing for identified needs. We therefore would look to negotiate 3 bungalows or dormer bungalows M4(2) and 3 as M4(3), to make a total of 6 units. This should be an equal mix of 2 and 3 bedroom units.

We advise that the remaining open market units (149 units) be delivered as

- 7 x 1 bed
- 37 x 2 bed
- 82 x 3 bed
- 23 x 4 bed

There will be a requirement for the affordable units to have a local connection to the parish of Hereford City.

All of the above will be secured via a Section 106 Agreement.

As an outline application Strategic Housing would require a condition imposed on any planning permission that the exact mix and bed sizes for both the open market and affordable housing be agreed prior to the submission of any RM application

Housing Officer Comments

Original Comments:

I refer to the above outline planning application and I would advise that in principle Strategic Housing have no objection to the application. I would look to negotiate 35% affordable housing. Whilst I appreciate this is an Outline planning permission with all matters reserved except for access, I would be looking for the developer to provide the following mix of housing:

Open Market: 195

- 8 x 1b to include at least one bungalow
- 33 x 2b to include bungalows
- 109 x 3b to include bungalows
- 45 x 4 / 5 b

Affordable Housing: 105

- 20 x 1b for social rent to include 2 bungalows M4(2)
- 19 x 2b for social rent to include 3 bungalows M4(2)
- 16 x 2b for intermediate housing
- 25 x 3b for social rent to include bungalows M4(2)
- 20 x 3b for intermediate
- 4 x 4b to include 2 bungalows M4(2)

S106 to Hereford City to ensure local connection for the affordable housing

4.14 Open Space Planning Officer: Comments on amended scheme: Qualified Comments

Open Space requirements

Proposal: Changes to the amended Development Framework have been made following comments made by Herefordshire Council on the current outline proposal. The Addendum to the Design and Access Statement explains these changes.

These include those made in relation to onsite provision of open space and children's play as set out in my previous comments. These referred to the accessibility of the open space/play areas located in the northern development parcel, particularly for younger children from the southern development parcel and the quantum provided for formal play provision to meet policy requirements.

On Site POS: The key changes that have been made to the proposal include less residential development to the south of Grafton Lane leading to a reduction in proposed housing to approximately 230. This in turn has reduced the amount of POS on site in line with CS policy requirement. The proposal is for the majority including a LEAP, a LAP and kick-about to be located in the northern development parcel along with the majority of housing. The reduced residential land to the south of the site is to be served by a LAP. Grafton Lane which runs through the site is now to become a green corridor suitable for pedestrians, cyclists and horses only. The SUDs pond will remain to the south of site in the far south-west corner with public access. Green corridors and pocket parks are to be located in and around the site.

CS Policies OS1 and OS2 requirements: For a development of 230 houses and an occupancy rate of 2.3 (population 529) the developer would be required to provide as a minimum of 0.63a (6300sq m) of on-site green infrastructure comprising:

- 0.21 ha (2100sq m) of Public Open Space(POS) @ 0.4ha per 1000 population
- 0.42ha (4200m) of Children's play @ 0.8ha per 1000 population: of this 0.13ha (1300sq m) should be formal play and kick-about @ 0.25ha per 1000 population

The applicant is proposing a total of 2.21ha (22,100sq m) of POS including the SuDS pond and recreational routes and corridors in and around the site. This is in excess of the overall minimum requirements. The applicant has also demonstrated that the formal play element required by policy can now be met on site and includes:

0.13ha (1300sq m) Children's Play Areas to include 1 x LEAP (500sq m), 2 x LAPS (200sq m) and Kick-about space (600m²)

The 3 play areas are to be provided within each parcel of development (2 in the north and 1 in the south) reflecting the amount of housing to the north and south of Grafton Lane. The general locations are supported. They are located within reasonable sized focal points of green space and within easy access from residential areas. These areas include existing landscape features and trees and can be developed to provide multi-functional green spaces and pocket parks particularly in the north which is supported. However, as the application progresses to RM I would expect the design to evolve to ensure that access and safety are designed into the final layout. For example, play areas will need good natural surveillance from housing. This looks to be particularly important for the play proposed to the south given its location on the boundary. And at only 100sq m each the proposed LAPS are quite small and potentially would offer little in play value and so more natural play could be explored which would be particularly appropriate within the southern parcel where the rural landscape will be more evident.

Connectivity: The POS is to be connected by green corridors and pedestrian routes. These green corridor routes extend along the boundary of the site (both north and south) and include Grafton Lane and a link to the SuDS pond. However, I note that the route is broken in the top north-east corner of the northern development parcel and there is no green corridor extending from the focal green space containing the LEAP to the green corridor along the northern boundary. The creation of continuous green corridors in and around the site is encouraged and will provide opportunities for delivering safe and accessible walking, cycling and jogging routes in support of healthier lifestyles.

SUDS: The new SuDS attenuation basin is to be provided within land to the south of Grafton Lane and will store water during periods of heavy or persistent rainfall in order to maintain run-off from the Application Site to present day conditions, and will be designed to maximise its wildlife value.

The SUDs pond will be publically accessible. In addition to my previous comments. If there is to be standing water appropriate gradients for SUDs which are publically accessible should be designed in accordance with the Councils SuDS Handbook which provides advice and guidance on the inclusion of SuDS on new development. Plans submitted as part of the landscape scheme should demonstrate that appropriate gradients can be achieved where appropriate. If this is not possible, for health and safety reasons the area should be fenced off.

Adoption and Maintenance: My previous comments still stand

Off-Site Outdoor Sports. My previous comments still stand but to note the Outdoor Sports Investment Plan is currently under review by the Herefordshire Outdoor Sports Partnership as part of its annual review. I anticipate some changes to projects to reflect priorities for Hereford supported by the County Sports Partnership and individual sports facilities development plans as produced by the National Governing Bodies (NGBs). Final details from each NGB are expected September 2020 (subject to covid-19 delays) and the revised Investment Plan will be sent for final approval to the Planning Obligations Manager thereafter. Agreed revisions to overall investment costs will be reflected in the final cost per house.

4.15 **Open Spaces Officer Original comments**

Open Space requirements.

Relevant Policies:

National Planning Policy Framework (NPPF)

- Paragraph 96: Open Space and Recreation: provision of what open space, sports and recreational opportunities required in a local area should be based on robust assessments of need

Core Strategy (CS)

- OS1: Requirements for Open Space, Sports and Recreation Facilities
- OS2: Meeting Open Space and Recreation Needs
- LD3: Green Infrastructure

Evidence Base and standards (on-site)

- Local Evidence: Herefordshire Open Space Study 2006 (data for amenity public open space has not changed significantly and it is still considered to be accurate).
 - This recommends POS should be at a rate of 0.4ha per 1000 population.
- Local Evidence: Herefordshire Play Facilities Study and Investment Plan 2014 and National Evidence: Fields in Trust Guidance:
 - These recommend children's play at a rate of 0.8ha per 1000 population.
 - Of this 0.25ha per 1000 population should be formal equipped play

Evidence Base and standards (off site)

- Playing Pitch Assessment 2012 and update 2014, Outdoor Sports Investment Plan 2019.
- These recommends where future investment in outdoor sport should be directed to maximise the benefits to the local community

On/Off site Provision: A combination of both on and off site provision is required from this development.

For a development of 300 houses and an occupancy rate of 2.3 (population 690) the developer would be required to provide as a minimum of 0.82ha (8,200sq m) of on-site green infrastructure comprising:

- 0.27 ha (2,700sq m) of Public Open Space @ 0.4ha per 1000 population
- 0.55ha (5,500sq m) of Children's play @ 0.8ha per 1000 population: of this 0.17ha (1,700sq m) should be formal play and kick-about @ 0.25ha per 1000 population
- Outdoor sports: This will be required as an off -site contribution in accordance with the playing pitch assessment and investment plan for Hereford Area as set out below.

On-site POS/Play and SuDs

A pre-application 173494/CE was previously submitted for this site. It is noted that the Development Framework Plan submitted with this application is largely the same.

The applicant proposes 3.28ha of green infrastructure including 0.23ha SuDs basin/pumping station, leaving approximately 3ha of green infrastructure to include:

- 0.04ha (400sq m) formal children's play area,
- Open space for informal recreation
- Recreational routes including pedestrian and cycle green corridors.

This is in excess of overall minimum requirement, however provision for formal children's play has not been met.

POS: Planning for healthier spaces is good practice and any on site provision should be well designed and of a usable size appropriate to the site and location to should offer a range of recreation opportunities and experiences.

The Design and access statement sets out the design principals behind the behind the layout in determining the location of Green Infrastructure, SuDS and POS. The retention of the existing trees and hedgerows along the site boundaries and through the site is integral to this and has resulted in a variety of POS and recreational opportunities, informal and formal. The majority of open space is to be located along the western boundaries of both parcels of land (north and south of Grafton Lane) to incorporate the SuDS at the lowest point of the site and to provide landscape buffers to help soften the transition from rural to urban. Corridors of green space run through the site along existing hedge boundaries creating opportunities for connectivity (cycling and walking) both internally and externally to link to the existing PROW network. A Section of Grafton Lane will be converted into a pedestrian/cycle way to create a recreational route through the middle of the development. This approach is supported as it provides opportunity for both formal and informal recreation and multi-functional open spaces and meets the minimum requirements as set out above.

Children's Play: A 400sq LEAP is proposed. It is located in the northern parcel of open space along the western boundary. There are 2 issues with this.

Firstly it does not meet the minimum quantum as set out above. 1700sq m of formal play is required on a site of this scale.

Secondly, the proposal shows 2 areas of residential development bisected by Grafton Lane (which is to become a green corridor). Accessibility, particularly for younger children, will be an issue for those living in the southern parcel of land.

Additional play provision is therefore required to meet the standards and ideally some should be located in the southern parcel of land.

Play provision should cater for all ages, including infants, juniors and teenagers with possibly a kick-about area and should be located to offer natural surveillance.

It is noted that the applicant has proposed natural play to incorporate natural materials and play elements including timber equipment. This is supported but a combination of both natural and formal play should be considered, to include formal metal play equipment and natural play such as play trails, boulders, logs etc. The site and its natural setting provides opportunity for this.

SUDS: The SuDs area is to be a dry basin. Any standing water will need to be managed from a health and safety point of view but it can provide opportunities for both natural play and informal recreation along with valuable areas of biodiversity and wildlife habitats. The landscape aspects of SUDs should be designed in accordance with the Councils SuDS Handbook which provides advice and guidance on the inclusion of SuDs on new development. In addition the council advises that developers seek guidance from the CIRIA SuDS Manual and the Wildfowl & Wetland Trust /RSPB available from the Sustrain website.

Condition: As part of the RM application the applicant will need to provide details of on-site play which meet with the minimum standards as set out above. The following condition should be included:

Condition: CA4 Provision of open space

The detailed plans for the provision of open space and play areas pursuant to reserved matters shall be set out in accordance with the standards adopted by the local planning authority and shall be submitted to and approved in writing by the local planning authority.

Reason. In order to comply with the requirements of Policies OS1 and OS2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

Adoption and Maintenance

Suitable management and maintenance arrangements will be required to support any provision of open space and associated infrastructure within the open space in line with the Council's policies. This could be a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

Off-Site Outdoor Sports Contribution

The applicant has acknowledged in the Planning Statement that an off-site contribution towards "leisure" will be required.

An off-site contribution will be sort towards outdoor sports provision in accordance with CS Policies OS1 and OS2 and the following evidence bases:

- Hereford Area Playing Pitch Assessment 2012
- Outdoor Sports Investment Plan 2019 (updated annually)

The Outdoor Sports Investment Plan includes list of priority projects for cricket, football, hockey, rugby and cycling to provide new and improve existing facilities in accordance with the Playing Pitch Assessment. It has been prepared by a partnership of Sport England, Herefordshire Council the National Governing Bodies (NGB) for cricket, football, hockey and rugby and the County Sports Partnership. It is annually reviewed and provides up to date information on clubs and facilities in accordance with Sport England's requirements to review the Playing Pitch Assessment.

Projects are considered to be sustainable in helping to meet the needs of both the existing and future populations (future proofed to 2031) and have the support of the relevant NGB in both their regional and local facilities development plans.

The methodology used to assess requirements arising from new development is considered to be CIL compliant and contributions are calculated using the following methodology:

- £8,433,652: Total Outdoor Sports Investment costs (All project costs include development costs, contingency and maintenance costs x 15 years and are based on Sport England's Facility Costs Kitbag and associated maintenance costs or costs provided by the NGBs)
- **6,500 new houses** (Core Strategy Hereford housing requirements)
- **£1,297**: Cost per market house: (Total investment costs divided by total number of houses)

The following projects are considered to potentially benefit the proposed development, given the location and access to facilities in Hereford and the surrounding area and are considered to fall within an appropriate catchment as supported by Sport England.

Hockey

Hereford Leisure Centre ATP: sand redressing and resurfacing required. Pitch in poor condition and some pitch furniture in need of replacement. Priority for England Hockey National Governing Body in support of local clubs.

Cycling

Hereford Cycle Track: (Identified deficiency for competitive and non-competitive events, coaching and increasing participation for all ages)

- Hereford closed road 1.5K cycling circuit at Hereford Leisure Centre.

Football

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

Quality Improvements: The quality or lack of changing rooms and poor quality pitches can limit the use of facilities affecting the growth of clubs and the sport. The following football facilities within Hereford and Area are seen as priorities by the National Governing Body and Herefordshire FA for future investment and are included in the Local Football Facilities Plan prepared by the Football Foundation:

- Victoria Park: improvements to changing and pitches
- Newton Farm: improvement to changing and pitches,
- Broomy Hill: improvements to changing and pitches
- Tupsley Quarry: improvement to pitches
- King Georges VI Playing Fields: improvement to pitches/MUGA
- Belmont Abbey: improvement to changing and pitches

Cricket

Quantity Improvements: Additional senior pitch provision (identified deficiency) compounded by loss of pitches in and around the city over the last few years. Provision within the city to meet these needs is a key priority for the National Governing Body and Herefordshire Cricket Board.

- Additional Natural turf pitch and wicket, plus ancillary facilities required: Potential site include former Whitecross School.

Quality improvements:

Hereford City: Junior provision and training facilities (identified deficiency): The following facilities are seen as priorities by the National Governing Body and HCB for future investment including the provision of training nets:

- HCB Headquarters: Pentland Gardens,
- Bishops of Bluecoat School community facilities

Hereford Area

Bartestree & Lugwardine CC (6 miles north east), improvements to cricket square and grass wicket

Rugby

Quality and Quantity Improvements: to improve training and senior provision (identified deficiency)

- Greyhound Rugby Club: floodlights: priority for the RFU National Governing Body.
- Hereford Rugby Club relocation to include an AGP (Artificial Grass Pitch suitable for rugby): priority for the RFU National Governing Body.

Contributions sought from new housing will contribute approximately 65% of the total investment required to bring forward the projects identified below.

4.16 Principal Building Conservation Officer comments:

I have made a site visit and in my view we could not object to this development on grounds of any substantially adverse impact on the built heritage. There may be some archaeological implications which Julian Cotton will address no doubt.

It is however an important site being on the boundary of the city and hence a gateway ; it is also quite a prominent and exposed site, particularly that part of the site that lies to the south of Grafton Lane so provided the principal of development is acceptable then it should be of high quality. The old core of the village of Bullinghope to the east of the Ross Road is I suggest a starting point when the site layout is developed, so that this development is not seen as just an extension of the suburban sprawl of the City but has a strong ‘ village ‘ identity in its own right.

4.17 Principal Natural Environment Officer (Ecology) comments: No objection

The development site is within the River Wye SAC hydrological catchment and a Habitat Regulations Assessment process is triggered by this application. The HRA screening and

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

appropriate assessment completed by the LPA must be subject to a completed and satisfactory formal consultation with Natural England PRIOR to any planning consent being granted.

The following points are noted as part of the HRA assessment process:

- The development proposes to connect to the local mains sewer network.
- At this location the local mains sewer network is managed by Welsh Water through their Hereford (Eign) Waste Water Treatment Works.
- The Hereford (Eign) WWTW discharges final outfall to the upper section of the Middle Wye section of the River Wye SAC.
- The Middle Wye area of the wider River Wye SAC is not currently identified as failing its conservation status.
- There is currently an identified phosphate 'allowance' within the current Core Strategy that can accommodate the additional development proposed in this application
- Surface water can be managed through an appropriately designed and scaled Sustainable Drainage System.
- No surface water will be discharged to local mains sewer network.
- Any potential effects of the construction process can be mitigated through a CEMP secured as a pre-commencement condition.

Subject to satisfactory consultation with Natural England through the completed HRA appropriate assessment process; and the inclusion of relevant conditions to secure the required mitigation measures identified on any consent granted; the LPA concludes there are no adverse effects on the integrity of the River Wye Special Area of Conservation from this application/project.

Suggested Conditions:

Habitat Regulations (River Wye SAC) – Foul Water

All foul water shall discharge through a connection to the local Mains Sewer network managed through the Welsh Water – Eign (Hereford) waste water treatment works; and no surface water shall be discharged in to any mains sewer or 'combined mains sewer; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Habitat Regulations (2017), National Planning Policy Framework (2019), NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies SS6, LD2 and SD4.

Habitat Regulations (River Wye SAC-SSSI) –Surface Water Management

All surface water shall discharge through a sustainable drainage system subject to final detailed approval of technical design by the LPA prior to any construction works commencing on site. The approved scheme shall be implemented in full and hereafter maintained; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), NPPF (2021) and Herefordshire Council Core Strategy (2015) policies SS6, LD2, SD3.

Habitat Regulations (River Wye SAC) and Biodiversity – Nature Conservation Protection -

Before any work, including any site clearance or demolition begins, equipment or materials moved on to site, a fully detailed Construction Environmental Management Plan (CEMP) and named 'responsible person', including detailed ecological risk avoidance measures based on current site conditions and all protected species known to be locally present (ecological surveys and site assessments under two years old from date of CEMP) shall be supplied to the local planning authority for written approval. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have finally been removed.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), Wildlife & Countryside Act (1981), National Planning Policy Framework, NERC Act (2006), NPPF (2021) and Herefordshire Council Core Strategy (2015) policy SS6, LD2 and LD3

Other general ecology comments.

