

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>26 OCTOBER 2022</b>
<b>TITLE OF REPORT:</b>	<p><b>201441 - PROPOSED ERECTION OF UP TO 89 DWELLINGS (35% AFFORDABLE HOUSING). CONSTRUCTION OF NEW VEHICULAR ACCESS AND ASSOCIATED WORKS AT DEV 1 LAND ADJOINING HAWTHORN RISE ERECTION OF 89 NEW DWELLINGS, HAWTHORN RISE, PETERCHURCH, HR2 0RQ</b></p> <p><b>For: Mr Smith per Mr Paul Smith, 1 Whitby House, Commercial Street, Hereford, Herefordshire, HR1 2EH</b></p> <p><b>Francesca Evans, Barratt &amp; David Wilson Homes. South Wales Oak House, Village Way, Tongwynlais, Cardiff, South Wales, CF15 7NE</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=201441">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=201441</a>
<b>Reason Application submitted to Committee – Redirection</b>	

**Date Received: 11 May 2020**

**Ward: Golden Valley  
North**

**Grid Ref: 334803,238508**

**Expiry Date: 1<sup>st</sup> November 2022**

Local Members: Cllr Jennie Hewitt

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

- 1.1 The application relates to a site within the village of Peterchurch which is located within the Dore Valley. Peterchurch is situated about 12 miles to the west of Hereford and about 9 miles east of Hay on Wye. The application site comprises of a field (Grade 3 agricultural land) extending to 3.97 hectares located towards the eastern end of Peterchurch. Peterchurch is a linear village with the B4348 running through the village and the site is T shaped.
- 1.2 To the south is a modern residential cul-de-sac (Hawthorn Rise) which consists of bungalows, the boundary of which is defined by a fence marking the rear gardens of a line of bungalows. To the east is Crossways, a larger residential estate, the boundary of which is defined by low level vegetation some trees and a grass track. To the north and beyond a mature hedgerow is agricultural land which rises steadily in a north easterly direction to Blakemere Hill, Stockley Hill and Barratt's Hill. Beyond this is the Peterchurch Primary School and associated playing fields.
- 1.3 Peterchurch albeit in rural location has a wide array of properties nearby including modern properties, listed buildings, a public house, church, primary school, secondary school, doctors, restaurant, fire station, police station, village shop and village hall.

A public footpath PR8 is located about some 60 metres away to the north east which links with footpath PR9 that runs through Bazley Lane 230 metres to the north-west.

- 1.4 There are no landscape or heritage designations on or immediately adjoining the site. Wellbrook Manor, a part 14<sup>th</sup> century farmhouse which is Grade I listed building, lies approximately 115m north east of the site. The site's topography is relatively flat albeit it does rise within the north eastern area of the site. There are overhead electricity power lines which run diagonally across the site running in a west-east direction.
- 1.5 Access into the site is via a vehicular access off Hawthorn Rise to the south and Bazley Lane to the north-west. Bazley Lane extends from the B4348 up to the north, forming the western boundary of the applicant's landownership. The boundaries of the site are marked by hedgerows and the B4348 road frontage of the site is marked by an existing embankment with hedgerow.
- 1.6 The village hall, primary school, church, and public house are all located within walking distance. The site is located with a 30mph zone and the village has undergone traffic calming measures. The roads within the area are generally single carriageway. There are bus stops located in close proximity to the application site (on the B4348) and a bus service providing a service to Hay on Wye and Hereford via Kingstone.

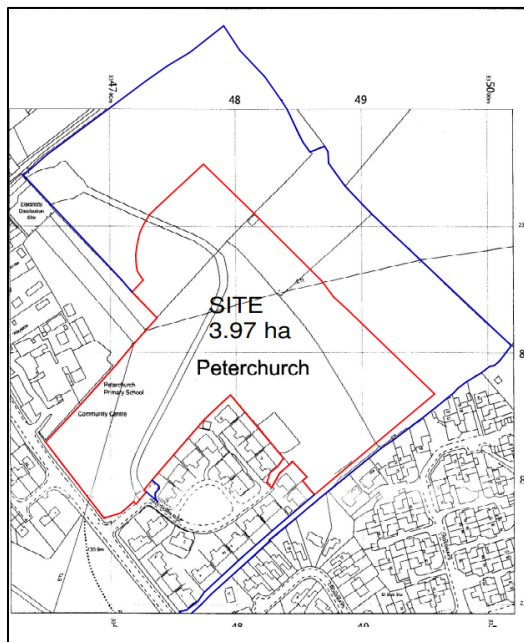


Fig 1: location plan



Fig 2: Illustrative layout



Fig 3: Aerial View of the site

- 1.7 The application is made in outline and seeks permission for up to 89 dwellings (22 no. 2 bedroom dwellings, 50 no. 3 bedroom units and 17 no. 4 bedroom units) with all matters with the exception of the means of access, reserved for future consideration.

1.8 Of this total 35% of the dwellings would be affordable. That equates to 31 units. An illustrative layout is provided that establishes a possible configuration of development along the spine road up slope and north eastwards. The higher density development is shown on the lower portion of land and closer to the B4348 road. The spine road joins the existing road serving Hawthorn Rise at a point 40 metres from the junction with the B4348 road. This spine road will also provide access to the proposed recreation area.

1.9 As defined within The Town and Country Planning (Development Management Procedure) (England) Order 2015: “reserved matters” in relation to an outline planning permission, or an application for such permission, means any of the following matters in respect of which details have not been given in the application. For this application Access is being considered.

**Access:** In relation to reserved matters, 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; where “site” means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made;

1.10 The following matters are reserved for future consideration

**Appearance:** Means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;

**Landscaping:** In relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means 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;

**Layout:** Means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;

**Scale:** Except in the term ‘identified scale’, means the height, width and length of each building proposed within the development in relation to its surroundings;

1.11 This application has been supported by supporting documents/drawings in the form of:

- Location Plan
- Site Plan – Indicative layout
- Transport Assessments (and Addendum)
- Planning Design and Access Statement
- Historic Environment Desk Based
- Flood Risk Assessment
- Ecological Survey and assessment/ecology report and addendum
- Covering letter
- Drainage strategy
- Climate change checklist

- 1.12 An indicative layout plan has been submitted as part of the application to demonstrate that the site adequately accommodate the proposed dwellings. This plan shows the proposed housing mix and seeks to provide a range and mix of houses. It is suggested that the site could potentially provide:
- 2 bedroom x 22
  - 3 bedroom x 50
  - 4 bedroom x 17
- 1.13 As identified on the submitted illustrative plan (see figure 2) an area of land (1.2 hectares) situated between the school and Hawthorn Rise is allocated as recreational open space. This is an allocated within the NDP as policy P1.

## **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
RA1	-	Rural housing distribution
RA2	-	Housing in settlements outside Hereford and the market towns
MT1	-	Traffic Management, highway safety and promoting active travel
ID1	-	Infrastructure delivery
H1	-	Affordable Housing
H3	-	Mix and range of Housing
OS1	-	Open space
OS2	-	Open space
LD1	-	Landscape and townscape
LD2	-	Biodiversity and geodiversity
LD3	-	Green Infrastructure
SD1	-	Sustainable Design and energy efficiency
SD3	-	Sustainable water management and water resources
SD4	-	Waste water treatment and river water quality

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

[https://www.herefordshire.gov.uk/info/200185/local\\_plan/137/adopted\\_core\\_strategy](https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy)

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The 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.

### **2.2 Neighbourhood Development Plan**

#### **Peterchurch Neighbourhood Development Plan**

Policy P1 – New housing development in Peterchurch Village

Policy P2 – Ensuring an appropriate range of tenures, types and sizes of houses  
Policy P6 – Landscape  
Policy P7 – Open Space and Green Infrastructure  
Policy P9 – Dark Skies  
Policy P10 – Traffic and Transport

<https://www.herefordshire.gov.uk/directory-record/3096/peterchurch-neighbourhood-development-plan>

## 2.3 National Planning Policy Framework 2021 (NPPF)

Chapter 2: Achieving sustainable development  
Chapter 4: Decision making  
Chapter 5: Delivering a sufficient supply of homes  
Chapter 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

## 2.4 Other relevant

### Planning Obligations Supplementary Planning Document (April 2008)

<https://www.herefordshire.gov.uk/local-plan-1/supplementary-planning-documents>

### National Planning Practice Guidance (NPPG)

<https://www.gov.uk/government/collections/planning-practice-guidance>

## 3. Planning History

- 3.1 132707: Outline: For the erection of up to 89 dwellings including affordable housing. Construction of vehicular access and other associated work. Committee decision. Granted. 14 June 2017 with S106. This application has now expired.
- 3.2 110387/O - Erection of 16 dwellings, construction of revised access - Refused 2 November 2011. Dismissed on Appeal 20 July 2012 (APP/W1850/A/11/2165638)

## 4. Consultation Summary

### Statutory Consultations

- 4.1 **Historic England:** We do not wish to offer any comments.

- 4.2 **Welsh Water:**  
(Updated comments September 2022)

Further to recent correspondence with my colleague Matthew, we wish to update our comments to the above-mentioned planning application. Whilst we appreciate that there is no requirement to re-consult, we strongly request that this informs the decision-making process to ensure our customers and the environment are protected.

As you will appreciate the capacity in our systems does not stand still and invariable, we need to revisit our position on new development to ensure it is informed by the latest from an environmental perspective. Consequently, I can confirm that our Peterchurch Wastewater Treatment Works cannot accommodate the proposed development and would require a developer funded Flow and Load & Developer Impact Assessment. This will confirm if capacity is

available and if not, identify a solution that would enable the additional flows to connect without overloading the WwTW and risking environmental harm. We therefore request that the following condition is included on any consent for the site.

No development shall take place until:

- i) a survey to establish the current flow and load received at Peterchurch Wastewater Treatment Works has been undertaken; and
- ii) an assessment of the impact of the development hereby approved on the Wastewater Treatment Works having regard to the results of the flow and load survey has been undertaken and agreed with the local planning authority; and
- iii) if necessary, a scheme of reinforcement works for the Peterchurch Wastewater Treatment Works has been agreed with the local planning authority in order to allow it to accommodate the foul discharges from the development hereby approved without increasing the risk of breaches to the discharge consent for the Peterchurch Wastewater Treatment Works.

No dwellings shall be occupied until the agreed scheme has been completed.

In addition, the demands on our water supply systems can change over time following the shift to home working as well as the drought conditions we have recently experienced. The proposed development would be served by the local water supply network in Peterchurch which is nearing capacity and can only accommodate an additional 20 dwellings before reinforcement works would be required. Whilst we can support the development through the planning process, a solution is likely to be required in advance of occupation of the site. Control over the delivery of reinforcement works on the water supply network for such a development sits within the Water Industry Act (1991) and can therefore be delivered at water connection stage. We therefore request that this is included as an advisory on any consent awarded. I should mention that the solution on the water supply network may be strategic in nature and we are in the process of undertaking an internal modelling exercise to confirm if the scheme is something that would need to be delivered as part of our capital investment programme.

#### 4.3 **Welsh Water** **Previous comments: (June 2020)**

We have reviewed the information submitted as part of this application and note that under section 10 of the planning application form it refers to a submitted drainage strategy however it appears one has not been included as part of the application and therefore our comments are as follows.

We note that no specific ground infiltration testing has been undertaken to date but it appears likely that soakaways will work or in the absence of this option a direct communication to the nearby river.

In terms of foul water we have no objection to a connection to the public sewerage network, however in the absence of any drainage strategy we request that if you are minded to grant planning permission that the following Conditions and Advisory Notes are included within any subsequent consent.

##### Conditions

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 demonstrate how the site will be effectively drained; the means of disposal of surface water and indicate how foul flows will communicate to the public sewerage system. Thereafter, the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further

surface water or 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](http://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.

#### Internal Council Consultations

#### 4.4 **Principal Natural Environment Officer (Ecology): (May 2020)**

Drainage:

It is noted that no further work since 2014 appears to have been carried out or supplied in relation to how foul and surface water will be managed.

