

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	18 January 2023
TITLE OF REPORT:	211147 - RESERVED MATTERS FOLLOWING OUTLINE APPROVAL 150930 (PROPOSED DEVELOPMENT OF APPROXIMATELY 212 DWELLINGS INCLUDING AFFORDABLE HOUSING, PUBLIC OPEN SPACE AND ASSOCIATED WORKS). FOOTPATH AND CYCLE LINK TO TOWN TRAIL. AT HILDERSLEY FARM, A40 HILDERSLEY TO WESTON UNDER PENYARD, HILDERSLEY, HEREFORDSHIRE, HR9 7NW For: Ms Francesca Evans, Barratt David Wilson Homes South Wales, Oak House, Village Way, Cardiff, CF15 7NE
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=211147
Reason Application submitted to Committee – Council Owned Land	

Date Received: 19 March 2021

Ward: Ross East

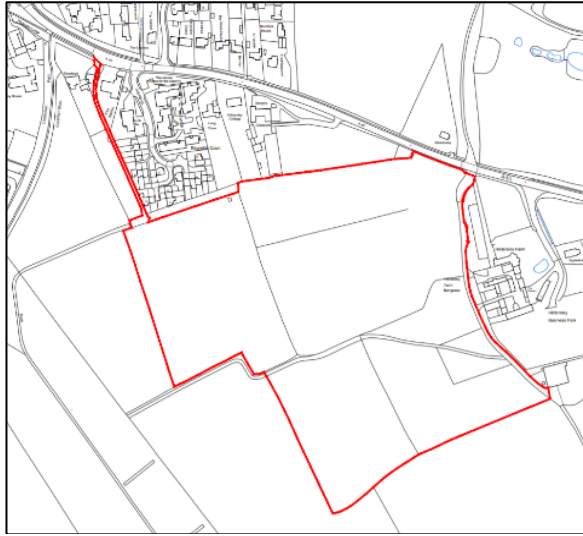
Grid Ref: 361100,223924

Expiry Date: 18 June 2021

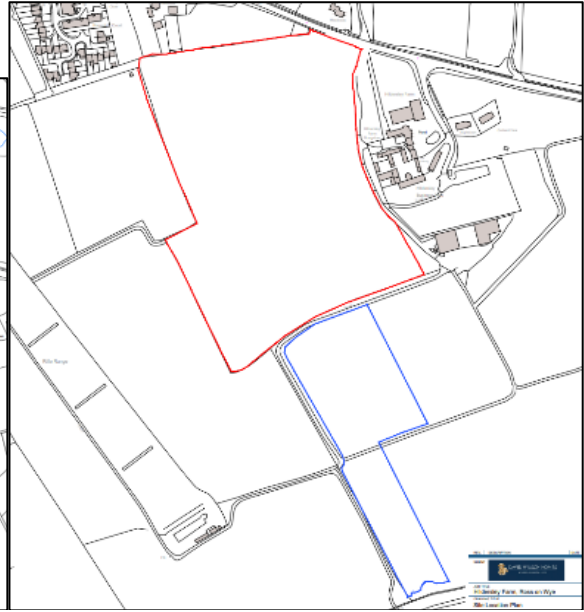
Local Members: Cllr Paul Symonds.

1. Site Description and Proposal

- 1.1 The wider site subject of the application is around 11 hectares in extent and is located to the east of Ross on Wye, adjacent the A40 which forms the northern boundary and from where access to the site is made. This site benefits from extant outline planning permission for the erection of *around* 212 dwellings (Application 150930).
- 1.2 Reserved Matters Approval (Application 210374) in respect of appearance, landscaping, layout and scale was granted in March 2022 for the residential development (210 dwellings) appearance. Construction has commenced.
- 1.3 It is noted the Reserved Matters Approval relating to the dwellings was on a red edge area that was reduced from that of the Outline Planning Permission. It excluded the Council and Ministry Of Defence owned land that lay to the west. The plans inserted below compare the original Outline Planning Permission and land that was included in the reserved Matters Approval for the residential element. Notably the parcel to the west and the link from the site to the A40 were not included.



