

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>17 July 2024</b>
<b>TITLE OF REPORT:</b>	<b>230457 - CONSTRUCTION OF 36 NO. DWELLINGS, NEW VEHICULAR AND PEDESTRIAN ACCESS, INTERNAL INFRASTRUCTURE, LANDSCAPING, OPEN SPACE; AND ASSOCIATED WORKS, INCLUDING DEMOLITION OF PIGGERY BUILDINGS. AT LAND TO THE SOUTH OF OLD CHURCH ROAD, COLWALL, HEREFORDSHIRE,</b>  <b>For: Rosconn Strategic Land Limited per Mrs Elizabeth Bloomfield, First Floor, South Wing, Equinox North, Great Park Road, Almondsbury, Bristol, BS32 4QL</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=230457&amp;search-term=230457">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=230457&amp;search-term=230457</a>
<b>Reason Application submitted to Committee – Request from Ward Member – Public Interest</b>	

**Date Received: 9 February 2023**

**Ward: Hope End**

**Grid Ref: 375241,242685**

**Expiry Date: 22 May 2024**

Local Member: Cllr Helen Heathfield

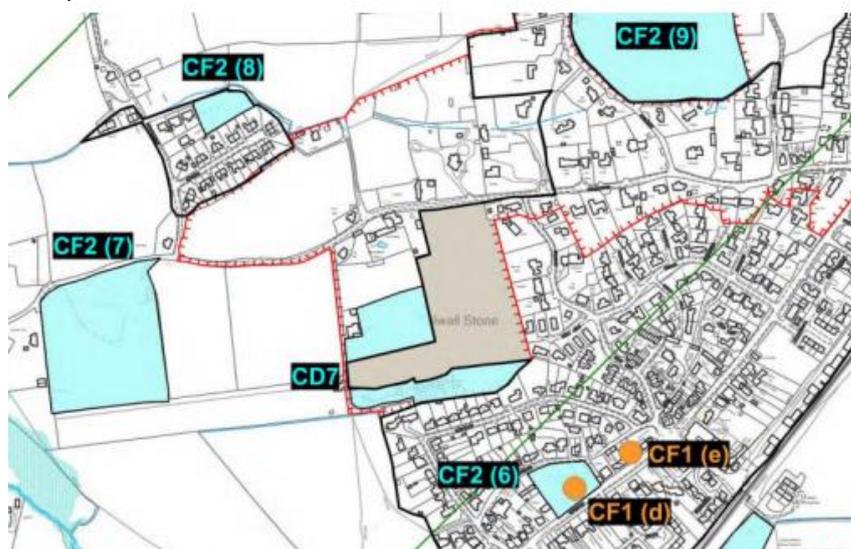
## **1. Site Description and Proposal**

- 1.1 The application seeks full planning permission for the ***'construction of 36.no dwellings, new vehicular and pedestrian access, internal infrastructure, landscaping, open space; and associated works, including demolition of piggery buildings'***.
- 1.2 The application site comprises a parcel of land measuring approximately 4.30 hectares. The site is located to the north western edge of Colwall, Herefordshire.
- 1.3 The Parish of Colwall is on the eastern boundary of Herefordshire between the towns of Malvern to the north east and Ledbury to the south west. It lies in the centre of the Malvern Hills Area of Outstanding Natural Beauty (AONB) now known as a National Landscape.
- 1.4 The village is the main settlement in the Parish and comprises the two areas of Colwall Stone and Colwall Green. Upper Colwall is a scattered group of buildings set on steeply sloping land. Colwall Stone forms the centre of the village. It has a range of facilities including shops, public houses, library, post office, pharmacy and doctor's surgery, as well as other local businesses. There is a railway station which has direct services to London, Birmingham and Hereford.
- 1.5 The application site comprises three land parcels totalling approximately 4.30 hectares. The main part of the site is a reverse 'L shaped' pasture field which sits immediately to the south of Old Church Road. The south eastern corner of the site is formed by a separate much smaller, irregularly shaped pasture field. The south western part of the site includes an area of old

agricultural buildings, now predominantly in a state of disrepair and surrounded by trees, scrub, vegetation and rough grass.

- 1.6 The site is bounded by detached residential dwellings to the south (The Crescent) and east (Stone Drive and Stone Close). Old Church Road contains residential properties but has a more rural context and runs along the northern boundary of the application site. Hopyard Cottage abuts the western portion of the site. A Public Right of Way runs along the western boundary of the application site which links to the footpath network to the south west. Access is currently gained via an existing field gate along the western boundary of the site.
- 1.7 The existing topography of the site is very gently undulating, falling broadly from north-east and west-south, but with a slight gully running east to west through the middle of the site. A small stream runs east to west from the south east corner of the site, with a section of the stream lying within the site. Field boundaries including those enclosing the site are predominantly formed by hedgerows with variable but generally high numbers of hedgerow trees. The north western boundary of the site is marked by a post and wire fence. There is no formal access to the site in respect of Public Rights of Way but there are PROWs in the area surrounding the site (Footpath Colwall 30, Footpaths Colwall 30A and 30B, Footpath Colwall 12 and 13). The wider area is well served with PROWs.
- 1.8 In terms of constraints, the site is located within Colwall Conservation Area and is also within the Malvern Hills Area of Outstanding Natural Beauty. (National Landscape). There are no listed buildings within the site, however, there are listed buildings located along Old Church Road close to the northern boundary of the site. There are no specific ecological designations in respect of the site. There is a large Oak Tree on the northern boundary of the site which is protected by a Tree Preservation Order. The site is located within Flood Zone 1, which is the lowest probability of fluvial flooding.
- 1.9 The majority of the site falls within the settlement boundary for Colwall as designated by the Colwall Neighbourhood Development Plan, the exception being two parcels of land to the south and west which are shaded blue on the policies map and are designated as Open Space.
- 1.10 The site is referred to as 'Site 2 Grovesend Farm' and is allocated through Policy CD7 of the Colwall Neighbourhood Development Plan for housing development of at least 32 dwellings. The areas to the west and south of the proposed housing area (shaded blue in the Policies Map) are included within Policy CD7 and allocated as areas of Open Space.

An extract of the Colwall Village Policies Map January 2021 is included below (Site is shaded brown – Policy CD7):



- 1.11 The application seeks full planning permission for a total of 36 dwellings, new vehicular and pedestrian access, internal infrastructure, landscaping, open space and associated works, which includes the demolition of existing piggy buildings.
- 1.12 The proposed development includes a mix of 2, 3 and 4 bedroom properties in the form of detached, semi-detached and terraced properties. Seven properties are bungalows and the remainder are two storeys.

An extract of the Amended Proposed Site Plan – PL004 Rev W is included below:



- 1.13 The mix of properties is as follows:
- 7 detached bungalows (7 x 2 bedroom);
  - 17 detached dwellings (9 x 3 bedroom and 8 x 4 bedroom);
  - 6 terraced properties (2 bedroom); and
  - 6 semi-detached (4 x 3 bedroom and 2 x 2 bedroom).
- 1.14 A total of 22 open market dwellings and 14 affordable dwellings are proposed across the site. The density of the scheme in the developed area of the site (excluding the public open space) would be just under 16 dwellings per hectare.

- 1.15 A new vehicular access is proposed onto Old Church Road to the north of the site. Off-site works are also proposed to introduce a new footpath in the public highway on Old Church Road. A 2.5 metre wide footpath and cycleway links through the application site connecting with the south western corner of the site.
- 1.16 The proposed layout includes provision of a large area of public open space, which incorporates sustainable drainage systems, a community orchard, walkways and a children's play area. The open space extends along the entire southern boundary of the application site and the proposals incorporate the tram lines to the south western corner of the site being preserved.
- 1.17 There will be some boundary treatment removal required to facilitate the proposed access, but overall the proposals incorporate the retention and enhancement of existing boundary vegetation.
- 1.18 The proposed development is a mixture of single and two storeys in scale. The majority of the dwellings proposed are two storey, with seven single storey properties positioned to take account of the site's characteristics, topography and surrounding context.
- 1.19 A total of seven housetype designs are proposed across the site. Details such as strong triangular shaped gables, stepped brickwork, horizontal brick cladding, window surrounds and stone cills have all been included within the house type designs.
- 1.20 Foul water is proposed to be managed through a traditional gravity drainage system and directed to a Type 3 pumping station in the south west of the site.

## 2. Policies

- 2.1 The Development Plan comprises the Herefordshire Local Plan – Core Strategy, Minerals and Waste Local Plan and the Colwall Neighbourhood Development Plan.

### Herefordshire Local Plan Core Strategy 2011-2031

- 2.2 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:-

[Adopted core strategy – Herefordshire Council](#)

- 2.3 The following policies are considered relevant to the application proposal:

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
H1	-	Affordable housing – thresholds and targets
H3	-	Ensuring an appropriate range and mix of housing
SC1	-	Social and community facilities
OS1	-	Requirement for open space, sport and recreation facilities
OS2	-	Meeting open space, sport and recreation facilities
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

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

- SD2 - Renewable and low carbon energy
- SD3 - Sustainable water management and water resources
- SD4 - Waste water treatment and river water quality

### **Minerals and Waste Local Plan**

- 2.4 A Minerals and Waste Local Plan (MWLP) has been prepared to guide mineral extraction and the management of waste in Herefordshire up to 2041 and beyond and was adopted in March 2024. The plan replaces the saved minerals and waste policies of the Unitary Development Plan. The MWLP together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

[Herefordshire Minerals and Waste Local Plan March 2024](#)

- 2.5 The following policies are considered relevant to the application proposal:

- SP1 - Resource Management
- M1 - Minerals Strategy

### **Colwall Neighbourhood Development Plan 2021-2031**

- 2.6 The Colwall Neighbourhood Development Plan together with any supporting documentation can be viewed using the following link:-

[Colwall Neighbourhood Plan January 2021 \(herefordshire.gov.uk\)](#)

- 2.7 The following policies are considered relevant to the application proposal:

- Policy CSB1 - Colwall Settlement Boundary
- Policy CD1 - Protecting Exceptional Key Views
- Policy CD2 - New Residential Development
- Policy CD4 - Development in the Conservation Area and Protecting Built Heritage Assets
- Policy CD7 - Grovesend Farm
- Policy CD10 - Protecting Archaeology
- Policy CH1 - Range and Mix of Housing
- Policy CRE1 - Renewable Energy Schemes

- 2.8 The National Planning Policy Framework (NPPF) sets out government's planning policies for England and how these are expected to be applied. The NPPF can be viewed in full via the link below:-

[National Planning Policy Framework \(publishing.service.gov.uk\)](#)

- 2.9 Planning Practice Guidance provides guidance across a broad range of topic areas in terms of determining planning applications and producing local plans. The guidance is set out in various topic areas which can be viewed via the link below:-

[Planning practice guidance - GOV.UK \(www.gov.uk\)](#)

- 2.10 Malvern Hills Area of Outstanding Natural Beauty Management Plan 2019-2024 sets out the vision for the designated Area of Outstanding Natural Beauty (AONB). It is a statutory document, produced and reviewed under Section 89 of the Countryside and Rights of Way Act 2000. The plan can be viewed via the following link:-

[19-24-MHAONB-Management-Plan.pdf \(malvernhills-nl.org.uk\)](#)

- 2.11 Colwall Village Design Statement was endorsed for material consideration when dealing with planning matters by Herefordshire Council on 20 April 2001. The document can be viewed using the following link or accessed via Herefordshire Archive Service Catalogue:-  
[COLWALL VILLAGE DESIGN STATEMENT.pdf \(colwallneighbourhoodplan.org.uk\)](https://www.herefordshire.gov.uk/colwallneighbourhoodplan.org.uk)

### **Designation of Conservation Area; Colwall Stone/Upper Colwall Character Statement**

- 2.12 The Designation of Conservation Area; Colwall Stone/Upper Colwall Character Statement is discussed within this report and can be viewed using the link below:  
[documents \(herefordshire.gov.uk\)](https://www.herefordshire.gov.uk/documents)
- 2.13 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 was updated in November 2020. The Council is in the process of preparing a new Local Plan. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the most relevant policies of the CS – which are considered to be those relating to meeting housing needs, guiding rural housing provision, highways safety and safeguarding features of environmental value (amongst others) – have been reviewed and are considered to be consistent with the NPPF. As such, it is considered that they can still be attributed significant weight.