#### **Foul Water**

All foul water should be managed through the local mains sewer network for which a connection point is achievable, with a connection agreed in principle by DCWW who have also confirmed the local sewer network has capacity to manage foul water from the proposed development of 89 houses. Under current regulations and in compliance with Core Strategy SD4 (LD2) if a mains sewer connection is achievable this is the option that must be used. This mains sewer connection should be secured by a relevant condition on any planning consent granted.

If foul water is not managed by the local mains sewer system the applicant should be aware that: Any discharge of outfall from a site wide shared private foul water treatment system into any watercourse, stream, brook or culvert is unlikely to be compliant with Core Strategy SD4/LD2 as the River Dore is a designated local wildlife site and the additional nitrogen, but in particular phosphate loading would be potentially detrimental to this aquatic nature conservation site and associated protected species (including fish species, crayfish and species such as otter dependant on these other species for food. Any use of chemical stripping agents as part of the treatment process is likely to give rise to similar issues due to potential discharge of un-reacted, ecologically harmful chemicals used – usually polyaluminium compounds. The River Dore is also part of the catchment of the River Wye SAC (discharging to the SAC in Wales) and any potentially significant discharges such as additional 89 houses would trigger this LPA to undertake a formal consultation process with Natural Resources Wales prior to any grant of planning consent.

#### **Nature Conservation (inc River Wye SAC) – Foul Water**

All foul water shall discharge through a connection to the local Mains Sewer network managed by Welsh Water through their Peterchurch Waste Water Treatment Works; unless otherwise agreed in writing by the Local Planning Authority.



Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), Wildlife & Countryside Act (1981), National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies SS6, LD2, SD3 and SD4.

### **Surface Water**

No surface water strategy has been supplied for consideration. DCWW have confirmed that discharge of surface water to the local mains sewer system is not an option due to potential hydraulic overloading. The 2014 drainage report indicates that an appropriate Sustainable Drainage System can be accommodated within the development and that this system will ensure no potential pollutants or contaminants will be present in any final outfall that may be required in to the local watercourse network (and thence in to the River Dore Local Wildlife Site). If planning consent is granted a condition to be discharged at Reserved Matters ensuring an appropriate SuDS, including all pollutant and contamination removal is achieved and created is requested so as to ensure the scheme is compliant with Conservation of Habitats and Species Regulations (2017), Wildlife & Countryside Act (1981), National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies SS6, LD2, SD3 and SD4.

#### **4.5 Additional Ecology comments: (July 2020)**

The update report (June 2020) to the original ecology report from 2013-2014 is noted. There are no significant ecological interests identified and loss of pasture land proposed can be compensated for within the proposed development with provision of high quality green infrastructure – trees (including street trees in specially designed planting pits and utilising green-blue SuDS systems and green space (POS); and the significant provision of a wide range of ‘hard’ habitat enhancement features to support bat roosting, bird nesting, pollinating insect homes, hedgehog homes (and safe movement corridors) and reptile/amphibian refugia. These enhancements and ‘net gain’ can be secured by relevant landscape conditions and a pre-commencement Biodiversity Net Gain Enhancement plan.

Due to the extensive nature of the development and the unknown start date, and potential effects of the construction process on The River Dore (Local Wildlife Site) and other ecological habitats a Construction Environmental Management Plan (CEMP), including updated ecology walkover and full ecological working method statement (risk avoidance measures) should be secured by a condition on any consent granted. No further specific ecology protection conditions will be required as these are covered within the all-inclusive CEMP.

### **Habitat Regulations (River Lugg SAC) – Nature Conservation Protection -**

Before any work, including any site clearance or demolition begin, equipment or materials moved on to site, a Construction Environmental Management Plan (CEMP) including a full Ecological Working Method Statement based on a current ecology update, 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), National Planning Policy Framework, NERC Act (2006), NPPF (2021) and Herefordshire Council Core Strategy (2015) policy SS6, LD2 and LD3*

### **Nature Conservation – Biodiversity and Habitat Enhancement**

Prior to any construction above damp proof course levels, a detailed scheme and annotated location plan for proposed biodiversity net gain enhancement features including as a minimum significant provision for Bat Roosting, Bird Nesting, pollinating insect ‘hotels’, wildlife refugia and Hedgehog homes (and movement corridors through any fencing) should be supplied to and acknowledged by the local authority and then implemented in full. The approved scheme shall be



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

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), Habitat Regulations 2017, Core Strategy SS6, LD2, National Planning Policy Framework (2021), NERC Act 2006 and Dark Skies Guidance Defra/NPPF 2013/2021.

Any relevant retained tree and hedgerow protection can be advised by our tree officer in his comments.

The supplied ecology report does not include any optimal period surveys of actual use of the site and associated boundary features by nocturnal protected species such as bats. The loss of the current 'green link' in to the village centre could impact bat foraging and commuting and use by other nocturnal protected species such as Owl. To ensure any plot specific external or radiated lighting and any street lighting or other illumination that may occur is fully considered as part of the intrinsically dark landscapes benefitting local amenity and nature conservation interests, a detailed Lighting and Illumination plan should be secured for approval through a condition on any consent granted.

#### **Nature Conservation – Biodiversity protection and Intrinsically Dark Landscapes**

Prior to any construction above damp proof course levels, a detailed annotated/specifications illumination levels and lighting features plan should be supplied to and acknowledged by the local authority. All lighting must clearly demonstrate compliance with all current best practice guidance including guidance produced by the Institute of Lighting Professionals and the Bat Conservation Trust. The approved scheme shall be implemented in full and maintained hereafter as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), Habitat Regulations 2017, Core Strategy SS6, LD1-3, National Planning Policy Framework – inc para 180 (2021), NERC Act 2006

#### **4.6 Principal Natural Environment Officer (Landscape): Objection June 2020**

The current scheme is contrary to Core Strategy policy LD1 and LD3, as the scheme in landscape terms does not demonstrate that the character of the landscape and townscape has positively influenced the design, protection and enhancement of the landscape setting. Potential opportunities to integrate with the surroundings green networks are not provided, and existing trees root zones appear to be impacted by the development.

I refer to photographs of the site, taken on 1 June 2020 to highlight site conditions and use mark-ups to suggest recommendations



B4348 Entrance - Existing arrival generally void of trees.



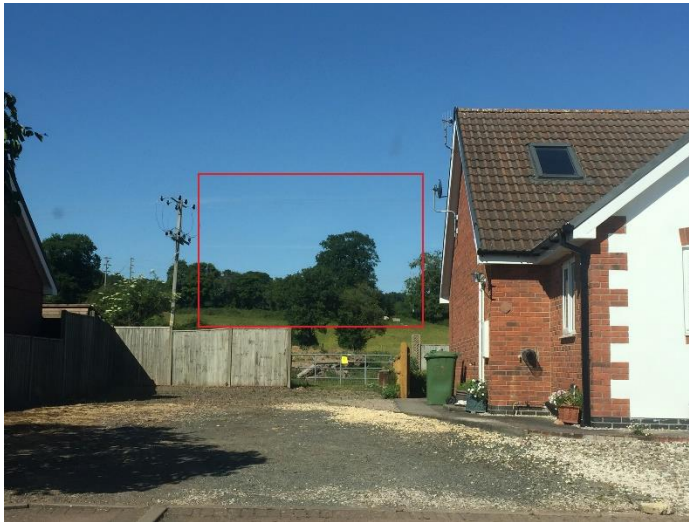
B4348 Access - Proposed arrival lacks tree cover and provides narrow landscaped verges. The sense of arrival could be significantly improved with a stronger landscape approach.



B4348 Access - Suggested arrival experience with a wide landscape verge with trees.



B4348 Access - Preferred option with new access to provide a wide landscaped verges with a treed lined drive.



Hawthorn Rise access, with visual connection with the surrounding landscape.



Proposed housing blocks the visual connection with surrounding landscape.





Development encroaches onto root protection zones of existing trees. Refer to BS 5837:2012 for trees in relation to design recommendations.



Development encroaches onto root protection zones of existing trees. Refer to BS 5837:2012 for trees in relation to design recommendations.

It is recommended that the colour of roofs and facades is takes into careful consideration with the wider landscape and existing rooflines between the new development and the old village. It is evidence as viewed from the public right of way to the higher elevation, north of the site that the skyline is important and that recessive, darker colours appear to be more in keeping with the local landscape character.



#### 4.7 Landscape - Updated comments (July 2021):

##### Vehicular Access

As there is minimal impact on existing trees (i.e. removal of, or harm to roots) and minimal harm on the landscape (ground levels are relatively flat), the overall harm at the immediate point of access is relatively minor. However, as expressed in my previous comments, dated 04/06/2021, the wider impacts on the landscape character and green infrastructure cannot be viewed in isolation as a reserved matters concern only. This would imply that the landscape must fit around the access in the future, and would therefore not be an integrated iterative design outcome.

My main concern in my previous comments, dated 04/06/2021 was in relation to the impact on the open countryside, and the lack of trees or green infrastructure associated with the access. Now, the recommendations are further supported by the revised NPPF (July) that promotes high quality, beautiful places, and under chapter 131, the importance of trees and their contribution on the character and quality of urban environments.

To reiterate I refer back to the photographs of the site (taken on 1 June 2020) and mark-ups to explain my recommendations, that can be addressed for outline planning of the access points, and also at reserved matters for the wider site.

For full recommendations, refer to the 04/06/2021 comments (AS ABOVE at 4.6)

#### 4.8 Public Rights of Way Manager: No objection

#### 4.9 Team Leader Area Engineer: Original comments (June 2020)

Please provide an updated Transport Assessment, including full 7 day speeds and volumes surveys. A review should also include the changes to the carriageway through Peterchurch. Crossing provision should also be assessed with the view to provide a formal crossing. Links to both schools should be reviewed along with all community facilities.

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

[www.herefordshire.gov.uk/directory\\_record/1992/street\\_works\\_licence](http://www.herefordshire.gov.uk/directory_record/1992/street_works_licence)  
<https://www.herefordshire.gov.uk/info/200196/roads/707/highways>

**4.10 Team Leader Area Engineer  
Updated comments (July 2021)**

Revised comments: is noted that the application nature is an outline permission with only the access arrangements for the development being considered at this time. Whilst an indicative layout is provided the following comments address only the access considerations of the site.

The principle access point is along the already constructed infrastructure serving Hawthorn Rise where a T junction is proposed. The visibility splays have been considered in conjunction with the adoption plans for Hawthorn rise and the splays fall within areas that are footways and/or service strips. This is considered appropriate. The detail of this is set out on drawing 752-03 in appendix D of the transport addendum.

This drawing also sets out an extension to the footway provision to connect the new development to the footway that runs along the B4348. It is the view of the local highway authority that the provision of a pedestrian crossing on the B4348 should come forward as part of the development access strategy so that residents can be connected to amenities that are on the south of the B4348 (such as the shop and other community facilities).

With reference to the remaining Section 106 schemes the schemes set out in the transport addendum should be included in the list of schemes for this funding to ensure that the delivery of the wider transport links can be funded. The Section 106 contributions for highway improvements in the area are calculated in line with Herefordshire Council's SPD. Based on a The content of paragraph 3.1.14 of the Supplementary Planning Document setting out planning obligations is relevant for the site which sets out that affordable housing numbers are exempt from these contributions, as a result the indicative value is calculated excluding these dwellings. Low 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 - £ 4915
- Residential per 3 bed house - £ 3686
- Residential per 2 bed house - £ 2457

Detail of the pedestrian crossing on the B4348 are required prior to the LHA finalising a comment on this application, however should the LPA wish to grant permission condition CAE is required to detail the connection to Hawthorn Rise and CAP relating to the footway extension from the proposed access towards the B4348.

**4.11 Historic Building officer comments:**

The development is remote from any listed building and is an extension of a previously residential development on the edge of the village and I do not consider it will have an adverse impact on the character of the settlement or the listed buildings.

**4.12 Archaeology officer comments**

There would be no objection from archaeology and the application could be determined, subject to imposition of a suitable archaeological condition to any permission (C48).

To put you more fully in the picture, the 2013 application had an archaeological evaluation undertaken via trial trenches. This indicated the presence of prehistoric remains – but happily confined to a limited part of the site (in the south-western arm).