The updated ecological report supplied clearly identifies that there are no reasons why the LPA should consider that full details, specifications, locations and future management of any required mitigation, compensation and Biodiversity Net Gain cannot be secured within the development site and secured by appropriate and relevant conditions on any outline consent granted. The relevant ecological working methods, based on relevant 'current' survey efforts can be secured through the CEMP already requested as part of the wider HRA process.

Nature Conservation – Biodiversity and Habitat Enhancement

In addition to any landscaping or green infrastructure that may otherwise be required; prior to any new development above damp proof course levels, a detailed 'holistic' biodiversity net gain scheme for the whole development site' shall be supplied to the planning authority for written approval.

The supplied scheme shall include:

- A detailed and specific annotated location plan for proposed biodiversity net gain enhancement features including as a minimum provision for hedgehog homes, bird nesting, and pollinating insect 'nesting' opportunities, ecological refugia and other natural features and habitats.
- A detailed legally binding scheme of how the natural features and biodiversity net gain will be managed and maintained for the lifespan of the development.
- An external lighting and illumination plan clearly demonstrating that all proposed lighting and illumination features will comply with latest and current guidance identified by the Institute of Lighting Professionals-Bat Conservation Trust.

The approved scheme shall be implemented and fully completed prior to occupation of the XXXth dwelling and hereafter maintained unless otherwise agreed in writing by the planning authority. Every 5 years following completion a monitoring and survey report of the current state of the ecological interests on the site shall be supplied to, and acknowledged in writing by the 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), Wildlife and Countryside Act 1981 (as amended), Policy SS6 and LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2021) and NERC Act 2006

4.18 Principal Natural Environment Officer (Ecology)
Original comments:

Having reviewed the relevant Ecological supporting documents and drawings:

- *Planning Statement*
- *Design and Access Statement*
- *Ecological Appraisal*
- *Development Framework Plan*
- *Site Location Plan*
- *Arboricultural Impact Assessment*

The site falls within the Discharges "any discharge of water or liquid waste..." SSSI Impact Risk Zone **River Wye SAC** and so sufficient and detailed information will be required to be submitted with any outline or full applications to allow the authority to assess the proposal through its Duty of Care under NERC Act and Habitat Regulations.

The River Wye SAC is primarily designated for the Annex I habitat 'watercourses of plain to montane levels with Water cross-foot, and the presence of a number of Annex II species, including the White Clawed crayfish, Otter, Brook Lamprey, River Lamprey, Sea Lamprey, Thwaite Shad, Atlantic salmon and Bullhead.

Natural England will also need to be a statutory consultee and will require sufficient information, like ourselves, to determine that the development(s) will have NO 'likely significant effects' on the relevant SAC & SSSIs.

Mitigation should clearly demonstrate no significant impact to the River Wye SAC/ SSSI and other SSSIs IRZs. The drainage and ecology information must be submitted with any Outline or Full Planning Application and will need to be considered and approved through the HRA process by Natural England and the LPA prior to any determination of that application.

With reference to protected species surveys, government advice states that:

- a) *the presence or absence of protected species, and the extent to which they could be affected by the proposed development, should be established before planning permission is granted, since otherwise all material consideration might not have been considered in making the decision; and*
- b) *use of planning conditions to secure ecological surveys after planning permission has been granted should only be applied in exceptional circumstances.*

It is noted that updated survey work has not been carried out in regards to the south west drainage route. The southwest drainage route was last subject to a Phase 1 Survey in 2014 (accepted standard survey validity is 2years) recent mapping has been reviewed only. The area accommodates the SuDs cellular storage tanks and outfall via Withy Brook which feeds into the River Wye SAC. Therefore currently the Conclusions and Recommendations within the Ecological Assessment fail to establish if there are any new ecological impacts that might have arisen from any changes. Furthermore the change in proximity of the site boundary to sensitive features and pathways for hydrological connectivity, for example Withy Brook, River Wye SAC, Grafton Wood Ancient Woodland, Important Hedgerows and associated protected fauna and flora.

The adjacent area and designated sites are recognised as being highly important for many legally protected species, including EPS many bat species notable the rare Lesser Horseshoe bat, Otter, Great Crested Newt, dormouse, bird species such as the skylark and song thrush, barn owl and kingfisher and reptiles recorded in the local area and Priority Habitats including Ancient Woodland. The south west drainage route redline boundary extends to approximately 250m north of Grafton Wood Ancient Woodland.

Approximately 700m of hedgerows align this south west drainage route and have not been assessed for their importance under the Hedgerow Regulations 1997, and associated protected species such as otter, dormouse, bats, listed bird sp., great crested newts and reptiles which are recorded within the area.

A number of hedgerows within the main development site have been recorded as species rich and are considered likely to qualify as 'Important' under the Hedgerow Regulation, 1997. Hedgerows are a Priority Habitat in Herefordshire. The Hedgerow Regulations, 1997 detail a system to protect Important Hedgerows for which no amount of replanting can substitute. Furthermore all the hedgerows within the main site may provide opportunities for foraging, resting sites for common and potentially protected species. Many of the features are proposed to be retained however construction and operational disturbance to associated species should clearly demonstrate no detrimental impacts (NPPF, NERC Act, Core Strategy LD1-3).

Please also refer to the comments and objection received from the Tree Officer regarding the Arboricultural Impact Assessment

– Also I note in the Arboricultural Impact Assessment recommendations include: Detailed Tree Protection Drawings with the Arboricultural Method Statement with detail given of proposed levels and service routes. The detailed plans and AMS should also be cross reference with ecological receptors identified by updated ecological surveys to ensure there are no constraints or conflicts

to protected species, habitats and any proposed mitigation strategy's inclusive of the south west drainage route.

Dormouse have been screened out of any further assessment however survey data was last assessed in 2014 via a third party. Dormouse has been recorded within 500m of the site. An update to assessment is required; inclusive of the southwest drainage route.

Great crested newt, and Otter have also been screened out, as above sufficient information will be required to demonstrate no impact to this species as part of the main development site and southwest drainage route inclusive of any mitigation strategies,

Reptiles were recorded on site and were last assessed in 2016, the southwest drainage area has not been assessed and any changes in the known slow worm populations on the main site.

Bird surveys and any relevant mitigation should demonstrate no significant impact to protected bird species such as the skylark and song thrush, barn owl and kingfisher which have been recorded in the area.

Bats sufficient information will be required to demonstrate no impact to this species as part of the main development site; and southwest drainage route inclusive of any mitigation strategies.

Furthermore any protected species or habitats previously screened out of the Ecological Appraisal should be assessed as necessary for the entire redline boundary inclusive of the south west drainage route.

I look forward to receiving the technical reports as identified in support of any future supporting information to this outline application. From the information reviewed at this time a brief summary of recommendations (although not an exhaustive list) is provided;

- Drainage, ecology and flood risk have been considered to have no impact beyond the site itself and its immediate environs – Mitigation should include any amendment found to be necessary from update survey work and inclusive of the southern west drainage route - Mitigation should clearly demonstrate no significant impact to the River Wye SAC/ SSSI and other SSSIs IRZs The **drainage and ecology information** must be submitted and will need to be considered and approved through the **HRA process by Natural England** and the LPA prior to any determination of that application.
- I would request the submitted **Ecological Appraisal and Phase 2 Surveys as required** should clearly present where relevant the pending updates and southwest drainages route redline boundary. The ecological surveys should be undertaken at the appropriate time of year and follow accepted Natural England methodologies.
- The supplied report should clearly comply with BSI 42020, 2013 *Biodiversity – code of Practice for planning and development*; identify and provide robust risk avoidance measures and working methods for general ecology and any species specific mitigation identified by survey. Any extended '**Optimal Period**' **species surveys** identified as being required should be undertaken and the results included in the finally submitted report. If European Protected Species (EPS) surveys are needed an ecologist with the appropriate Natural England Licence is required. As part of any future application, proposals for protection of habitats and species and where damage is unavoidable, mitigation and compensation measures and enhancement; for all species, habitats and designated sites potentially affected should be submitted for approval to the LPA.
- The site supports a significant assemblage of bat species and local records include the rare Lesser Horseshoe. A fully detailed **lighting plan/assessment** should be supplied, in support of any mitigation scheme/master plan. In accordance with best practice guidance, also stated in the Ecological Appraisal.

- No external **lighting** should illuminate any of the enhancements or boundary features beyond any existing illumination levels and all lighting on the development should support the Dark Skies initiative (DEFRA/NPPF Guidance 2013).
- If any **trees or hedgerows** are or could be impacted by the proposed development a fully detailed **BS5837:2012 trees and hedgerows (to Hedgerow Regulations 1997)** survey is requested. Any loss of trees or hedgerows must be clearly indicated and retained trees and hedgerows subject to a **Root Protection Plan** and protection methods for all retained trees or hedgerows.
- In line with NPPF Guidance, NERC Act and Core Strategy LD2 all developments should show how they are going to enhance the local biodiversity potential "**Biodiversity Net Gain**". Enhancements are in addition to any mitigation required through a protected species licence. To ensure this a detailed **Biodiversity Enhancement Plan** is requested. The recommendations in the Ecological Appraisal in principle appear appropriate mitigation however the enhancements and recommendations have been considered in the context of the main site and do not include the mitigation and net gain proportionate to the south west drainage area.
- **A detailed Construction Environmental Management Plan** should be supplied (or should be requested as a pre-commencement condition, *comply with BSI 42020 Biodiversity – code of Practice for planning and development*).
- An appropriately qualified and experienced **ecological clerk of works** should be appointed (or consultant engaged in that capacity) to continually monitor, advise and report during construction and oversee the ecological mitigation work.
- Subject to the above information being received for consideration a **Habitat Regulation Assessment** will also need to be undertaken by the LPA and the required appropriate assessment 'approved' by Natural England prior to any planning consent being granted. If the development is subsequently permitted planning conditions may be identified appropriate; to secure the protection, conservation status and ecological management of the site and surrounding designated sites and protected species.

4.19 **Principal Natural Environment Officer (Landscape) comments: No objection**

The site was visited in February 2020 in relation to an interim design layout. I have reviewed the previous landscape comments in relation to this site (pre-app ref 173494 and consultation response dated 11/09/2019). I have read the updated LVIA and seen both the previous Development Framework Plan as well as the latest Development Framework Plan (CSA/2477/122 Rev E).

Landscape character - With this particular site, the adverse landscape effects are of most concern. In the wider context, Hereford sits within a depression, and extending built development out of this, beyond the railway line, is a significant change. Although this area does not have a landscape designation, the fields comprising the development site have value for their contribution to the rural setting of the city. The loss of these fields to built development is not compliant with Policy LD1.

Visual amenity – Proposed built development has been removed from the undulating south-facing slope, where buildings would have been visible from the identified views in from the south. Although it is noted that land adjacent to the railway will be raised it is acknowledged that in longer views in, development would be viewed in the context of the city edge. The new built edge of Hereford would now be visible along a ridge formed by Grafton Lane, however this is not as visually intrusive as building on the lower slopes. The field adjacent to the A49, although south of Grafton Lane, is visually screened by the existing hotel and bus depot, as well as already being seen in views adjacent to built form on the opposite side of the A49.

Green infrastructure - The proposal does retain the existing hedgerow and tree framework and include landscape buffers. It is noted and welcome that the veteran trees are given far more space in this layout. It also retains Grafton Lane, where it passes through the site, as a cycle/pedestrian route. Should development of this scale and in this location be acceptable, then the indicative form and layout is appropriate to creating an urban extension is compliant with Policy LD3.

Conclusion – On balance, while there remains a significant change to the landscape character, which would occur with any such change of use, the visual amenity would only have a minor change and the green infrastructure is suitable, therefore overall there is no landscape objection.

4.20 **Principal Natural Environment Officer (Landscape)** **Original comments: Objection**

Designations/Constraints Relevant Policy

- PROW – HER52A

NPPF:

- Paragraph 15

Core Strategy

- LD1
- LD3
- SS6

Hereford Area Plan

- Housing site option: Hol13

I visited the site and surrounding area on 4th September 2019 and I have read the submitted Landscape and Visual Impact Assessment (LVIA).

Landscape context

The site lies in open countryside on the south-western edge of Hereford. The northern part of the site comprises two fields (currently pasture) lying between the Hereford – Cardiff railway line and Grafton Lane. To the east are four bungalows fronting onto Grafton Lane and to the west is a detached dwelling, Highlands, which is set back. To the south of Grafton Lane the site comprises two fields (currently arable), which are bounded to the east by the A49 (Ross Road) and by a bus depot and two properties, Brandon Villa and Brandon Lodge, all accessed from the A49.

While planning permission has been granted for the southern link road, proposed routeing to the south of Grafton to join the A49/Rotherwas roundabout, it is not currently known whether this road scheme will be implemented. As such my assessment is based on the existing landscape resource.

There is an existing framework of field boundary and cross-field hedgerows together with hedgerow trees and two infield trees (English Oak) within the northernmost field. The area adjacent to the dwelling Highlands is the highest point of the site, with the land falling towards the south.

In respect of pedestrian and cycle movement, Grafton Lane is used by pedestrians and it forms part of the Sustrans cycle route 46 (Hereford – Abergavenny section). There is a footpath near to the site (ref: 52A) – this runs between Grafton Lane and Redhill bridge on the A49.

Landscape Character:

The council's Landscape Character Assessment (2009) identifies that landscape character to the south of Hereford is varied. The land in the Grafton/Bullinghope area, including this site, is

described as 'Principal Settled Farmlands'. The key primary characteristics of this landscape type are hedgerows used for field boundaries and the key secondary characteristic is the mixed farming land use. Dispersed settlement pattern. There is a subtle transition to the landscape type: 'Wooded Estatelands' in the Haywood/Merryhill area and a marked change to the south-east, where the hills (Dinedor/Ridge Hill) are described as 'Forest smallholdings and dwellings'.

With reference to the field pattern/grain relating to the site itself, a comparison of C19 mapping against its current state shows little change except for the loss of some infield trees from the northernmost field. However, in the context of Grafton, the mixed farming character has been weakened by the loss of orchards and some hedgerows. .

The council's 'Urban Fringe Sensitivity Analysis (2010)' assessed the sensitivity of Hereford's urban fringe, including the Grafton area. While this study is broad-brush, its findings are relevant – it identifies the partial erosion of landscape character of the Grafton area, due to agricultural intensification but notes that the dispersed settlement pattern, which is a characteristic of Principal Settled Farmlands, has been maintained and that the countryside here contributes to the rural setting of Hereford.

This links to the issues of landscape quality and condition. This area does not have a landscape designation and I acknowledge that the A49, bus depot and railway line have an urbanising effect on it, however, the fields forming the site itself and the hedgerow/tree framework, are in good condition.

With reference to tranquillity, it is stated in the applicant's LVIA that the proposed development site is 'heavily influenced by the A49...as well as by the railway line and the existing houses which lie adjacent to the site'. While I agree that the southern fields are affected by the noise/movement of the A49 corridor, the northern fields retain some tranquillity – the railway line is in steady, but not intensive use, the housing to the north of the railway line is only partially visible and the bungalows at the north-eastern end of Grafton Lane buffer this part of the site from the A49.

Landscape effects

The railway line is currently the dividing line between city and countryside. Evidently development to the south of the railway line would cause a fundamental change in character from open, agricultural land to housing. There would also be a change from a relatively dispersed settlement pattern along Grafton Lane to much denser housing development at its north-eastern end.

The Development Framework Plan indicates that much of the existing framework of hedgerows and trees would be retained, with replacement and realignment of hedgerow on the A49 frontage as per visibility splays associated with the proposed new vehicular access. The retention of Grafton Lane as a small-scale, hedged lane, enabled by proposing a new vehicular access road to the development and the western part of Grafton Lane, is a very positive feature that would maintain some of the lane's rural character.

I agree with the LVIA findings that the most significant landscape effect (substantial adverse) is the change from open countryside to built development. However, the effect of extending development beyond the railway line, out of the bowl in which Hereford sits, is not picked up in the summary of indirect effects on landscape.

Visual effects

Regarding the LVIA, a representative range of viewpoints has been identified and the assessment of the site's visibility is accurate. The northern two fields are visually contained by the railway line and the field boundary hedgerows. Available views are close range - rail users (public transient views) and from the upper rear of houses north of the railway and from the dwelling Highlands (both private viewpoints).

The southern compartment has a more open aspect. The land to the west of the bus depot is the most exposed. There are some middle and long range views into the site, along with some close range views, as accurately described in the LVIA.

In respect of both the northern and southern compartments, the most sensitive visual receptors would be users of Grafton Lane – which would include recreational walkers and cyclists. Views of the development would only be partially screened by the roadside hedgerow.

Also significant are the available views from footpath 52A, looking northwards towards the site, as shown on LVIA photosheet 102.

The sequential available views of the site from the A49, approaching Hereford, are relatively limited, due to the topography and intervening hedgerows. As set out in the LVIA, there is a view of Hereford from the crest of the hill near Aconbury Hill. Approaching and passing the site, views are screened by the intervening depot and roadside hedgerow.

My assessment of visual effects largely concords with that set out in the LVIA – this identifies the most significant effects to be on Grafton Lane receptors. The effect on views from footpath 52A is downplayed a little.

Mitigation

The proposed mitigation, comprising retention of existing hedgerows and trees, a landscape buffer including SUDs feature on the western boundary of the site, is appropriate to the rural context and would help to buffer adjacent dwellings from the development site and to assimilate the development into the urban edge of the city. .

The form of the development indicates an intention to design a strategic urban extension, to overcome concerns raised about piecemeal development on the edge of the city. The design aim, as shown by the indicative site layout, is to make the two sets of fields a cohesive unit, by extending a landscape buffer along the south-western edge of the site and by using an internal circulation road to link the north and south fields. Making the site cohesive would enable it to relate to the urban edge; to make an extension to the city, rather than attempting to relate the development to Grafton. .