### **3. Planning History**

- 3.1 A formal pre-application request was submitted to the local planning authority in November 2021 (Ref: **214338**). The request sought advice in respect of an outline application including access from Old Church Road with all other matters reserved for up to 41 dwellings, public open space; SuDS and associated works.

### **4. Consultation Summary**

- 4.1 External Consultations

- 4.2 **Herefordshire and Worcestershire NHS comments as follows:**  
*Consultation response dated 15 March 2023*

#### Introduction

Thank you for consulting NHS Herefordshire and Worcestershire on the above planning application.

I refer to the above planning application and advise that, further to a review of the applicant's submission, and concurrent with a refresh of the ICS Estates Strategy and a more strategic view of developments, the following comments are with regard to the primary healthcare provision on behalf of Herefordshire & Worcestershire Integrated Care Board (ICB).

#### Existing Healthcare Position Proximate to the Planning Application Site

The proposed development will be likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. Herefordshire and Worcestershire ICB would therefore expect these impacts to be fully assessed and mitigated.

#### Review of Planning Application

A Healthcare Impact Assessment (HIA) has been prepared by Herefordshire and Worcestershire ICB to provide the basis for a developer contribution towards capital funding to increase capacity within the GP Catchment Area.

### Assessment of Development Impact on Existing Healthcare Provision

The development could generate approximately 87 residents and subsequently increase demand upon existing services.

The development would have an impact on primary healthcare provision in the area and the proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.

### Healthcare Needs Arising From the Proposed Development

The intention of Herefordshire and Worcestershire ICB is to promote Primary Healthcare Hubs with coordinated mixed professionals. This is encapsulated in the strategy document: The NHS Five Year Forward View and the Fuller Stocktake Report: Next Steps for Integrating Primary Care.

The development would give rise to a need for improvements to capacity, in line with emerging ICB estates strategy, by way of new and additional premises or infrastructure, extension to existing premises, or improved digital infrastructure and telehealth facilities.

This housing development falls within the boundary of a practice which is a member of the East Herefordshire Primary Care Network (PCN) and, as such, a number of services for these patients may be provided elsewhere within the PCN. The ICB would therefore wish to secure the funding for the East Herefordshire PCN for the patients within this vicinity.

The table below provides the Capital Cost Calculation of additional primary healthcare services relating to the development proposal.

Primary Care Network	Additional Population Growth (36 dwellings) <sup>1</sup>	Floorspace required to meet growth (m <sup>2</sup> ) <sup>2</sup>	Capital required to create additional floor space (£) <sup>3</sup>
East Herefordshire PCN	87	6	24,000

**Notes:**

1. Calculated using an average household size of 2.4 taken from the 2011 Census: Rooms, bedrooms and central heating, local authorities in England and Wales (rounded to the nearest whole number)
2. Based on 120m<sup>2</sup> per 1750 patients (this is an optimal list size for a single GP). Space requirement aligned to DH guidance within "Health Building Note 11-01: facilities for Primary and Community Care Services"
3. Based on a locally agreed m<sup>2</sup> cost multiplier for primary healthcare construction prices, adjusted for professional fees, fit out and contingencies (£4,000/m<sup>2</sup>).

A developer contribution will be required to mitigate the impacts of this proposal. Herefordshire and Worcestershire ICB calculates the level of contribution required in this instance directly relating to the number of dwellings to be **£24,000**. Payment should be made before the development commences.

Herefordshire and Worcestershire ICB therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.

## Conclusions

In its capacity as the primary healthcare commissioner, Herefordshire and Worcestershire ICB has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.

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

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

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

Herefordshire and Worcestershire ICB is satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the National Planning Policy Framework (NPPF).

Herefordshire and Worcestershire ICB looks forward to working with the applicant and the Council to satisfactorily address the issues raised in this consultation response.

### **4.3 Severn Trent comments as follows:**

#### First consultation response dated 6 April 2023

I am emailing today to please request an extension in time in order to provide our STW comments.

We are wanting to do some further investigations into the foul sewage proposals, so for now have I passed this to a Senior Evaluation Technician with the response due back no later than Friday 14th April.

I will look to email again 14th April with either our comments, or a further extension in time (depending on what level of investigation is required).

I have checked our systems and have been unable to locate a Development Enquiry for this development; if the applicant believes that have completed one previously, please provide me with the relevant SAP reference number.

#### Second consultation response dated 11 April 2023

I am emailing today to request a 'Holding Objection' on this application until the following:

1. Can the pumped flow rate be provided for the proposed foul sewage connection to PFS mh 1801.
2. Confirmation that Surface Water is to discharge to the nearby watercourse as proposed (if so, we would recommend discussing this with the LLFA).
3. Once this information is received, we will be in a position to raise a Modelling Request to determine the affect this proposed development will have on the network. It is important to note: Modelling requests can take up to 6-8 weeks for the Sewer Capacity Assessment to be returned to us, therefore it is in the Developers best interests to provide this information as soon as possible.
4. When we have assessed the Sewer Capacity Assessment (SCA) report, we will look to provide further comment (I am unable to advise at this time what condition wording we would

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

be looking to apply, as the results of the SCA report will determine this and as to whether we feel a Grampian condition would be required.)

Third consultation response dated 5 September 2023

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows. I can confirm that we have no objections to the proposals as the modelling results demonstrated a low impact of this development. We would request the following condition is applied, to ensure proposals do not change from those modelled against Drainage strategy drawing C002 Revision E;

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

IMPORTANT NOTE: This response only relates to the public waste water network and does not include representation from other areas of Severn Trent Water, such as the provision of water supply or the protection of drinking water quality.

Please note if you wish to respond to this email please send it to [Planning.apwest@severntrent.co.uk](mailto:Planning.apwest@severntrent.co.uk) where we will look to respond within 10 working days.

If your query is regarding drainage proposals, please email to the aforementioned email address and mark for the attention of Rhiannon Thomas (Planning Liaison Technician).

Fourth consultation response dated 28 November 2023

We require to carry out more in-depth modelling for this planning application; this is due to resident concerns in the area.

It may be that our comments submitted 05/09/2023 do not change, which read; "I can confirm that we have no objections to the proposals as the modelling results demonstrated a low impact of this development. We would request the following condition is applied, to ensure proposals do not change from those modelled against Drainage strategy drawing C002 Revision E;

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

IMPORTANT NOTE: This response only relates to the public waste water network and does not include representation from other areas of Severn Trent Water, such as the provision of water supply or the protection of drinking water quality."

But until the additional in-depth modelling has been returned, we are unable to advise any further.

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

*Fifth consultation response dated 19 January 2024*

We have received the results of the Modelling Report which has indicated a predicted risk of flooding and pollution due to this proposed development.

Due to these results, I am emailing to please request a holding objection while ongoing investigations are carried out.

We thank you for your continued patience and support as we investigate this matter.

*Sixth consultation response dated 22 February 2024*

We have now received the results of our sewer capacity assessment which predicts a potential high risk of pollution. Consequently, Severn Trent objects to this application.

*Seventh consultation response dated 19 March 2024*

I refer to our recent discussions regarding the proposed development at Old Church Road, Colwell.

As you are aware, our current objection is based on the findings of our initial SCA. However, after further consideration it has become clear that the hydraulic model on which the study is based is one in which we have a low level of confidence (it is often only after having carried out a SCA that the quality of the model becomes clear) and consequently we must now undertake work to further develop the model to a greater level of accuracy.

This additional work will involve survey work on site and consequently will take at least twelve weeks to complete. When all necessary work has been carried out we will be happy to share the findings with you

This being the case, whilst we still have concerns over this development, Severn Trent cannot substantiate our current objection and appreciate you may need to approve the application. If you decide to do so, we ask for the approval to be conditioned as follows:

The development hereby permitted shall not commence until drainage details for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before first occupation of the development.

**REASON:**

To ensure the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem and to minimize the risk of pollution.

**4.4 Natural England comments as follows:**

*Consultation response dated 21 August 2023*

Thank you for your consultation on the above dated 10 August 2023 which was received by Natural England on 10 August 2023.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

## **SUMMARY OF NATURAL ENGLAND'S ADVICE**

### **NO OBJECTION**

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

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

#### Malvern Hills Site of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

#### Protected Landscapes – Malvern Hills AONB

The proposed development is for a site within or close to a nationally designated landscape namely The Malvern Hills AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraphs 176 and 177 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 177 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies. We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

#### Other advice

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development. As Standing Advice it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

You should apply our Standing Advice to this application in order to assess the adequacy of any surveys, the impacts that may result and the appropriateness of any mitigation measures.

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

Should the proposal change, please consult us again. If you have any queries relating to the advice in this letter please contact [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk)

4.5 Internal Council Consultations

**4.6 Country Archaeologist comments as follows:**

Consultation response dated 22<sup>nd</sup> March 2023

Assuming that the layout of the development will be as, or substantially similar to, that indicated in the application, I have no real concerns as regards archaeological impact.

**4.7 Building Conservation Officer comments as follows:**

Comments dated 10 May 2023

**Policy and Documents**

The Planning (Listed Buildings and Conservation Areas) Act 1990

Historic England – Historic Environment Good Practise Advice in Planning – Note 3 The setting of Heritage Assets.