Outline Planning Permission Site Location (Red Edge)



Reserved Matters Site location (Red Edge)

- 1.4 This application seeks Reserved Matters Approval (for matters relating to appearance, scale, landscape and layout) for the footpath link from the development site, across the Council owned parcel of land to the west and onto the existing private access. This is detailed on the block plan inserted below. Whilst the Outline application detailed this link on the concept masterplan the Outline Planning Permission did not require the inclusion of or the delivery of this route as part of any planning condition.



Proposed route of foot / cycle way link



Concept Masterplan (Outline PP)

- 1.5 The northern section of the route proposes the repair and resurfacing of the existing surfaced access. The southern section of the route proposes a new 3m wide footpath / cycleway with a tarmac finish with proposed meadow grass with wildflowers to both sides (approx. 7m either side). For clarity, a section, between the northern and southern elements is owned by the Ministry of Defence (see their comments in section 5 below)

2. Policies

Herefordshire Local Plan – Core Strategy

- 2.1 The following Core Strategy Policies are considered to be relevant:

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
RW1	-	Development in Ross on Wye
MT1	-	Traffic Management, highway safety and promoting active travel
LD1	-	Landscape and townscape
LD2	-	Biodiversity and geodiversity
LD3	-	Green Infrastructure
LD4	-	Historic environment and heritage assets
SD1	-	Sustainable Design and energy efficiency
SD3	-	Sustainable water management and water resources
SD4	-	Waste water treatment and river water quality
ID1	-	Infrastructure delivery

The Herefordshire Local Plan Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-
https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

Ross-on-Wye Neighbourhood Development Plan

- 2.2 The Ross-on-Wye Neighbourhood Development Plan Was made on the 7th June 2021 and forms part of the Development Plan. The following policies are considered to be relevant:

Policy A1: Active Travel
Policy A2: Walking and Cycling

National Planning Policy Framework

- 2.3 The following sections of the National Planning Framework are considered to be relevant:

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

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

3. Planning History

3.1 The site has the following associated planning history:

Application No.	Description of Development	Decision
222396/AM	Proposed non-material amendment to condition 18 of planning permission 150930 (Proposed development of approx. 212 dwellings including affordable housing, public open space and associated works) - to vary condition wording to "Prior to the occupation of any dwelling, the Noise Mitigation measures set out in Section 6 of Environmental Noise Assessment, Hildersley Farm, Herefordshire (5252/ENS1_Rev 4) must be implemented in fully".	Approved 12 th December 2022
222247/XA2	Discharge of Conditions 7 of 210374	Approved 14 th July 2022
221976/XA2	Discharge of Condition 11 of 210374	Approved 8 th August 2022
221572/XA2	Discharge of Conditions 2,4,5,8 and 9 of 210374	Approved (2, 4, 5, 9) 19.10.22
221378/XA2	Discharge of Condition 8 of 150930	Undetermined (awaiting consult responses)
221260/XA2	Discharge of Conditions 3 and 6 of 210374	Approved (3) 20.6.2022 (6) 8.8.2022
210374/RM	Reserved matters approval for 210 residential units following outline approval 150930/O (Proposed development of approximately 212 dwellings including affordable housing, public open space and associated works). https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=210374	Approved with conditions and Deed of Variation. 30 th March 2022
210369/XA2	Discharge of Conditions 5, 6, 7, 9, 12, 15, 17 and 18 of 150930	Approved 5, 7, 9, 11, 12, 15, 17 – 12.5.2022 6 (Partial) 18 (amended by 222396/AM)
150930/O	Proposed development of approximately 212 dwellings including affordable housing, public open space and associated works https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=150930	Approved with conditions and Section 106 agreement. 28 th March 2018

4. Consultation Summary

Statutory Consultations

4.1 Defence Infrastructure Organisation (DIO) on behalf of the Secretary of State for Defence. *(Representation received 4th May 2021)*