Summary

With this particular site, the adverse landscape effects are of most concern –in the wider context, Hereford sits within a depression, and extending built development out of this, beyond the railway line, is a significant change. Although this area does not have a landscape designation, the fields comprising the development site have value for their contribution to the rural setting of the city. The loss of these fields to built development is not compliant with Policy LD1.

The site's aspect - an undulating south-facing slope, means that built development will be visible from the identified views in from the south - it would not be possible to fully screen built development on the site, although it is acknowledged that in longer views in, development would be viewed in the context of the city edge. However, the visual intrusion that would arise is not complaint with Policy LD1.

The proposal does retain the existing hedgerow and tree framework and include landscape buffers; it also retains Grafton Lane, where it passes through the site, as a cycle/pedestrian route, making the scheme complaint with Policy LD3.

Given the fundamental issues concerning adverse landscape and visual effects, I could not support the proposal. However, should development of this scale and in this location be acceptable, then the indicative form and layout is appropriate to creating a strategic urban extension.

4.21 Archaeology Advisor: No objection

Additional comments:

We can confirm no objection and no further requirements. Level of finds does not justify a condition.

4.22 Archaeology Advisor:

Additional Comments

Following our discussions earlier today, I am providing a summary of correspondence to date and likely issues / outcomes as regards archaeology. I hope it's useful. I have copied in colleagues above because I will be away on extended leave 11th – 25th October inclusive, and discussions & decisions may be required in my absence.

- In relation to pre app 173494/CE, I advised the need for a field evaluation (05/10/2017).
- In relation to the Hereford Area Plan consultation I advised the same (27/03/2018).
- For this current application I have further advised the same, making it clear that the evaluation methodology should encompass both geophysics and trial trenching (Memo of 10/09/2019).
- I have today fully discussed with Wessex Archaeology (authors of the submitted assessment and otherwise acting on behalf of the applicants) the details and likely rollout of this evaluation. It is my understanding that the applicants are fully signed up to it, and wish to progress it ASAP.
- The first part of the evaluation will be a comprehensive to standards geophysical survey of the site. It is currently anticipated that this will take about a week, to commence in early to mid-October.
- When the initial results are back from this -normally a very quick process- the nature and scope of the essential follow on trial trenching will need to be finalised. In broad terms, with the geophysics having been done, it would be expected that approx. 3% of the total area of the application site would be trenched, in a relatively systematic way. However, the exact configuration of trenches will partly depend on what the geophysics appears to indicate.
- It is difficult to be sure how long the trenching will take, but my ball park estimate would be about a month.
- Although normally I would on conclusion of trenching wait for the full evaluation report to be submitted before making final comment, it may be the case that the implications are sufficiently clear from site records and monitoring etc. for a quicker response to be given. This would be entirely justified.
- The above technical approach broadly accords with that already taken in relation to the other large sites around the margins of Hereford, for instance the strategic Lower Bullingham and Three Elms sites currently going through process...

4.23 Archaeology Advisor:

Original comments

This large and prominent site is, as the submitted desk based assessment indicates, situated in an area of some interest and sensitivity as regards archaeology. There is potential here for the presence of below-ground finds of significance from the prehistoric to medieval periods in particular. There are also likely to be some changes to the setting and appreciation of upstanding heritage assets in the wider landscape, although I would regard these changes as generally being minor, and not a matter of substance in this case.

Whilst I have no prima facie objection to what is proposed, I have concerns in relation to the current information deficit regarding the likelihood of at-risk buried remains. Given this deficit (which is acknowledged in the application), I consider it essential that an archaeological field evaluation (Para 189 NPPF) is also undertaken, in order to provide enough information on which to base a sustainable decision. I also consider, that to be reliable, this evaluation should consist of *both* geophysics and trial trenching across the site.

4.24 Minerals and Waste Officer:

Updated comments

Thank you for consulting and apologies for the delay in responding. I have no further comments.

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

I can confirm that part of the eastern fringes of the application site is identified under Policy M5 of the Herefordshire Unitary Development Plan (HUDP). Policy M5 is a saved policy from the HUDP which relates to the safeguarding of minerals and therefore country to paragraph 5.23 of the applicants Planning Statement needs to be considered satisfied and taken into consideration in the decision making process.

If an area is identified as being within a Mineral Safeguarded Area it does not automatically preclude other forms of development. Neither is there a presumption that an application to extract the mineral resource defined within the Mineral Safeguarding Areas will be granted permission. What it does mean however, is that attention to the presence of important mineral resource is needed and that any proposals should adequately and effectively considers the importance and nature of the reserve in land-use planning decisions.

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

Notwithstanding, the Council recognises that mineral resources are finite and must be protected for future generations to meet their own needs. Minerals can only be worked where they naturally occur but with increased pressure on land use the Council must also ensure that those resources are not needlessly sterilised by other forms of development.

The planning process should ensure that minerals are not unnecessarily sterilised whilst allowing competing development to proceed if there is an overriding need for it. In these circumstances, extraction of the mineral ahead of the development (prior extraction) should also be considered.

4.25 **Environmental Health Officer (Noise and Nuisance)**

Updated Comments:

Our comments are with regard to potential noise and nuisance issues that might arise from development. This consultation response should be read in conjunction with our response of October 2019. . The applicant has submitted a revised noise report dated July 2020 and this is accompanied by a reduced outline proposal for a housing scheme for 230 houses and a swathe of the original proposal omitted. The noise report gives noise contours for the site with the strip of development land to the east closest to the A49 of 60-65dB LAeq in the daytime and 55-60dB LAeq at night time. This translates to a medium to high risk of road traffic noise. There is no proposed draft layout scheme in this application. There remains a swathe of potential residential development abutting the A49 trunk road such that the eastern section of this site does have significant noise constraints. Most notable noise monitoring locations in the report are NSR06 and NSR08. At first floor bedroom height daytime noise is 65dB and 62dB respectively and 57dB and 54dB at night time. At first floor elevations it will not be possible to achieve desirable internal noise levels of 35dB and 30dB without significant noise attenuation including keeping the windows closed at all times on the road facing elevations. I would have concerns regarding the potentially significant proportion of houses that could be adversely impacted by road traffic noise.

The noise report advises that it is intended to screen the external amenity areas ie gardens closest to the A49 behind the proposed dwellings and for these to be fenced so as to offer noise attenuation. This is predicted to give external amenity areas less than 55dB (the upper guideline value as opposed to 50dB desirable value where development is deemed necessary. Given that there will be a quieter amenity area on the site the external amenity levels are agreed to be satisfactory. I remain unconvinced by the proposal which includes putting a significant number of houses up against the A49 Most of the proposed dwellings in the third segment will be subject to significant road traffic noise being over 55dB during the day and above 50dB at night time. In my opinion from a noise perspective it would have been preferable to take this swathe of houses out of the outline proposal and instead re-instate at least some of that removed from the original submission.

4.26 **Environmental Health Officer (Noise and Nuisance)**

Original Comments:

My comments are with regard to potential noise and nuisance issues that might arise from development.

The outline planning application with all matters reserved except for access for 300 houses on this site is accompanied by a Noise and Vibration Assessment in accordance with Stage 1 of the ProPG* guidance.

The assessment finds that there is a risk of intrusive road traffic noise from the A49 to the eastern section of this site both potentially in outdoor amenity areas and also within the proposed dwellings.

I note that the applicant is requesting permission for up to 300 houses at this site and no indicative site layout is supplied. I am concerned that up to 300 houses may not be possible once road traffic noise mitigation (and other constraints mitigation) has been taken into account. I am of the view that this should be raised with the applicant at the earliest opportunity. Having said the above we would not object to the principle of housing at this site providing that careful consideration of the acoustic environment will be needed therefore in the design and layout of the site.

Should the applicant proceed to a reserved matters application an Acoustic Design Statement will need to be supplied which demonstrates in full that Stage 2 Elements 1-4 of the above guidance have been met. Check the feasibility of relocating, or reducing noise levels from relevant sources Consider options for planning the site or building layout and the orientation of proposed buildings Select construction types and methods for meeting building performance requirements and examine the effects of noise control measures on ventilation, fire regulation, health and safety, cost. Assess the viability of alternative solutions and assess external amenity area noise.

Within the Acoustic Design Statement supply evidence that internal noise levels outlined within Element 2 of the ProPG Internal Noise Level Guidelines can be met. (Satisfactory noise levels to be achieved in as many noise sensitive rooms in as many houses as possible with the windows partially open).

Within the Acoustic Design Statement supply evidence of an external amenity noise assessment in accordance with Element 3 of the ProPG Guidance. (Satisfactory external amenity levels to be achieved are 50dB on a green field site at as many dwellings as possible.

Within the Acoustic Design Statement assess all other relevant issues in accordance with Element 4 of the ProPG Guidance. ProPG: Planning and Noise* Professional Practice Guidance on Planning & Noise New Residential Development Published by the Association of Noise Consultants, the Institute of Acoustics and the Chartered Institute of Environmental Health

4.27 Environmental Health Service Manager (Contaminated Land) comments:

Comments I refer to the above application and would make the following comments in relation to contaminated land and human health issues. "Geotechnical and Geo-Environmental Report. Proposed Residential Development. Grafton Lane, Hereford. Herefordshire." Prepared by Terraforma, dated December 2017, ref:14203_3Version2.

The above report has identified some areas affected by contaminants which will require minor remediation. The report identifies options for how this is done which will need to be demonstrated through a remedial method statement and validation report. With this in mind, I'd recommend the following condition be appended to any approval with a recognition parts 1 (a) and (b) have been satisfied.

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

- a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice
- b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors
- c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing.

The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate

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

remediation scheme submitted to the local planning authority for written approval. Reason: In the interests of human health.

2. The Remediation Scheme, as approved pursuant to condition no. (1) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted and agreed in writing before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. Reason: In the interests of human health.

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

Technical notes about the condition

1. I would also mention that the 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 2018.

2. And as a final technical point, we require all investigations of potentially contaminated sites to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.

4.28 Waste Operations Team Leader comments

Should this applicant proceed reserved matters, please note the following should be provided:

A swept path analysis should be provided to show in principle that a 26 tonne refuse collection vehicle (RCV) can access all internal access roads and turning heads where it is proposed the RCV would access. The standard refuse collection vehicle (RCV) used in Herefordshire is 26 tonnes. All roads and turning heads where it is proposed the RCV will travel must be constructed to adoptable standards.

Bin storage locations for each plot to be included on site plans. If bins are to be stored to the front of the property (including when bins are to be placed in the front on collection day) there should be at least 1 metre space around the bin to allow the resident and collection operatives to manoeuvre the bin, and it should not cause an obstruction to the entrance to the property. Bins should not be placed on the pavement on collection day as this causes an obstruction to pedestrians.

Storage space will need to be provided at each property (including any apartment blocks of 7 or less units) for the following containers:

- 1x180 litre wheeled bin for general rubbish
1x240 litre wheeled bin for recycling paper & card
1x240 litre wheeled bin for recycling tins, cans, glass and plastics
1x23 litre food waste caddy (collected weekly)

Collected on an alternate 3 weekly basis

1x240 litre bin at each property with a garden. This is an optional fortnightly (seasonal) garden waste bin, however space should be provided to allow residents with gardens the ability accommodate a garden waste container or home compost bin should they choose to use it.

For any apartment blocks with 8 or more apartments, bin stores should be provided to accommodate the above capacity per unit. Herefordshire Council provide either 660 or 1100 litre communal bins. Details regarding bin stores should be included in submitted documents.

Bin collection points (areas of hardstanding where residents can place their bins for collection) should be provided for any plot located over a 25 metre walking distance from where the RCV can safely access. These should be an area of hardstanding that is large enough to position the required number of containers.

In the event that any roads within the development are not adopted, please note that the council will only agree to travel private roads for the purposes of waste collection if:

The council and its contractors determine that collections can be carried out safely;
and

The council receive written confirmation from the landowner/developer that the roads over which the RCV will travel are built to a suitable specification for this type of vehicle to travel over on a frequent basis;
and

The council and its contractor(s) are indemnified against damage to property and general wear and tear, other than that caused through negligence.

Other Consultation Responses

4.29 Sports England Comments:

Thank-you for re-consulting Sport England on this application. I have to further comments to make in respect of the amendments proposed, but would reiterate the comments made previously in respect of securing a developer contribution towards playing pitch investment where this was deemed to be justified. I could not see any reference to S106 negotiation in the covering letter, if possible it would be good if you could update me on this and keep me informed in due course.

4.30 Sport England – Non Statutory Role and Policy

Previous comments:

The Government, within their Planning Practice Guidance (Open Space, Sports and Recreation Facilities Section) advises Local Planning Authorities to consult Sport England on a wide range of applications. <https://www.gov.uk/guidance/open-space-sports-andrecreation-facilities-public-rights-of-way-and-local-green-space#open-space-sports-andrecreation-facilities>

This application falls within the scope of the above guidance as it relates to residential development of 300 dwellings or more.

Sport England assesses this type of application in light of the National Planning Policy Framework (NPPF) and against its own planning objectives, which are Protect - To protect the right opportunities in the right places; Enhance - To enhance opportunities through better use of existing provision; Provide - To provide new opportunities to meet the needs of current and future generations. Further information on the objectives and Sport England's wider planning guidance can be found on its website: <http://www.sportengland.org/planningforsport>

The occupiers of new development, especially residential, will generate demand for sporting provision. The existing provision within an area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, Sport England considers that new developments should contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity off-site. The level and nature of any provision should be informed by a robust evidence base such as an up to date Sports Facilities Strategy, Playing Pitch Strategy or other relevant needs assessment.

The Proposal and Assessment against Sport England's Objectives and the NPPF

The population of the proposed development is estimated to be approximately 690 persons based on an occupancy rate of 2.3 persons per dwelling. This additional population will generate additional demand for sports facilities. If this demand is not adequately met then it may place additional pressure on existing sports facilities, thereby creating deficiencies in facility provision. In accordance with the NPPF, Sport England seeks to ensure that the development meets any new sports facility needs arising as a result of the development. You may be aware that Sport England's Sports Facilities Calculator (SFC) can help to provide an indication of the likely demand that will be generated by a development for certain facility types. The SFC indicates that a population of 690 people in this local authority area will generate a demand for.

Sports Halls

Demand adjusted by 0%

Courts 0.18

Halls 0.05 vpwpp 54

Cost £108,110

Swimming Pools

Demand adjusted by 0% Square meters 6.80

Lanes 0.13

Pools 0.03 vpwpp 41

Cost £114,984

Indoor Bowls

Demand adjusted by 0%

Rinks 0.06

Centres 0.01

vpwpp 9

Cost £21,110

Whilst it is acknowledged that the quantum of demand proposed would not generate a need for additional sports halls or swimming pools, it may be appropriate to invest a section 106 contribution towards any identified investment priorities for qualitative improvements to existing built indoor sports facilities if a suitable project could be identified. In the absence of a Built Indoor Sports Facilities Strategy, I'm not aware of any specific priorities for investment at this time, however in the event that the Council were able to identify local project(s) for sport facility investment, Sport England would support the Council in seeking section 106 contributions in line with the demand calculator set out above. It is understood that the Council are not able to identify any suitable projects at this time.

In respect of playing pitches, whilst Sport England is aware that the Council does not currently have an up-to-date Playing Pitch Strategy, the Hereford Pitch Sports Group does meet regularly to discuss priorities for section 106 investment within Hereford. Attendance of this group includes the National Governing Bodies for Football, Cricket, Rugby Union and Hockey along with Sport England and other local stakeholders. Sport England have consulted the NGB's on this application to identify potential priorities for investment in playing pitches. I have summarised the comments received below:

Football Foundation:

With no PPS available within the area, we have reviewed potential projects which are detailed within the associated Local Football Facilities Plan. The primary project would be the Newton Farm site which would benefit Belmont Wanderers FC. The proposals include improvements to the natural grass pitches, new changing room pavilion and potentially 3G provision in the future, if demand can be evidenced. There is also King Georges VI Playing Fields included within the LFFP for natural grass pitch improvements and a MUGA which is just over a mile away and Belmont Abbey for a changing room refurbishment project, which is just over 2 miles away.

ECB: Bartestree & Lugwardine CC (6 miles north east), Brockhampton CC (10 miles south east) and Wormelow CC (5 miles south) are the only clubs in the local area as there are currently no cricket clubs in the city of Hereford. Both B&LCC (2nd ground) and Brockhampton CC (new pavilion) have projects in need of investment. Is this though an opportunity to work with the Cricket Board to develop a new ground in the city?

RFU: The closest rugby union clubs to the proposed residential development are Hereford Rugby Club which is less than 2 miles away and then Greyhound Rugby Club are 3 miles away. Hereford Rugby Club possess proposals to relocate to a new venue to allow them to potentially secure a lift in the quality and quantity of facilities, which their current Belvedere Lane site currently does not offer and heavily restrictive in what can be delivered. The needs to enhance the facility offer at HRFC is widely recognised by North Mids Rugby Union and the RFU, and by way of relocation believe this to be most appropriate manner of securing the correct facilities to meet the diversity and demands of their playing membership. The RFU would encourage exploration into the possibility of contributions to rugby union being secured via a s106 agreement. This contribution would be pooled towards supporting the development of facilities at the relocation site of Hereford Rugby Club. Currently the facilities afforded to Greyhound RFC are believed to be commensurate to the demands of the activities of the club.

England Hockey: England Hockey would be keen to gain s106 support towards resurfacing the sand-based AGP at Hereford Leisure Centre.

In addition, Sport England is aware that the Council have also identified other priorities including Hereford cycle track and other projects within football, cricket and rugby that should also be considered. The various projects put forward are in line with the Council's Outdoor Sports Investment Plan 2019 which is prepared in partnership with the Council, the NGB's for sport and Sport England. Securing a s106 contribution towards outdoor sports provision would be in accordance with policies OS1 and OS2 of the adopted Hereford Core Strategy. It is understood that the Council applies its methodology to assess requirements from new development at a cost of £1297 per dwelling.