An archaeological excavation will be required here to accord with NPPF 205, but only a small one.

#### 4.13 Open space Planning officer:

Open Space Requirements.

Relevant Policies: In this instance the following national and local planning policies and evidence bases for the provision of open space arising from this development are applicable.

National Planning Policy Framework (NPPF):

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

Peterchurch Neighbourhood Development Plan (NDP) adopted:

- o Policy P1: New Housing Development in Peterchurch
- o P7 – Local Green Spaces and Infrastructure and P7/1

Evidence Bases and Standards: The following evidence bases are relevant in this instance.

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).

- o 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:
  - o These recommend children's play at a rate of 0.8ha per 1000 population.
  - o Of this 0.25ha per 1000 population should be formal equipped play.

Planning Permission: This application is for up to 89 houses on land adjoining Hawthorn Rise, which previously secured planning permission ref 132707/O including 1.2ha of recreation land off Bazley Lane.

Peterchurch NDP Policy: This housing land allocation including the associated recreation space is included in the adopted Peterchurch NDP Policies P1 – New Housing Development in Peterchurch and P7 – Local Green Spaces and Infrastructure and in particular P7/1 which includes recreation land off Bazley Lane as identified on the Peterchurch Village Policies Map, to be developed as community use sports and recreation facilities for use by local sports clubs and Fairfield School.

Additional land for sports: The requirement for additional recreational sports land is supported as there has been a long established need in the Peterchurch area to meet latent demand and is supported by the local community, the Parish Council and the Herefordshire Football Association. This site is well located and Peterchurch will act as a centre for the Golden Valley Area needs. The Parish Council has not identified as yet how the site will be developed but have proposed a joint use facility with the school to support its future sustainability and there is scope for a full size football pitch. The site could also provide a Multi-Use-Games-Area (MUGA) or a small sided facility which is supported by the Football Foundation and the Herefordshire Football Association in their Facilities Development Plan for Herefordshire as a priority in this area. The provision of a MUGA or small sided facility in Peterchurch/Golden Valley will help support small sided football teams and leagues in the Golden Valley area and provide recreational and informal football opportunities.

On-Site POS/Children's Play: In accordance with Core Strategy Policies OS1 and OS2 open space requirements from all new development are to be considered on a site by site basis and in this instance on-site provision should focus on POS and children's play provision as sports will be accommodated through the recreation land provision at Bazley Lane.



- For 89 houses at an occupancy of 2.3 (total population 204.7) the following is required:
- The developer provides a minimum of 2400sq m (0.24ha) of on-site green infrastructure comprising;
- 0.08 ha (800 sqm) of Public Open Space (@ 0.4ha per 1000 population)
- 0.16ha (1600 sq m) of Children's Play (@ 0.8ha per 1000 population) of which 0.05ha (500sq m) should be formal children's play. (@ 0.25ha per 1000 population).

The submitted Illustrative Site Layout Plan shows hatched areas to be used for POS and Children's play. A total of 0.25ha is proposed which meets the policy requirement. However, the illustrative layout shows this is made up of fragmented disconnected spaces which in part look to be small and not of a usable size to offer much in recreational value and some are not that well located being largely squeezed in between houses and on the boundary of the site. Further consideration should be given to on-site provision and the layout of greenspace, as planning for healthier spaces is good practice and any on-site provision should be well designed and of a usable size to offer a range of recreation opportunities and experiences appropriate to the site and location. In particular the creation of safe and accessible networks of green spaces and green corridors running through the proposed development will help to provide connectivity and provide opportunities for both walking and cycling and biodiversity which would greatly benefit this site. This could include incorporating green corridors suitable for natural play and play trails, a pocket park and play area, semi-natural open spaces suitable for wildlife and green links to the new recreation ground. This approach is further supported in both CS Policy LD3 and the provision of on-site green infrastructure where it enhances the existing network and Peterchurch NDP Policy P7, which supports development proposals which enhance green infrastructure through the provision on-site of communal areas and the creation of links and connections to the surrounding network of green infrastructure.

Provision of more formal children play equipment on site should be aimed at younger children (infants and juniors) and is required given the size of development and location. Although there is an existing recreation ground in the village, it is some distance away from the proposed development and would not be within safe access for younger children in particular. An additional 89 houses is likely to generate excessive pressure on the existing facilities as well.

An area of 500sq m is required by policy. This should be centrally located within easy access of all residents, and designed to provide natural surveillance from surrounding houses. In this instance it could also include more natural play provision and play trails running through the site.

It is acknowledged that the specific requirement for provision will be dealt with at Reserved Matters stage to be approved in detail. As a guide and based on the proposed number of houses as set out on the Site Layout Plan (22 x 2 bed, 50 x 3 bed and 17 x 4 bed) and in accordance with the SPD on Planning Obligations and off-site play tariffs (development costs only @ 50%), formal equipped play should be provided to the value of £70,000 including landscaping and associated works. I suggest that the following informative is provided:

**Informative.** On-site children's play provision: We would expect the play area to be of the value £70,000 in accordance with the SPD on Planning Obligations and the size of the development.

**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.

#### **4.14 Housing Officer Comments: Updated comments October 2022**

For the most part my comments remain unchanged. However, I note that I have asked for 2 x 4b house, one to be social rent, one to be intermediate .Please note that we need both 4 bed houses to be social rent. Other than that, the other requirements remain the same.

##### **Earlier comments May 2020**

In principle, Strategic Housing would support this application. We would look to secure 31 properties for affordable housing set out as follows:

11 x 2 bed - 4 social rent/ 7 intermediate  
18 x 3 bed - 6 social rent/ 12 intermediate  
2 x 4 bed - 1 social rent/ 1 intermediate

The properties should be pepper potted throughout the site to discourage social isolation and we would look to secure a local connection in the first instance to Peterchurch via a s106.

#### **4.15 Land Drainage: Updated comments October 2022**

We have no changes to make to the last cycle of comments, however note the need for a connection to the public sewerage system.

The surface water drainage/flooding issues identified by members of the community need to be considered as explained in our last comments. The surface water drainage strategy should not introduce additional flow into the ditch at the east of the site. Can you confirm with the applicant what the proposals are for the access track that runs to the east of the development. It would appear that this is currently disused. There is a ditch alongside the access track (referred to above). The landowner will remain responsible for maintenance of the ditch.

##### **Earlier comments June 2020**

Outline planning permission for the proposed development was granted in 2017, which remains extant until June 2020. It is understood that the purpose of this recent planning application is to perpetuate the extant permission.

##### **Comment**

Since the original planning permission was granted no new information related to drainage has been submitted.

We continue to have no objections in principal to the proposal subject to the following information being submitted for review as part of the reserved matters application:

- Results of soil infiltration tests undertaken throughout the site. The tests shall be undertaken in accordance with BRE365 guidance;
- Description of the proposed drainage strategy following the SuDS hierarchy. The description shall be supported by a drawing showing details of the proposed strategy. The drawing shall clearly show the proposed drainage features, proposed outfalls, infiltration features if applicable, pipe sizes and gradients at which the pipes have been laid, invert

and cover levels of the manholes and drainage features, required attenuation storage volume;

- Drawing showing details of the proposed drainage features, including all outfalls, overland SuDS conveyance structures and attenuation storage structure;
- Demonstration that best practice SuDS have been promoted in the proposed surface water drainage strategy;
- Demonstration that the flooding/drainage issues, including overland flows from the north-east flagged up by the local residents, have been considered in the proposed surface water drainage strategy to ensure that the existing drainage issues are appropriately addressed to ensure no increased risk of flooding to the proposed development, and that the construction of the development will not increase risk of flooding to nearby properties or further downstream;
- Information on the proposed pollution prevention measures that will be incorporated in the proposed surface water drainage system;
- If infiltration techniques are found to be feasible on site, soakaways shall be located a minimum of 5m away from any building. The Applicant also shall submit information on groundwater levels to ensure that the bottom of soakaways is located a minimum of 1m above the groundwater level;
- Detailed drainage calculations for up to and including the 1 in 100 year event with 40% climate change allowance. The drainage calculations also shall include detailed attenuation storage calculations. All the calculations shall be based on FEH 2013 rainfall data. The calculations shall demonstrate that there is no flooding from the proposed surface water drainage system for up to and including the 1 in 30 year event, and that there is no increase in the risk of flooding for up to and including the 1 in 100 year event with climate change allowance to the proposed development and elsewhere;
- If discharge to a local watercourse is proposed, the greenfield runoff rate calculations for the 1 in 1 year, Qbar, 1 in 30 and 1 in 100 year events shall be submitted. The calculations shall be based on FEH methodology as outlined in The SuDS Manual 2015;
- Demonstration of how surface water that exceeds the capacity of drainage features will be managed within the site boundary up to and including the 1 in 100 annual probability event to ensure no unacceptable flood risk to the development and no increased flood risk to people, property and infrastructure elsewhere;
- Confirmation of proposed adoption and maintenance arrangements for the surface water drainage system. If the proposed surface water drainage system is planned to be maintained by a third-party company, the Applicant shall submit an Operation & Maintenance guidance document to ensure that appropriate maintenance of the drainage system will be carried out.

We do not support the proposed option to discharge treated foul water to the nearby watercourse. The Applicant shall consult Welsh Water to investigate alternative options and submit the revised strategy as part of the reserved matters application.

#### **4.16 Waste officer comments:**

A swept path analysis should be provided to show in principle that the scheme can accommodate 26 tonne refuse collection vehicle (RCV).

It is noted that it is proposed there will be several private driveways included within this development. 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 refuse collection vehicle (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.

Should it be intended that the RCV will travel the private drives, the swept path analysis should show that the vehicle can enter and exit the private driveways in forward gear. Alternatively, collection points would need to be provided for any plot over 25 metres from where the RCV could access, in accordance with "Guidance Notes for storage and collection of domestic refuse and recycling"

It is noted that layout is a reserved matter, however the terraced properties with parking spaces to the front of the properties would not have anywhere to leave bins on collection day, without causing an obstruction to pavements or shared. Should the application proceed to reserved matters, bin collection locations should be included on submitted drawings for these plots.

- 4.17 **West Mercia Police:** I do not wish to formally object to the proposals at this time. However there are opportunities to design out crime and/or the fear of crime and to promote community safety within the community of Peterchurch. I note that this application does not make any specific reference to Secured by Design scheme or indeed any specific mention of Crime Prevention measures. There is a clear opportunity within the development to achieve the Secured by Design award scheme and by doing so address the Approved Document Q requirements.

4.18 **Education:**  
**Updated comments (October 2022)**

The educational facilities provided for this development site are South Hereford City, Early Years, Peterchurch Primary School, Fairfield High School, St Mary's RC High School and South Wye Youth.

Peterchurch Primary School has a planned admission number of 15. As at the schools summer census 2022:-

- 2 year groups are at or over capacity- Y5=17,Y6=26

Fairfield Secondary School has a planned admission number of 90. As at the schools summer census 2022:-

- All Year groups are at or over capacity - Y7=122, Y8=120, Y9=107, Y10=99, Y11=100

St Mary's RC High School has a planned admission number of 150. As at the schools summer census 2022:-

- 3 year groups are at or over capacity -Y8=150, Y9=150, Y10=150

Approximately 1% of the population are affected by special educational needs and as such the Children and Young People's Directorate will allocate a proportion of the monies for Primary, Secondary and Post 16 education to schools within the special educational needs sector.

Please note that the Planned Admission Number of the above year groups is based on permanent and temporary accommodation, whereas section 3.5.6 of the SPD states that the capacity should be based on the permanent accommodation, therefore, additional children may also prevent us from being able to remove temporary classrooms at Peterchurch Primary School and Fairfield High School that we would otherwise be able to do.

In accordance with the SPD the Children and Young People's 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 and Young People's Directorate contribution for this development would be as follows:

Contribution by No of Bedrooms	Pre-School	Primary	Secondary	Post 16	Youth	SEN	Total
2 or 3 bedroom house or bungalow	£432	£3,063	£2,695	£121	£850	£468	£7,629
4+ bedroom house or bungalow	£639	£5,018	£5,535	£121	£1,675	£828	£13,816

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.