1. We thank the Council for the opportunity to comment on the above planning application. The Defence Infrastructure Organisation-DIO) manage the Defence Estate on behalf of the MOD. Please find set out below specific representations submitted on behalf of the Secretary of State for defence. Please note that these comments should be read in addition to those provided by colleagues in respect of MOD safeguarding interest. The comments set out below relate to wider MOD estate related interests.
2. The DIO, on behalf the MOD, object to the route as proposed in application P211147/RM for the following reasons:
 - 2.1 The above application proposes a footpath and cycle link that crosses land owned as Freehold by the MOD, please see map attached (inserted below) No agreement has been obtained from the MOD for this access and I can confirm that no such agreement would be forthcoming from the MOD, rendering the link unachievable as proposed.
 - 2.2 The northern part of the proposed route is the MOD's only ROW onto Ross Ranges site. This is a real concern for the site user, who drive onto the Range with a variety of military vehicles. The access road is very narrow so combining a vehicle access with a pedestrian and cycle route especially with children using the same route, raises the possibility of an accident, which of course, no one wants.
 - 2.3 The MOD also have security concerns regarding the access route, as contained in my objection letter dated 24th March 2021, to the following planning applications:

210369 – Application to discharge planning conditions attached to outline permission reference 150930 and 210374 – Reserved Matters application for 218 dwellings.

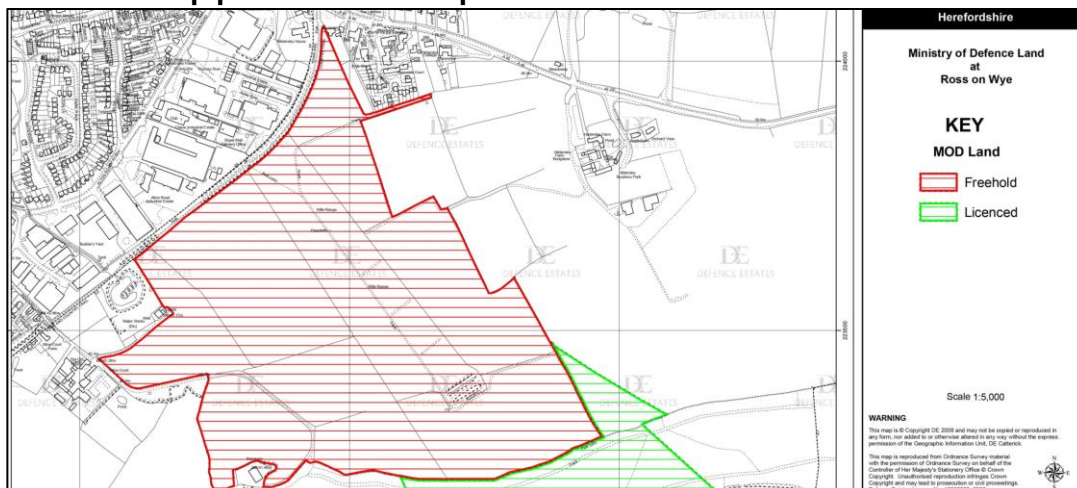
Paragraph 2.6 is repeated below:

I must repeat the concerns that the MOD has regarding the impact on the Military unit who train on Ross Ranges. Security and anonymity are of the utmost concern to this Military Unit. The plan for residential dwellings will inevitable increase the amount of foot traffic in the locale, including along the main access route to the Range. Therefore, the risk of direct contact with the residents in increased, which raises the risk of security compromise the unacceptable levels.

3. Conclusions

- 3.1 The DIO, on behalf of the MOD, object to the route as proposed in application P211147/RM for the reasons in paragraph 2 above.

Extract of map provided with response:



4.2 Defence Infrastructure Organisation (DIO) on behalf of the Secretary of State for Defence. (Representation received 16th June 2021)

I write in relation to the email dated 25th May 2021 from Zoe Aubrey, of Barratt Homes in response to the MOD's representation on this application.

In that representation, dated 4th May 2021, I stated:

2.1 The above application proposes a footpath and cycle link that crosses land owned as Freehold by the MOD, please see the map attached. No agreement has been obtained from the MOD for this access and I can confirm that no such agreement would be forthcoming from the MOD, rendering the link unachievable as proposed.

I will not repeat the contents of the Barratt Homes letter of 25th May 2021, but will simply state that, whilst a third party may apply for planning permission on land that they do not own, that does not give them rights to the land or to implement their proposals. Therefore, given the contents of the MOD's objection, the Footpath and Cycle link cannot cross MOD land.

Internal Council Consultations

4.3 Team Leader Area Engineer comments:

It is noted that this reserved matters application sets out the proposal for a link to join the reserved matters layout currently in the planning process under application number 210374.