It is therefore recommended that where the Council conclude that a section 106 contribution should be sought in accordance with the Council's policies, that these identified priorities are considered along with any other local priorities that have been identified by the Council to support the demand generated by this development.

Sport England, in conjunction with Public Health England, has produced 'Active Design' (October 2015), a guide to planning new developments that create the right environment to help people get more active, more often in the interests of health and wellbeing. The guidance sets out ten key principles for ensuring new developments incorporate opportunities for people to take part in sport and physical activity. The Active Design principles are aimed at contributing towards the Government's desire for the planning system to promote healthy communities through good urban design. Sport England would commend the use of the guidance in the master planning process for new residential developments. The document can be downloaded via the following link: <http://www.sportengland.org/activedesign>

Conclusion This being the case, Sport England offers its support for this application subject to securing a suitable s106 contribution towards investment in sports facilities/playing pitches in line with local priorities in accordance with policies OS1 and OS2 of the adopted Core Strategy. The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

4.31 **Woodland Trust: Original comments**

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

Veteran Trees Natural England's Standing Advice¹ on veteran trees states that they can "be individual trees or groups of trees within wood pastures, historic parkland, hedgerows, orchards, parks or other areas. They are often found outside ancient woodlands. They are irreplaceable habitats with some or all of the following characteristics... A veteran tree may not be very old, but it has decay features, such as branch death and hollowing. These features contribute to its biodiversity, cultural and heritage value."

The Woodland Trust is concerned about the potential impact to three veteran oak trees on site, which are identified as T7, T9, and T14 in the arboricultural survey and also recorded on the Ancient Tree Inventory (references 196040, 196038 and 196041 respectively).

Policy The National Planning Policy Framework, paragraph 175 states: "When determining planning applications, local planning authorities should apply the following principles: c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁵⁸ and a suitable compensation strategy exists;" Footnote 58, defines exceptional reasons as follows: "For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat." ¹ <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences#avoid-reduceor-compensate-for-the-impacts>

There is no wholly exceptional reason for the development in this location and therefore this development should be refused on the grounds it does not comply with national planning policy. The Council should also have regard for Policy LD1 (Landscape and townscape) and LD3 (Green Infrastructure) of the Hereford Local Plan Core Strategy (2015) in relation to trees. Veteran tree mitigation Ancient and veteran trees are a vital and treasured part of the UK's natural and cultural landscape - they represent a resource of great international significance.

Veteran trees are the ancient trees of the future. It has been estimated that the UK may be home to around 80% of Europe's ancient trees. They harbour a unique array of wildlife and echo the lives of past generations of people in ways that no other part of our natural world is able. It is therefore essential that no trees displaying veteran characteristics are detrimentally impacted by these proposals.

Natural England's Standing Advice for Ancient Woodland and Veteran trees states: Mitigation measures will depend on the development but could include: • putting up screening barriers to protect woodland or ancient and veteran trees from dust and pollution • protecting ancient and veteran trees by designing open space around them • identifying and protecting trees that could become ancient and veteran trees in the future • rerouting footpaths • buffer zones" Buffering Trees are susceptible to change caused by construction/development activity.

As outlined in Trees in relation to design, demolition and construction (BS 5837:2012) - the British Standard for ensuring development works in harmony with trees - construction work often exerts pressures on existing trees, as do changes in their immediate environment following the construction of a building. Root systems, stems and canopies, all need allowance for future movement and growth, and should be taken into account in all proposed works on the scheme through the incorporation of the measures outlined in the British Standard. However, Natural England's Standing Advice states that a buffer zone around an ancient or veteran tree should be at least 15 times larger than the diameter of the tree.

The buffer zone should be 5m from the edge of the tree's canopy if that area is larger than 15 times the tree's diameter. This is supported by the Ancient Tree Forum. Furthermore, no permanent hardstanding should be constructed within these Root Protection Areas in line with Subclause 7.4 of the British Standard (Permanent Hardstanding within the RPA). Conclusion The

Woodland Trust objects to this planning application unless the applicant is able to provide the veteran trees on site with an appropriate buffer in line with Natural England's Standing Advice

4.32 **Forestry commission:**
Updated comments:

I have reviewed the application and confirm the Forestry Commission has no comments. Please see the attached letter for further information on our position regarding ancient woodland and development management

4.33 **Forestry Commission**
Previous comments:

The Forestry Commission is a non-statutory consultee on developments in or within 500m of ancient woodland. Ancient woodland is an irreplaceable habitat. National Planning Policy Framework paragraph 118 states: 'planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss' The Forestry Commission has prepared joint standing advice with Natural England on ancient woodland and veteran trees to which we refer you in the first instance. This:

- is provided in place of individual responses to planning consultations. We no longer respond to weekly planning lists;
- should be taken into account by planning authorities where relevant when determining planning applications;
- provides links to Natural England's Ancient Woodland Inventory, assessment guides and other tools to assist you in assessing potential impacts. In the majority of cases this will provide the advice you need to help you make your decision about a development proposal.

If you need further bespoke advice from us please contact your local Forestry Commission Area office.

4.34 **Hereford Ramblers comments:**

PROW must be informed before work is carried out on laying drains across the public footpath.

4.35 **Education Comments**

The educational facilities provided for this development site are South Hereford Early Years, Marlbrook Primary School, Hereford Academy School and South Hereford Youth.

Marlbrook Primary School has a planned admission number of 90. As at the schools autumn census 2021:-

6 year groups are near, at or over capacity- YR=90, Y2=88, Y3=87, Y4=87, Y5=88, Y6=87

The Hereford Academy Secondary School has a planned admission number of 150. As at the schools autumn census 2021:-

All Year groups have spare capacity- no contribution requested

Approximately 1% of the population are affected by special educational needs and as such the Children's Wellbeing Directorate will allocate a proportion of the monies for Primary, Secondary and Post 16 education to schools within the special educational needs sector. Although there is currently surplus capacity with the catchment primary/secondary school and therefore we are unable to ask for a full contribution as indicated in the SPD towards this element please note that 1% of the contribution will go towards Special Educational Needs provision within the Local Authority maintained Special Schools and therefore we would still be seeking this 1% contribution.

In accordance with the SPD the Children's Wellbeing Directorate would therefore be looking for a contribution to be made that would go towards the inclusion of all additional children generated by this development. The Children's Wellbeing contribution for this development would be as follows:

Contribution by No of Bedrooms	Pre-School	Primary	Secondary	Post 16	Youth	SEN	Total
2+bedroom apartment	£117	£1,084	£0	£87	£432	£89	£1,809
2/3 bedroom house or bungalow	£244	£1,899	£0	£87	£583	£138	£2,951
4+ bedroom house or bungalow	£360	£3,111	£0	£87	£1,148	£247	£4,953

Although no contribution has been requested for the catchment Secondary school for this development, please note that parental preference may dictate that children from this development may attend other schools that would ordinarily require a contribution as a result of this development taking place.

Please note this is the contribution that would be requested at this point in time based on the current information available that is pupil census data and the criteria in the SPD. It is therefore likely that this level of contribution will change (increase or decrease) for all subsequent applications made.

The schemes that these contributions will be requested for will be determined as the development scale is developed in the event that permission is granted

4.36 **NHS: Herefordshire Clinical Commissioning group:**

Full comments:

Part 1: <https://myaccount.herefordshire.gov.uk/documents?id=4f18c628-f348-11ea-97a0-0050569f00ae>

Part 2: <https://myaccount.herefordshire.gov.uk/documents?id=80a5c587-f348-11ea-97a0-0050569f00ae>

Conclusion:

In its capacity as the primary healthcare commissioner, Herefordshire CCG has identified that the developments will give rise to a need for addition primary healthcare provision to mitigate impacts arising from the development.

The capital required through developer contributions would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development.

Assuming the above is considered in conjunction with the current application process, Herefordshire CCG would not wish to raise an objection to the proposed development. Otherwise the Local Planning Authority may wish to raise an objection to the proposed development. Otherwise the Local Planning Authority may wish to review the developments sustainability if such impacts are not satisfactorily mitigated.

The terms set out above are those that the Herefordshire CCG deem appropriate having regard to the formulated needs arising from the development.

Herefordshire CCG look forward to working with the applicant and the Council to satisfactorily address the issues raised in this consultation response and would appreciate acknowledgement of the safe receipt of this letter.

5. Representations

5.1 **Callow and Haywood Parish Council comments:**

The Callow & Haywood Parish Council has considered the application, for 300 homes to be built on farm land north and south of Grafton Lane, as described in planning application 193042.

The Callow & Haywood Parish Council wish to register their strong objection to the proposals for the following, non-exhaustive, reasons.

- 1) The existing infrastructure, in terms of highways and access, would be severely compromised by an increase in housing stock of this magnitude at this location, despite the bland reassuring statement within the Traffic appraisal of the application.
- 2) The Parish Council object, in the strongest of terms, to the taking of this parcel of agricultural farm land for the purpose of house building.
- 3) The issue of Climate Emergency, and the potential failure by Herefordshire to meet environmental standards for emissions, will be severely compromised by this additional house building and, notwithstanding construction traffic, the increase in traffic movements that will be a direct consequence.
- 4) The site will traverse a railway cutting and there are believed to be visibility issues at the location that cannot be mitigated. The proposed site sits outside the physical, psychological and landscape boundary between the city and surrounding countryside and places an urban development within open countryside. As such it is damaging to an area of great beauty and amenity value close to the City of Hereford. A housing development of 300 houses on this site would undoubtedly increase the traffic flow into the city along the already busy Ross Road.
- 5) The Southern Link Road and Hereford Transport Package are currently on hold and subject to reassessment. The building of an estate such as this would need to be symbiotic to the provision of new road links and, until the infrastructure and a further river crossing are available, it is believed that no further house building plans of this size should be given permission. There is a great deal of existing housing undergoing construction at present and it would be advisable to wait until the full impact of these new homes is known.
- 6) There is also a concern that the proposed site is just opposite the Hereford Ambulance Station. This could result in construction and other site vehicles impeding traffic and wasting the precious minutes needed to get ambulances to emergency situations.

5.2 **Hereford City Council: Updated comments:**

Hereford City Council objected to Planning Application 193042. Though Councillors noted that the comments made by the Committee regarding electric charging points and solar panels has been taken on board, and the number of dwelling has been reduced, there were still concerns regarding traffic and access arrangements. Councillors noted the comments made by Highways England and support them. These issues need to be addressed before the application can be supported.

5.3 **Hereford City Council: Original comments:**

Hereford City Council Planning Committee had several concerns about the outline application for this proposed build. Councillors noted that the issues surrounding highways and access is largely unaddressed in this outline, with little reference to whether traffic lights or other options have been considered for road access onto the A49. Councillors are aware of the current congestion issues and would like to see a plan in place showing the research and possible solutions to the problems the A49 faces in lieu of this application. Another aspect of the application which Councillors felt needed further explanation is the lack of environmental consideration, particularly in regards to energy consumption. Provision of electric charging bays for electric cars has not been mentioned in the application, and there is no reference to whether solar panels will be fitted on any new dwellings. Alternative heating schemes have also not been considered, and Councillors feel that these issues cannot go unaddressed in our current climate. A more environmentally friendly and

future-proof build would be preferable. The City Council Planning Committee will await further information in the applications to follow, and hope that Taylor Wimpey will address these issues appropriately.

5.4 **Representations**

(In response to publicity and display of site notices) 3 Rounds of Public Consultation.

73 Letters of Objection have been received over 3 rounds of Public Consultation (including those from residents and other organisations).

The matters raised are summarised as follows:

Transport/Access

- Increase in congestion. Add to congestion at Asda roundabout/steels/Debenhams
- Impede Traffic flows on A49 through Hereford, Traffic at peak times on A49 already at capacity
- New access is in an inappropriate location (cause bottle neck)
- Location of roads will lead to more piecemeal development
- Travel Plan is not acceptable
- Car dependent
- Object to closing off of Grafton Lane
- Highways England: cap on traffic movements to HEZ
- Can't assume the Western Bypass/Southern Link road will be built
- As link road has been halted/cancelled. No further houses should be built until infrastructure sorted
- Support for bus services/public transport, cycling and walking for residents?
- Contribute to a pedestrian/cycling bridge across the railway?
- Increase risk of collisions and increase risk of pedestrian safety
- Speeds on A49 should be based on results from police not the 30mph legal limit
- Distribution to Ambulance station/delays to emergency service.
- Proposed access opposite the Ambulance Station is totally inappropriate
- Closure of Grafton Lane bad idea as be difficult to access A49 further down Ross Road.
- Lane too narrow for heavy traffic. (no heavy traffic over layout outside house) Oak Tree lodge (Grafton Lane)
- Lorries already use A49/Grafton road to access Hereford City
- Access down Grafton Lane for large farm vehicles and trailers. Has this been considered
- Contrary to aims of SS7 in terms of effort to combat climate change

Ecology

- Unacceptable to remove mature hedgerow
- Root protection areas for mature trees
- Biodiversity net gain is not a compensation for loss of mature trees/hedgerows
- Loss of wildlife in the fields

Climate change

- Add impact on land fill, wildlife
- Additional air pollution
- Removal of hedgerows, trees and green corridors
- Failure to address the declared climate emergency

Environment:

- Detrimental effect on visual quality of the area.
- Loss of prime green belt agricultural land. Use alternative sites for residential in existing city boundaries
- Loss of hedgerows

- Loss of oak trees
- Entrance to city would be in a visibly appalling state and environment disaster
- Air pollution – including reference to recent case law in
- Should not building houses near main roads. Impacts on human health and growing of plants / vegetables. No report has been submitted.
- Landscaping along neighbouring property boundary be low level as restrict light into garden/house
- Buildings design should be sympathetically designed to avoid overlooking and block light
- Mature Oak Tree T17 (Veteran Oak Tree): object to removal in an attempt to provide clear views. Tree should not be sacrificed. TPO is being created to protect tree and I welcome this.
- Hereford will lose its character
- Scheme not complaint with Policy LD1:
 - loss of fields
 - Be visible from the south
 - The proposed Housing Estate would require a major change from the adopted development plan policies for this locality
 - This locality serves as a beautiful, countryside gateway to Hereford City

Site Drainage

- Location of SUDS storage crates next to Withy Brook. Why not elsewhere on site. Risk to enter River Wye SAC/SSSI. Any increase in pollution is not acceptable
- 2 neighbouring properties have private sewage plants/septic tank foul drainage arrangements, developer requested to design their drainage in order to accommodate connection,
- Surface Water drainage may impact on drainage system

Social Housing

- Not convinced need will be met

Character

- Need to be large detached properties on Southern perimeter, relocate the main road through the estate. Insufficient open space. Needs to be included to retain 'green feel', provision of village green/picket pitch?
- Character of Grafton Lane is a row of large houses that includes Grade II properties
- Agricultural farmland –set precedent for other parcels of agricultural farmland going to residential in South Herefordshire
- What will the houses be like? How far boundary?
- Housing design. 2.5 storeys will dominate the skyline and southern approach to Hereford

Amenity

- Note topography but concerns that overshadow and overlooking of garden (Brandon Lodge).
- Location of recreational route site line into garden (Brandon Lodge). Security risk too
- Lack of privacy/overlooking Oakview Grafton Lane
- Loss of privacy: Highlands, Grafton Lane
- Noise and mess when under construction. Dust, disruption, noise. Heavy goods vehicles. Disruption for 5 years
- Change the area and Grafton Lane

Infrastructure

- Enough amenities to cope with extra people?
- Shops
- Doctors/Health care

- Dentists
- Primary school

Principle

- Location is inappropriate
- Site not located in the local plan for residential
- Should be built north of the City with better access
- Impact on the delivery of strategic housing allocation sites
- Hereford can take no more housing
- Sites location should be considered against RA3 – and would not meet any of the exception criteria. RA3 protects from urban sprawl and aligns with spatial strategy
- Does not comply with HD6 as an extension and is not designated

Procedural

- Will we be consulted in the decision?
- Not delegated decision.

Other matters

- Devalue house/depreciation of houses/ Property devalued
- Paid premium to live in countryside with open fields and nice views.
- Moved to Grafton to live in the Countryside/Green belt not a housing estate
- Loss of view

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=193042&search-term=193042

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

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

6. Officer's Appraisal

Policy context and Principle of Development

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

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

6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration.

6.3 A range of Core Strategy policies, referred to in section 2 above are considered to be relevant. The strategic Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the NPPF. SS1 confirms that proposals that accord with the policies of the CS (and, where relevant other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.

Core Strategy and spatial strategy (Hereford Area Plan)

6.4 The Herefordshire Local Plan – Core Strategy does not identify settlement boundary and only identifies locations for the larger expansion areas. This site does not lie within one of these areas.

It is officers view that it is therefore necessary to assess this application in the context of its relationship with Hereford City to establish whether its development could support the required growth.