Historic England – Historic Environment Good Practise Advice in Planning – Note 2 Managing Significance in Decision-Taking in the Historic Environment.

National Planning Policy Framework

Herefordshire Local Plan Core Strategy 2011 – 2031 – Policies LD1, LD4

The application is made in full for 36 houses. The site lies within the Colwall Conservation Area and is adjacent to listed buildings; the Homestead and attached stables block [ UID 1302305], Barn House [ UID1349716} and Winterslow {UID 1349717}, and contains non designated historic assets in the form of tramlines, piggeries and it is understood an icehouse.

The site has been indicated as appropriate for development in the Colwall Neighbourhood Development Plan, and as such the principle of development is not opposed. I note the pre-planning application 214338, and that the comments raised in respect of the siting of the play area and the boundaries has been taken into account, and would consider that the layout has addressed the sensitive nature of the site and its constraints.

However as there are views across the site from Old Church Road into Colwall, it is regrettable that the suggestion of chimneys has not been taken up. The topography (sic) of the area renders the rooflines visible from locations and greatly adds to the character and interest of the area. However the proposal is for 36 houses without chimneys. I would therefore again request that chimneys be included within the design to retain the roofscape of the conservation area.

I would also question the render on the gable feature of Bungalow type B on plots; 1, 35 and 36, and just brick is requested.

Whilst noting the plans indicate the materials and the use of natural slate is welcomed, given the visibility and sensitivity of the site, it is recommended that a condition requiring samples be provided in addition to boundary treatment retention.

**I look forward to receiving amended plans with chimneys and loss of render to the gables on plots; 1, 35 and 36, in due course.**

In respect of the heritage assets within the site. Whilst noting the Heritage Impact Assessment, it is considered that the loss of the piggeries are noted and in many ways regrettable, however they are not publically accessible, nor are the tramlines. The retention of the tramlines and their interpretation in the are of open space would be considered to be a public benefit, and as such there are no objections to the loss of the piggeries, however a condition requiring a full photographic survey of the piggery prior to demolition is suggested and a condition requiring a methodology of the tramlines retention to be incorporated into the hard landscaping plan.

**Once amended plans are received – I would suggest the following conditions in addition to materials**

CF7

CG1 - No development approved by this permission shall commence until a full photographic survey of the piggeries has been submitted to and approved in writing by the Local Planning Authority. A copy of the approved record survey shall be submitted to the Herefordshire Historic Environment Record within 1 month of approval.

CE9 –

- Details as to the methodology for lifting and relaying and retaining the tramlines
- Details as to how the tramlines will be incorporated into the wider hard and soft landscaping scheme

Second consultation response dated 4 October 2023

**Policy and Documents**

The Planning (Listed Buildings and Conservation Areas) Act 1990

Historic England – Historic Environment Good Practise Advice in Planning – Note 3 The setting of Heritage Assets.

Historic England – Historic Environment Good Practise Advice in Planning – Note 2 Managing Significance in Decision-Taking in the Historic Environment.

National Planning Policy Framework

Herefordshire Local Plan Core Strategy 2011 – 2031 – Policies LD1, LD4

Further to my comments of 10/05/2023, where I requested some design changes, I acknowledge the amended details received.

The application is made in full and lies within the Colwall Conservation Area which was designated in 2001.

The site has been allocated for housing within the Colwall NDP, and I duly note the document and the assessment of the site in Map 4 of that document and the site analysis in section 6.4 and policy CD4.

I had previously requested that consideration be given to;

- Chimneys be included within the design to retain the roof scape of the conservation area.
- Requested the use of brick on Bungalow type B on plots; 1, 35 and 36,

I note the chimneys on Illustrative Street Scenes revision E, and

I note the revision D to Bungalow type B which introduces brick on all four elevations.

As such I would consider that the design changes I suggested have been considered and amendments received. I duly acknowledge that the site lies within a Conservation Area, and that this designation provides a basis for planning policies whose objective is to conserve all aspects of character or appearance, including landscape and public spaces, that define an area's special interest.

Acknowledging the areas of open space on the boundary of the site that are not being developed as indicated on the proposed site plan, which provides a natural buffer between the housing proposed and the adjacent countryside, I would raise no objections to the proposal.

In making these comments I can confirm that I have read;

- the Colwall Character Statement
- the Colwall NDP

I am aware of our duties under section 72 of The Planning (Listed Building and Conservation Areas) Act 1990 and also Section 38 (6) of the Planning and Compulsory Purchase Act 2004.

#### Conditions

In addition to standard materials and landscaping conditions I would also suggest the following conditions;

1. CF7
2. CG1 - No development approved by this permission shall commence until a full photographic survey of the piggeries has been submitted to and approved in writing by the Local Planning Authority. A copy of the approved record survey shall be submitted to the Herefordshire Historic Environment Record within 1 month of approval.
3. CE9 –
  - details as to the methodology for lifting and relaying and retaining the tramlines
  - Details as to how the tramlines will be incorporated into the wider hard and soft landscaping scheme

#### **4.8 Ecology comments as follows:**

##### Consultation response dated 19 April 2023

The Preliminary Ecology Report by Cotswold Wildlife Services originally surveyed 11/05/2021 with an update survey 18/11/2022 is noted and refers.

This report does not appear to include any/a current species search from the local biological records centre – HBRC as would normally be best practice and as recommended by CIEEM and BS:42020 – in particular as the site is village edge rural with a wide range of habitats on-adjacent to the site. The lack of such a search means that potentially significant protected species records have been missed – in particular Great Crested Newts recorded on and breeding in ponds directly adjacent to the proposed development site. Including in gardens on the eastern boundary.

There are also additional records from reliable/professional sources that may not yet be available via HBRC of use of the site and adjacent properties for breeding slow worm populations, regular presence of Grass Snake and additional records of access from the site into gardens by Badgers and foraging visits by locally recorded Otter populations. There are also populations of other significant amphibians including other newt species, toads and frogs.

Further detailed ecological assessment and surveys are requested based on this missing data search and available information. The updated ecology report should clearly identify how the proposed development will not impact local populations of protected species, including through isolation of breeding populations and introducing artificial barriers to species movements across the site. The impact on additional household pets on all protected species should also be considered (eg cats commonly 'playing' with Slow Worms) The LPA has a duty to ensure protected species and wider ecological interests are not impacted by proposed development prior to any grant of planning permission.

As relevant detailed species/species group Risk Avoidance Measures and working methods should be clearly defined and supplied for approval. A fully comprehensive Construction

Environmental Management Plan (CEMP) that should include identified ecological risk avoidance measures, in addition to consideration of all other potential environmental effects from the construction process should either be supplied for approval or will be requested as a pre-commencement condition on any planning permission finally granted. (see [https://www.designingbuildings.co.uk/wiki/Construction\\_environmental\\_management\\_plan](https://www.designingbuildings.co.uk/wiki/Construction_environmental_management_plan) for useful guidance on all factors considered within a CEMP).

Detailed mitigation and compensation measures should be supplied and all surface water drainage should be designed (details supplied) such that there are no amphibian/reptile traps created (eg highway drain design).

A detailed specification and plan for all 'hard' habitat enhancements such as (but not limited to) Bat roosting, bird nesting, hedgehog houses and 'highways' through all relevant impermeable barriers is requested for approval or will be requested as a pre-commencement condition on any planning permission granted.

Local recorded, significant, bat roosting has been acknowledged in supplied report but no surveys to determine the actual importance of the site for foraging and commuting to support these populations appears to have been undertaken and thus to inform the layout and design of the development to protect movement corridors (in particular between roosting and foraging areas). Relevant surveys should be completed to inform a final proposed layout, protection/creation of dark corridors and an overall street lighting and private dwelling external lighting and illumination scheme.

It is noted that a "Community Orchard" is proposed – no details have been supplied as to what this orchard will consist of or how it will be managed and the community fully involved and participatory in its use and management. Colwall already has a thriving and nationally exemplar 'Colwall Orchard Group' – and it is requested that a detailed Establishment, Management and Community Involvement Plan is developed in partnership with the established group and supplied for approval by the LPA to ensure that proposed community orchard is locally relevant and can actually be delivered managed, maintained and the local community fully involved for the lifetime of the development.

The principle of the proportionally large area of multi-function open space that integrates play, trails, community orchard and deliver a habitat based biodiversity net gain is noted and supported. Protected species and locally important wildlife and any creation of isolated populations or interrupted commuting and foraging falls outside Biodiversity Net Gain process and needs to be addressed as a specific consideration. The impermeability of the hard development of dwellings and gardens on the eastern boundary is a significant concern in this respect.

Once all of the updated and additional information has been supplied final ecology comments and required consideration of effects on local protected species populations completed.

#### Second consultation response dated 5 September 2023

The fully revised and updated ecology report by Cotswold Wildlife Surveys dated July 2023 with additional optimal surveys completed during 2023 is noted and refers.

The response by Natural England dated 31 August 2023 including a "no objection" in respect of any effects on SSSI designated sites is noted and refers.

The ecology report includes full consideration of all recent records of protected species and species of national or local interest, including those submitted by local residents within their formal comments on the application. As relevant optimal period, detailed surveys were completed for use of the site by Bats (including foraging and commuting) and presence of reptiles and amphibians across the site.

The survey results indicate a higher usage by species such as bats for foraging and commuting along the less managed southern boundary of the site and the presence of a very small population of Grass Snake in this area,(redacted) These southern and western boundaries have been retained as natural areas within the proposed development and natural habitats are expanded into the existing 'managed' area of land as part of the extensive natural and semi-natural greenspace proposed as part of the development. Any effects on local protected species will be limited to the actual construction phase of the development and all wildlife can be protected during this phase using appropriate risk avoidance measures that can be secured as part of a wider Construction Environmental Management Plan (CEMP) through condition on any planning permission granted. In the longer term the wildlife friendly habitats are increased and extended and appropriate management can be secured through a detailed Landscape Ecological Management Plan (LEMP) and relevant legal controls over the future private management of all shared open space and features on the site.

In addition to the improved and increase habitats proposed as part of the development additional species specific enhancement can be secured by condition as part of the development including provision of suitably located bat and bird boxes, insect hotels, hibernacula for a range of wildlife and hedgehog homes and 'hedgehog' highways across the built form of the development and within the natural-semi-natural open space being provided.

External lighting on proposed new dwellings can be minimised through use of a relevant condition on any planning permission granted so as to protect the local intrinsically dark landscape and the nocturnal and light sensitive species present in the locality.

**Additional comments:**

It is noted that a "Community Orchard" is proposed - no details have been supplied as to what this orchard will consist of or how it will be managed and the community fully involved and participatory in its use and management. Colwall already has a thriving and nationally exemplar 'Colwall Orchard Group' - and it is requested that a detailed Establishment, Management and Community Involvement Plan is developed in partnership with the established group and supplied for approval by the LPA to ensure that proposed community orchard is locally relevant and can actually be delivered managed, maintained and the local community fully involved for the lifetime of the development.