In providing a response on this application there are parallels with the comments made under the adjacent application. The first of these relates to the deliverability on this link, which relies upon MoD land. This is important because of the comments made by the MoD relating to the use of the access to the Ross Ranges as a sustainable link.

"Whilst the principle of residential development at Hildersley Farm has been established, I must repeat concerns that the MOD has regarding the impact on the Military Unit who train on Ross Ranges. Security and anonymity is of the utmost concern of this Military Unit. The plan for residential dwellings will inevitably increase the amount of foot traffic on the locale, including along the main access route to the Range. Therefore the risk of direct contact with the residents is increase, which raises the risk of a security compromise to unacceptable levels."

As a result, it appears extremely unlikely that this link is deliverable.

There is mention in the covering letter about the S106 agreement related to the outline permission at the adjacent site. The content of the heads of terms for the section 106 contributions has been reviewed. The dedicated cycle route to the north is not included in it as a scheme as this would have been delivered as part of the developments on-site works due to it forming a fundamental part of the overall access strategy, as such funding would not have been specifically secured though the s.106. This is clearly set out by both the transport assessment and travel plan, as it is an integral part of providing a sustainable travel route to the wider amenities of Ross on Wye. The LHA will defer to the obligations manager on the wording of the S106 and the schemes that the "Transport Contributions" relate.

In relation to the specific details of the proposal, the layout plan indicates that there is already a footway/cycleway along the length. This is incorrect and no public route exists along the route set out on the layout drawing, the result of this is that the deliverability of any link would need to resolve the legal rights of access across this land in the ownership of both Herefordshire Council and the MoD. This further complicates the assessment of deliverability.

The widths of the existing route are not clearly set out, although it is noted to be less than 3m for much of its length. This constrained width will make the inclusion of street lighting challenging, particularly as the columns will reduce this width and vehicular access to the ranges is required.

The proposal does not deal with the drainage of the path, this is important because the low spot is circa 8m from the A40 junction and in wet weather ponding might occur, resulting in ice formation during cold spells. Further investigations will need to be undertaken to determine whether it is possible to drain this low point without crossing 3rd party land.

It is noted that the existing HC land is to be crossed to join to the layout. This joins the layout at a sub-optimal position for providing direct desire line based routes for all plots. A connection that joins to the north western corner would provide a more direct link for all residents.

The LHA is not of the opinion that the scheme is deliverable from the submitted information and as it is unclear if this can form a legal route for the public to pass and re-pass do not feel that it can support the needs of the adjacent development. Further details on the deliverability of the route is required.

4.4 Environmental Health Service Manager (Noise / Nuisance) comments:

Whilst there is not necessarily an overriding reason to raise an objection with respect to nuisance it is not clear to me if consideration has been given to the provision of fencing etc. to the existing cycle/footpath . to provide some privacy , and also mitigate noise from increased numbers passers-by, to the adjoining residences

4.5 Principal Natural Environment Officer (Ecology) comments:

This application appears to solely relate to the creation of a footpath-cycle link between approved (outline) development and the existing "Town Trail" and comments are made on this basis.

There are no ecology objections to the proposed development – If the actual construction is not fully considered and managed under a Construction Environmental management Plan (see https://www.designingbuildings.co.uk/wiki/Construction_environmental_management_plan for a guide on considerations) – then a separate pre-commencement CEMP should be secured for all works proposed under this application. This is to ensure all local populations of protected species and wider ecological interests and habitats are fully considered and appropriate working methods and mitigation measures are secured.

4.6 Land Drainage comments:

We have been consulted on the above planning application, and have no objections to the proposed footpath/cycleway. The amount of surface water runoff is likely to be negligible and runoff into the adjacent grassed areas.

5. Representations

5.1 Ross on Wye Town Council

Members object to the application due to the reasons stated/objection made by the Ministry of Defence

- 5.2 One letter of representation has been received that states: the strain on Ross on Wye facilities is already immense. Inadequate doctors, dentists, schools, supermarket road and this will add more pressure.

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=211147

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

- 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."* The development plan is the Herefordshire Local Plan – Core Strategy (CS) and the Ross on Wye Neighbourhood Development Plan.
- 6.2 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework (NPPF) requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application.