- 6.5 Policy SS2 of the Core Strategy Local Plan identifies the housing requirement over the Plan period 2011-2031 of 16,500 homes, with 6,500 to be delivered within Hereford. It must be noted that both these figures of 6,500 and 16,500 are minimum targets. For the purposes of Policy SS2 this site lies immediately adjacent to built up part of Hereford City and is located within the Redhill Ward, and therefore within the Hereford Area Plan (HAP) Boundary. Consequently, it can contribute to the minimum requirement of 6,500 homes for Hereford as set out in Policy SS2 and of course the wider minimum requirement of 16,500 homes over the Plan period.
- 6.6 Policies SS2 and HD1 set out that that Hereford will accommodate 6500 new homes in the plan period (2011-2031). A significant proportion of around 2500 of this target is to be delivered through development of three strategic urban extensions at the broad locations identified at Holmer West, Three Elms and Lower Bullingham. These are detailed in policies HD4, HD5, and HD6 respectively. A further 800 are to be accommodated in the city centre area, with the majority in a new urban village, which is detailed in policy HD2. The policy explains that the residual allocation of around 3200 is to be delivered through windfall developments, and smaller non-strategic allocations, to come forward through the HAP.
- 6.7 Whilst work on the HAP has been paused, work was undertaken to identify sites that could form these allocations and this site was identified as a suitable location to deliver a non-strategic urban extension in the development of the HAP that can contribute in part towards the residual growth target for Hereford. Further information on this process is explained in the Strategic Planning Managers comments at paragraph 4.10 above. This confirms that this site was one that was promoted (site options) and that studies consequently concluded that it could have capacity for development. Notwithstanding the assessment identified above, this site or the exercise does not carry any weight in regards to site allocations or planning policies at this stage. It is not known if the HAP will progress in its current form or at all in the future. Therefore no weight can therefore be attached to the HAP at present.
- 6.8 It is therefore appropriate to consider the sustainability of the sites location and its relationship with the city. The site lies immediately adjacent to the existing edge of the built form of the city, close to Redhill and built environs of Hereford City as a whole; albeit it is noted that the railway line does act as barrier. In locational terms and in terms of sustainability, the middle of the site lies approx. 1.0km from both a primary school (Marlbrook primary school) and secondary school (Hereford Academy). There are frequent bus services to the City Centre, with bus stops on the A49 adjacent to the site. Officers are content that the sites location, spatially, is one that is acceptable.
- 6.9 However, the site location forms only on part of the assessment as to whether the proposed development represents 'sustainable development' which is central to planning's remit and objectives. The NPPF also seeks positive improvements in the quality of the built, natural and historic environment and in regards people's quality of life.
- 6.10 Paragraphs 7 and 8 set out and define sustainable development and of the three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways, the social objective requires planning to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.
- 6.11 Paragraph 105 states: The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are

or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

6.12 Paragraph 130 outlines that planning decisions should ensure that developments:

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Decision making and key issues

6.13 Paragraph 11 of the Framework sets out the presumption in favour of sustainable development. For decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies of the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

6.14 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.

6.15 The report therefore considers the following key issues and their associated policies:

- Character and Appearance
- Access
- Design and Amenity
- Housing Mix
- Planning Obligations
- Other matters

Impact upon the character and appearance of the settlement and landscaping

6.16 Policy LD1 (Landscape and Townscape) of the core strategy seeks development proposals to demonstrate that features such as scale and site selection have been positively influenced by the

character of the landscape and townscape, and that regard has also been had to the protection and enhancement of the setting of settlements.

- 6.17 Development proposals should also conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including locally designated parks and gardens; and should incorporate new landscape schemes and their management to ensure development integrates appropriately, through the retention of important trees, appropriate replacement of trees lost through development, and new planting to support green infrastructure.
- 6.18 Green infrastructure is also covered by Policy LD3, which requires development proposals to protect, manage and plan for the preservation of existing and delivery of new green infrastructure; and to protect valued landscapes, trees and hedgerows. Proposals will be supported where the provision of green infrastructure enhances the network and integrates with, and connects to the surrounding green infrastructure network.
- 6.19 Policies SS2 and SD1 seek to ensure that proposals make efficient use of land taking into account the local context and site characteristics. Whilst layout is a matter for future consideration, the illustrative plan submitted with the application seeks to demonstrate that a medium density scheme (39 dwellings per hectare) is acceptable. As discussed previously the application site area has decreased in size from 13.25 hectares (ha) to 10.09ha which has to a reduction from 7.70ha to 5.30ha and overall number of dwellings proposed 230 dwellings.
- 6.20 The site comprises of an existing greenfield site. Core Strategy policy SS6 states that development proposals should be shaped through an integrated approach to planning certain listed environmental components from the outset. This needs to be based upon sufficient information to determine the effect upon each of these. Of these the following are considered relevant: landscape, townscape and local distinctiveness biodiversity and geodiversity especially Special Areas of Conservation and Sites of Special Scientific Interest the network of green infrastructure; local amenity, including light pollution, air quality and tranquillity, agricultural and food productivity.
- 6.21 '*Landscaping*' is a matter reserved for future consideration but it is necessary to consider the impact of the development on the landscape character. It is noted the site is not covered by any designations relating to character or quality.
- 6.22 The application has been supported by a Landscape and Visual Impact Assessment (LVIA). When reviewing the site in landscape terms it is evident that it lies in open countryside on the south-western edge of Hereford. Currently there is an existing framework of field boundary and cross-field hedgerows together with hedgerow trees and two infield trees (English Oak) within the northernmost field. The area adjacent to the dwelling Highlands is the highest point of the site, with the land falling towards the south.
- 6.23 As identified within the original landscape officer's comments the council's Landscape Character Assessment (2009) identifies that landscape character to the south of Hereford is varied. This site, is described as 'Principal Settled Farmlands as is the neighbouring land in the Grafton/Bullinghope area.
- 6.24 The key primary characteristics of this landscape type are hedgerows used for field boundaries and the key secondary characteristic is the mixed farming land use. Dispersed settlement pattern. As highlighted above the application site does not have a landscape designation and the landscape officer has acknowledged that the A49, the bus depot and railway line has an urbanising effect on it on this site and immediate area. Although, the fields forming the site itself and the hedgerow/tree framework, are in good condition. The existing railway line is currently the dividing line between city and countryside. Evidently development to the south of the railway line would cause a fundamental change in character from open, agricultural land to housing. There would also be a change from a relatively dispersed settlement pattern along Grafton Lane to much

it is acknowledged that in longer views in, development would be viewed in the context of the city edge. The new built edge of Hereford would now be visible along a ridge formed by Grafton Lane, however this is not as visually intrusive as building on the lower slopes. The field adjacent to the A49, although south of Grafton Lane, is visually screened by the existing hotel and bus depot, as well as already being seen in views adjacent to built form on the opposite side of the A49. When reviewing the green infrastructure the proposal does retain the existing hedgerow and tree framework and include landscape buffers. It also retains Grafton Lane, where it passes through the site, as a cycle/pedestrian route.

- 6.28 In specific reference to trees the application has been supported by Arboricultural Impact Assessment. The Council tree officer has reviewed the proposal and confirms the reduced scheme with protection and buffer zones to important trees on the site is welcomed. A tree preservation order which was created as a consequence of the application and to ensure retention of the trees post development. These trees T7, T9 and T10 as shown on the plan below has extended buffer zones, and will provide additional support to the trees post development. The veteran trees are now to be given far more space in this layout. Should development of this scale and in this location be acceptable, then the indicative form and layout is appropriate to creating an urban extension is compliant with Policy LD3.

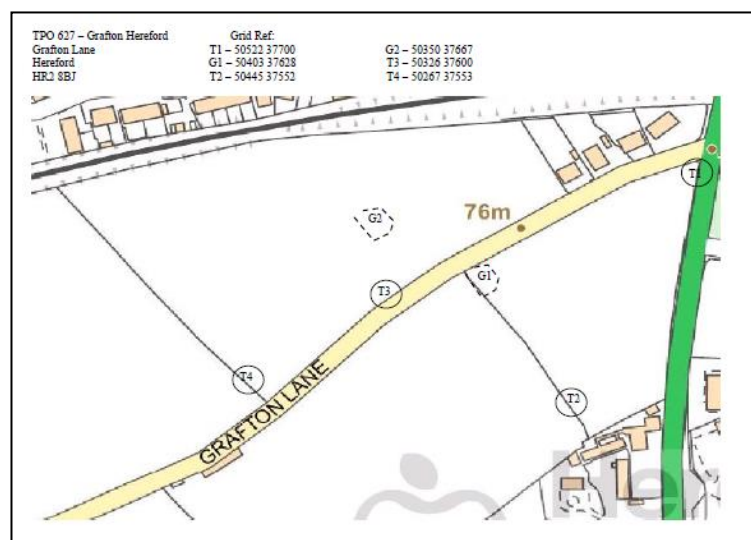


Figure 6: TPO Trees

- 6.29 As highlighted by the Landscape Officer Hereford sits within a depression, and extending built development out of this, beyond the railway line, is a significant change. Although this area does not have a landscape designation, the fields comprising the development site have value for their contribution to the rural setting of the city. The loss of these fields to built development does mean there is a conflict with Policy LD1. The landscape officer also advised that the indicative form and layout is appropriate to creating an urban extension. Officers do identify that there will be a significant change to the landscape character, which would occur with any such change of use, however the visual amenity would only have a minor change and the green infrastructure is suitable, and as such the landscape officer has not raised a landscape objection.
- 6.30 In conclusion, officers are satisfied that the development lies in a position that relates well to the existing built form, is contiguous and can be achieved without causing unacceptable landscape impacts.
- 6.31 The detail of the landscaping shall form part of the reserved matters submissions. Landscaping in this Reserved Matters context is defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as *'the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting*

of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;

- 6.32 Given the sensitivities of the site, it will be necessary to give very careful consideration to any reserved matter application to ensure that the landscape character is taken into account at design stage and make careful reference to the reports that support this application. Officers are satisfied that, on the basis of the information provided, a scheme, at the medium density proposed, can be delivered that is in compliance with Policy SS6, LD1, LD2 and LD3 of the Core Strategy.

Highways (Access)

- 6.33 As defined in article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 'Access' *means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.*
- 6.34 Core Strategy policy MT1 of the Herefordshire Local Plan, requires development proposals to demonstrate that the strategic and local highway networks can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce or mitigate any adverse impact from the development. Developments should also ensure that proposals are designed and laid to achieve safe entrance and exit, have appropriate Operational and manoeuvring space. NPPF Policies require development proposals to give genuine choice as regards movement. Core Strategy policy SS4 requires developments to minimise the impacts on the transport network.
- 6.35 NPPF 105 requires Local Planning Authorities to facilitate the use of sustainable modes of transport and paragraph 110 refers to the need to ensure developments generating significant amount of movements should take into account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken on the transport network or on highway safety can be mitigated. Development should only be prevented or refused on transport grounds where the 'residual cumulative impacts of development are severe.' (NPPF para 111).
- 6.36 The application for up to 230 dwellings and the matter of Access is not reserved for future consideration. As such, full details of the proposed access are to be assessed as part of this application. Internal access arrangement is not under consideration within this application and this would be fully assessed at reserved matters stage as part of 'layout'. However, the submitted Framework Plan demonstrate how the dwellings homes could be delivered with an example of an internal route which shows a circular spine street with secondary streets, lanes and recreational pedestrian/cycleway routes.
- 6.37 The application submission included a Transport Assessment along with Travel Plan and Transport and Design report.
- 6.38 The proposal necessitates the creation of a new 4-armed signal controlled junction on the A49 which will incorporate the existing priority junction with Romany Way, approx. 65m south of the existing Grafton Lane junction. Also Grafton Lane will be stopped up for vehicular traffic to the west of Newlands, approx. 280m from the A49/Grafton Lane junction.
- 6.39 It is noted that both pedestrians and cyclists will be able to gain access through the existing Grafton Lane and a turning head is to be provided where Grafton Lane is proposed to be stopped up. This will be to serve the existing 4 properties on the eastern end of Grafton Lane. This is detailed on the drawing below.

6.44 As detailed previously the site is located adjacent to the settlement boundary of Hereford and has good access bus stops which are located adjacent to the application site along on the A49. An area which has been highlighted and investigated is the lack of permeability over the existing rail infrastructure that lies to the northern boundary of the site. The existing railway line does act as both a visual divide between the city and countryside and reduces good connectivity to provide easy access to the key destination of the local school(s). This necessitates that any future residents would have to move eastwards across the site to the A49 before heading south. This will add extra distances in regards to walking/cycling distances to key destinations. As part of the S106 contributions improvement works have been included for linkages to the school and serviced and this can be seen on the sustainable transport plan below



Figure 8: Sustainable Transport Plan

6.45 In addition, the sites connectivity/permeability has been highlighted and pedestrian/cycle link to the National Cycle Network (Route 46) to the South west are also shown on the framework layout and Sustainable Transport Plan above. This offers an alternative and seeks to demonstrate that the proposal meets the aims of policies SS4 which states that development proposals that will generate high numbers should be in sustainable locations accessible by means other than private car.

6.46 One repercussion of this is the concern of Network Rail that in encouraging additional use of this route, there may be an increased risk to health and safety at the Ashley user worked level crossing that has a recorded history of misuse and trespass and that lies near to is cycleway but on land outside of the control or ownership of the applicants. Following discussions with Network Rail, a condition has been suggested that allows for a scheme to mitigate the risk.

Traffic Regulation Order

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

- 6.47 Part of the proposal includes a Traffic Regulation Order to close a section of Grafton Lane and for the use as a footway/cycleway route and this would require a 'prohibition of driving TRO' to be installed. With regards to this aspect of the scheme, Herefordshire Council's Highways and Transport Team would progress and draft the required TRO in tandem with any agreements required with the Local Highway Authority on the delivery of any scheme granted permission. Whilst we cannot be definitive on the outcome of the process, we would seek to acknowledge the betterment to Grafton Lane and the improvement of connectivity to the National Cycle route as a result of the scheme, as well as the overall improvement to the geometry of the first section of the through route part of Grafton Lane.
- 6.48 On a separate matter is noted that a travel plan has been prepared and this will ensure future residents are aware of opportunities to promote sustainable transport modes and to reduce the use of private vehicles. However, the plan will need to be amended as requires additional details to be included within the document. Therefore this element has been conditioned to be submitted prior to first occupation on site. This also means it can be tailored to any more recent initiatives at the time of occupation.
- 6.49 It is acknowledged the local residents and the local Parish Councils have raised significant concerns in regards to the highway network, safety, lack of footpaths, volume of traffic, and signal and junction capacity lack of public transport, construction traffic. Both National Highways and the Transportation Manager have raised no objection and are content that the submitted arrangement represents a suitable basis on which to issue outline planning permission subject to appropriately conditions. They are content that the local highway network can absorb the additional traffic generated without compromising the safe operation of the network. The junction works will also be subject to detailed assessment via a S278 application, which will also require a Traffic regulation Order. A number of conditions have been suggested below that will manage construction traffic. It is therefore considered that the proposal would provide a safe and suitable vehicular access for up to 230 dwellings in accordance with CS policy MT1 and the requirements of para 110 of the NPPF.

Design and Amenity

- 6.50 Core Strategy policy SD1 (Sustainable Design and Energy Efficiency) seeks to secure high quality design and well planned development, that contributes positively to the character of the area and that development successfully integrates into the existing built, natural and historic environment. This policy also seeks the inclusion of physical sustainability measures, including orientation of buildings, provision of water conservation measures, storage for bicycles and waste, including provision for recycling and enabling renewable energy and energy conservation infrastructure.
- 6.51 The application submission is in outline form only, which reserves all details apart from access for further consideration. Many of the issues raised will need to be carefully considered at the Reserved Matters Stage, in particular the relationship with the existing 4 dwellings which abut Grafton Lane. However, given the size of the site and the number of properties proposed, officers are satisfied that a scheme could be development that ensures that its residential amenity is secured. The policy also requires consideration in relation to matters of the amenity of residents / occupants of the new dwellings and this will again be a matter for consideration at a later stage.
- 6.52 Policy SS6 of the Core Strategy outlines that development proposals should support the local distinctiveness of an area. As such it is felt that the design of any housing should respond to the character of traditional buildings within the locality and the wider area. This element would be considered within any reserved matters application. Officers would conclude that the proposal accords with the requirements of Policy SD1 and SS6 of the Core Strategy.
- 6.53 Four detached bungalows directly abut the site's north eastern corner and Highland House, a large modern two storey dwelling, abuts the site to the west. The outlook from these properties

will change. Concerns have also been expressed in relation to the propensity for overlooking and adverse impacts on amenity arising from the loss of views from existing properties in proximity to the site. Whilst concern in respect of the loss of views is understood and officers are sympathetic, it is well-established in case law that there is no right to a view the loss of these views is not a material planning consideration. This issue is not material to decision-making. Officers would note that there is potential for the introduction of additional boundary planting subject to an appropriate layout and orientation of houses at the Reserved Matters stage, officers are content that any adverse impact can be mitigated but note that the Reserved Matters submissions, in relation to scale, layout, appearance and landscaping will need to carefully consider the impacts of the proposals having regard to the amenity of proposed and existing dwellings to ensure compliance with policy SD1 of the Core Strategy and Paragraph 130 of the NPPF.

- 6.54 A noise and vibration report has been prepared due to concerns in regards to noise along the A49 and vibration from the railway line and this has been reviewed by The Environmental Health Manager (noise and nuisance) who does still raise concerns. It is noted that the submitted noise report does conclude that some form of mitigation will be required in order to ensure that noise levels fall within acceptable bounds within private garden spaces. A planning condition has been added to secure requiring the formulation and submission for agreement in writing of a noise attenuation scheme that will need to inform the Reserved Matters submissions to ensure that layout can be designed with appropriate mitigation measures. On this basis, officers are recommending a planning condition which will ensure that any subsequent reserved application will be required to be accompanied by a further noise assessment to ensure adequate amenity is delivered for future occupiers. As such the proposal adheres with the aims of policy SD1 and the relevant aims and objectives of the NPPF
- 6.55 Objections have also raised the issue of air quality, citing the proximity to the A49 and additional traffic. Policy SD1 along with guidance in the NPPF seeks to ensure development proposals create safe, sustainable, well integrated environments for all members of the community. This includes ensuring new development does not suffer from or contribute to adverse impacts from air contamination. Paragraph 186 of the Framework also requires planning policies and decisions to take account of Air Quality Management Areas and the cumulative impacts from individual sites in local areas, together with opportunities to improve air quality or mitigate impacts. It is acknowledged that the site is not within the air quality management area. Air Quality improvements will be secured as part of any subsequent the Reserved Matters Approvals and with full consultation with The Council's Air Quality Environmental Health Officer. Core Strategy policy SD1 states that where contamination is present appropriate remediation is required to ensure that a safe development would be achieved. Environmental Health Officers have reviewed the application and submitted technical reports which have identified some areas affected by contaminants which will require minor remediation. Officers are satisfied that this can be achieved by the use of appropriately worded conditions.