#### **Original comments June 2020**

The educational facilities provided for this development site are South Hereford City Early Years, Peterchurch Primary School, Fairfield High School and South Wye Youth. Peterchurch Primary School has a planned admission number of 15. As at the schools Spring census 2020:-

- 3 year groups are at or over capacity- Y2=18, Y4=24, Y6=20  
Fairfield Secondary School has a planned admission number of 90. As at the schools Spring census 2020:-
- All Year groups are at or over capacity - Y7=107, Y8=99, Y9=101, Y10=105, Y11=96

Approximately 1% of the population are affected by special educational needs and as such the Children's and Families Directorate will allocate a proportion of the monies for Primary, Secondary and Post 16 education to schools within the special educational needs sector.

Please note that the Planned Admission Number of the above year groups is based on permanent and temporary accommodation, whereas section 3.5.6 of the SPD states that the capacity should be based on the permanent accommodation, therefore, additional children may also prevent us from being able to remove temporary classrooms at Fairfield High School that we would otherwise be able to do.

In accordance with the SPD the Children and Families 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 and Families Directorate contribution for this development would be as follows:

#### Contribution by No of Bedrooms

Pre School Primary Secondary Post 16 Youth SEN Total

2 or 3 bedroom house or bungalow £244 £1,899 £1,949 £87 £583 £138 £4,900

4+ bedroom house or bungalow £360 £3,111 £4,002 £87 £1,148 £247 £8,955

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.

4.19 **NHS comments:** Contributions are requested.

Please use link below to see detailed comments (19 pages)

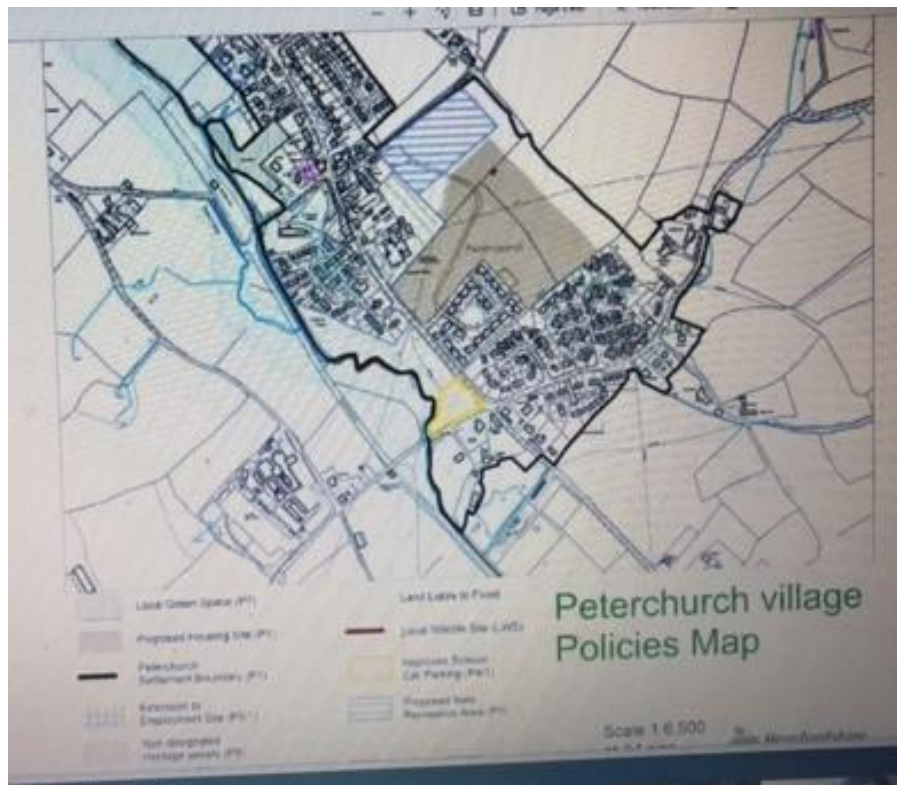
<https://myaccount.herefordshire.gov.uk/documents?id=b4614dbe-f665-11ea-a466-0050569f00ad>

## 5. Representations

### 5.1 Peterchurch Parish Council

Updated comments (March 2022)

Following our zoom meeting held on 9th February 2022 the Parish Council have considered the issue of the recreation land at the above site. At our meeting you presented an indicative plan of the site which was divided up into housing area and land offered for recreation purposes (see below).



It was also stated that the 'offer' of land by the applicant amounted to 1.2 ha. Using the indicative plan as a baseline the area shaded in blue was measured and it equals approximately 1.7 ha.

By superimposing this area on a previous housing layout, it can be seen that the recreational area extends into the housing plan.



It was mentioned during the discussion on 9th February that the Planning Department considered Peterchurch as a potential sports' 'hub' in the area due to its preferential location at the centre of the Golden Valley, its population size, and available local facilities.

It was also discussed that grants may be available from sporting bodies such as the Football Association to help develop such facilities.

The indicated land adjoins the Peterchurch Primary School which is planned for renewal shortly. In discussions with the school, it was clear that dual use of any pitch/sporting facilities would be welcomed at this location.

For a full-size football pitch to be developed the size must be 105m x 68m to allow league games to be played. Also, a surrounding perimeter would be required of say 10m all round. In addition, the land slopes with an increasing gradient going to the NW. It will also be necessary to cut into the slope to create a level pitch and surround. This would require further land to grade back the slope and install drainage etc.

Additional facilities would be required on site if the land is to be developed as a pitch. Changing facilities and car parking would be required if local or regional teams are to use the facility.

In addition, the hatched blue land includes an area of hard standing immediately behind the electricity sub-station. It is understood this area is required in case access is needed by large vehicles to remove/replace one of the storage units. An access road has already been provided across the site from Hawthorn Rise.

From preliminary assessment of the site, it may be possible to utilise this hard standing area as a dual-purpose area combining a car park for the sports facilities with access for the sub-station. A changing facility could be sited adjacent to the car park and the pitch area beyond.

In total, the width would have to be 88metres (pitch + perimeter) and the length 180metres to allow for pitch, car park and changing rooms and for the required slope cutting area.

In total 1.58hectares (180 x 88m) from behind the electricity sub-station to the tree line/hedgerow to the NW.



See indicative plan below.



Development of such a facility would, of course, be dependent upon suitable funding from various sources, but, if successful, it could form a centre of sporting facilities in the area. However, development of this land for such a sporting centre could not be achieved if only a pitch was provided (no changing facilities or car parking) which would be the case with the current offer of 1.2ha. In addition, grant funding would be unlikely if no additional facilities were available. A fully functional sporting facility would only be possible with a minimum of 1.58 ha. of land. See plan above which superimposes the 1.58ha. on the previous application housing layout. With some minor changes to the layout (to provide the necessary width) and inclusion of an area to the NE of the site this could be achieved.

One final requirement is that in developing the recreational area, an access point from the new internal road would be required, as Bazley Lane is unsuitable for vehicle access (see plan above). This road would not only be able to serve the recreational car park but also an access for vehicles requiring access to the rear of the electricity sub-station.

An additional issue which we would take this opportunity to raise, is the provision of a children's play facility within the development. Peterchurch is fortunate in having an excellent children's playground on Church Road opposite the St Peters Church. This playground caters for all age groups of children from infants to teenagers. Current plans are in preparation for renovation, renewal and redesign of this whole playground and recreation area to meet the demands of the public following a two-day public consultation exercise held in November 2021.

In an earlier housing layout plan for the site, a footpath was shown linking the housing area with Bazley Lane along the edge of the current school playing field and rear of the sub-station. As discussed above, this area behind the sub-station could possibly form the basis for a dual use sub-station access and sports facility car park. A footpath link in this location would not only provide a quick and straightforward way for residents of the new housing to access the village centre but allow safe access to the children's playground on Church Road. In lieu of a new playground provision within the housing site, a financial contribution towards the upgrade of the existing playground on Church Road would benefit the whole community.

This letter has been written with the objective of providing you with the Parish Council requirements for recreational land, and also the reasoning and rationale for our requests in order for you to be fully aware of the potential of this site.

Members of the Parish Council are grateful for the opportunity to provide our comments and would welcome any further meetings to discuss the issues above and provide additional details.

## **5.2 Peterchurch Parish Council Original comments (May 2020)**

Peterchurch Parish Council discussed Planning Application 201441 at length when they met on the 19th May 2020. There was unanimity amongst the Councillors in supporting strongly the proposal for 35 affordable houses as part of the development and attach importance for that commitment remaining a key strand of the proposals both now and in the future.

Councillors also tabled a number of other observations which will need to be addressed before they are able to offer unequivocal support to the development overall.. Firstly , much of the reports and studies underpinning the proposals are out of date and need to be revisited especially those dealing with ecology, environment and transport.

For instance, Peterchurch has experienced flooding since the original application was tabled and this will, in the view, of Councillors have an impact and needs to be addressed as part of a fresh environmental assessment. Further, to suggest that there is a good rural bus service is a distortion of the reality when it is only on a Thursday that residents will see a bus in the village. Developing this point further Councillors saw real benefit in a holistic approach in assessing the impact of the development and this will invariably include a health, social and education dimension. Councillors were also disappointed that the planning application doesn't say anything about building quality or standards in respect of energy efficiency, high insulation, use of solar panels & community-generated electricity etc. Councillors considered that these factors are all perfectly feasible in a development of this size and would reduce costs for future residents and tenants

It is not the intention of the Parish Council to appear unnecessarily negative and would certainly welcome the proposed development given the inclusion of affordable housing but support will be contingent on satisfactorily addressing the points outlined above.

## **5.3 Third Party Representations**

To date a total of 9 representations, and this includes correspondence from the Hawthorn Rose resident's association have been received from local residents.

The contents of the objecting representations are summarised below:

- Climate emergency. Cars would need to be used on a daily basis due to location
- Pollution of the rivers Dore and Wye
- No bat survey
- Negative impact on the amenity and recreational assets and impact on the existing PROW network
- Long term change to the visual and aesthetic character of Peterchurch
- Concerned no detail as outline.
- Development is out of scale for location, tree planting is minimum, intensive using development
- Not a sustainable development does not achieve sustainable communities and protect the environment by delivering well designed places, spaces and buildings, which reinforce local distinct
- Consideration should be given to the primary school access
- Light Pollution
- Play area and the public open space located under the electricity lines
- Flooding to the B4348
- Too large of an expansion to the village
- Fragile village infrastructure: Education, health and transport

---

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

- Increase in traffic in the area where there are two schools. Heavy lorries through the village has increased in last 3 years
- Houses to be built by a reputable building company
- Work to be completed in a relatively short period of time
- Would like to see Bungalows on part of site closest to Crossways
- Properties should be restricted to Bungalows
- Site suffers from lack of drainage and during the winter any period of rain area becomes waterlogged
- Timescales to ensure the development does not blight the village for years
- Location of the waste disposal bins
- Cars from the local school park on the B4348 and turn into Hawthorn Rise to park and turning. Dangerous to exist and enter the site. Number of proposed dwellings increase traffic and deliveries and visitors
- Concern over sewage disposal/sewage disposal
- Electricity lines cross or are near the site
- Lack of employment opportunities locally so will there will be an increase in traffic movements on the B4348
- Supply of electric and water treatment  
Public Transport: Covid 19 bus services have been reduced. Buses are unreliable. More cars means more pollution, more noise, and parking issues.  
More cars means more accidents on the roads  
Significant improvements will have to be made to meet needs of new occupiers of dwellings

**Residents Association comments:** access between 12 and 13 Hawthorn Rise not suitable as a roadway. Current plan close to this point shows a row of houses 50 to 53 with no vehicular access. Any subsequent plan should show the only access to these houses is via the main access to the whole site

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=201441&search-term=201441](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=201441&search-term=201441)

Internet access is available at the Council's Customer Service Centres:-  
<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

## 6. Officer's Appraisal

### *Policy context and Principle of Development*

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

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

6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS) and the 'made' Peterchurch Neighbourhood Development Plan (NDP). The NDP was made on the 1<sup>st</sup> December 2017. The National Planning Policy Framework 2021 is a significant material consideration. The relevant policies are detailed above.