Principle of Development

- 6.3 The site benefitted from outline planning permission under 150390 for all matters reserved except for access. Following approval of the OPP for the site, it was included in the NDP and the site is denoted as a Commitment Site and within the proposed settlement boundary of the Ross on Wye Neighbourhood Plan. No specific policies are attributed to this site in the NDP. The associated residential element of this proposal has both Outline and Reserved matters Approval. Associated planning conditions have been discharged and works have commenced on site.
- 6.4 The outline Planning Permission was underpinned by a Master Plan, also shown below –

Outline Planning Permission 150930 revised Illustrative Masterplan – Drawing Number 503
Revision H



- 6.5 The illustrative layout associated with outline planning permission 150930, established and set the parameters of developable areas as regards to noise and amenity as relates to the adjoining Ministry of Defence facility which discharges ammunition. It also detailed the access to the site.
- 6.6 The Reserved Matters application for the residential element utilised the reduced red line as detailed above and omitted land originally identified to deliver a pedestrian and cycle link, open space and landscaping that were included and assessed in relation to the approval of the outline planning permission. The excluded areas were land outside of the 'option' of the application and in 3rd party ownership.
- 6.7 Following discussions with the applicants in respect of the sites connectivity and links this current Reserved Matters application was submitted relating to the pedestrian / cycle link only. Access was a matter considered at outline stage. This application seeks Reserved Matters approval in respect of Layout, Appearance, Scale and Landscaping of that foot / cycle link only. The Town and Country Planning (development Management Procedure) (England) Order 2015 defines these matters these definitions are included within the assessment below.

Access

"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;

- 6.8 The matter of access, as described above was considered at Outline Planning Permission stages and this proposed cycle / pedestrian route was identified and considered as part of the Outline Planning Permission. The decision having been taken by Planning Committee in March 2017.

Committee report can be read at: <https://myaccount.herefordshire.gov.uk/documents?id=9084a012-0402-11e7-ad1b-0050569f00ad>

Delivery

- 6.9 One of the aspects of the Outline Planning Permission was the delivery of a cycle and pedestrian route as required by policy RW2 of the Core Strategy. The proposal indicated the option of the route that is now proposed but also made provision for the delivery of this connectivity on the northern side of the A40 that would have been incorporated into and delivered as part of the 'Model Farm' employment site proposals to the north of the A40 that had been progressing at the time.
- 6.10 Officers can confirm that the delivery of a foot / cycle way that would serve the above development was intended and progressed as a Section 106 scheme. It was not expected to be delivered by the developer directly. No conditions were attached to the Outline Planning Permission requiring the delivery of a cycle / footway to serve the site.
- 6.11 Officers acknowledge the representation from the Ministry of Defence, that makes clear their objections and position in respect of ownership and access rights. Officers would confirm that the granting of this reserved Matters Approval would not override any requirement for consent or agreement from the MOD for the proposed foot / cycleway to be constructed or cross their land or any access rights. However, if approval is granted, this legal issue may be a matter that could be resolved between parties at a later date. This proposal is therefore advanced to approval in the knowledge of this matter.
- 6.12 Acknowledging the expected difficulties in delivering this off road route that came about during the processing of the associated residential Reserved Matters (210374) application negotiations and discussions officers and the applicants were undertaken. As a result several steps were taken to ensure that connectivity in some form between the Strategic site and the town and its services, could be delivered.
- 6.13 These were as follows:
1. Request that the applicant submit the Reserved Matters for the foot / cycleway that is before members for consideration. Officers confirmed with Herefordshire Council Property Services and the Cabinet Member that the proposed route and concept was acceptable before inviting this application. This followed the previously identified route and concept. Whilst acknowledging the objection and comments of the MOD this would retain the option should the required access agreements be subsequently agreed with them.
 2. A deed of variation to the Section 106 agreement was sought to widen the scope of use of the agreed Section 106 contribution that related to transport so that the contribution could be used for an alternative scheme along the A40 (south) to provide a foot / cycleway extending from the proposed site vehicular access to the recently improved and delivered cycle / footway connections to the west. The applicant undertook some feasibility work and consulted with the Local Highway Authority on these proposals before these changes were advanced and before the Reserved Matters were approved.