Affordable Housing/Housing Mix

- 6.56 Policy H1 of the Core Strategy sets the threshold for the delivery of affordable housing at sites of more than 10 dwellings. The proposal is for 230; and therefore there is a requirement for its provision. The site will secure, via a section 106 agreement, the provision of 35% affordable housing to an agreed tenure. The Housing officer has made requests to this effect. The siting and design of the affordable dwellings will be secured as part of any subsequent the Reserved Matters Approvals.
- 6.57 Core Strategy policy H3 states that 'Residential developments should provide a range and mix of housing units which can contribute to the creation of balanced and inclusive communities.' To ensure that this is delivered as part of any Reserved Matters submissions a condition is recommended to agree either in advance, or as part of Reserved Matter (Layout) the housing mix, having regard to the latest housing market assessment. Officers are content that this condition, along with the Section 106 agreement in respect of affordable housing, will ensure

compliance with both policies H1 and H3 of the Core Strategy and provide the balanced and inclusive community that these strive for.

Planning Obligations

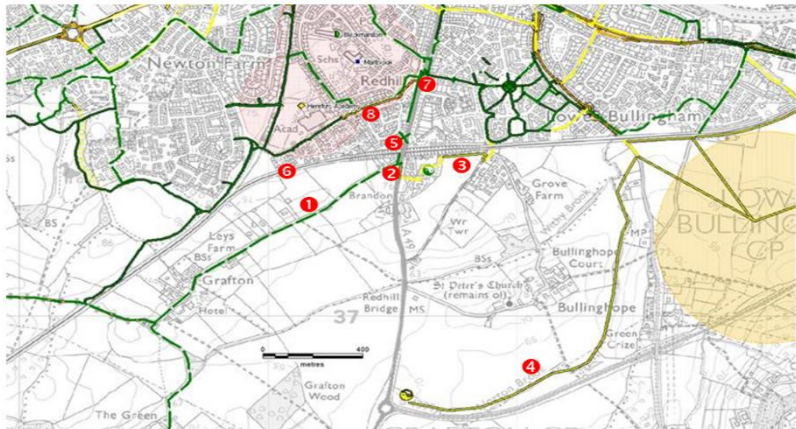
6.58 CS Policy ID1- Infrastructure Delivery, states that provision for new and/or the enhancement of existing infrastructure, services and facilities to support development and sustainable communities, will be achieved through a co-ordinated approach. Where compliant with Regulation 122(2) of the Community Infrastructure Levy Regulations 2010, as set out in paragraph 56 of the NPPF, contributions can be sought to mitigate the impacts of development on infrastructure through a planning obligation (section 106 agreement). To meet the tests obligations satisfy all of the following:

- a) *necessary to make the development acceptable in planning terms;*
- b) *directly related to the development; and*
- c) *fairly and reasonably related in scale and kind to the development.*

6.59 To mitigate impacts on infrastructure contributions are considered to meet these tests in respect of highways, education, open space and by the Clinical Commissioning Group (GP services) and the Wye Valley Trust (primary health care). Contributions to the Wye Valley Trust are necessary to bridge an initial funding gap resulting from the unplanned for increased population resulting from the development. Some of the local representations advance the needs for contributions to the school place.

6.60 The Planning Obligations Manager has confirmed the required contributions and the infrastructure projects that would benefit. The application is accompanied by a draft Heads of Terms and the proposed contributions can be seen below, that makes provision for contributions towards education, sustainable transport, on-site play equipment, a surgery contribution and the provision of and eligibility for occupation of the affordable housing. I am content that these contributions are fair, reasonable and necessary to make the development acceptable and thus compliant with the CIL Regulations.

Infrastructure	Quantum of contribution
Affordable Housing	35% of the residential units will be affordable dwellings intended for occupation for the following affordable housing tenures.
Healthcare contribution	A financial contribution of £291.11 (index linked) per dwelling to provide the Health Care Facilities required at Hereford Hospital.
Primary Care contribution	A financial contribution of £378.69 (index linked) per dwelling to provide infrastructure at Belmont Surgery, Hereford Medical Group, Much Birch Surgery and Wargrave House Surgery.
Education contribution	<p>A financial contribution of;</p> <p>£1,809.00 (index linked) for a 2 bedroom open market apartment</p> <p>£2,951.00 (index linked) for a 2/3 bedroom open market dwelling</p> <p>£4,953.00 (index linked) for a 4+ bedroom open market dwelling</p> <p>The contribution will provide enhanced educational infrastructure at South Hereford Early Years, Marlbrook Primary School, South Hereford Youth and Special</p>

	Education Needs schools. The sum shall be paid prior to commencement of development, and may be pooled with other contributions if appropriate.
Recycling and waste contribution	A financial contribution of £80.00 (index linked) per dwelling to provide 1 x black bin and 1 x green bin
Sports contribution	A financial contribution of £1,297.00 (index linked) per open market dwelling to provide infrastructure towards hockey, cycling, football, cricket, rugby and tennis in accordance with the council Sports Investment Plan.
Transport contribution	<p>A financial contribution of;</p> <p>£1,465.00 (index linked) for a 1 bedroom open market dwelling</p> <p>£1,720.00 (index linked) for a 2 bedroom open market dwelling</p> <p>£2,580.00 (index linked) for a 3 bedroom open market dwelling</p> <p>£3,440.00 (index linked) for a 4+ bedroom open market dwelling</p> <p>To provide any or all of the following transport infrastructure improvements;</p> <p>1 – Link to National Cycle Network 46 as set out in the comment above</p> <p>2 – Link to Park and Choose Site at Grafton Depot</p> <p>3 - Link from the Park and Choose to Bullingham Lane, which would assist in connectivity to the employment land in Rotherwas.</p> <p>5 and 6 - Walking and Cycling Links improved/new facilities provided to improve the links north/south over the railway line.</p> <p>7 – Pedestrians and cyclists improvements to the A49 crossing at Redhill / Mayberry Road / Bullingham Lane</p> <p>8 - From 7 toward the Hereford Academy an off-road alternative to Marlbrook Road on the grass area.</p> 
Libraries	The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of;

	<ul style="list-style-type: none"> • £120.00 (index linked) 1 bedroom open market dwelling • £146.00 (index linked) for a 2 bedroom open market dwelling • £198.00 (index linked) for a 3 bedroom open market dwelling • £241.00 (index linked) for a 4+ bedroom open market dwelling <p>The contribution will provide for improved library infrastructure at Hereford City library.</p>
On site Public Open Space and Play	<p>The developer covenants with Herefordshire Council to provide on-site green infrastructure comprising;</p> <ul style="list-style-type: none"> • 0.21ha of Public Open Space • 0.042ha of Children's Play of which 1300sqm is required as formal children's play

Open Space provision

- 6.61 Policy OS1 and OS2 of the Core Strategy require the provision of open space. Open space requirements from all new developments are to be considered on a site by site basis and in accordance with all applicable set standards. In this instance, due to the scale of the development there is a requirement to provide onsite play / open space provision. It is noted that as there has been a reduction in the proposed quantum of units during the application process this then leads a reduced amount of POS on site in line. On the illustrative masterplan, the proposal is for the majority including a LEAP, a LAP and kick-about to be located in the northern development parcel along with the majority of housing. The reduced residential land to the south of the site is to be served by a LAP. Grafton Lane which runs through the site is now to become a green corridor suitable for pedestrians, cyclists and horses only.
- 6.62 For a development of this size and for 230 houses would be required to provide as a minimum of 0.63a (6300sq m) of on-site green infrastructure comprising:
- 0.21 ha (2100sq m) of Public Open Space(POS) @ 0.4ha per 1000 population
 - 0.42ha (4200m) of Children's play @ 0.8ha per 1000 population: of this 0.13ha (1300sq m) should be formal play and kick-about @ 0.25ha per 1000 population.
- 6.63 As highlighted in the open space officer comments the applicant is proposing a total of 2.21ha (22,100sq m) of POS including the SuDS pond and recreational routes and corridors in and around the site. This is in excess of the overall minimum requirements. The applicant has also demonstrated that the formal play element required by policy can now be met on site and includes: 0.13ha (1300sq m) Children's Play Areas to include 1 x LEAP (500sq m), 2 x LAPS (200sq m) and Kick-about space (600m2).
- 6.64 The 3 play areas are to be provided within each parcel of development (2 in the north and 1 in the south) reflecting the amount of housing to the north and south of Grafton Lane. The general locations are supported. Officers are satisfied that the site is capable of being developed in accordance with the requirements of policy OS1 and OS2 of the Core Strategy. A suitably worded condition has been suggested and will also be secured within the S106 agreement along with future management and maintenance (Management Company).

Biodiversity and Ecology

- 6.65 Core Strategy policies SS6 and LD2 state that development proposals should conserve, restore and enhance those environmental assets that contribute towards the county's distinctiveness,

including biodiversity. With regards protected species, LD2 states that development that is liable to harm nationally protected species will only be permitted if the conservation status of their habitat or important physical features can be protected by conditions or other material considerations are sufficient to outweigh nature conservation considerations. Similarly the NPPF states that decisions should contribute to and enhance the natural and local environment by, amongst other things minimising impacts and achieving net biodiversity gain. It further states that when determining planning applications, local planning authorities should apply certain, specified principles, which include that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

- 6.66 The application submission has been supported by an extended Phase I Habitat Survey and a number of protected species surveys which are discussed in the Ecological Appraisal and enhancements presented in the Biodiversity Enhancement Plan inserted below. It is noted that the application site is not subject to any statutory or non-statutory ecological designations.

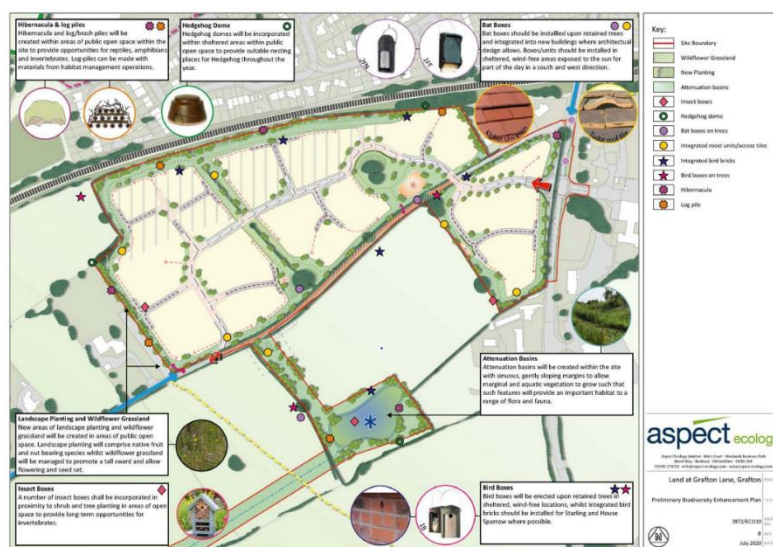


Figure 9: Preliminary biodiversity enhancement plan

- 6.67 It is noted that the application site is not subject to any statutory or non-statutory ecological designations. As confirmed by the Councils Ecologist the submitted updated ecological report clearly identifies that there are no reasons why the Local Planning Authority should consider that full details, specifications, locations and future management of any required mitigation, compensation and Biodiversity Net Gain cannot be secured within the development site and secured by appropriate and relevant conditions on any outline consent granted together with appropriate landscaping included in any reserved matters scheme.
- 6.68 The proposals have sought to minimise impacts and subject to the implementation of appropriate avoidance, mitigation and compensation measures, it is considered unlikely that the proposals will result in significant harm to biodiversity. Indeed, it should provide net gains for biodiversity as such the proposal is considered to adhere to Core Strategy Policies SS6 and LD2 and the NPPF.
- 6.69 The site lies within the River Wye SAC catchment and a Habitat Regulation Assessment has been completed. Natural England have confirmed as the proposal complies with core strategy Policy LD2, SD3 and SD4 they are able to conclude there will be no adverse effects. This is explained in more detail below.

Habitats Regulations Assessment (HRA)

- 6.70 The application site is within the catchment of the River Wye which is part of the River Wye Special Area of Conservation (SAC) which is a European designated site, and therefore has the

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

potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended), the 'Habitats Regulations'. The SAC is notified at a national level as the River Wye Site of Scientific Interest (SSSI). As a site located within the catchment of the River Wye SAC, there the requirement for an assessment under the Habitat Regulations is triggered. That assessment must satisfy beyond all reasonable scientific doubt that there would not be an adverse effect on the integrity of the River Wye. The HRA screening and appropriate assessment was completed by the Local Planning Authority and submitted by a formal consultation with Natural England. Natural England have confirmed in their formal response that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Heritage assets

- 6.71 When considering the impact of a development proposal upon the setting of a heritage assets, there are several stages. Firstly identifying those assets which may be affected and their significance. Then those aspects of their setting which contribute to the significance are identified and lastly the impact of the development upon this significance is considered. It should be noted that a view to or from a heritage asset does not necessarily mean that a site is within that assets setting, this depends upon whether that view contributes to the significance of the asset. Also a site can be within the setting of a heritage asset without their being a direct view under certain circumstances. The fundamental principle is whether or not a development affects the significance of a heritage asset, including those aspects of its setting which contribute to its significance.
- 6.72 The proposed development site does not lie within a Conservation Area and there are no listed building within or abutting the site albeit there are a number of listed buildings along Grafton Lane and to the east in Bullingham. They are illustrated on the map extract from the submitted report below by green triangles:

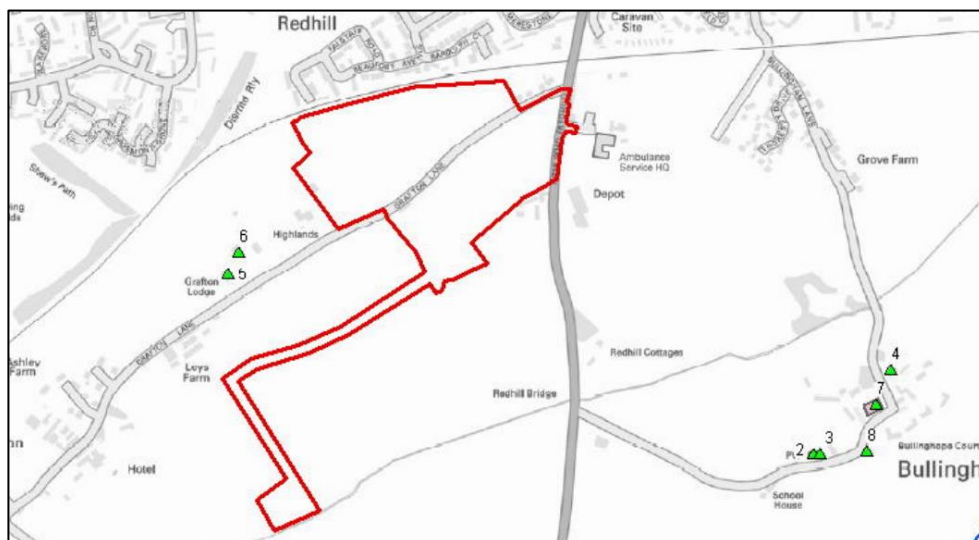


Figure 10: Extract from Historic Environment Desk-Based Assessment

- 6.73 Under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority is required, when considering development which affects a listed building or its setting:
- “to have special regard for the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

- 6.74 It follows that the duties in section 66 do not allow a local planning authority to treat the desirability of preserving the setting of listed buildings merely as material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building, it must give that harm “considerable importance and weight”. Importantly, this does not mean that an authority’s assessment of likely harm of proposed development to the setting of a listed building or to a conservation area is other than a matter for its own planning judgement. Nor does it mean that an authority should give equal weight to harm that it considers would be limited or “less than substantial” and to harm that it considers would be “substantial”.
- 6.75 The NPPF offers further guidance about heritage assets, recognising that they are irreplaceable resources that should be conserved; ‘...in a manner appropriate to their significance.’
- 6.76 Paragraphs 194 to 198 offer particular clarity about the assessment to be made of the significance of heritage assets. Paragraph 190 outlines three criteria to be taken account of in the determination of planning applications. These are as follows:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.77 While Policy LD4 of the Core Strategy does require heritage assets to be protected, conserved and enhanced, and requires the scope of the work to ensure this to be proportionate to their significance, it does not include a mechanism for assessing how harm should be factored into the planning balance. As a result, and in order to properly consider the effects of development on heritage assets, recourse should be had to the NPPF in the first instance.
- 6.78 A Historic Environment Desk-Based Assessment has been submitted to support the application, in line with Paragraph 194 of the NPPF.
- 6.79 Policy LD4 ‘Historic environment and heritage assets’, requires, inter alia, that development affecting heritage assets and the wider historic environment should preserve or where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design. In this case the site has no direct affect on any designated or non-designated heritage assets. The proposed development site does not lie within a Conservation Area nor are there any listed buildings and non-designated heritage assets in close proximity. The application submssioj included a historic enevieonemnt desk based assesmssment. It is noted that the Historic Buildings officer has not raised an objection on heritage grounds.
- 6.80 They have however identified that the application site location on the boundary of the city is a gateway as well as quite a prominent and exposed site, and express than future building should be of high quality and had a strong ‘village’ identity in its own right. The design and appearance of the proposed dwellings and their immediate context will be addressed at the reserved matters stage. Nearby heritage assets would also be unaffected and as such officers are able to confirm that the proposals would comply with the requirements of policy LD4 of the Herefordshire Local Plan – Core Strategy and with the guidance set out in the National Planning Policy
- 6.81 In regards to issues relating to archaeology as art of the submission a historic environment desk based assessment was supplied. Within the site, the assessment did identify the potential for the presence of buried archaeological remains. During the application process additional work and evaluation has been sought by the Archaeological advisor and they have been involved in monitoring the site. In regards to archaeology, the application has been supported by specialist reports to assist in the assessment of the proposal upon both archaeological and heritage assets.

These reports have been reviewed and following the amended reduced scheme the archaeology officer have confirmed no objection to the proposal and no further requirements. Also confirmation that the level of finds does not justify a planning condition.