6.3 Policies SS2 (Delivering new homes) and SS3 (Releasing land for residential development) of the CS clearly set out the need to ensure sufficient housing land delivery across the County. In order to meet the targets of the CS the Council will need to continue to support housing growth by granting planning permissions where developments meet with the policies of the CS, (and, where relevant with policies in other Development Plan Documents and Neighbourhood

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

- 6.4 Outside of Hereford City, and the market towns, CS Policy RA1 identifies that Herefordshire Rural areas will need to find a minimum of 5,300 new dwellings between 2011 and 2031 to contribute towards the county's housing needs. The dwellings will be broadly distributed across the seven Housing Market Areas (HMA's). Peterchurch is within the Golden Valley HMA, which is identified for being a main focus of proportionate housing growth of 12% via Policy RA1 of the CS.

- 6.5 Core Strategy Policy RA2 – Housing in settlements outside Hereford and the market towns states:

To maintain and strengthen locally sustainable communities across the rural parts of Herefordshire, sustainable housing growth will be supported in or adjacent to those settlements identified in Figures 4.14 and 4.15. This will enable development that has the ability to bolster existing service provision, improve facilities and infrastructure and meet the needs of the communities concerned.

The minimum growth target in each rural Housing Market Area will be used to inform the level of housing development to be delivered in the various settlements set out in Figures 4.14 and 4.15.

Neighbourhood Development Plans will allocate land for new housing or otherwise demonstrate delivery to provide levels of housing to meet the various targets, by indicating levels of suitable and available capacity.

Housing proposals will be permitted where the following criteria are met:

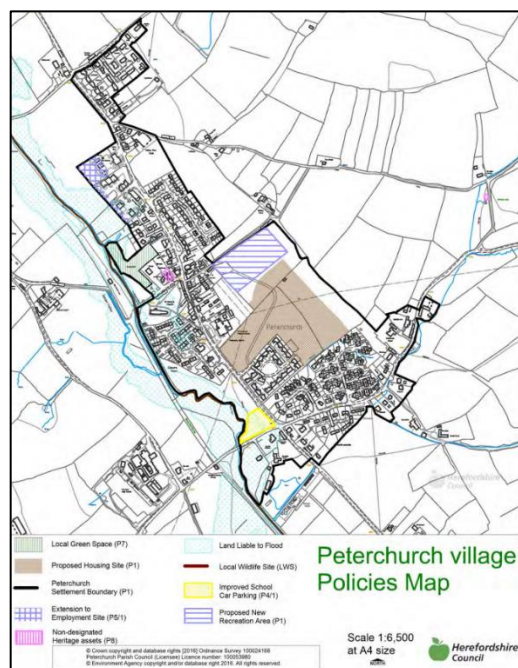
1. Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area. In relation to smaller settlements identified in fig 4.15 proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement and/or they result in development that contributes to or is essential to the social well-being of the settlement concerned;
2. Their locations make best and full use of suitable brownfield sites wherever possible;
3. They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting; and
4. They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlements, reflecting local demand.

Specific proposals for the delivery of local need housing will be particularly supported where they meet an identified need and their long-term retention as local needs housing is secured as such.

- 6.6 As detailed above Neighbourhood Development Plan is the mechanisms for setting growth as it allocates land for new housing or otherwise demonstrate delivery to provide levels of housing to meet the various targets, by indicating levels of suitable and available capacity. The relevant NDP policies are detailed above.

## Neighbourhood Development Plan

- 6.7 The Peterchurch Neighbourhood Development Plan was made on 1st December 2017. The made NDP identifies a settlement boundary. This site is located within the designated Settlement Boundary and also within an allocated proposed housing site (Policy P1: Proposed housing site of the Neighbourhood Development Plan). Core Strategy Policy RA2 (Housing in Settlements outside Hereford and the Market Towns), turns to the NDP to inform the minimum level of housing that will be delivered in their neighbourhood areas and settlements. This site and the settlement boundary are detailed on the map below.



**Figure 4: Extract from NDP: Sites assessed in terms of potential as housing allocations as submitted within NDP**

- 6.8 Reflecting the requirements of the Core Strategy policies and aims, the NDP advised that the minimum growth target for the village is 54 dwellings. The table below shows the indicative growth target for Peterchurch.

<b>Number of Households in Peterchurch parish</b>	<b>508</b>
<b>Golden Valley indicative growth target %</b>	<b>12</b>
<b>Number of new homes required to 2031</b>	<b>61</b>
<b>House completions 2011-2014</b>	<b>0</b>
<b>Housing commitments 1/4/2014</b>	<b>7</b>
<b>Total housing remaining</b>	<b>54</b>

**Figure 5: Extract from NDP: housing target.**

- 6.9 When looking at estimated numbers of dwellings within Peterchurch it is evident that this site due to the extant outline planning approval (P132707/O) that proposes housing development of up to 89 homes on land adjoining Hawthorn Rise would see the village grow by some 26%. It is acknowledged that Policy is not prescriptive in regards to the allocated site, however the application site is included within the NDP Policies map as highlighted above and is identified as a proposed housing site under the Policy P1.



- 6.10 Of direct relevance is the land to the north-west of this application site which is allocated as a 'Proposed New Recreation Area' and this is also allocated under NDP Policy P1 and also within in NDP Policy P7/1. The allocated recreational area is outside of this application site boundary however this proposed development does makes allowance for the entire length of the allocated recreational area to be served by a road, if necessary. As NDP Policy P7/1, specifically requires vehicular access is to be provided to this recreation area via the adjacent committed housing ie this application site.

### Principle of Development

- 6.11 The made NDP identifies a settlement boundary. The application site is located within a designated settlement boundary and is also within an allocated proposed housing site. Spatially and having regards to the requirements of policy RA2 of the core strategy, the sites allocation and sitting with the designated settlement boundary of the NDP as well as the site location the development is considered to be acceptable in principle. For ease of reference, the policies map that forms part of the NDP is inserted below and the red star demarks the site location.

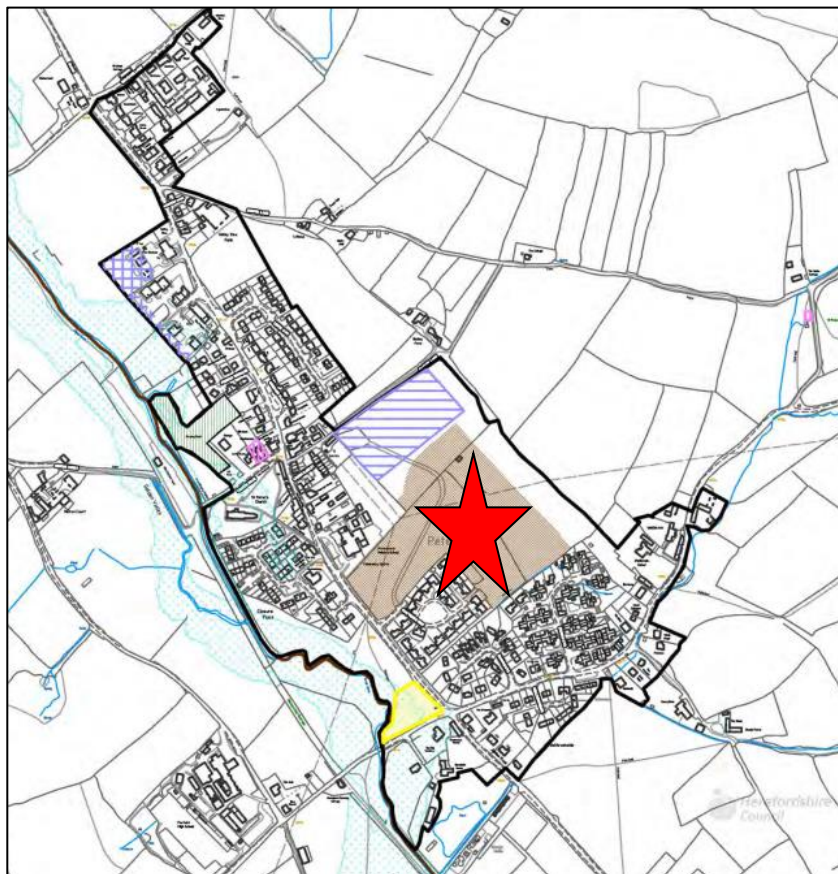


Figure 6: Extract from the Peterchurch Neighbourhood Plan: Peterchurch Village policies map

### Officer Appraisal

- 6.12 This is an application in outline form; it therefore only seeks to establish the principle of residential development for up to 89 dwellings and the access thereto. Access as set out in the NPPG, 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.

---

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

- 6.13 Whilst 'layout', is a reserved matter, the site can readily accommodate an appropriate layout of up to 89 units. Layout means - the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- 6.14 With this in mind, the application is to be considered against its compliance with policy in respect of the principle of the development and the matter of access.
- 6.15 This development will help to boost the housing supply in the locality, assisting the area in meeting their growth targets in the immediate area as well as wider county requirements.
- 6.16 Whilst spatially, the sites location is one that is considered to be acceptable, the development of the site must be considered having regard to the other policies of the Core Strategy, and the NPPF taking into account any material considerations as appropriate.

### **Impact upon the character and appearance of the settlement and landscaping**

- 6.17 The proposal is for housing and the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. The requirements of policy RA2 are underpinned by Policy LD1 Landscape and Townscape. Development proposals need to demonstrate that features such as scale and site selection have been positively influenced by the character of the landscape and townscape, and that regard has also been had to the protection and enhancement of the setting of settlements. Development proposals should also conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including locally designated parks and gardens; and should incorporate new landscape schemes and their management to ensure development integrates appropriately, 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 the proposal is acceptable.
- 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 '*Landscape*' 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 When reviewing the site in landscape terms it is evident that it lies in open countryside adjacent to the main built up area of Peterchurch Village. The site is not subject to any form of landscape



or historic designation. It should therefore not be considered, in the terms of the framework, a 'valued landscape'. Whilst a noteworthy change in terms of appearance and character is accepted as there will be a loss of a greenfield to residential development and this will have an impact on the character and appearance of the area by comparison with the existing situation. However, officers consider the site to be a logical location for the extension of the village. Although, it will be viewed from the public footpath linking Crossways and Bazley Lane and will in part be viewed from the B4348 Road. It is accepted that the proposed development is not likely to adversely affect the character of the wider Herefordshire landscape or its visual amenity.