In compliance with the council's highway design guide and general best practice no thorny or spikey plant species should be planted adjacent to any highway, cycleway or footway or used as boundary features to domestic dwellings for house owner safety.

Any public-highway lighting should utilise fully directional down lighting LED luminaires with a colour temperature <2700K. Ideally streetlights should operate with the 'timed power reduction' across the period of darkness as in operation on the council's own street lighting so as to minimise impacts on intrinsically dark landscape from additional public lighting (if proposed).

Suggested possible conditions:

**Ecological Protection and Construction Environmental Management Plan**

No longer than twelve months prior to any works or further site preparation commencing a detailed, comprehensive, Construction Environmental Management Plan - including but not limited to detailed ecological working methods and consideration of all environmental effects of construction processes shall be supplied to the LPA for written approval. The approved CEMP shall be implemented in full for the duration of all construction works at the site unless otherwise approved in writing by the local planning authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021),

NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SSI, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

Supporting information: The CEMP does not preclude the requirement for the applicant and their contractors to comply with all statutory ecological protection legislation that lies above any planning permission process. The CEMP should include consideration for all potential environmental effects and a helpful guide to all relevant considerations for a CEMP can be found at [https://www.desiqninabuildinas.co.uk/wiki/Construction environmental management plan](https://www.desiqninabuildinas.co.uk/wiki/Construction_environmental_management_plan)

### **Landscape Ecological Management Plan**

Prior completion of the first dwelling approved under this permission a detailed, comprehensive Landscape Ecological Management Plan to include all shared areas of land and open space - including but not limited to detailed ecological management methods relevant to all habitats and features present; a scheme for regular ecological monitoring and LEMP review and reporting to LPA (not more than every FIVE years from date of first LEMP for a minimum of 30 years) shall be submitted to the planning authority for written approval. The approved Plan shall hereafter be implemented 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 Conservation of Habitats and Species (Amendment) (EL) Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SSI, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

### **Nature Conservation - Biodiversity (species) Enhancement**

Prior to any construction work above damp proof course a specification and annotated location plan for proposed biodiversity net gain enhancement features including significant and meaningful provision of 'fixed' habitat features including a range of bird nesting boxes, bat boxes (or similar roosting features), invertebrate homes, hibernacula, hedgehog homes and hedgehog highways through all impermeable boundary features, must be supplied to and approved in writing by the local authority. The approved scheme shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that biodiversity net gain is secured and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EL) Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies SSI, SS6 LD1, LD2 and LD3; and the council's declared Climate Change and Ecological Emergency.

### **Protected Species and Dark Skies (external illumination)**

No external lighting shall be provided on any dwelling or building approved under this permission other than the maximum of one external LED down-lighter above or beside each external door (and below eaves height) with a Corrected Colour Temperature not exceeding 2700K and brightness under 500 lumens. Every such light shall be directed downwards with a 0 degree tilt angle and 0% upward light ratio and shall be controlled by means of a PIR sensor with a maximum over-run time of 1 minute. The Lighting shall be maintained thereafter in accordance with these details.

Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (ED Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework,

NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SSI, SS6, LD1-3; ; and the council's declared Climate Change and Ecological Emergency.

**4.9 Education comments as follows:**  
Consultation response dated 3 April 2023

<b>Site: Land to the South of Old Church Road, Colwall, Herefordshire</b>		
<b>Description: Construction of 36 no. dwellings, new vehicular and pedestrian access, internal infrastructure, landscaping, open space; and associated works, including demolition of piggery buildings</b>		
<b>Application No: 230457</b>		
Date application received:	<b>14/03/2023</b>	
Date reply sent:	<b>03/04/2023</b>	
Schools affected:	Colwall Primary School St Josephs RC Primary School John Masefield Secondary School St Mary's RC Secondary School	
Breakdown of Housing:	2+ bedroom flat / apartment 2/3 bed house / bungalow 4+ bed property	36 dwellings- 22 open market 15 x 2/3 bed 7 x 4+ bed
Total Contribution expected:	<b>£211,147</b>	

The educational facilities provided for this development site are Ledbury Early Years, Colwall Primary School, St Joseph's RC Primary School, John Masefield High School, St Mary's RC High School and Ledbury Youth.

Colwall Primary School has a planned admission number of 28. As at the schools autumn census 2022:-

- 2 year groups are at or over capacity- Y4=29, Y6=34

St Joseph's RC Primary School has a planned admission number of 30. As at the schools autumn census 2022:-

- 1 year group was at or over capacity- YR=31

John Masefield Secondary School has a planned admission number of 150. As at the schools autumn census 2022:-

- 4 year groups are at or over capacity- Y7=163, Y8=152, Y9=160, Y10=151

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

- 3 year groups are at or over capacity- Y7=152, Y8=150, Y10=151

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 John Masefield High School that we would otherwise be able to do.

In accordance with the SPD the Children and Young Peoples 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 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.

**4.10 Environmental Health Officer (Contaminated Land) comments as follows:**  
Consultation response dated 17 March 2023

I refer to the above application and would make the following comments in relation to contaminated land and human health issues only.

"Proposed Residential Development, Old Church Road, Colwall. Phase I Desk Study Report." Prepared by JJP Geotechnical & environmental Ltd. Dated November 2021, Ref: R-DS-23497-01-00, Rev: 00.

The Preliminary Risk Assessment (Desk Study) considers a Phase II Intrusive Site Investigation should be undertaken to quantify risks and address uncertainties identified. As such, we'd recommend the condition below be appended to any approval.

Recommended Condition

1. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:
  - a) As the Preliminary Risk Assessment (Desk Study) submitted in support of the application (JPP, November 2021, R-DS-23497-01-00) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors
  - b) if the risk assessment in (a) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

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

validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

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

Reason: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Technical notes about the condition

1. Assessment is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework 2019.
2. All investigations of potentially contaminated sites are required to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.
3. Where ground gas or vapour protection measures are required, they shall be validated in accordance with current best practice guidance.

#### 4.11 Senior Landscape Officer comments as follows:

First consultation response dated 20 April 2023

The site and setting was visited 9<sup>th</sup> December 2021 for pre-application advice. The site falls within the Malvern Hills AONB and the Colwall Conservation Area. It is highly sensitive in landscape terms. It is noted that the site is allocated in the Colwall NDP, with policy CD7 setting out design principles and the landscape capacity study identifying an area of between low to medium and medium capacity to change.

I welcome the use of the pre-application process, however it would have been preferable for a further stage to have been submitted prior to the application as there are a number of design issues that could have been given further consideration.

The application includes a Landscape and Visual Impact Assessment, which is welcome. There are a few issues, however, where the LVIA does not seem to have influenced the design layout. It is also a shame that a plant palette and hard materials palette have not been provided to support the described landscape strategy. Design and layout concerns are:

- **Old Church Road frontage** – Despite the DAS describing a generous set back, the layout should not encroach into the root protection area of the important oak tree (as per the Tree Officer comments). It does not provide a generous buffer zone away from the adjacent listed building at The Homestead / Grovesend Farm (ideally plots 36 and 35 could be removed). The proposed two storey building (image at DAS 3.13) detracts from the intention for smaller scale buildings at this location.
- **Views** - There is a missed opportunity for a clear view corridor across the site to the distant Malvern Hills. This is identified in the LVIA at figure 8, however is not celebrated in the site layout.
- **Topography** – The street scene is welcome to show the relationship between the existing and proposed levels. Ideally something similar would be created for the public open space area, where the SUDS fit comfortably with the existing contours, however the orchard, play

area and straight path do not. Overlaying this area with the existing contours and better explaining the relationship with the proposals would be welcome.

- **Management and maintenance** – Please clarify the intended management proposals for the street trees. The plan shows them adjacent to front gardens, but there is another line which could imply a management company will look after them, together with the open space areas. This would be preferable, as if conveyed to private properties there is no long term certainty of their retention.
- **Copse** – The proposed woodland copse in the south east corner of the site appears a little out of place and unconnected to the surrounding green infrastructure or site pattern.
- **Pumping station** – Is there any alternative layout solutions that would reduce the size of the building and the extensive access track and turning area? Are the building design and any fencing requirements fully specified?
- **Street scene** – A-A - There seems to be little variation in the house type or spacing, creating a very dense wall of built form, which is contrary to the surrounding settlement pattern which is more ad-hoc, lower numbers in rows of houses with differences in orientation, scale and plot size.

The above comments are provided in relation to Core Strategy Policy LD1 and LD3 in order that the proposed development reflects local character and distinctiveness, and that it will integrate well with the surroundings.

#### Second consultation response dated 18 October 2023

I have reviewed the new and updated plans, together with the covering letter. I offer the following comments in relation to Core Strategy Policy LD1 and LD3.

There will be a permanent change to the character of Old Church Road due to the introduction of the suburban style vehicle access, trimming of hedgerows for visibility splays and the new proposed footway. This will have the appearance of widening the corridor, reducing the current strong rural character.

The site itself will have a major negative change due to the loss of open agricultural land, replaced with the introduction of housing and associated infrastructure.

The boundary treatment plan (dwg no P21-1738-EN-0017-B-0001 Rev B), is very generic, only stating hard boundary treatment in the key, without specifying whether this is stone wall, brickwall or fence or any detail of height. In particular the public facing boundaries of plots 34, 19, 20, 10 and 11 will need to be carefully designed. This could be addressed by condition.

It is welcome that the full root protection zone of the oak tree on Old Church Road is now free from any development or ground work. It is questioned whether an additional feature tree is required to compete with the oak and new evergreen shrubs should not be planted underneath the oak.

New housing restricted to eastern part of site, adjacent to existing suburban style housing. This means that in long distance views from higher ground, the new development will be seen in the same context as the existing. The provision of open space on the eastern part creates a definite village boundary and means that there is no natural extension of village beyond the site and further to the east.

The open space to the eastern part will be publically accessible and includes a range of biodiversity and amenity features that benefit the community. The additional cross section drawings are particularly helpful to demonstrate how the open space fits with the natural topography and reflects a sense of place.

If the application is to be approved then the following conditions should apply:

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

With the exception of site clearance and groundwork, no further development shall commence until details of **both hard and soft landscape works** have been submitted to and approved in writing by the local planning authority. These details shall include:

- a) A statement setting out the design objectives and how these will be delivered.
- b) A Soil Resource Survey (SRS) and Soil Resource Plan (SRP) in accordance with the 'Construction Code of Practice for the Sustainable Use of Soils in Construction Sites' (DEFRA 2009).
- c) A plan showing existing and proposed finished levels or contours.
- d) A drawing detailing hard surfacing materials.
- e) Detailed construction drawings of the proposed play area with seating and viewing platform.
- f) Boundary treatments and means of enclosure.
- g) Artefacts and Structures e.g. street furniture, street lighting.
- h) All proposed planting, accompanied by a written specification setting out species, size, quantity, density and cultivation details.
- i) A plan detailing the integration of the water attenuation schemes with the POS.