- 6.82 Having considered the merits of this scheme, it is officer's opinion that the proposed development is unlikely to cause harm to any heritage assets or their setting. As such officers are able to confirm that the proposals would comply with the requirements of policy LD4 of the Herefordshire Local Plan – Core Strategy, and with the guidance set out in the National Planning Policy Framework (Chapter 16).

Flood risk and drainage

- 6.83 Local Plan Policies SD3 and SD4 of the Core Strategy seek to ensure that matters of flood risk and drainage are considered. The site is located within Flood Zone 1 (as defined by the Environment Agency), this is deemed to be: an area of low probability for fluvial flood. As part of the application a flood risk assessment has been submitted and reviewed by officers. There are no water courses within the application site or adjacent to the site boundary. The nearest watercourse is the Withy Brook which is located 250m south of the site boundary. The Withy Brook flows in an easterly direction before eventually discharging into the River Wye via Norton Brook. The River Wye is located about 1.5km to the north of the site.
- 6.84 In regards to surface water the proposals seeks to manage surface water as detailed withn the submitted Flood risk assessment and states that all surface water runoff from the proposed development will be discharged to the Withy Brook to the south of the site via a new outfall. The strategy comprises a piped network that discharges runoff to an online attenuation structure located to the south of the site. A SuDS attenuation basin will be provided here to store surface water run-off during periods of heavy and persistent rainfall, as well as conditioning the water and a 'Dry pond' to offer attractive blue/green infrastructure feature without public access. An underground pipe will be constructed to allow for the necessary outfall to the Withy Brook to the south west. In addition to the proposed attenuation structure, the FRA addendum states that permeable paving will be used in all shared parking areas of the site.
- 6.85 It is also noted that even though a drainage strategy has been submitted and will be designed to attenuate flow up to the 1 in 100 year event + 20% climate change allowance that the granular base of the attenuation structure will be sized for the 1 in 10 year event and larger events will be stored in the dry basin located above. MicroDrainage Source Control calculations have been provided to demonstrate appropriate capacity.
- 6.86 The Councils Drainage Consultants have confirmed they have not object in principle although the detailed design and additional information to support this design will need to be provided to support the reserved matters application and this has been request via detailed conditions. At this outline planning stage, the proposal demonstrates that the development can be suitably drained in principle ensuring the protection of adjoining land from flooding by surface water.
- 6.87 Welsh Water have commented and have identified within their formal commentary they have raised no objection however seeks prescriptive planning conditions to secure details to be submitted in regards to a potable water scheme to serve the site to ensure that there is an immediate water supply with capacity to service the site.
- 6.88 With respect to foul drainage and welsh water have confirmed that adequate capacity exists in the public sewer network to accommodate the proposed number of dwellings on the site. The Statutory Undertaker, Welsh Water, have not raised any objection to the development in terms of capacity for foul drainge subject to conditions.
- 6.89 At this outline planning stage, the proposal demonstrates that the development can be suitably drained in principle ensuring the protection of adjoining land from flooding by surface water. The

recommended condition requires this detail to be submitted with the Reserved matters application to ensure that the layout addresses the drainage strategy.

- 6.90 To conclude both Welsh Water and the Land Drainage Consultant have requested further confirmation but in principle have raised no objection. Having regard to the details submitted and that this is an outline application for up to 230 dwellings, officers are satisfied that there is likely to be a technical solution and drainage details could be required by condition to be submitted to ensure the RMs applications to ensure it is considered holistically. Welsh Water does not object subject to conditions and the Land Drainage comments draw the same conclusion. On this basis I am content that subject to the imposition of planning conditions, the scheme would not conflict with the objectives of CS Policies SD3 and SD4.

Climate change

- 6.91 CS policy SS7 requires focus on measures to address the impact that new development in Herefordshire has on climate change, outlining how development proposals should include measures which will mitigate their impact on climate change, with policy SD1 also seeking to support these measures. Herefordshire Council has unanimously passed a motion declaring a Climate Emergency, signalling a commitment to ensuring that the council considers tackling Climate Change in its decision-making, with this resolution came a countywide aspiration to be zero carbon by 2030; and a Climate Change Checklist to aid the consideration of development proposals.
- 6.92 Proposals for residential development are considered by the Council to need to help redress the climate emergency, and so notwithstanding the sustainable location of the development thus reducing the need to travel for services, the proposal is considered to need to include measures to support low-carbon ways of living & sustainable modes (as defined by the framework). The NPPF sets out at paragraph 110 that LPA's in assessing sites for specific applications for development should ensure that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up. Further to this paragraph 112 sets out that developments should be designed to enable the charging of plug-in and other ultra-low emission vehicles, with such vehicles contributing to the objectives of reducing reliance on fossil fuels and so climate change.
- 6.93 In line with the provision of car charging points, the government has reaffirmed by way of a Written Ministerial Statement on 18 November 2020 (Statement UIN HCWS586), the commitment to electric vehicles by seeking to "accelerate the transition to electric vehicles, and transforming our national infrastructure to better support electric vehicles" as it has announced the ban on the sale of new fossil fuel reliant vehicles by 2030, thus the need for the provision of electric vehicle charging points is amplified; it follows that to make the decision acceptable given the above material planning considerations, a condition for electric vehicle charging points is recommended to require such provisions are available for future residents.
- 6.94 The agent has submitted a completed 'Climate Change' checklist and an Energy Statement has been produced by Energist UK on behalf of Taylor Wimpey Strategic Land ('the Applicant'). This document sets out the measures planned by the Applicant to achieve energy reductions at the proposed development site and demonstrating compliance with:
- i) National Planning Policy Framework.
 - ii) Approved Document Part L of the Building Regulations 2013.
 - iii) Policy SS7 - Addressing Climate Change
- 6.95 A condition has been added to ensure electric vehicle charging points will be considered at the reserved matters stage and the Energy Statement sets out how design measures will be incorporated as part of the Development, aligning with the principles of the energy hierarchy.

Other matters and Non material planning considerations

- 6.96 Issues such as loss of a view, or negative effect on the value and resale of properties are not material planning considerations. The fear of anti-social behaviour and crime is acknowledged. At the reserved matters stage the creating of safe and attractive places to live and will be addressed to ensure the design and layout of the residential development incorporates crime reduction measures
- 6.97 In relation to impacts affecting the amenity of both existing and future occupants, given the orientation of the site and relationship with neighbouring properties, it is considered likely that a scheme that is both in keeping and avoids overlooking and overshadowing could be achieved. It is however found to be appropriate to condition working hours, as well as other impacts, as part of the construction management plan during the construction phase of any development on the site.

Cancelling of the relief road and impact on the deliverability of strategic housing sites

- 6.98 It is noted that concerns have been raised in regards to the impact of this proposal on the delivery of the allocated Lower Bullingham Southern Urban Expansion (policy HD6) scheme. This application has been submitted (194402) and is pending under consideration. Within the Core Strategy the delivery of housing within Hereford is constrained in part by the need for a relief road connecting the A49 north and south of the City. The Core Strategy initially identified that only 540 dwellings within the Southern Urban Extension (Lower Bullingham), could be delivered on site without the required infrastructure (relief road/bypass). The Western Relief Road and Southern Link Road have been cancelled and the Council are looking at alternative route options and other sustainable transport measures for the City.
- 6.99 Officers are aware that the strategic/allocated site at Lower Bullingham has not been determined. However, National Highways have assessed this application taking into account the updated position on the road network. This application has been looked at on its own merits and will full consultation with National Highway's in regards to capacity of the strategic road network following the cancelling of the Hereford Bypass and Southern link road. Officers are of the opinion that there is insufficient evidence available at this time that this scheme would adversely impact delivery of the Strategic Urban Extension that would offer a robust and clear reason for refusal

Traffic Regulations Order

- 6.100 The adjoining ward councillor requested as part of this development/application the inclusion of a 30mph speed limit for Grafton Lane (the whole of Grafton Lane) that would be delivered as part of the Section 106 agreement. As described above part of this pending application there will be a stopping up and re-routing of a short section of Grafton Lane. The stopping up is next to the existing 4 residential properties at the eastern end of Grafton Lane.
- 6.101 Officers have reviewed the request and can confirm that a vital test of proposed planning obligations is that they must be necessary to make a proposal acceptable in land-use planning terms. They should not be sought where the connection does not exist or is too remote. Acceptable development should never be refused because an applicant is unwilling or unable to offer benefits. Likewise, unacceptable development should never be permitted because unnecessary or unrelated benefits are being offered. Officers are of the opinion does not meet the 'tests' which specifies that planning obligations can only constitute a reason for granting permission if the obligation e.g. the requirement of the TRO is:
- Necessary to make the development acceptable in planning terms
 - Directly related to the development

- Fairly and reasonably related in scale and kind to the development

6.102 It is the view of your officer's the request of the S106 monies for the TRO goes beyond what is considered to be acceptable for this application. The securing of a TRO for Grafton lane for a 30pmph limit would need to be secured outside of the planning regime/planning application.

Conclusion

- 6.103 The application is for outline permission with all matters reserved except for Access 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.
- 6.104 The application is to be considered in the context of the presumption in favour of sustainable development as required by the NPPF. This means approving development that accords with the development plan without delay. The development plan policies most important in determining the application is consistent with the NPPF and the county has a five year housing supply. The relevant development plan policies are therefore not out-of-date and the tilted balance at NPPF paragraph 11d does not engage.
- 6.105 This site does lies immediately adjacent to the built up part of Hereford City, albeit to the south of the railway line that forms a distinct boundary. The site lies within Hereford City parish boundary. However, the Hereford Area Plan Area has been paused and is not progressing at this stage.
- 6.106 The accessibility of the site and connectivity with the city and its services' is a major consideration due to its close relationship with the current built up area. The site forms a natural extension to the City of Hereford and can be argued it is not physically or functionally isolated. It is, in principle, an appropriate location for residential intensification. The application site has been reduced which has reduced the landscape harm and now the size of the site is suitable for the quantum of dwelling proposed and will maintain the character of the area as well as protected the gateway into the city of Hereford.
- 6.107 All other matters such as appearance, layout and landscaping will be determined at the reserve matters stage and officers have identified in this report some key issues that will be key to informing an acceptable scheme is brought forward. These include, the layout and design of the dwellings will be crucial at that stage to ensure there is no adverse impact upon any neighbouring properties and as referenced above due the sites location on the edge of the city, high quality design that address climate change as well as recognising key constraints such as existing landscape and biodiversity features and integrating them into the development successfully whilst addressing technical matters such as highway layouts and drainage.
- 6.108 After extensive dialogue with the both the Local Highway Authority and National Highways it has been concluded that the strategic and local highway networks can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network, that the proposals as before us now are designed and laid to achieve safe entrance and exit and have appropriate operational and manoeuvring space.
- 6.109 NPPF Policies require development proposals to give genuine choice as regards movement. Core Strategy policy SS4 requires developments to minimise the impacts on the transport network. The proposals have addressed these requirements with delivery being secured through mechanism such as S278, Section 106 and Traffic Regulation Orders that include the 'stopping up' of Grafton Lane to the west of the existing properties with access will be restricted to pedestrian, cycle and horse access only which will ensure a safe and convenient sustainable route along the old route of Grafton Lane, through the centre of the site.

- 6.110 Officers would conclude that, with the appropriate conditions and legal agreements the proposals meet the requirements of policies SS4 and MT1 of the Herefordshire Local Plan Core Strategy and guidance contained within the National Planning Policy Framework.
- 6.111 As detailed above, the sites location in Hereford City is considered to be one that is sustainable location for new housing growth within the spatial strategy of the Development Plan. The site, albeit sensitive in nature and context lies immediately adjacent to the built form of Hereford City and has realistic opportunities access its services and facilities without reliance on the private motor vehicle. The site location is one that accords with policy HD1 and aims of policies SS4.
- 6.112 The proposed development will result in a significant change to the landscape character, and therefore create conflict with policy LD1 of the Core Strategy, however this change is to be expected with such change to of use. The impact on visual amenity is only considered to be minor, and there are opportunities for tree and other green infrastructure retention and enhancement alongside biodiversity enhancement in accordance with policies LD2 and LD3. The landscape officer and council ecologist do not raise an objection. There are no heritage harms (built or buried) identified and policy LD4 is satisfied.
- 6.113 There are a number of matters that can be readily satisfied with suitable worded conditions and a Section 106 agreement, such as housing mix, affordable housing delivery, open space and play delivery, water and drainage and other mitigation to satisfy environmental health and Network Rail. These conditions will need to be read alongside and inform the Reserved Matters – that will look more closely at Layout, Appearance, Scale and Landscaping and be considered against the policies and guidance in place.
- 6.114 It is important to stress that this application would deliver housing in Hereford City where there is currently under delivery of dwellings. The Core Strategy recognises the key role played by the city and states that Hereford will accommodate a minimum of 6,500 new homes within the plan period and a minimum of 15ha of new employment land. This site offers a significant contribution to that total.
- 6.115 There would be both economic and social benefits of providing dwellings within on the edge of the City of Hereford. These include the initial boost to the economy during the construction phase, payment of the New Homes Bonus, disposable income spend from future occupiers and additional dwelling to increase housing choice including affordable houses. Due to the number of dwellings, these benefits would be substantial. Subject to a well-planned reserved matters scheme, it is reasonable to conclude that there would be no adverse environmental impact; or if any do arise, that they would be of insufficient magnitude to outweigh the benefits of providing dwellings within a sustainable location.
- 6.116 Overall therefore, the scheme is considered to accord with the policies of the development plan and is hence found to be representative of sustainable development.

RECOMMENDATION

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

- 1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 2. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last reserved matters to be approved, whichever is the later.**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 3. Approval of the details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.**

Reason: To enable the local planning authority to exercise proper control over these aspects of the development and to secure compliance with Policy SD1 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

- 4. The development shall be carried out strictly in accordance with the approved plans:**
- Location Plan: CSA 2477/115 Rev C**

Pre-commencement conditions

- 5 No development shall commence until a plan has been submitted to and approved in writing by the Local Planning Authority identifying the phasing for the development and shall identify the following:**

- Residential phases**
- Timing of delivery of on-site highway works (including but not limited to on-site roads, cycleway)**
- Timing of delivery of offsite highways improvements (TRO / S278 / Stopping Up)**
- Timing of delivery of public open space**
- Delivery of drainage infrastructure**

The development, including the completion and delivery of infrastructure shall be constructed in accordance with the agreed phasing plan, unless an alternative plan is submitted to and agreed in writing by the Local Planning Authority, in which event construction shall be in accordance with the agreed alternative phasing plan

Reason: To clarify the delivery of the proposed development (in relation to conditions and RM submissions) and ensure the acceptable phasing of the construction so as to ensure no detriment to the safe operation of the highway network and the timely provision of necessary infrastructure. This is to ensure compliance with Herefordshire Local Plan – Core Strategy Policies SD1, SS4, SS7, MT1, OS2

- 6 No development shall commence until details of a surface water drainage strategy which attenuates the outfall from the site into Withy Brook to no more than 4.6 litres per second has been submitted to the Local Planning Authority and approved in consultation with National Highways.**

The Surface Water drainage strategy shall include, but not necessarily limited to:

- a) a surface water drainage scheme which provides attenuation of a 1: 100 year flood event and includes allowance for climate change: (details measures to be**

- implemented to control and monitor water quality as it discharges from the development into the Withy Brook.
- b) provides a management and maintenance plan for the lifetime of the development which shall include the arrangements for its adoption/ownership which may include adoption by any public authority or statutory undertaker and any other arrangements to secure the maintenance and operation of the scheme through its lifetime, and
- c) phasing of delivery to be included in the approved drainage scheme

The works to be carried out in accordance with the approved details.

Reason to promote sustainable development, secure proper drainage and manage risk of flooding as required by National Highways

- 7 Prior to the commencement of the development a Traffic Regulation Order to control the use of existing alignment of Grafton Lane, taking into account that a small number of properties will continue to have vehicular access, whilst pedestrians, cyclists and equestrians will continue to have through access, shall be obtained and approved in writing by the Local Planning Authority and the completion of the works shall be in accordance with details as submitted within the 'phasing condition' above (condition 5).

Reason: To ensure the A49 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 and in the interests of road safety.

- 8 No phase of development shall commence on site until a Construction Site Waste Management Plan has been submitted to and approved in writing by the local planning authority. The objective of the plan is to ensure waste management provisions compliment the construction activities on site and that all waste emanating from the development are dealt with in an appropriate manner and follows the waste hierarchy. The Plan shall include, but not be limited to:
 - i) a description of the likely quantity and nature of waste streams that will be generated during construction of the development;
 - ii) measures to monitor and manage waste generated during construction including general procedures for waste classification, handling, reuse, and disposal, use of secondary waste material in construction wherever feasible and reasonable, procedures or dealing with green waste including timber and mulch from clearing activities and measures for reducing demand on water resources;
 - iii) measures to monitor and manage spoil, fill and materials stockpiles, including details of how spoil, fill or material will be handled, stockpiled, reused and disposed of, and locational criteria to guide the placement of stockpiles; and
 - iv) details of the methods and procedures to manage construction related environmental risks and minimise amenity impacts associated with waste handling.

Reason: To ensure, manage and co-ordinate the protection and enhancement of the Environment in accordance with the requirements of Policies SD1, SD3, SD4, LDI, LD4 of the Herefordshire Local Plan - Core Strategy.

- 9 Prior to the commencement of Highway works associated with the development, a scheme for any Statutory undertaker's works and/or diversions required to be undertaken shall be submitted to and approved in writing by the Local Planning Authority in consultation with National Highways.

Reason: Reason: To ensure the A49 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 and in the interests of road safety.

- 10 No development hereby approved shall take place until a scheme to mitigate the anticipated risk to the Ashley user worked level crossing is submitted to and agreed with the Local Planning Authority in order to mitigate the anticipated additional risk of trespass and misuse of the level crossing. The scheme will include details of the measures required to prevent trespass and misuse of the level crossing and timescales for its delivery.**

Reason: To mitigate the anticipated additional health and safety risk of misuse and trespass on this user worked level crossing.