The approved internal layout of the residential development also facilitates both options.

The Section 106 (and Deed of variation) confirms that the contribution for Transport Facilities means some or all of the following:

- a) A contribution to upgrade A40 southern footpath for shared use between the fire station and eastern access point by Hildersley Farm to tie in with Model Farm active travel accesses.
- b) Upgrading the bus stops for Hildersley including real time information to full specification bus stops. The bus stops should also include secure cycle parking.

- c) Upgrading of the existing bus stop/shelter adjacent to the fire station including secure cycle parking.
- d) A contribution toward a formal crossing at A40 end of the 'Town and Country' trail to allow access to Hildersley which will link in with the northbound shared use path along the A40 towards the Tanyard Lane development and enhance the safer route to school network.
- e) Traffic regulation order for waiting restrictions around Ashfield Park Primary School.

Deed of variation dated 29 March 2022 - Amendment to Definition - inserting the following words after point e:

- f) the provision of a footpath and cycle link to the town centre trail,
- g) footpath improvements on southern side of A40 towards Ross on Wye town centre;
- i) the provision of a pedestrian crossing on the A40

Original Section 106: <https://myaccount.herefordshire.gov.uk/documents?id=01d6b4fa-0506-11e8-80b4-0050569f00ae>

Deed of Variation: <https://myaccount.herefordshire.gov.uk/documents?id=874bc945-b3e6-11ec-baf1-0050569f00ae>

- 6.14 The Section 106 contribution was a pre-commencement payment requirement and this payment of £375,409.51 of has been received by the Council who can progress delivery in line with the legal agreements and in liaison with the ward (and adjoining ward) members.

Matters Reserved Matters for consideration

“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.

“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

“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.

“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;

- 6.15 In terms of layout, comments made by the representative of the MOD above in respect of the potential impacts on safety of this route with conflict between MOD vehicle movements and pedestrians. This is also a matter raised and subsequently considered as part of the Outline Planning Permission.
- 6.16 The committee report (March 2017) considered Criterion 6 of Policy RW2 of the Herefordshire Local Plan - Core Strategy that related to; *new pedestrian and cycle links from the area towards the town and nearby employment site, to ease road congestion and limit CO2 emissions.*

6.17 In response to this the Committee Report states:

6.23 The comments from the Council's Transportation Manager acknowledge the need to provide improvements between the site, town centre and employment areas, and this is reflected in the recommendations made and the projects identified in the Heads of Terms Agreement to improve connectivity and sustainable transport within the local area.

6.24 Some concerns have been raised that the use of the track will bring pedestrians and cyclists into conflict with vehicles that currently use it to access the firing range. However, on the basis of the information that has been made available to the Council, it would appear that the firing range is used 4-5 times a month by a limited number of vehicles. The track is not currently conducive to use by vehicles at high speeds and any risk of conflict between motorised vehicles, pedestrians and cyclists is marginal.

6.25 The use of the track offers a convenient and obvious direct connection to the town in accordance with this criteria of policy RW2 and also policy MT1 of the Core Strategy. Distance may be a prohibitive factor for some and personal choice will ultimately dictate whether people do walk or cycle rather than use private modes of motorised transport, but the scheme will put these opportunities in place.

Conclusion

It is your officers' opinion that the scheme complies with this criterion.

- 6.18 Reflecting on the above, officers would conclude this more detailed proposal now presented as part of the layout does not alter the Councils position on the matter. The part of the site to which this concern relates has not been altered or amended and would have been of the same width and nature when these comments were considered and made. Officers advise, from visiting the site, that there is also good forward visibility along this length of the proposed route and that from the northern section to which this relates is around 185m in length. Officers would continue to concur with the appraisal above.
- 6.19 Officers are now satisfied that the requirements of the Herefordshire Core Strategy policies SS4, MT1 and RW2 and the Ross on Wye Neighbourhood Development Plan A2 continue to be met in supporting opportunities to walk and cycle. .
- 6.20 CS policies RW1 and RW2 and the wider development policies are underpinned by Policy LD1 of the Core Strategy *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 into its surroundings.
- 6.21 Core Strategy policy SD1 (Sustainable Design and Energy Efficiency) also 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.
- 6.22 The southern part of the route through the site follows that previously identified on the concept plan. It has a wide corridor with 7m landscaped areas either side of the 3m wide cycle / footway offering biodiversity value and enhancement in the form of the continued green corridor. The land either side of this is in council ownership (being a former sports field) and there are no proposals in place for these areas at this time. It is likely that boundary fencing will be required to demark this route. The layout, appearance and landscaping proposals of these are considered to be appropriate and a condition is suggested to agree more specific detail before construction as well

as future management and maintenance agreements. The requirements of policy LD1, LD2 and RW2 of the Herefordshire Local Plan Core Strategy.