- 6.23 Matters of the site layout and landscape are not for consideration and the site layout plan is submitted only for illustrative purposes. The Landscape Officer's comments are considered to be less applicable to the current application than possible to a subsequent application for the approval of reserved matters. The Officer's comments go beyond the scope of the current application. Officers also note that application is identical to an outline planning application approved under application 132707 granted in 2017. Also as previously stated above, the application site is allocated for housing within made Peterchurch Neighbourhood Development Plan. There has also been no change in planning policy or site-specific circumstances since the 2017 application when looking at both landscape and visual effect in regards to 89 units being proposed on this application site.
- 6.24 Although your officers recognise that whilst there will be direct impacts arising from loss of pasture land and its replacement with housing as well the development altering the character of the village in this location, this is mitigated by the presence of existing adjoining residential development and mitigation in regarding to additional planting.
- 6.25 In terms of mitigation, this can be provided with hedgerow and tree planting along the north eastern boundary and this will have a benefit as well as enhance this part of the landscape and in particular from potential vantage points along footpath PR8. The harm to landscape character is localised in an edge of village location that officers do not consider prejudicial to the overarching character of the Principal Settled Farmlands typology.
- 6.26 As highlighted by the historic buildings officer there will also be no adverse harm to the setting the grade I listed Wallbrook Manor. It is noted that the landscape officer has confirmed there will be minimal impact on existing trees (i.e. removal of, or harm to roots) and minimal harm on the landscape (ground levels are relatively flat) and the overall harm at the immediate point of access is relatively minor.
- 6.27 Officers acknowledge the landscape officer comments are negative as well as it is also noted that the applicant's agent has provided a response to the Landscape officer's objection. The site does conform with current plan policy RA2 and would appear to form a natural extension to the settlement. As such it is considered that it is a naturally contained site and will not have wider implications in regards to projecting, in an unrestrained inappropriate manner, into open countryside. Landscaping is a matter reserved for future consideration.
- 6.28 In conclusion, officers are satisfied that the development lies in a position that relates well to the existing built form, is contiguous can be achieved without causing unacceptable landscape impacts. The detail of the landscaping should form part of the reserved matters submissions and can be secured via a condition and it will be necessary to give careful consideration to any reserved matter application to ensure that the landscape character is taken into account at design stage. 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 and NDP policy P6.
- 6.29 Finally, officer reiterate that this application site is an allocated for housing and within the settlement boundary as detailed within the Peterchurch Neighbourhood Development Plan. As such officers note there is tension in regards to the view of landscape officer however officers

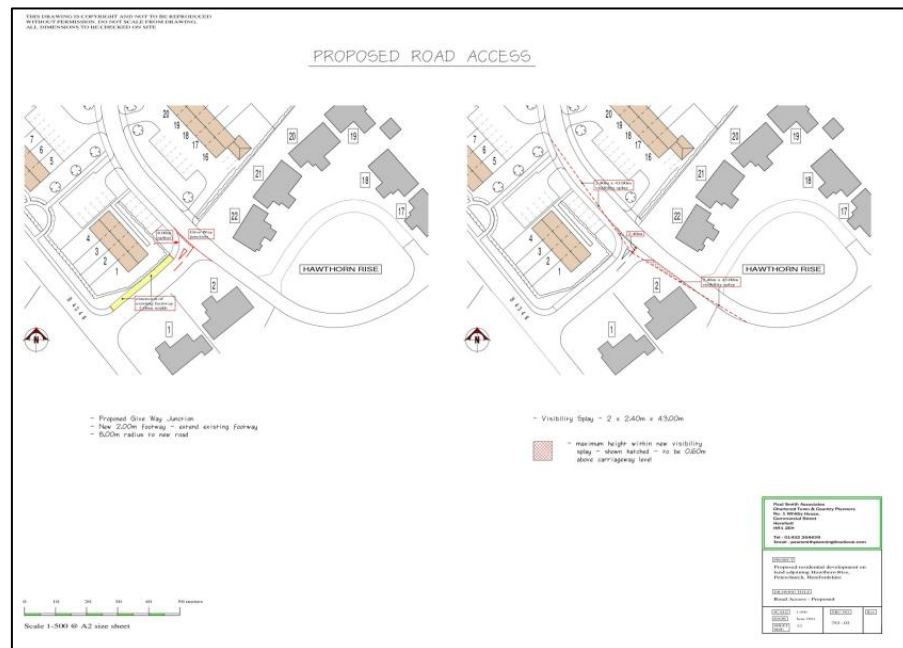
are of that that, on the basis of the information provided, a scheme can be delivered that accords with Policy LD1 and LD3 of the Core Strategy and P6 (Landscape) of the NDP.

### **Highways and Access**

- 6.30 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.*
- 6.31 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.
- 6.32 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).
- 6.33 The application for up to 89 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 illustrative plan demonstrates how the dwellings homes could be delivered with an example of an internal route.
- 6.34 The application submission included a Transport Assessment and addendum that was submitted on July 2021 (link: <https://myaccount.herefordshire.gov.uk/documents?id=1d0511f5-e484-11eb-8a9e-0050569f00ad> )

### **Vehicular Access and highway safety**

- 6.35 The B4348 acts as the spine road to the village and currently runs along the southern boundary of the application site. The B4348 within the village of Peterchurch village is subject to a 30 mph speed limit and traffic calming measures (gateway features and road markings) have been undertaken within the village close to the site.
- 6.36 It is recognised that the main vehicular access for the site will be along the already constructed infrastructure serving Hawthorn Rise and a T junction is being proposed. The visibility splays (2.4m x 43m) have been considered in conjunction with the adoption plans for Hawthorn Rise and the splays fall within areas that are footways and/or service strips. Design details of the proposed access into the site from Hawthorn rise was also requested. As confirmed by the Transport Manger this is considered appropriate. The detail of this is set out on drawing 752-03 in appendix D of the transport addendum and is shown below:



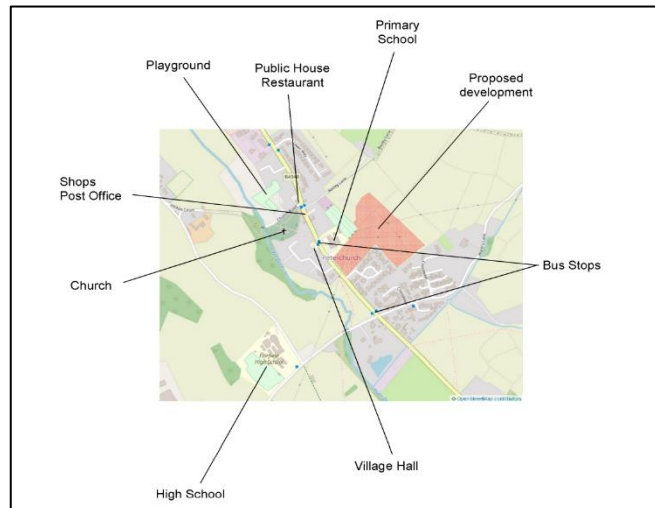
**Fig 7: Proposed access.**

6.37 It is evident from representation received that there is an historic problem with cars parking at either end of the school day along the B4348 road and concerns about increased use of the existing junction. It is acknowledged that this only occurs at peak periods and the Transportation Manager is satisfied, following submission of a Transport Assessment, that the B4348 has the capacity to handle the additional traffic flows. In regards to traffic impact from the proposal on the operation of the local highway network, it is considered the traffic movements associated with the development proposal could be accommodated on the existing highway network and that there will not be a detrimental impact on the free flow of traffic using the local highway network. A construction management plan condition has been suggested below that will manage construction traffic.

### Connectivity

6.38 It is noted that the village has the benefit of a good network of footways and as well as bus stops. However, as highlighted by the transport manager potential highway improvements needed to be assessed and then potentially secured. Acknowledging the importance of connectivity additional details on crossing provision as well as links to both schools and community facilities was requested and this additional information detailed within a transport assessment addendum. The drawing above also shows an extension to the footway provision to connect the new development to the footway that runs along the B4348. It is the view of the local highway authority that the provision of a pedestrian crossing on the B4348 should come forward as part of the development access strategy so that residents can be connected to amenities that are on the south of the B4348 (such as the shop and other community facilities). It is noted that the proposed heads of terms secures monies towards:

- Widening of footway along the frontage of Peterchurch Primary School from the development site
- Widening of footway along the frontage of the post office and adjacent stores
- Improvement to dropped crossings to provide a suitable kerb upstand and tactile paving
- Controlled pedestrian crossing to enable crossing of the B4348 between the development site and local destinations
- New footway on the south western side of the B4348 linking the new crossing with the lane that leads to Fairfield High School



**Fig 8: Location of local amenities in context with the application site (taken from Transport Assessment Addendum by Alpha Consultants appendix B, June 2021)**

- 6.39 As highlighted above 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. 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 89 dwellings in accordance with CS policy MT1 and the requirements of para 110 of the NPPF and NDP policy P10 (Traffic and Transport) .

### **Public Rights of Way**

- 6.40 The application site is surrounded by public footpaths and a public footpath passes along the B4348 road frontage. As well as public footpath passes along the northern boundary linking the Crossways Estate with Bazley Lane to the west. A further footpath extends down Bazley Lane toward to the village centre. The proposal does not impact directly or propos on any PROW and it is noted that the Public Rights of Way manager has not objected to the proposal.

### **Design and Amenity**

- 6.41 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.
- 6.42 The application submission is in outline form only, which reserves all details apart from access for further consideration. A number of issues will need to be considered at the Reserved Matters Stage, such as design, character and amenity in particular the relationship with the existing the properties adjoining Hawthorn Close.

#### *Amenity*

- 6.43 It is noted that existing residential properties are located on the eastern boundary within Hawthorn Close and Crossways. It is acknowledged that local residents have requested bungalows are located close to the boundaries and there is a possibility for overlooking in relation to properties

adjoining the western and north eastern boundaries of Hawthorn Rise and the western boundary of Crossways. 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 proposed dwellings and this will again be a matter for consideration at a later stage.

- 6.44 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.

#### *Design and character*

- 6.45 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 proposals, being considered at this stage, accords with the requirements of Policy SD1 and SS6 of the Core Strategy. The site measures approximately 3.97 hectares and a development of 89 dwellings represents a relatively moderate density that is entirely in keeping with the village and immediate vicinity. It is noted that any proposed layout coming forward would need to respond to the local context, which is a rural village and should not be overtly urban in form and character

#### **Climate change**

- 6.46 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.
- 6.47 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.
- 6.48 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.

- 6.49 The agent has submitted a completed 'Climate Change' checklist). 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
- 6.50 A condition has been added to ensure electric vehicle charging points will be considered at the reserved matters stage out how design measures will be incorporated as part of the Development, aligning with the principles of the energy hierarchy.

### **Open Space Provision**

- 6.51 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.
- 6.52 For a development of this size and for 89 houses at an occupancy of 2.3 (total population 204.7) the following is required:
- The development provides a minimum of 2400sq m (0.24ha) of on-site green infrastructure comprising;
- 0.08 ha (800 sqm) of Public Open Space (@ 0.4ha per 1000 population)
  - 0.16ha (1600 sq m) of Children's Play (@ 0.8ha per 1000 population) of which 0.05ha (500sq m) should be formal children's play. (@ 0.25ha per 1000 population).
- 6.53 The submitted Illustrative Site Layout Plan has areas which shown to be used for Public Open Space and Children's play. A total of 0.25ha is proposed and this meets policy requirement. The open space officer has highlighted that the illustrative layout show this is made up of fragmented disconnected spaces and has suggested that further consideration should be given to on-site provision and the layout of greenspace. This will be addressed in any forthcoming reserved matters application in regards to layout. It is also noted that the provision of more formal children play equipment on site should be aimed at younger children (infants and juniors) and is required given the size of development and location. There is an existing recreation ground already in the village, it is some distance away from the proposed. The policy requires an area of 500sq m is required by policy and this specific requirement for provision will be addressed with at Reserved Matters stage to be approved in detail.
- 6.54 As a guide and based on the proposed number of house as set out on the Site Layout Plan (22x 2 bed, 50 x 3 bed and 17 x 4 bed) and in accordance with the SPD on Planning Obligations and off-site play tariffs (development costs only @ 50%), formal equipped play should be provided to the value of £70,000 including landscaping and associated works. I suggest that the following informative is provided:
- 6.55 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).

## **Flood risk and Drainage**

- 6.56 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.
- 6.57 As part of the application a flood risk assessment has been submitted and reviewed by officers. It is noted that drainage colleagues have confirmed they have no objections in principal to the proposal subject to additional supporting information being submitted for review as part of the reserved matters application. This can be secured by an appropriately worded condition which is included in the recommendations section below.
- 6.58 Welsh Water have provided updated commentary. The most up to date response from Welsh Water have advised that the Peterchurch Wastewater Treatment Works cannot accommodate the proposed development and would require a developer funded Flow and Load & Developer Impact Assessment. This will confirm if capacity is available and if not, identify a solution that would enable the additional flows to connect without overloading the WwTW and risking environmental harm. They have requested a condition which has been added at the end of the report.
- 6.59 The pre commencement condition seeks to secure a survey to establish the current flow and load received at Peterchurch Wastewater Treatment Works and an assessment of the impact that this development on the Wastewater Treatment Works. It also requires if necessary, a scheme of reinforcement works for the Peterchurch Wastewater Treatment Works in order to allow it to accommodate the foul discharges from the development without increasing the risk of breaches to the discharge consent for the Peterchurch Wastewater Treatment Works.
- 6.60 Subject to the above condition the foul drainage generated by this development can be satisfactorily dealt with as per Policies SD3 and SD4. As this is an outline planning application, recommended conditions can be added to secure appropriate detail to be submitted with the reserved matters application to ensure that the layout addresses the drainage strategy.