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.

Third consultation response dated 7 December 2023

Thanks for consulting me again on the additional information for the above application. I have reviewed the Legal Opinion of Thea Osmund-Smith and the Addendum to the Planning Statement. I have no further landscape comments to make.

Fourth consultation response dated 16 April 2024

I have reviewed the Arboricultural Technical Note (dated March 2024) and Appendix J – Potential Off-site Highway Works in the Transport Statement (March 2024).

As stated in my previous comments (18/10/2023), there will be a permanent change of character to Old Church Road due to the highway alterations. It is noted that the off-site works will be to a garden hedgerow affecting the properties of Grovesend and Burleigh, rather than a countryside hedgerow. I accept the assessment in the arboricultural note that "...the hedgerow retains access to sufficient soil volume under the proposals to support its current health and outlook." And that it is "...within the capacity of the hedgerow to tolerate..." the proposed changes.

As also suggested a condition could be attached to an approval to provide added technical detail in the form of a construction method statement and on site clerk of works, in order to further mitigate the risk of adverse impacts during installation.

#### **4.12 Lead Local Flood Authority (Land Drainage) comments as follows:**

First consultation response dated 16 May 2023

Our knowledge of the development proposals has been obtained from the following sources:

- Application for Planning Permission;
- Location Plan (Ref: PL001 Rev A);
- Existing Site Plan (Ref: PL002 Rev A);
- Existing Topo Survey (Ref: PL003 Rev A);
- Proposed Site Plan (Ref: PL004 Rev Q);

- Design and Access Statement – Part 1 (Ref: ZEB 1622 Rev C);
- Design and Access Statement – Part 2 (Ref: ZEB 1622 Rev C);
- Planning Statement (Ref: P21-1738);
- FRA and Drainage Strategy.

#### Site Location

Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), December 2021



#### Overview of the Proposal

The Applicant proposes the construction of 41 dwellings, public open space, SuDS and associated works. The site covers an area of approx. 4ha and is currently an agricultural field. An ordinary watercourse flows along the southern boundary of the site. The topography of the site slopes down from the northeast (127.25m AOD) to the southwest (114.48m AOD) by approx. 13m.

#### Flood Risk

##### Fluvial Flood Risk

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the low probability Flood Zone 1.

However, as the proposed development is more than 1ha, in accordance with Environment Agency standing advice, the planning application has been supported by a Flood Risk Assessment (FRA) undertaken in accordance with National Planning Policy Framework (NPPF) and its supporting Planning Practice Guidance. This is summarised in Table 1:

Table 1: Scenarios requiring a FRA

	<b>Within Flood Zone 3</b>	<b>Within Flood Zone 2</b>	<b>Within Flood Zone 1</b>
<b>Site area less than 1ha</b>	FRA required	FRA required	FRA not required*
<b>Site area greater than 1ha</b>	FRA required	FRA required	FRA required

\*except for changes of use to a more vulnerable class, or where they could be affected by other sources of flooding

The Flood Risk Assessment confirms that the site is solely located within Flood Zone 1 and is at low fluvial flood risk. The FRA acknowledges that the watercourse which flows along the southern site boundary is culverted upstream, which is stated to restrict flood flows. The open channel will have capacity to direct high-risk flows past the site. All dwellings are to be sited upgradient of the ordinary watercourse.

## Surface Water Flood Risk

Review of the EA's Risk of Flooding from Surface Water map indicates that the majority of the site is not located within an area at risk of surface water flooding. However, there are multiple surface water flow routes located across the site due to the topography, flowing east to west. The higher risk flow route identified across the southern area of the site is associated with the Oak Drive and Stone Close access roads, as well as the surface water flow route associated with the ordinary watercourse. No dwellings are proposed to be located near this flow route

Figure 2: EA Surface Water Flood Risk Mapping, May 2023



The overland surface water flow route across the centre of the site has been acknowledged within the FRA. It is stated to be a low to medium flow route across the centre of the site and is estimated to potentially cause flooding to depths between approx. 150-300mm. We are aware of an existing highways storm drain to the east of the site which appears to follow this surface water flow route (see Figure 3). Upon visiting the site, it is clear that the landowner has created a culverted land drain across the site in the same location of the mapped surface water flow route; this is within the red line site boundary. An area of corrugated iron overlain with concrete was encountered onsite whereby, beneath it, it was clear that there is capacity for water to flow within the culvert (Figure 4). The land to the north of the flow route slopes to the south, and the land to the south of the flow route slopes north to form a valley-like topography. In the event of heavy rainfall, run-off will enter the culverted land drain and it is highly likely that this would form a stream-like feature. Groundwater could also be draining into the land drain via pipe joints. This is clearly demonstrated within the topographical survey.

Figure 3: As-Built Drawing showing route of existing storm drain

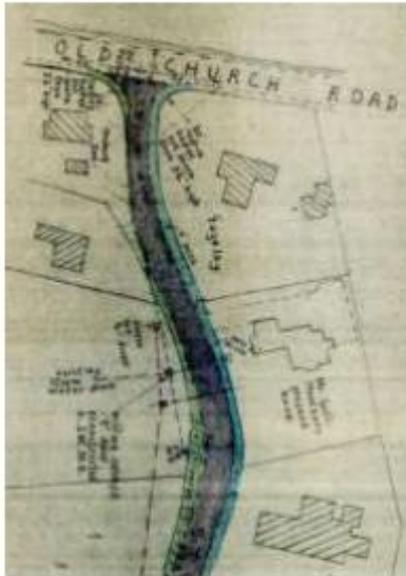


Figure 4: Site photos of culverted land drain indicated by an area of corrugated iron overlain with concrete, and an indication of its location with regards to the surface water flow route.



The Drainage Strategy drawing (Figure 5) shows that surface water would not track along the lowest ground; this detail needs to be corrected to accurately demonstrate the flood risk to the proposed dwellings.

Figure 5: Drainage Strategy drawing showing incorrectly mapped surface water flow route.



Under the current arrangement any surface water not conveyed into the land drain tracks across the field at the lowest point. The runoff will follow the same alignment if the site is developed. Homeowners will need to be aware of the presence of the surface water runoff route, otherwise features may be installed that may interfere with the flow of water.

Overall, it is not evident within the Flood Risk Assessment that full consideration has been given to the flood risk posed to the development associated with this surface water flow route. We are not confident that raising the finished floor levels by 150-300mm (as proposed) would be sufficient mitigation. The runoff is likely to cause a nuisance to residents unless some provision is made to convey the runoff.

We require evidence showing that further consideration has been given to the provision of adequate flood mitigation measures for the site is required whereby the impacts to both highways and dwellings are fully analysed. It will be necessary to reconfigure the site layout to ensure that the mapped surface water flow route through the natural topographical low points of the site is not impeded to deflect risk elsewhere across the site. We strongly advise that the culverted land drain is reinstated as an open feature to reduce the risk of surcharging in close proximity of the proposed dwellings and their associated gardens. This will also ensure that the presence of the surface water drain is known to all residents.

#### Other Considerations

Review of the EA's Groundwater map indicates that the site is not located within a designated Source Protection Zone or Principal Aquifer.

#### Surface Water Drainage

The proposed developable area is 2.404ha. No infiltration testing has been undertaken at the site; therefore, the ground conditions remain unknown. Despite this, it has been assumed that the site would not support soakaway drainage hence the proposals for three attenuation basins.

In line with the NPPF drainage hierarchy, a surface water discharge to ground must be prioritised before alternative solutions can be considered. Therefore, site specific infiltration testing must be undertaken in accordance with BRE 365 to determine whether a surface water discharge to ground is viable. Should this be the case, a revised surface water drainage strategy will be required which comprises infiltration features. Should infiltration testing fail, the proposals involving attenuation with a limited offsite discharge the watercourse south of the site would be acceptable. We are unclear why three attenuation basins are proposed. A single attenuation basin, with one restricted discharge is preferred to minimise future maintenance issues and reduce the risk of blockage within the pipes.

The private surface water drainage infrastructure will be the responsibility of the associated landowner. The ownership, maintenance and/or adoption arrangements for the shared infrastructure remain unclear and should be clarified.

#### Foul Water Drainage

We understand that Severn Trent are undertaking internal enquiries to determine whether a connection to the public sewerage system can be accommodated. A Type 3 Pumping Station is shown to be required to achieve the proposed foul water connection to the public sewerage system. It is unclear whether the foul water drainage system is proposed to be adopted.

#### Overall Comment

We recommend that the following information is provided prior to planning permission being granted:

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

- Submission of a revised Flood Risk Assessment which fully acknowledges the surface water flow route across the centre of the site associated with a culverted land drain. The above advice should be considered, and the site layout reconfigured appropriately.
- Results of infiltration testing undertaken in accordance with BRE365 and confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice;
- Submission of a revised surface water drainage strategy in line with the above advice.
- Evidence of acceptance from Severn Trent for the proposed foul water connection to the public sewerage system.
- Clarification of the adoption/ownership proposals for both the surface and foul water drainage system.

Second consultation response dated 31 August 2023

We have reviewed the additional information provided for the above site and have the following remarks/queries:

Highways:

- Please clarify the proposed adoption/ownership/maintenance arrangements for the proposed highways on the site.

Surface Water Drainage:

- We understand that the surface water drainage system is proposed to be adopted by Severn Trent. No evidence of discussions with Severn Trent regarding the surface water drainage system has been presented. Evidence of this must be provided.
- Please can the Applicant/Agent confirm whether the length of pipework between Attenuation C and the upper hydrobrake can be adopted; we understand that Severn Trent have declared the base of attenuation ponds are regarded as sewers.
- The upper hydrobrake located downstream of basins B & C must be fitted with an overflow weir above the maximum water level for a 1 in 100yr + 40% CC event (116.5mAOD) to accommodate excess surface water in extreme weather events or should the system become silted up/blocked.
- The lower hydrobrake located downstream of basin A must also be fitted with an overflow weir above the maximum water level for a 1 in 100yr + 40% CC event (115mAOD).
- In line with Sewers for Adoption, the 375mm diameter pipe discharging to Attenuation Basin 'B' will need to be fitted with a security grill; will this arrangement still be adopted by Severn Trent.
- Please confirm whether trash screens will also be fitted to the basin pipework.