MOD Personnel Security

- 6.23 The comments of the MOD in respect of safety of military personnel have also been considered and regard has been had to the control that the MOD have in terms of ownership and delivery (as above). Access to and from the range is described as being normally by vehicle. The range itself is screened by existing trees that lie to the western boundary of this parcel of land that can be seen on the aerial photograph below. These trees lie to western boundary of the Council owned site, and eastern boundary of the MOD owned site with additional trees and hedges forming the southern boundary. Views afforded of the range are limited at this point.



- 6.24 Officers are satisfied that the requirements of the Herefordshire Core Strategy policies SS4, MT1 and RW2.

Amenity

- 6.25 The Core Strategy notes the protection of residential and local amenity is essential to ensuring local communities are and remain sustainable. Amenity considerations include such issues as privacy, and noise. The proposed scheme reflects the aims of the Outline Planning Permission and no new issues have been raised in relation to impact upon amenity of local residents.
- 6.26 As per the comments from the Councils Environmental Health Officer, increased movements need also to be considered and officers would concur that ensuring details of boundary treatments are submitted, especially to the northern section of the route, is necessary. There is a mixture of boundary treatments along the route and a condition is recommended. This will ensure matters of privacy and noise mitigation are controlled and considered as part of the design and construction phase (via the section 106 delivery)
- 6.27 Officers are also conscious that lighting may be required for the foot / cycleway, details of any lighting (position and specification) are sought by condition as suggested below.
- 6.28 As such, the proposals, with the appropriate conditions would ensure compliance with policies SD1 and RW2 of the Herefordshire Local Plan – Core Strategy.

Highway Specification, Drainage and construction phase

- 6.29 The comments of the Highways Engineer (Local Highway Authority) in respect of concerns about width and technical specifications for lighting and drainage have also been considered. Land drainage have confirmed they have no specific concerns, but officers would conclude that the technical specifications, including both lighting and drainage can be controlled via planning conditions to ensure compliance with policies SD1, SD3 and MT1 of the Core Strategy.
- 6.30 The Council Ecologist has also confirmed no objection, but requested a condition in respect of a Construction Environmental Management Plan that would ensure compliance with policy LD2 of the Core Strategy.

Other matters

- 6.31 Whilst matters of scale are for consideration, this proposal does not have any particular matters for consider against this criteria.
- 6.32 The objection from the local resident is noted. This relates primarily to the principle of development which has already been established through the grant of earlier permissions.

Conclusion

- 6.33 The proposal is considered consistent with the aspirations of RW2 of the Core Strategy and the outline planning permission, and consistent with the development plan overall. Officers consider that the design approach is appropriate within the wider context and that this would provide an option to deliver connectivity from the residential development and the wider area. Conditions are suggested below that are also required to ensure compliance with the Development Plan.

RECOMMENDATION

That planning permission be granted subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

That planning permission be granted subject to the following conditions:

- 1. C07 - Development in accordance with the approved plans**
- 2. Non Standard Condition**

Prior to the commencement of development to which this application relates, the following details and specifications shall be submitted to and approved in writing by the Local Planning Authority:

- Surface finishes**
- Drainage details**
- Lighting proposals (including specifications)**
- Boundary treatments**

The development shall be carried out and thereafter maintained in accordance with the approved details.

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied and to conform to the requirements of Policies

SD1, SD3, RW2 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 3 CAT – Construction Management Plan**
- 4. CKM – Construction Environment Management Plan**
- 5. CA1 – Landscape Scheme**
- 6. CA2 – Landscape Maintenance Plan**

INFORMATIVE:

- 1. Application Approved Following Revisions**

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.