## **Ecology and Biodiversity**

- 6.61 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.
- 6.62 The application submission has been supported by an extended Phase I Habitat Survey and 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. 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

---

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



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.

- 6.63 It is noted that the NDP has a condition specifically in regards to dark skies (policy P9) and a condition has been included to address potential concerns about light pollution.

### Habitats Regulations Assessment (HRA)

- 6.64 An updated ecology report has been submitted and it is noted that the River Dore is part of the catchment of the River Wye SAC (discharging to the SAC in Wales). Ecology colleagues have reviewed the submission and at this current time it is considered and as advised by Natural England to Ecology that an HRA is not required for the Dore/Olchon/Monnow catchments. The Council Ecologist considers the matter further in their comments above and have confirmed there is no requirement to consult with Natural England (nor Natural Resource Wales).

### Heritage Assets

- 6.65 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.
- 6.66 Also as can be seen by the blue marker it 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.
- 6.67 The proposed development site does not lie within a Conservation Area and there are no listed building within or abutting the site albeit there is a Grade I listed property known as Wellbrook Manor located to the east and this is illustrated on the map extract from Historic England below



**Figure 9:** Extract from National Heritage List: <https://historicengland.org.uk/listing/the-list/list-entry/1099488>

- 6.68 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.”*
- 6.69 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

---

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

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”.

- 6.70 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.’
- 6.71 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.
- 6.72 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.
- 6.73 A Historic Environment Desk-Based Assessment and trial trench evaluation has been submitted to support the application, in line with Paragraph 194 of the NPPF.
- 6.74 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 submission included a historic environment desk based assessment. It is noted that the Historic Buildings officer has not raised an objection on heritage grounds and confirmed as the development is remote from any listed building and is an extension of a previously residential development on the edge of the village and I do not consider it will have an adverse impact on the character of the settlement or the listed buildings.
- 6.75 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, Policy P8 (non-designated heritage assets) of the NDP and with the guidance set out in the National Planning Policy.
- 6.76 In regards to issues relating to archaeology as part 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. Historically as part of the lapsed planning application additional work and evaluation has been sought by the Archaeological advisor. The archaeology officer have confirmed no objection to the proposal and has requested an appropriately worded condition as there is the possibility of further finds across the site, and a condition can appropriately record this.

### **Affordable Housing/Housing Mix**

- 6.77 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 up to 89 units; 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.

- 6.78 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. The proposal also adheres to Policy P2 (ensuring an appropriate range of tenures, types and sizes of houses) of the NDP.

### **Planning Obligations**

- 6.79 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.
- 6.80 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.
- 6.81 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.

<b>Infrastructure</b>	<b>Quantum of contribution</b>
Affordable Housing	35% of the residential units will be affordable dwellings intended for occupation as Social Rented and Intermediate tenure with local priority to Peterchurch.
Healthcare contribution	A financial contribution of £666.64 per dwelling to provide the Health Care Facilities required at Hereford Hospital.

Education contribution	<p>A financial contribution of;</p> <ul style="list-style-type: none"> <li>• £4,900.00 per 2 bedroom open market dwelling</li> <li>• £4,900.00 per 3 bedroom open market dwelling</li> <li>• £8,955.00 per 4 bedroom open market dwelling</li> </ul> <p>to provide the education facilities at South Hereford City Early Years, Peterchurch Primary School, Fairfield High School, South Wye Youth and Special Education Needs.</p>
Recycling and waste contribution	A financial contribution of £80.00 per dwelling to provide 1 x black bin and 1 x green bin
Sports contribution	A financial contribution of £1,008.89 per open market dwelling to provide the Sports Facilities in Peterchurch
Transport contribution	<p>A financial contribution of;</p> <ul style="list-style-type: none"> <li>• £2,457.00 per 2 bedroom open market dwelling</li> <li>• £3,686.00 per 3 bedroom open market dwelling</li> <li>• £4,915.00 per 4 bedroom open market dwelling</li> </ul> <p>To provide any or all of the following transport infrastructure improvements;</p> <ul style="list-style-type: none"> <li>• Widening of footway along the frontage of Peterchurch Primary School from the development site</li> <li>• Widening of footway along the frontage of the post office and adjacent stores</li> <li>• Improvement to dropped crossings to provide a suitable kerb upstand and tactile paving</li> <li>• Controlled pedestrian crossing to enable crossing of the B4348 between the development site and local destinations</li> <li>• New footway on the south western side of the B4348 linking the new crossing with the lane that leads to Fairfield High School</li> </ul>

Libraries	<p>The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of;</p> <ul style="list-style-type: none"> <li>• <b>£120.00</b> (index linked) 1 bedroom open market dwelling</li> <li>• <b>£146.00</b> (index linked) for a 2 bedroom open market dwelling</li> <li>• <b>£198.00</b> (index linked) for a 3 bedroom open market dwelling</li> <li>• <b>£241.00</b> (index linked) for a 4+ bedroom open market dwelling</li> </ul> <p>The contribution will provide for improved library infrastructure at Peterchurch library.</p>
On site Public Open Space and Play	<p>The developer covenants with Herefordshire Council to provide a <u>minimum</u> of 2400ha (0.24sqm) of on-site green infrastructure comprising;</p> <ul style="list-style-type: none"> <li>• 0.08 ha (800sqm) of Public Open Space (@ 0.4ha per 1000 population)</li> <li>• 0.16ha (1600sq m) of Children's Play (@ 0.8ha per 1000 population) of which 0.05ha (500sq m) should be formal children's play. (@ 0.25ha per 1000 population).</li> </ul> <p>Note: On the basis of the indicative scheme the children's play would be to a value of £70,000.00</p>

- 6.82 On the basis of the above, and as confirmed by the Planning Obligations Manager, a policy compliant draft Heads of Terms will be progressed.

### Non material planning considerations

- 6.83 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. 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.

### Other Matters

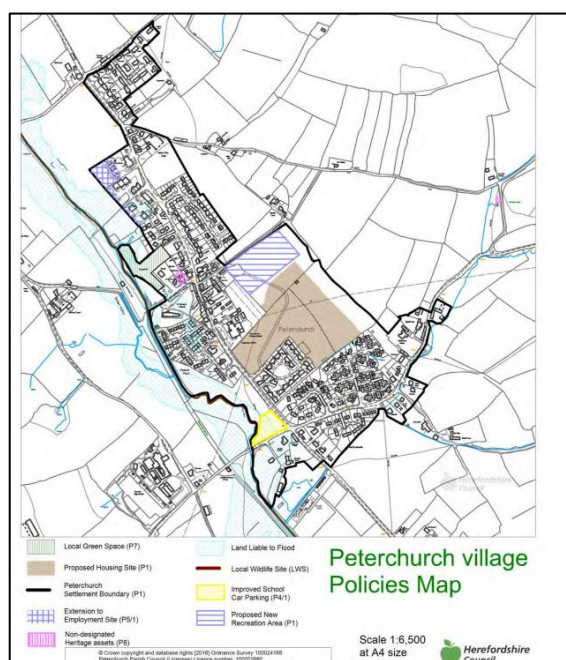
- 6.84 The delay in getting the application in front of members was due to both the requirement of updated technical reports which were delayed due to Covid and then ongoing and prolonged

discussions with Parish Council and the Ward Councillor in respect to the neighbouring piece of land and implications on S106 contributions. The Parish Council issued a letter explaining its position over the proposed provision of 1.2 hectares of land for recreational purposes as part of this planning application and confirmed they wish to utilise the land, albeit with a number of stipulations. After sharing this reply with the planning agent to discuss with their client (the applicant) they declined the Parish request and withdrew the offer of the land as part of this application. The reasoning behind this as advised by the agent is that:

*'the Parish Council's requirements go well beyond that proposed by my client and previously deemed necessary by your Council when granting permission for the previous, identical scheme in 2017'.*

*'Therefore, it is with regret that my client is compelled to amend his application by withdrawing the offer of 1.2 hectares of his land.'*

- 6.85 Although, the planning agent has confirmed in terms of addressing the Parish Council's aspirations, his client's land would remain allocated for recreational purposes in the NDP and is happy to engage with the Parish Council on 'how its objectives regarding the recreational area can be achieved by alternative means', albeit this would be after this current planning application is determined. The Section 106 agreement has been drafted to include a 'playing fields' financial contribution. It is acknowledged that this 1.2 hectares of land continues to be allocated as a recreational ground in the Peterchurch Neighbourhood Development Plan (policy P1), however there is no policy requirement for it to be included as part of this application. Please see figure below:



**Fig 10: NDP policies map.**

## Illustrative layout

- 6.86 As highlighted above an illustrative plan has been submitted. There is concern from local residents in regards to the location of public open space. This will be explored and will be covered at reserved matters stage. Officers note that the application is for 'up to 89 dwellings' and due to existing site constraints to achieve 89 dwellings then detailed consideration will, however, always need to be given to the use and amount of development at reserved matters.

## Conclusion

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



- 6.87 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 scale of development is considered capable of being accommodated on the site but the detail of this is not currently under consideration.
- 6.88 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.
- 6.89 The ability to demonstrate a five year housing land supply is such that the policies of the development plan can be afforded full weight for decision making. In this case, the adopted development plan comprises the Core Strategy and the Peterchurch Group NDP. The application must be determined in accordance with this, unless material considerations indicate otherwise.
- 6.90 Peterchurch is a settlement which has been identified as a sustainable location for new housing growth within the spatial strategy of the Development Plan. The site, albeit sensitive in nature and context lies within an identified settlement boundary and is allocated for residential development within the made Neighbourhood Development Plan.
- 6.91 The proposal, having regard to its design and layout, and with suitable mitigation and biodiversity enhancement would respect the character of this sensitive village location and would not have a detrimental impact on amenity, its surroundings and landscape setting. Whilst it is noted that the Landscape Officer has objected to the proposal your officers consider that the proposal will maintain the character of the area.
- 6.92 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 as well as 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.
- 6.93 The Local Highway Authority have confirmed the road network 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. Pedestrian connectivity has also been secured.
- 6.94 The proposed development will result in a change to the landscape character, and therefore create conflict with policy LD1 of the Core Strategy and it is noted that the landscape officer has raised concerns albeit it is noted that confirm they advise there will be minimal impact on existing trees and minimal harm on the landscape as the ground levels are relatively flat and the overall harm at the immediate point of access is relatively minor. Any change to the landscape is to be expected with the change to of use to residential, nevertheless the proposal will maintain the character of the area. There are opportunities for tree and other green infrastructure retention and enhancement alongside biodiversity enhancement in accordance with policies LD2 and LD3. The council ecologist does not raise an objection and there are no heritage harms (built or buried) identified and policy LD4 is satisfied.
- 6.95 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 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.