Culverted Land Drain/Surface Water Flood Risk:

- We understand that part of the existing culverted land drain is proposed to be replaced and diverted as part of the proposed development. The entire length of existing culverted land drain crossing the site should be replaced as part of the development. A manhole should be constructed on the western edge of the site to allow for future inspections and maintenance works prior to the drain leaving the site boundary.
- The replacement land drain pipework on the eastern area of the site appears to cross between Plots 5 and 6; this should be realigned to solely be laid in one plot (presumably Plot 5). The manholes should be sited as close to the plot boundary as possible. Should the adjacent highway be adopted, the manhole located near the driveway/parking area of Plot 5 should be relocated to the edge of the highway.
- Please confirm the proposed pipe diameter for the replacement land drain. Upon the clarification and provision of the above details, we will look to amend our formal consultation response.

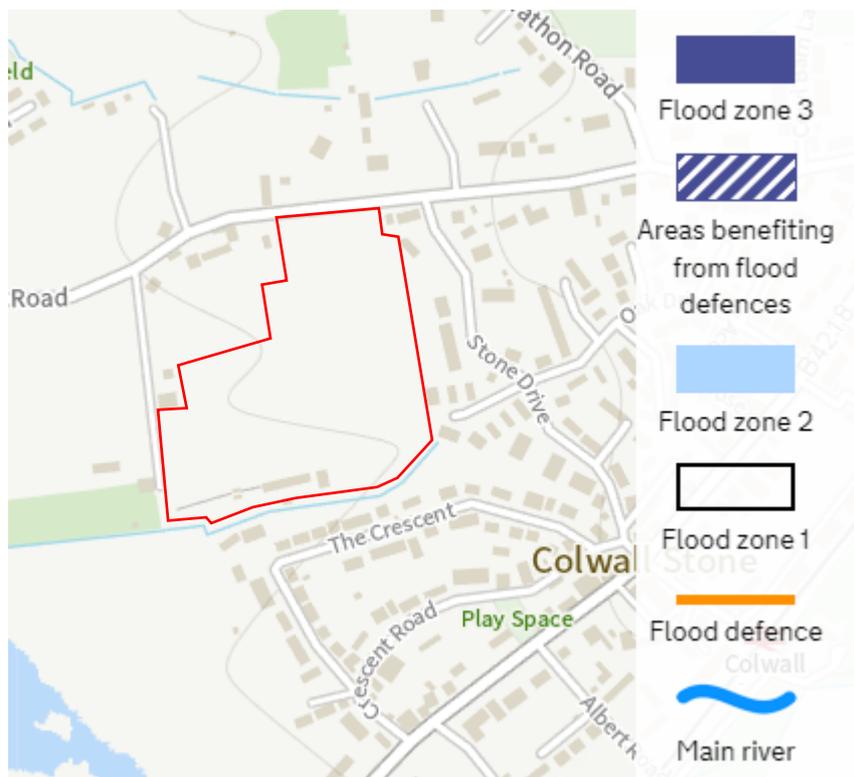
Third consultation response dated 25 January 2024

Our knowledge of the development proposals has been obtained from the additional sources provided following our previous consultation response in May 2023:

- AMENDED Proposed Site Plan – July 2023 (Ref: PL004 Rev W);
- Drainage Strategy – provided via email on 29.09.23 (Ref: C002 Rev H);
- ADDITIONAL Pumping Station Vignette – July 2023 (Ref: P21-1738\_EN\_0015\_A\_0001 V4);
- ADDITIONAL Design and Access Statement – Addendum – July 2023 (Ref: Zeb 1622 Rev B);
- AMENDED FRA and Drainage Strategy – July 2023 (Ref: 21-0388 Rev 3);
- AMENDED Illustrative Landscape Masterplan – July 2023 (Ref: P21-1738\_EN\_0005\_D\_0001 ILMP);
- ADDITIONAL Amend Submission Cover Letter – July 2023 (Ref: P21-1738 LOO2V1);
- UPDATED Drainage Engineers Response 11.8.23 (Ref: 21-0388 Rev 01);
- AMENDED Planning Statement – November 2023 (Ref: P21-1738/R006 – R001v3);
- Email update to Applicant 18.10.23;
- Email sent to PC – Consultation Ending 15.1.24.

### **Site Location**

*Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), December 2021*



### **Overview of the Proposal**

The Applicant proposes the construction of 36 dwellings, public open space, SuDS and associated works. The site covers an area of approx. 4ha and is currently an agricultural field. An ordinary watercourse flows along the southern boundary of the site. The topography of the site slopes down from the northeast (127.25m AOD) to the southwest (114.48m AOD) by approx. 13m.

### **Flood Risk**

#### ***Fluvial Flood Risk***

Review of the Environment Agency’s Flood Map for Planning (Figure 1) indicates that the site is located within the low probability Flood Zone 1.

However, as the proposed development is more than 1ha, in accordance with Environment Agency standing advice, the planning application has been supported by a Flood Risk Assessment (FRA) undertaken in accordance with National Planning Policy Framework (NPPF) and its supporting Planning Practice Guidance. This is summarised in Table 1:

*Table 1: Scenarios requiring a FRA*

	<b>Within Flood Zone 3</b>	<b>Within Flood Zone 2</b>	<b>Within Flood Zone 1</b>
<b>Site area less than 1ha</b>	FRA required	FRA required	FRA not required*
<b>Site area greater than 1ha</b>	FRA required	FRA required	FRA required

*\*except for changes of use to a more vulnerable class, or where they could be affected by other sources of flooding*

The Flood Risk Assessment confirms that the site is solely located within Flood Zone 1 and is at low fluvial flood risk. The FRA acknowledges that the watercourse which flows along the southern site boundary is culverted upstream, which is stated to restrict flood flows. The open channel will have capacity to direct high-risk flows past the site. All dwellings are to be sited up gradient of the ordinary watercourse.

### **Surface Water Flood Risk**

Review of the EA’s Risk of Flooding from Surface Water map indicates that the majority of the site is not located within an area at risk of surface water flooding. However, there are multiple surface water flow routes located across the site due to the topography, flowing east to west. The higher risk flow route identified across the southern area of the site is associated with the Oak Drive and Stone Close access roads, as well as the surface water flow route associated with the ordinary watercourse. No dwellings are proposed to be located near this flow route.

*Figure 2: EA Surface Water Flood Risk Mapping, May 2023.*



The overland surface water flow route across the centre of the site has been acknowledged within the FRA. It is stated to be a low to medium flow route across the centre of the site and is estimated to potentially cause flooding to depths between approx. 150-300mm.

We are aware of an existing highways storm drain to the east of the site which appears to follow this surface water flow route. Upon visiting the site, it is clear that the landowner has created a culverted land drain across the site in the same location of the mapped surface water flow route; this is within the red line site boundary. A CCTV survey of this feature has been completed which found the existing pipe to be in poor condition; sections of the drain had collapsed, there were large joint displacements and notable sediment deposits causing loss to cross-sectional area. Parts of the survey had to be abandoned also.

Following discussions with the Applicant/Agent, it was agreed that the full length of this land drain within the site will be replaced. An Ordinary Watercourse Flood Defence Consent (Ref: 23-12: 230457) has been granted for these works.

The route of the existing land drain will be altered within the proposed development. The upstream, eastern section of the drain will be laid solely within Plot 5 to minimise future access issues for maintenance works; the double garage for Plot 5 has been removed and the fence line amended as necessary. The following section of drain will be laid within the proposed highway and then across the proposed green space to the west of the site.

The Drainage Strategy drawing (Ref: C002 Rev H) now shows that surface water would track along the lowest ground; the proposed development highway has been designed to follow this route.

We note that the finished floor levels will be raised by 150-300mm above the proposed ground levels.

### ***Other Considerations***

Review of the EA's Groundwater map indicates that the site is not located within a designated Source Protection Zone or Principal Aquifer.

### **Surface Water Drainage**

The proposed developable area is 2.404ha.

Infiltration testing has been undertaken at the site a trial hole was excavated to 1.5mBGL. The hole failed to drain therefore a surface water discharge to ground is not viable.

We note proposals for three attenuation basins with a single limited offsite discharge to the watercourse located to the south of the site. We now understand that three basins are proposed due to the significant change in topography in the south-western corner of the site (approx. 4m). It is stated that this design would also allow for permanent water levels within the north-western (Basin C) and southern basin (Basin A).

The surface water drainage system has been designed to accommodate a 1 in 100yr + 40% CC event with a 10% allowance for urban creep; the supporting calculations have been provided. It is proposed that the offsite discharge will be limited to 4.4l/s (QBAR rate) via a 100mm diameter HydroBrake fitted to the outfall from Basin A.

The surface water from the proposed development will initially discharge to online attenuation basin 'B'; this basin has a total storage volume of 240m<sup>3</sup> at a depth of 1.2m. A 110mm diameter

HydroBrake is proposed downstream of the basin to limit the discharge to 5.9l/s and will include an overflow weir. This will allow the surface water to back up into basin 'C' for additional storage. Basin 'C' has a total storage volume of 280m<sup>3</sup> at a depth of 1.2m and has been designed to maintain a permanent water level. Basin 'A' has a total storage volume of 259m<sup>3</sup> at a depth of 0.9m and has also been designed to maintain a permanent water level. The final discharge from this basin (A) is limited to 4.4l/s via a 100mm diameter HydroBrake before entering the existing local watercourse located along the southern site boundary.

We note that the cover levels of the proposed HydroBrake manholes are shown too low to accommodate the overflow weir. The concrete lid needs to be raised sufficiently to allow the overflow to operate with additional space for the cover and bricks. **The Drainage Strategy drawing (Ref: C002 Rev H) must be amended accordingly before planning permission is granted for reference during construction.**

It has been clarified that all surface water drainage infrastructure will be proposed for adoption to the water authority. The connections to the adopted systems (surface and foul water) from the plots and private drives will be privately maintained by the respective homeowner.

### **Foul Water Drainage**

**We understand that Severn Trent are undertaking internal enquiries and carrying out in-depth modelling to determine whether a connection to the public sewerage system can be accommodated. The Applicant is in discussion with Severn Trent regarding these issues and these must be resolved prior to planning permission being granted.**

A Type 3 Pumping Station is shown to be required to achieve the proposed foul water connection to the public sewerage system.

### **Overall Comment**

We recommend that the following information is provided prior to planning permission being granted:

- Submission of a revised drainage layout drawing in line with the above advice regarding the HydroBrake manholes.

### **Fourth consultation response dated 22 February 2024**

Our knowledge of the development proposals has been obtained from the additional sources provided following our previous consultation responses in May 2023 and January 2024:

- AMENDED Drainage Strategy – provided via email on 20.02.2024 (Ref: C002 Rev K).

### **Site Location**

Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), December 2021



**Overview of the Proposal**

The Applicant proposes the construction of 36 dwellings, public open space, SuDS and associated works. The site covers an area of approx. 4ha and is currently an agricultural field. An ordinary watercourse flows along the southern boundary of the site. The topography of the site slopes down from the northeast (127.25m AOD) to the southwest (114.48m AOD) by approx. 13m.