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.

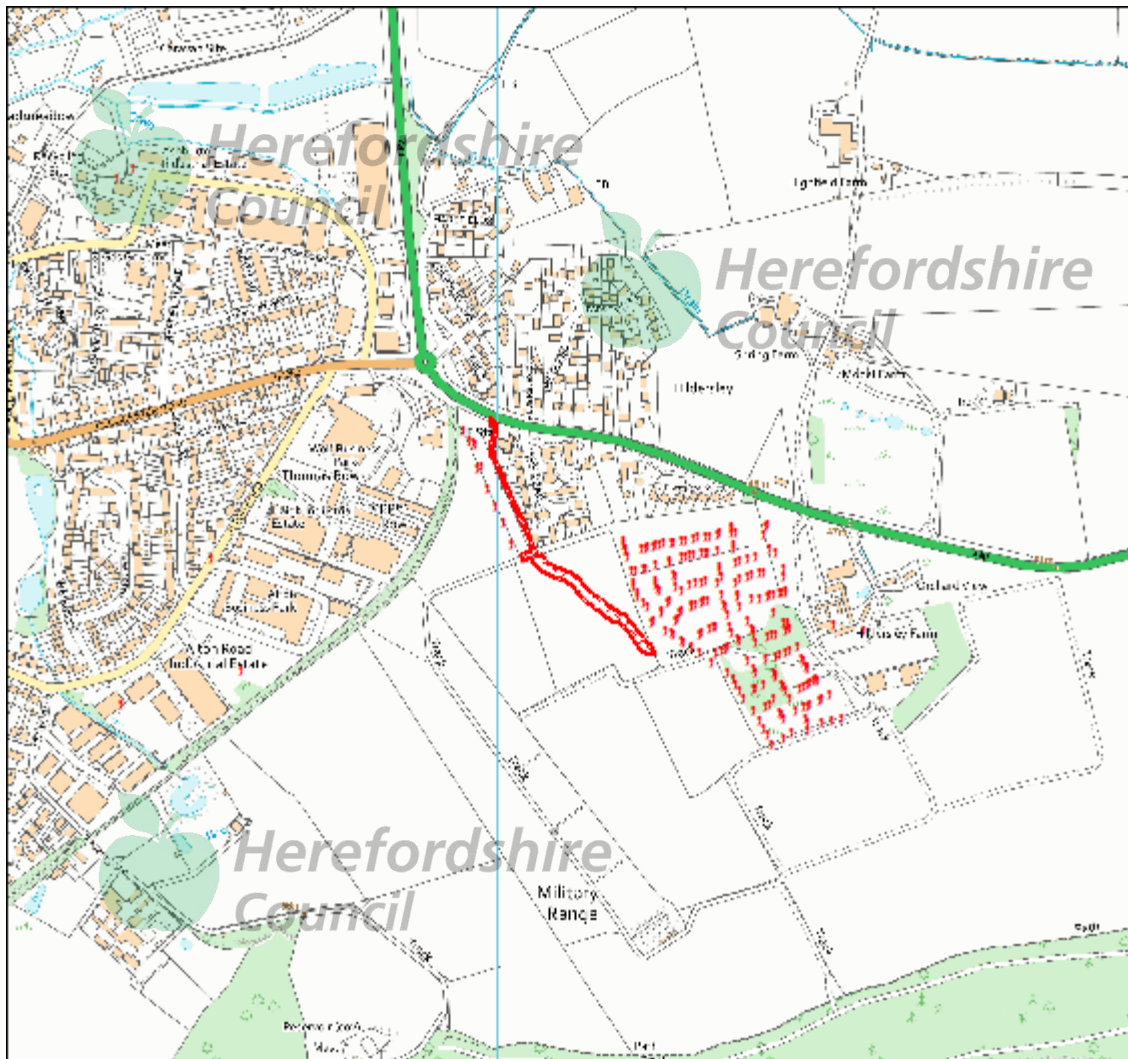
Decision:

Notes:

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Background Papers

None identified.



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APPLICATION NO: 211147

SITE ADDRESS : HILDERSLEY FARM, A40 HILDERSLEY TO WESTON UNDER PENYARD, HILDERSLEY, HEREFORDSHIRE, HR9 7NW

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