- 6.96 There would be both economic and social benefits of providing dwellings within this location and 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.
- 6.97 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, 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.**

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

- 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: Site Location Plan except where otherwise stipulated by conditions attached to this permission.**

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

**Pre-commencement conditions**

- 5. No development shall take place until the developer has secured the implementation of a programme of archaeological survey and recording [to include recording of the standing historic fabric and any below ground deposits affected by the works]. This programme shall be in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority and shall be in accordance with a brief prepared by the County Archaeology Service.**

**Reason: To allow for recording of the building/site during or prior to development and to comply with the requirements of Policy LD4 of the Herefordshire Local Plan – Core Strategy. The brief will inform the scope of the recording action and the National Planning Policy Framework. The commencement of development in advance of such approval could result in irreparable harm to any identified heritage asset.**

- 6. Prior to the commencement of the development a tree protection plan in accordance with BS5837:2012 shall be submitted and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details for the duration of the construction phase.**

**Reason: To safeguard all retained trees during development works and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 7. No development shall commence until:**
- i) a survey to establish the current flow and load received at Peterchurch Wastewater Treatment Works has been undertaken; and**
  - ii) an assessment of the impact of the development hereby approved on the Wastewater Treatment Works having regard to the results of the flow and load survey has been undertaken and agreed with the local planning authority; and**
  - iii) if necessary, a scheme of reinforcement works for the Peterchurch Wastewater Treatment Works has been agreed with the local planning authority in order to allow it to accommodate the foul discharges from the development hereby approved without increasing the risk of breaches to the discharge consent for the Peterchurch Wastewater Treatment Works.**
- No dwellings shall be occupied until the agreed scheme has been completed.**

**Reason: To ensure satisfactory drainage arrangements, in accordance with policies SD3 and SD4 of the Herefordshire Local Plan Core Strategy 2011-2031**

- 8. Development 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**
  - Construction Traffic Management Plan**

**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.**

- 9. Before any work, including any site clearance or demolition begin, equipment or materials moved on to site, a Construction Environmental Management Plan (CEMP) including a full Ecological Working Method Statement based on a current ecology update, 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), National Planning Policy Framework, NERC Act (2006), NPPF (2021) and Herefordshire Council Core Strategy (2015) policy SS6, LD2 and LD3**

**Pre-occupancy or other stage conditions**

- 10. Development shall not begin in relation to any of the specified highways works until details relating to works as described within the submitted Transport Assessment Addendum by Alpha Consultants dated June 2022 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.**

- 11. Prior to first occupation of the approved development, a landscape scheme shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include a scaled plan identifying:**

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

**b) 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.**

- 12. Before the development is first occupied or brought into use, a schedule of landscape maintenance for a period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. Maintenance shall be carried out in accordance with this approved schedule.**

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

13. With the exception of any site clearance and groundworks, no development shall commence until written and illustrative details of the number, type/specification and location of electric vehicle charging point, shall be submitted to and approved in writing by the local planning authority. The electric vehicle charging points shall be installed prior to first occupation and be maintained and kept in good working order thereafter as specified by the manufacturer.

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.

14. Prior to any construction above damp proof course levels, a detailed scheme and annotated location plan for proposed biodiversity net gain enhancement features including as a minimum significant provision for Bat Roosting, Bird Nesting, pollinating insect 'hotels', wildlife refugia and Hedgehog homes (and movement corridors through any fencing) should be supplied to and acknowledged by the local authority and then implemented in full. The approved scheme shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), Habitat Regulations 2017, Core Strategy SS6, LD2, National Planning Policy Framework (2021), NERC Act 2006 and Dark Skies Guidance Defra/NPPF 2013/2021.

15. Prior to any construction above damp proof course levels, a detailed annotated/specifications illumination levels and lighting features plan should be supplied to and acknowledged by the local authority. All lighting must clearly demonstrate compliance with all current best practice guidance including guidance produced by the Institute of Lighting Professionals and the Bat Conservation Trust. The approved scheme shall be implemented in full and maintained hereafter as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to

The Wildlife and Countryside Act 1981 (as amended), Habitat Regulations 2017, Core Strategy SS6, LD1-3, National Planning Policy Framework – inc para 180 (2021), NERC Act 2006

16. No above ground development shall take place until the drainage scheme has been submitted and approved in writing by the Local Planning Authority and include, but not limited to:

- i) results of soil infiltration tests undertaken throughout the site. The tests shall be undertaken in accordance with BRE365 guidance;
- ii) Description of the proposed drainage strategy following the SuDS hierarchy. The description shall be supported by a drawing showing details of the proposed strategy. The drawing shall clearly show the proposed drainage features, proposed outfalls, infiltration features if applicable, pipe sizes and gradients at which the pipes have been laid, invert and cover levels of the manholes and drainage features, required attenuation storage volume;

- iii) Drawing showing details of the proposed drainage features, including all outfalls, overland SuDS conveyance structures and attenuation storage structure;
- iv) Demonstration that best practice SuDS have been promoted in the proposed surface water drainage strategy;
- v) Demonstration that the flooding/drainage issues, including overland flows from the north-east flagged up by the local residents, have been considered in the proposed surface water drainage strategy to ensure that the existing drainage issues are appropriately addressed to ensure no increased risk of flooding to the proposed development, and that the construction of the development will not increase risk of flooding to nearby properties or further downstream;
- vi) Information on the proposed pollution prevention measures that will be incorporated in the proposed surface water drainage system;
- vii) If infiltration techniques are found to be feasible on site, soakaways shall be located a minimum of 5m away from any building. The Applicant also shall submit information on groundwater levels to ensure that the bottom of soakaways is located a minimum of 1m above the groundwater level;
- viii) Detailed drainage calculations for up to and including the 1 in 100 year event with 40% climate change allowance. The drainage calculations also shall include detailed attenuation storage calculations. All the calculations shall be based on FEH 2013 rainfall data. The calculations shall demonstrate that there is no flooding from the proposed surface water drainage system for up to and including the 1 in 30 year event, and that there is no increase in the risk of flooding for up to and including the 1 in 100 year event with climate change allowance to the proposed development and elsewhere;
- ix) If discharge to a local watercourse is proposed, the greenfield runoff rate calculations for the 1 in 1 year, Qbar, 1 in 30 and 1 in 100 year events shall be submitted. The calculations shall be based on FEH methodology as outlined in The SuDS Manual 2015;
- x) Demonstration of how surface water that exceeds the capacity of drainage features will be managed within the site boundary up to and including the 1 in 100 annual probability event to ensure no unacceptable flood risk to the development and no increased flood risk to people, property and infrastructure elsewhere;
- xi) Confirmation of proposed adoption and maintenance arrangements for the surface water drainage system. If the proposed surface water drainage system is planned to be maintained by a third-party company, the Applicant shall submit an Operation & Maintenance guidance document to ensure that appropriate maintenance of the drainage system will be carried out.

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

17. Prior to occupation on site, a Travel Plan which contains measures to promote alternative sustainable means of transport 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 ever 3 years. All relevant documentation



shall be made available for inspection by the Local Planning Authority upon reasonable request.

**Reason:** In the Interests of highway safety and to comply with Herefordshire Core Strategy polices SS4 and MT1

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

**Reason:** In the Interests of highway safety and to comply with Herefordshire Core Strategy polices SS4 and MT1

19. Prior to first residential occupation, 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. The development shall be carried out in accordance with the approved details.

**Reason:** To ensure compliance with Policies SS7, SD3 and SD4 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

20. Prior to the first occupation of the development hereby permitted full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of each dwelling shall be submitted to the Local Planning Authority for their written approval. The covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the first use of the development hereby permitted. Thereafter these facilities shall be maintained.

**Reason:** To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform to the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

#### **Post occupancy monitoring and management / Compliance Conditions**

21. 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.

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

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

23. The reserved matters application submitted pursuant to Condition 1 shall be accompanied by details of a scheme for the delivery of the tenure for both open market, affordable and the wheelchair accessible unit. 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.

24. The plans for the provision for open space and play areas 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

25. All foul water shall discharge through a connection to the local Mains Sewer network managed by Welsh Water through their Peterchurch Waste Water Treatment Works; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), Wildlife & Countryside Act (1981), National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies SS6, LD2, SD3 and SD4.

26. The construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.

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.

#### **INFORMATIVES:**

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations In respect of matters of concern with the application (as originally submitted) have resulted In amendments to the proposal. As a result, the

Local Planning Authority has been able to grant planning permission for an acceptable proposal. In accordance with the presumption In favour of sustainable development, as set out within the National Planning Policy Framework.

2. It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
3. The 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](http://www.dwrcymru.com)
4. 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.
5. 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'
6. 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
7. In connection with Condition 17 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 17 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. 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).**
- 10. 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.**
- 11. 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.**
- 12. 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**
- 13. 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).**
- 14. On-site children's play provision: We would expect the play area to be of the value £70,000 in accordance with the SPD on Planning Obligations and the size of the development.**
- 15. The proposed development would be served by the local water supply network in Peterchurch which is nearing capacity and can only accommodate an additional 20 dwellings before reinforcement works would be required. Welsh Water can support**

the development through the planning process, a solution is likely to be required in advance of occupation of the site. Control over the delivery of reinforcement works on the water supply network for such a development sits within the Water Industry Act (1991) and can therefore be delivered at water connection stage.

16. Site plan dwg no 752.02 Rev B is for indicative purposes only.

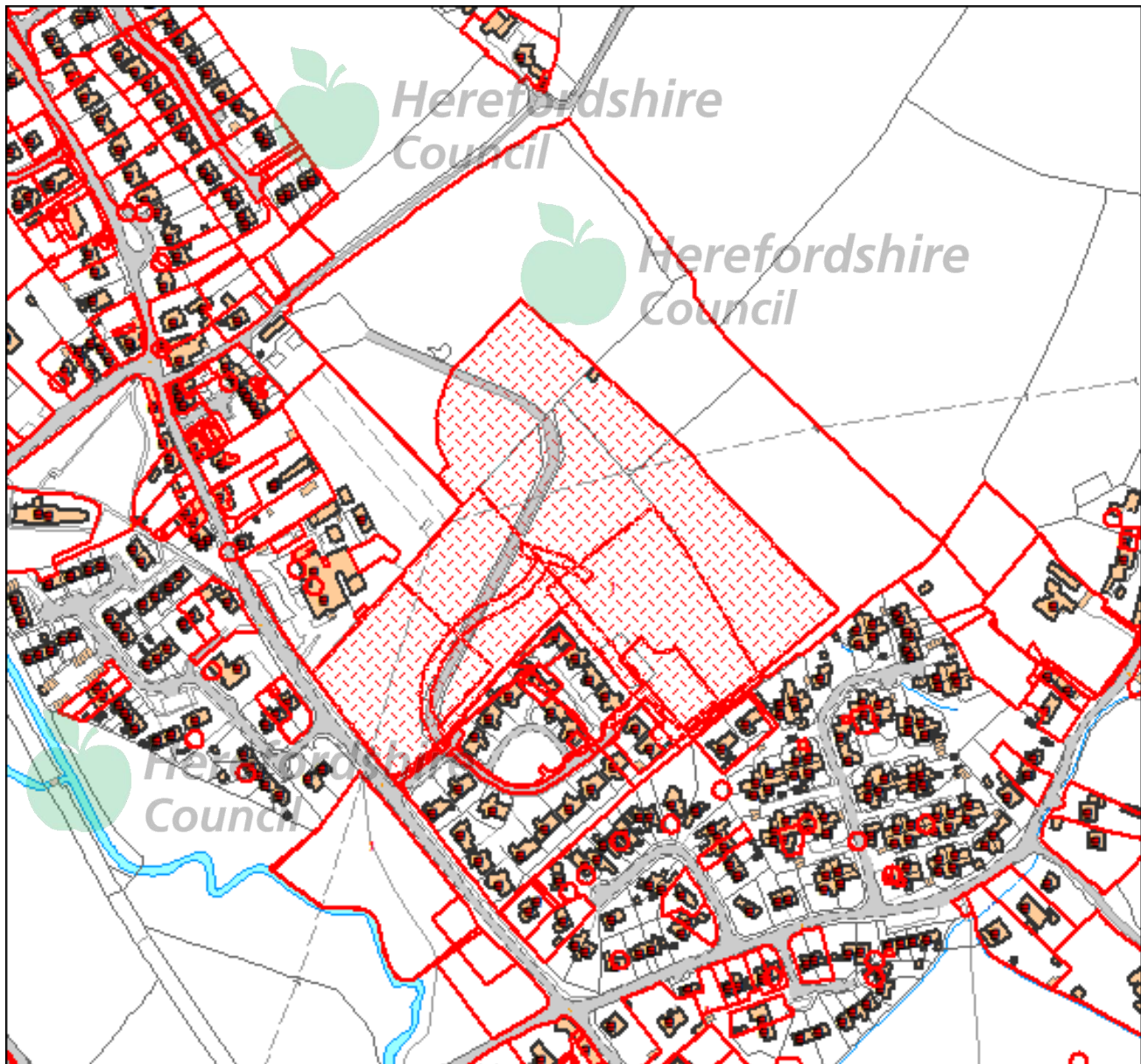
Decision: .....

Notes: .....

.....

### **Background Papers**

Internal departmental consultation replies.



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

**APPLICATION NO:** 201441

**SITE ADDRESS :** DEV 1 LAND ADJOINING HAWTHORN RISE ERECTION OF 89 NEW DWELLINGS, HAWTHORN RISE, PETERCHURCH, HR2 0RQ

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005