- 11 Development (in each phase) shall not begin until details and location of the following have been submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved:**

- A method for ensuring mud is not deposited onto the Public Highway**
- Construction traffic access location**
- Parking for site operatives (including Bike parking)**
- Construction Traffic Management Plan**
- Travel plan for operatives.**
- Siting of site compound / site offices (including stack heights) and storage areas**

The development shall be carried out in accordance with the approved details for the duration of the construction of the development

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

- 12 No development shall commence for that phase, including site clearance or demolition begin or equipment and materials are moved on to site, until details of including where tree protection shall be erected and works within root protection areas is required, equipment or materials moved on to site, a fully detailed Construction Environmental Management Plan (CEMP) and named ‘responsible person’, including detailed ecological risk avoidance measures based on current site conditions and all protected species known to be locally present (ecological surveys and site assessments under two years old from date of CEMP and also include:**

- Hours of working**
- Tree protection (and arb report)**
- Dust**
- Storage of materials**

shall be supplied to the local planning authority for written approval. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have finally been removed. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have finally been removed;

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations

- 13 No development shall take place on each respective phase of the development 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: The treatment of any potential contamination is a necessary initial requirement before any demolition and/or groundworks are undertaken so as to ensure that the site is satisfactorily assessed and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

- 14 No development on each respective phase of the development shall take place until a potable water scheme to serve the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary a scheme to upgrade the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any building. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.

Reason: To ensure the site is served by a suitable potable water supply. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority

Pre-occupancy or other stage conditions

- 15 The Remediation Scheme, as approved pursuant to condition no. (13) above, shall be fully implemented for each respective phase of the development before the development on that respective phase is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted and agreed in writing before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: Reason: The treatment of any potential contamination is a necessary initial requirement before any demolition and/or groundworks are undertaken so as to ensure

that the site is satisfactorily assessed and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

- 16 No above ground development shall take place on each respective phase until detailed drawings of the drainage system and associated structures that maximise the use of SuDS and that include the location of all manholes and pipes, as well as details of inlets, outfalls and SuDS features (including cross sections with invert levels, maximum water levels, top of bank levels, freeboard);

Details shall include, but not limited to

- a) Confirmation of groundwater levels to demonstrate that the invert level of any unlined attenuation features can be located a minimum of 1m above groundwater levels or demonstration that groundwater ingress can be appropriately be managed.
- b) Detailed drawings of the proposed surface water drainage strategy that demonstrate the inclusion of SuDS, where appropriate, and location and size of key drainage features
- c) Detailed drawings of proposed features such as attenuation features and outfall structures.
- d) Calculations to demonstrate that the proposed surface water drainage system has been designed to prevent the surcharging of any below ground drainage network elements in all events up to an including the 1 in 2 annual probability storm event. FEH 2013 rainfall data is expected.
- e) Calculations to demonstrate that the proposed surface water management system will prevent any flooding of the site in all events up to an including the 1 in 30 annual probability storm event. FEH 2013 rainfall data is expected • Calculations that demonstrates that the proposed drainage system will have sufficient capacity to cater for up to the 1 in 100 year event and allowing for the potential effects of climate change. FEH 2013 rainfall data is expected.
- f) Assessment of potential failure of above-ground attenuation features, including assessment of residual risks to downstream receptors, and proposed mitigation and management measures;
- g) Description and drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system.
- h) Demonstration that appropriate access is available to maintain drainage features
- i) Operational and maintenance manual for all proposed surface water drainage features that are to be adopted and maintained by a third party management company
- j) A detailed foul water drainage strategy showing how foul water from the development will be disposed of and illustrating the location of key drainage features and connection to the receiving network.
- k) Confirmation of agreement in principle of proposed adoption and maintenance arrangements for the surface water and foul water drainage systems
- l) The surface water shall discharge through a sustainable drainage system subject to final detailed approval of technical design.

Reason: To ensure suitable drainage can be achieved on site and in order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), NPPF (2021) and Herefordshire Council Core Strategy (2015) policies SS6, LD2, SD3

- 17 Prior to the first occupation of each dwelling within any phase of residential development hereby permitted a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 of the Herefordshire Local

Plan Core Strategy shall be submitted to and approved in writing by the local planning authority and implemented as approved.

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

- 18 The reserved matters submission submitted pursuant to Condition 1 shall be accompanied by an Acoustic Design Statement which demonstrates in full that Stage 2 Elements 1-4 of the above guidance have been met. Within the Acoustic Design Statement supply evidence that internal noise levels outlined within Element 2 of the ProPG Internal Noise Level Guidelines can be met. (Satisfactory noise levels to be achieved in as many noise sensitive rooms in as many houses as possible with the windows partially open). Within the Acoustic Design Statement supply evidence of an external amenity noise assessment in accordance with Element 3 of the ProPG Guidance. (Satisfactory external amenity levels to be achieved are 50dB on a green field site at as many dwellings as possible. Within the Acoustic Design Statement assess all other relevant issues in accordance with Element 4 of the ProPG Guidance. ProPG: Planning and Noise* Professional Practice Guidance on Planning & Noise New Residential Development Published by the Association of Noise Consultants, the Institute of Acoustics and the Chartered Institute of Environmental Health. The approve scheme shall be implemented before the first occupation or use of the dwellings and thereafter maintained.**

Reason: In the interests of the residential amenity of future residents in accordance with policy SD1 of The Herefordshire Core Strategy and NPPF 2021

- 19 Prior to completion of the approved development, a landscape scheme shall be submitted to and approved in writing by the Local Planning Authority.**

The scheme shall include a scaled plan identifying:

Trees and hedgerow to be retained, setting out measures for their protection during construction, in accordance with BS5837: 2012.

Trees and hedgerow to be removed.

All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.

All proposed hardstanding and boundary treatment.

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

- 20 All planting, seeding or turf laying in the approved landscaping scheme for each respective phase shall be carried out in the first planting season following the occupation of the building or the completion of the development on that respective phase, whichever is the sooner.**
Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans.

Reason: To ensure implementation of the landscape scheme approved by local planning authority in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

- 21 No dwellings to be occupied on the development unless and until such time that Phase 1 of the surface water drainage scheme approved by condition 6 of this planning permission which shall include the attenuated outfall to Withy Brook, has been implemented in accordance with the approved surface water drainage strategy,

Reason to promote sustainable development, secure proper drainage and manage risk of flooding

- 22 Prior to the first occupation of any dwelling within any phase of residential development hereby permitted a scheme to enable the charging of plug in and other ultra-low 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, MT1 and SD1 of the Herefordshire Local Plan Core Strategy, to assist in redressing the Climate Emergency declared by Herefordshire Council and to accord with the provisions at paragraphs 108 and 110 of the National Planning Policy Framework

- 23 Development shall not begin in relation to any of the specified highways works until details (of the works) have been submitted to and approved by the Local Planning Authority in writing following the completion of the technical approval process by the local highway authority. The development on each respective phase shall not be occupied until the scheme has been constructed in accordance with the approved details for that respective phase.

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

- 24 Prior to the first occupation, a Travel Plan which contains measures to promote alternative sustainable means of transport for residents and visitors with respect to the development hereby permitted shall be submitted to and be approved in writing by the Local Planning Authority. The Travel Plan shall be implemented, in accordance with the approved details, on the first occupation of the development . A detailed written record shall be kept of the measures undertaken to promote sustainable transport initiatives and a review of the Travel Plan shall be undertaken annually. All relevant documentation shall be made available for inspection by the local planning authority upon reasonable request.

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

- 25 Proposals for the number, size and type of the tenure for both open market, affordable and the wheelchair accessible unit shall be submitted to the Local Planning Authority for approval either prior to or as part of any reserved matter application(s) relating to Layout. This scheme shall comprise a schedule outlining the number of 1, 2, 3 and 4 + bed dwellings open market and affordable with regard to the affordable housing the tenure mix shall be provided and the overall mix being in general accord with the Council's Local Housing Market Assessment (or any successor document adopted by the LPA).

Reason: To define the terms of the permission and to comply with Policy H3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

- 26** In addition to any landscaping or green infrastructure that may otherwise be required; prior to any new development above damp proof course levels, a detailed ‘holistic’ biodiversity net gain scheme for the whole development site shall be supplied to the Local Planning Authority for written approval.
The supplied scheme shall include:
- A detailed and specific annotated location plan for proposed biodiversity net gain enhancement features including as a minimum provision for hedgehog homes, bird nesting, and pollinating insect ‘nesting’ opportunities, ecological refugia and other natural features and habitats.
 - A detailed legally binding scheme of how the natural features and biodiversity net gain will be managed and maintained for the lifespan of the development.
 - An external lighting and illumination plan clearly demonstrating that all proposed lighting and illumination features will comply with latest and current guidance identified by the Institute of Lighting Professionals-Bat Conservation Trust.

The approved scheme shall be implemented and fully completed prior to occupation of the 50th dwelling and hereafter maintained unless otherwise agreed in writing by the 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), Wildlife and Countryside Act 1981 (as amended), Policy SS6 and LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2021) and NERC Act 2006

Post occupancy monitoring and management / Compliance Conditions

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

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

- 28** Any trees, plants, or hedgerows which within a period of five years from the date of first planting die, are removed, become seriously damaged or diseased, or become (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the current planting season or the first two months of the next planting season, whichever is the sooner, unless the Local Planning Authority gives written consent to any variation.

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

- 29** Prior to completion of the approved development, a vegetation clearance scheme shall be submitted and approved in writing by the Local Planning Authority . The scheme shall include a scaled plan identifying hedgerow, vegetation and maintenance work on the existing footway along A49 to the north of the railway bridge to allow the footpath to regain its full width.

Reason: To provide a safe walking route, sustainable travel and ensure pedestrian safety on the footway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy Plan and the National Planning Policy Framework

- 30 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: The treatment of any potential contamination is a necessary initial requirement before any demolition and/or groundworks are undertaken so as to ensure that the site is satisfactorily assessed and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

- 31 All foul water shall discharge through a connection to the local Mains Sewer network managed through the Welsh Water – Eign (Hereford) waste water treatment works; and no surface water shall be discharged in to any mains sewer or ‘combined mains sewer; unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Habitat Regulations (2017), National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies SS6, LD2 and SD4. Habitat Regulations

- 32 The ecological protection, mitigation, compensation and working methods, as recommended in the ecology report by Aspect Ecology dated July 2020 shall be implemented in full as stated unless otherwise approved in writing by the Local Planning Authority.**

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Habitats & Species Regulations 2018 (as amended), Policy LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2021) and NERC Act 2006

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 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 in the National Planning Policy Framework.**
- 2. It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.**
- 3. This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel: 01432 261800), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise**

details of all works within the public highway must be agreed on site with the Highway Authority. A minimum of 4 weeks notification will be required (or 3 months if a road closure is involved).

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

4. This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800), shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works. Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.
5. No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ to progress the agreement
6. Any work involving the removal or disturbance of ground or structures supporting or abutting the publicly maintained highway should be carried out in accordance with details to be submitted to and approved in writing by the Highway Authority or their agent. Please contact Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800).
7. In connection with Condition 24 the applicant is advised that advice on its formulation and content can be obtained from the Sustainable Travel Officer, Herefordshire Council Transportation Unit, PO Box 236, Plough Lane, Hereford HR4 0WZ
8. In connection with Condition 24 the applicant is advised that the annual Travel Plan Review must include a survey of staff/resident travel patterns and attitudes to travel. (For businesses employing less than 50 people and for residential developments of less than 50 units, a travel survey will only be required every two years). For residential developments, the review should also include traffic counts and an assessment of trips by mode. Applicants are encouraged to conduct their own monitoring and review process. However, they may choose to engage outside consultants to manage the process on their behalf. Council officers can also provide monitoring services for Travel Plan reviews and for this a request should be made to the Sustainable Transport Officer, Herefordshire Council Transportation Unit, PO Box 236, Plough Lane, Hereford, HR4 0WZ
9. The applicant's attention is drawn to the requirement for design to conform to Herefordshire Council's 'Highways Design Guide for New Developments' and 'Highways Specification for New Developments'

- 10 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, Otters, Dormice, Crayfish and reptile species 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 advice from a local professional ecology consultant is obtained
- 11 Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail’s support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.
- 12 All surface water drainage should be directed away from Network Rail’s land to the public mains system. Soakaways are not acceptable where the following apply: a) Where excavations which could undermine Network Rail’s structural support zone or adversely affect the bearing capacity of the ground b) Where there is any risk of accidents or other acts leading to potential pollution of Network Rail’s property/infrastructure c) Where the works could adversely affect the water table in the vicinity of Network Rail’s structures or earthworks.
- 13 The works involve disturbing the ground on or adjacent to Network Rail’s land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail’s ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.
- 14 Where Network Rail has defined access points, these must be maintained to Network Rail’s satisfaction. The Developer should contact the Network Rail’s Asset Protection Wales Team well in advance of mobilising on site or commencing any works. The initial point of contact is assetprotectionwales@networkrail.co.uk. The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.
- 15 If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail’s boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail’s existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail’s boundary must also not be disturbed.
- 16 The developer/applicant must ensure that their proposal, both during construction and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land or structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. Any future maintenance must be conducted solely within the applicant’s land ownership. Should the applicant require access to Network Rail land then they must seek approval from Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of

trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

- 17 The developers should be made aware that Network Rail needs to be consulted on any alterations to ground levels. No excavations should be carried out near railway embankments, retaining walls or bridges. Network Rail Infrastructure Limited Registered Office: Network Rail, One Eversholt Street, London, NW1 2DN Registered in England and Wales No. 2904587 www.networkrail.co.uk
- 18 It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.
- 19 Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.
- 20 All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.
- 21 The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of Technical Advice Notes which hold relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.
- 22 It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.
- 23 Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.
- 24 Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers' vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Following occupation of the development, if within three months Network Rail or a Train Operating Company has identified that lighting from the development is interfering with driver's vision, signal sighting, alteration/mitigation will be required to remove the conflict at the applicant's expense.

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

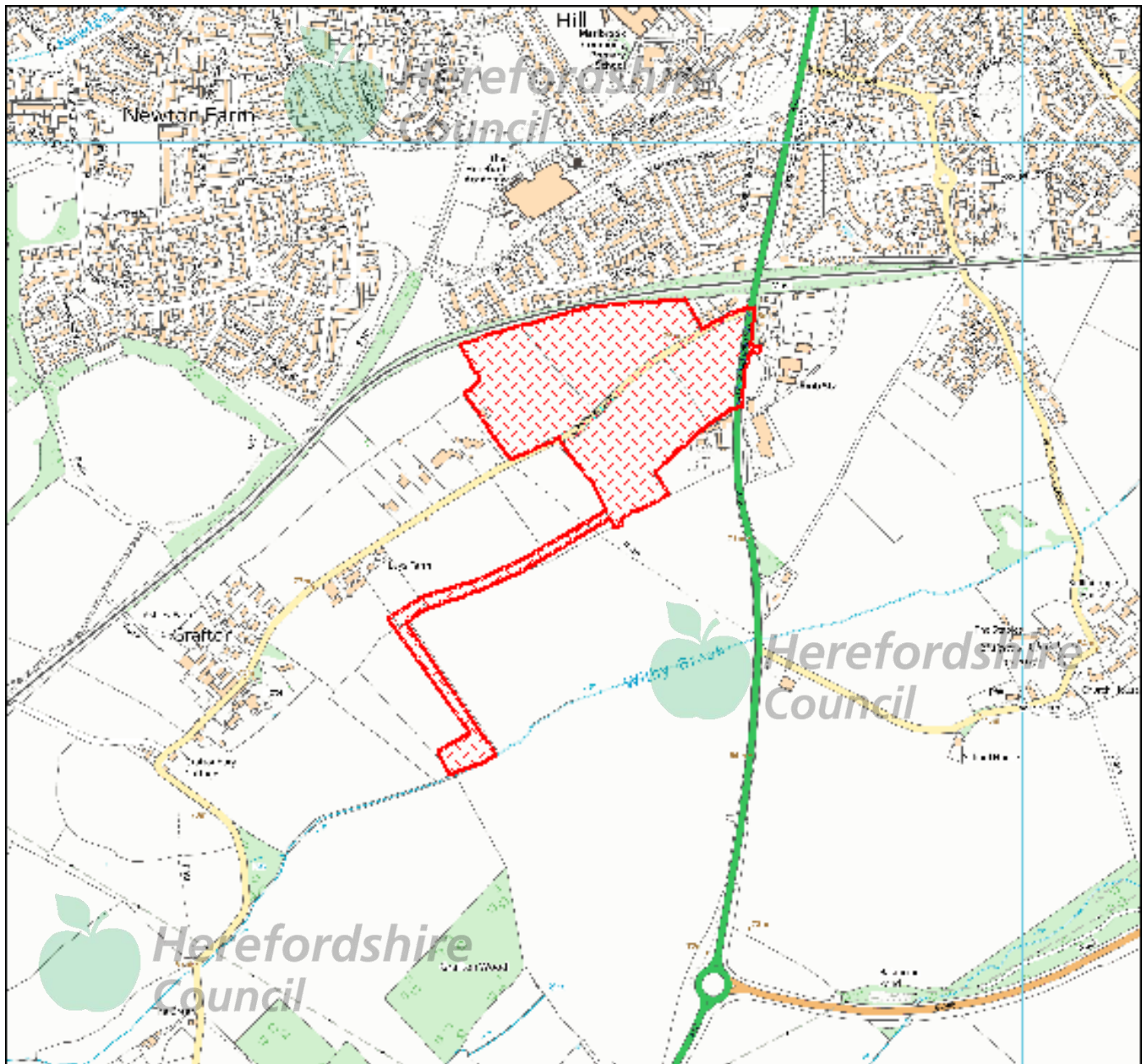
Decision:

Notes:

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Background Papers – none identified

Internal departmental consultation replies.



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APPLICATION NO: 193042

SITE ADDRESS : LAND NORTH AND SOUTH OF GRAFTON LANE, HEREFORD, HR2 8BJ

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