**Flood Risk**

***Fluvial Flood Risk***

Review of the Environment Agency’s Flood Map for Planning (Figure 1) indicates that the site is located within the low probability Flood Zone 1.

However, as the proposed development is more than 1ha, in accordance with Environment Agency standing advice, the planning application has been supported by a Flood Risk Assessment (FRA) undertaken in accordance with National Planning Policy Framework (NPPF) and its supporting Planning Practice Guidance. This is summarised in Table 1:

Table 1: Scenarios requiring a FRA

	<b>Within Flood Zone 3</b>	<b>Within Flood Zone 2</b>	<b>Within Flood Zone 1</b>
<b>Site area less than 1ha</b>	FRA required	FRA required	FRA not required*
<b>Site area greater than 1ha</b>	FRA required	FRA required	FRA required

*\*except for changes of use to a more vulnerable class, or where they could be affected by other sources of flooding*

The Flood Risk Assessment confirms that the site is solely located within Flood Zone 1 and is at low fluvial flood risk. The FRA acknowledges that the watercourse which flows along the southern

site boundary is culverted upstream, which is stated to restrict flood flows. The open channel will have capacity to direct high-risk flows past the site. All dwellings are to be sited upgradient of the ordinary watercourse.

### **Surface Water Flood Risk**

Review of the EA's Risk of Flooding from Surface Water map indicates that the majority of the site is not located within an area at risk of surface water flooding. However, there are multiple surface water flow routes located across the site due to the topography, flowing east to west. The higher risk flow route identified across the southern area of the site is associated with the Oak Drive and Stone Close access roads, as well as the surface water flow route associated with the ordinary watercourse. No dwellings are proposed to be located near this flow route.

*Figure 2: EA Surface Water Flood Risk Mapping, May 2023.*



The overland surface water flow route across the centre of the site has been acknowledged within the FRA. It is stated to be a low to medium flow route across the centre of the site and is estimated to potentially cause flooding to depths between approx. 150-300mm.

We are aware of an existing highways storm drain to the east of the site which appears to follow this surface water flow route. Upon visiting the site, it is clear that the landowner has created a culverted land drain across the site in the same location of the mapped surface water flow route; this is within the red line site boundary. A CCTV survey of this feature has been completed which found the existing pipe to be in poor condition; sections of the drain had collapsed, there were large joint displacements and notable sediment deposits causing loss to cross-sectional area. Parts of the survey had to be abandoned also.

Following discussions with the Applicant/Agent, it was agreed that the full length of this land drain within the site will be replaced. An Ordinary Watercourse Flood Defence Consent (Ref: 23-12: 230457) has been granted for these works.

The route of the existing land drain will be altered within the proposed development. The upstream, eastern section of the drain will be laid solely within Plot 5 to minimise future access issues for maintenance works; the double garage for Plot 5 has been removed and the fence line amended as necessary. The following section of drain will be laid within the proposed highway and then across the proposed green space to the west of the site.

The Drainage Strategy drawing (Ref: C002 Rev H) now shows that surface water would track along the lowest ground; the proposed development highway has been designed to follow this route.

We note that the finished floor levels will be raised by 150-300mm above the proposed ground levels.

### ***Other Considerations***

Review of the EA's Groundwater map indicates that the site is not located within a designated Source Protection Zone or Principal Aquifer.

### **Surface Water Drainage**

The proposed developable area is 2.404ha.

Infiltration testing has been undertaken at the site a trial hole was excavated to 1.5mBGL. The hole failed to drain therefore a surface water discharge to ground is not viable.

We note proposals for three attenuation basins with a single limited offsite discharge to the watercourse located to the south of the site. We now understand that three basins are proposed due to the significant change in topography in the south-western corner of the site (approx. 4m). It is stated that this design would also allow for permanent water levels within the north-western (Basin C) and southern basin (Basin A).

The surface water drainage system has been designed to accommodate a 1 in 100yr + 40% CC event with a 10% allowance for urban creep; the supporting calculations have been provided. It is proposed that the offsite discharge will be limited to 4.4l/s (QBAR rate) via a 100mm diameter HydroBrake fitted to the outfall from Basin A.

The surface water from the proposed development will initially discharge to online attenuation basin 'B'; this basin has a total storage volume of 240m<sup>3</sup> at a depth of 1.2m. A 110mm diameter HydroBrake is proposed downstream of the basin to limit the discharge to 5.9l/s and will include an overflow weir. This will allow the surface water to back up into basin 'C' for additional storage. Basin 'C' has a total storage volume of 280m<sup>3</sup> at a depth of 1.2m and has been designed to maintain a permanent water level. Basin 'A' has a total storage volume of 259m<sup>3</sup> at a depth of 0.9m and has also been designed to maintain a permanent water level. The final discharge from this basin (A) is limited to 4.4l/s via a 100mm diameter HydroBrake before entering the existing local watercourse located along the southern site boundary.

We note that the cover levels of the proposed HydroBrake manholes have been amended accordingly to accommodate the overflow weir and the 'Drainage Strategy' drawing has been revised to demonstrate this.

It has been clarified that all surface water drainage infrastructure will be proposed for adoption to the water authority. The connections to the adopted systems (surface and foul water) from the plots and private drives will be privately maintained by the respective homeowner.

### **Foul Water Drainage**

**In email correspondence from Severn Trent, it is stated that, from the results of their assessments they object to this application.**

**Until the above issues with Severn Trent have been resolved to facilitate the foul water connection from the site to the public foul sewer, we cannot accept the foul water drainage proposals. Please note that for a development of this size, there are no alternative foul water discharge options other than a connection to the public sewerage system. This must be resolved prior to planning permission being granted.**

## **Overall Comment**

We can confirm that the surface water drainage proposals are technically viable, and we do not require any further details regarding these prior to planning permission being granted.

**However, please note the above remarks in the Foul Water Drainage section**

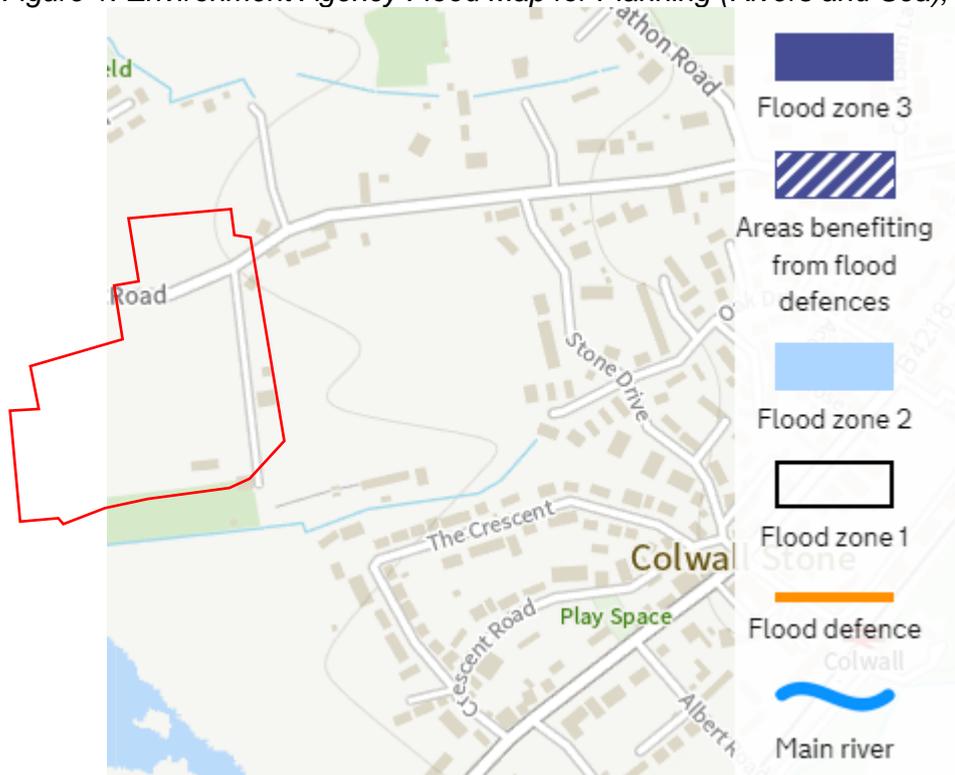
### *Fifth consultation response dated 9 April 2024*

Our knowledge of the development proposals has been obtained from the additional sources provided following our previous consultation responses in May 2023, January 2024 and February 2024:

- AMENDED Severn Trent Comments (March 2024) – dated 19/03/24.

## **Site Location**

*Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), December 2021*



## **Overview of the Proposal**

The Applicant proposes the construction of 36 dwellings, public open space, SuDS and associated works. The site covers an area of approx. 4ha and is currently an agricultural field. An ordinary watercourse flows along the southern boundary of the site. The topography of the site slopes down from the northeast (127.25m AOD) to the southwest (114.48m AOD) by approx. 13m.

## **Flood Risk**

### ***Fluvial Flood Risk***

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the low probability Flood Zone 1.

However, as the proposed development is more than 1ha, in accordance with Environment Agency standing advice, the planning application has been supported by a Flood Risk

Assessment (FRA) undertaken in accordance with National Planning Policy Framework (NPPF) and its supporting Planning Practice Guidance. This is summarised in Table 1:

Table 1: Scenarios requiring a FRA

	Within Flood Zone 3	Within Flood Zone 2	Within Flood Zone 1
Site area less than 1ha	FRA required	FRA required	FRA not required*
Site area greater than 1ha	FRA required	FRA required	FRA required

\*except for changes of use to a more vulnerable class, or where they could be affected by other sources of flooding

The Flood Risk Assessment confirms that the site is solely located within Flood Zone 1 and is at low fluvial flood risk. The FRA acknowledges that the watercourse which flows along the southern site boundary is culverted upstream, which is stated to restrict flood flows. The open channel will have capacity to direct high-risk flows past the site. All dwellings are to be sited upgradient of the ordinary watercourse.

### Surface Water Flood Risk

Review of the EA's Risk of Flooding from Surface Water map indicates that the majority of the site is not located within an area at risk of surface water flooding. However, there are multiple surface water flow routes located across the site due to the topography, flowing east to west. The higher risk flow route identified across the southern area of the site is associated with the Oak Drive and Stone Close access roads, as well as the surface water flow route associated with the ordinary watercourse. No dwellings are proposed to be located near this flow route.

Figure 2: EA Surface Water Flood Risk Mapping, May 2023.



The overland surface water flow route across the centre of the site has been acknowledged within the FRA. It is stated to be a low to medium flow route across the centre of the site and is estimated to potentially cause flooding to depths between approx. 150-300mm.

We are aware of an existing highways storm drain to the east of the site which appears to follow this surface water flow route. Upon visiting the site, it is clear that the landowner has created a culverted land drain across the site in the same location of the mapped surface water flow route; this is within the red line site boundary. A CCTV survey of this feature has been completed which found the existing pipe to be in poor condition; sections of the drain had collapsed, there were large joint displacements and notable sediment deposits causing loss to cross-sectional area. Parts of the survey had to be abandoned also.

Following discussions with the Applicant/Agent, it was agreed that the full length of this land drain within the site will be replaced. An Ordinary Watercourse Flood Defence Consent (Ref: 23-12: 230457) has been granted for these works.

The route of the existing land drain will be altered within the proposed development. The upstream, eastern section of the drain will be laid solely within Plot 5 to minimise future access issues for maintenance works; the double garage for Plot 5 has been removed and the fence line amended as necessary. The following section of drain will be laid within the proposed highway and then across the proposed green space to the west of the site.

The Drainage Strategy drawing (Ref: C002 Rev H) now shows that surface water would track along the lowest ground; the proposed development highway has been designed to follow this route.

We note that the finished floor levels will be raised by 150-300mm above the proposed ground levels.

### ***Other Considerations***

Review of the EA's Groundwater map indicates that the site is not located within a designated Source Protection Zone or Principal Aquifer.

### **Surface Water Drainage**

The proposed developable area is 2.404ha.

Infiltration testing has been undertaken at the site a trial hole was excavated to 1.5mBGL. The hole failed to drain therefore a surface water discharge to ground is not viable.

We note proposals for three attenuation basins with a single limited offsite discharge to the watercourse located to the south of the site. We now understand that three basins are proposed due to the significant change in topography in the south-western corner of the site (approx. 4m). It is stated that this design would also allow for permanent water levels within the north-western (Basin C) and southern basin (Basin A).

The surface water drainage system has been designed to accommodate a 1 in 100yr + 40% CC event with a 10% allowance for urban creep; the supporting calculations have been provided. It is proposed that the offsite discharge will be limited to 4.4l/s (QBAR rate) via a 100mm diameter HydroBrake fitted to the outfall from Basin A.

The surface water from the proposed development will initially discharge to online attenuation basin 'B'; this basin has a total storage volume of 240m<sup>3</sup> at a depth of 1.2m. A 110mm diameter HydroBrake is proposed downstream of the basin to limit the discharge to 5.9l/s and will include an overflow weir. This will allow the surface water to back up into basin 'C' for additional storage. Basin 'C' has a total storage volume of 280m<sup>3</sup> at a depth of 1.2m and has been designed to maintain a permanent water level. Basin 'A' has a total storage volume of 259m<sup>3</sup> at a depth of 0.9m and has also been designed to maintain a permanent water level. The final discharge from this basin (A) is limited to 4.4l/s via a 100mm diameter HydroBrake before entering the existing local watercourse located along the southern site boundary.

We note that the cover levels of the proposed HydroBrake manholes have been amended accordingly to accommodate the overflow weir and the 'Drainage Strategy' drawing has been revised to demonstrate this.

It has been clarified that all surface water drainage infrastructure will be proposed for adoption to the water authority. The connections to the adopted systems (surface and foul water) from the plots and private drives will be privately maintained by the respective homeowner.

### **Foul Water Drainage**

We note that a foul pumping station is proposed, built to adoptable standards and located to allow tanker access.

Severn Trent have provided further comments reiterating their concern regarding the impact of the development on their own sewerage system. However, they state that they have a low level of confidence in the hydraulic model used to inform their study. As such, they demonstrate intentions to undertake further work to develop the model to improve the level of accuracy however it is noted that this may take some time. This in turn may demonstrate the quantum of any impact the development may have.

Severn Trent have concluded that they cannot currently substantiate their objection. They have requested that should the development be approved, they would be satisfied or a condition to be applied.

As such, we can remove our objection regarding the foul water drainage proposals given that a connection to the Severn Trent public foul sewer will be accommodated.

### **Overall Comment**

We do not require any further details prior to planning permission being granted

#### **4.13 Local Highway Authority comments as follows:**

##### **First consultation response dated 10 May 2023**

The local highway authority (LHA) has the following comments:

- The LHA is accepting of the proposed footway plans along Old Church Road between the site and Stone Drive as it would enable more vulnerable residents who may not be confident to walk in the carriageway to access the rest of the village on foot. However, the footway should be delivered via S278 rather than S106.
- The access is designed as per our Highway Design Guide and provides visibility splays that are in correlation with the results of the speed survey. Therefore the access is considered to be acceptable.
- Visibility splays of 2.4m x 33m should be provided at all internal junctions.
- 2m x 2m vision splays should be provided at all driveways as it is noted that planting appears to be adjacent to the driveways which may hinder visibility, nothing over 0.6m in height should be placed within the splays.
- The whole of the area within the forward visibility splay on the bend will have to be adopted, therefore the line of the footway should follow the edge of the visibility splay.
- It is noted that a 2.5m strip of planting is provided alongside the eastern footway/cycleway through the site. The LHA will not adopt this area.
- All shared private drives under 25m in length should be provided with a turning head capable of turning a large estate car around via a three point turn with all of the car parking spaces occupied. Shared private drives over 25m in length should be provided with a turning head capable of turning a LWB Transit type van around via a three point turn with all of the car parking spaces occupied if Waste have confirmed that a refuse vehicle would not have to travel down it. Vehicle swept paths of these manoeuvres should be provided for all shared private drives.

It is noted that the 2.5m wide footway/cycleway terminates at the south-western edge of the site where it meets footpath CW30. In order not to preclude the future development of a footway/cycleway towards the school the stretch between the termination of the site footway/cycleway and the edge of the land to the south (assumed to be in separate

- ownership), as shown in yellow below, should be a 2.5m tarmac surfaced path and be included within the red line.



- The LHA would only wish to adopt the footways alongside the main carriageway through the site and the additional one highlighted on the plan below. All other footways will remain private.



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>

#### Second consultation response dated 10 May 2024

Following an on-site meeting with the Applicant's Team and a further topographical survey being undertaken revised plans for the proposed footway on Old Church Road have been produced. The south-western part of the footway scheme remains at 1.2m, however, following the revised topographical survey a footway of only 0.9m in width is achievable to the eastern end in the vicinity of Stone Drive. Whilst this is narrower than the local highway authority would have preferred it is still considered to be an acceptable width to accommodate wheelchair users as stated within Manual for Streets. It is accepted that the majority of residents from the site would be comfortable walking in the carriageway of Old Church Road given it's lightly trafficked nature, even with the additional traffic generated by the development. However, a site should be accessible for all users and therefore the inclusion of a footway helps to facilitate vulnerable users to access the services within the village.

The local highway authority has no objection to the application subject to the inclusion of the below conditions.

Conditions: CAB (as per drawings SK01 Rev D and SK06 Rev E by Rappor), CAD (no access gates), CAE, CAH, CAJ, CAP (footway along Old Church Road as per drawing SK05 Rev C by Rappor), CAT, CB2

Informatives: I11, I09, I45, I08, I07, I05, I43, I49, I54, I51, I47, I35

#### **4.14 Open Spaces Planning Officer comments as follows:**

##### Consultation response dated 31 May 2023

##### **Open Space Requirements.**

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

##### **National Planning Policy Framework (NPPF):**

- Paragraph 98: Open Space and Recreation: provision of what open space, sports and recreational opportunities required in a local area should be based on robust assessments of need

##### **Core Strategy(CS)**

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

##### **Evidence Base and standards (on and off site)**

- Herefordshire Open Space Study 2006: Current recommendations:
  - POS standard quantity of 0.4ha per 1000 population.
  - Children's Play standard quantity of 0.8ha or which 0.25 per 1000 population should be formal equipped play (as per Fields in Trust Guidance)
- Herefordshire Open Space Assessment 2023 (Final Draft) Recommends
  - Natural England green infrastructure quantity standard of 3ha of accessible greenspace per 1000 of the population

- Fields in Trust formal equipped play standard quantity of 0.25ha per 1000 population
- Football Foundation: Local Football Facility Plan for Herefordshire (LFFP):
- Herefordshire Playing Pitch and Outdoor Sports(PPOS) Assessment September 2022
- Herefordshire Playing Pitch and Outdoor Sports(PPOS) Strategy and Action Plan Feb 2023
- Fields in Trusts sports provision of between 1.2 and 1.6 ha per 1000 population

**Open Space Policy Requirements:** In accordance with CS policies OS and OS2 requirements for open space, sport and recreation facilities will be sought from all new residential development on a site by site basis in accordance with all applicable set standards and evidence bases.

Where on-site provision is not appropriate off-site contributions may be sought on an equally beneficial basis for the local community

**On/Off site POS Standard Requirements:** Given the size and location the development on site provision for children’s play and POS is supported. An off-site contribution will also be sought towards outdoor sports provision in lieu of on-site.

Using the current standards as set out above, for 36 houses at an occupancy of 2.3 (total population 82.8) the following is required:

- The developer provides a minimum of 0.99 ha (990sq m) of on-site green infrastructure comprising;
- 0.033ha (330sqm) of Public Open Space (@ 0.4ha per 1000 population)
- 0.066ha (660sq m) of Children’s Play (@ 0.8ha per 1000 population)
- Of which 0.021 ha (210sq m) should be formal children’s play. (@ 0.25ha per 1000 population).

An off-site contribution towards Outdoor Sports will also be sought based on the equivalent on-site provision of:

- 0.13ha (1300sq m) of Outdoor sports @ 1.6ha per 1000 population:

Detail set out below.

Going forward, although still in draft, the 2023 Open Space Assessment recommends that on-site POS should be multi-functional, to offer a range of recreational features both formal and informal and which supports the wider Green Infrastructure network. This can include amenity greenspace, natural and semi natural greenspace, green corridors and children’s play. The recommended standards set by Natural England and Fields in Trust are shown above. Whilst it is acknowledged that the assessment is still in draft, none the less the aspiration remains the same.

**On Site POS Provision – Proposed site plan:** Drawing no. PL004 Rev Q: Proposed site plan, Old Church Road shows large areas of on-site multifunctional POS running along both the western and southern boundaries. Although no details are provided of the size, it looks to be in excess of current policy requirements and as such the approach is supported.

It proposes integrated POS, children’s play area, SuDs Ponds, community orchard and pedestrian/cycle links to the existing PROW in the SW corner on one site. In addition the open space protects the existing heritage assets and the redundant tramlines and provides a buffer along the southern boundary. The play area, viewing platform and community orchard are located within the western region of the open space as described in the supporting Design and Access Statement. The land looks to rise from south to west which should be taken into account when designing the play area.

**Children's Equipped Play (Formal):** It is noted that the location of the play area is now within the main area of POS to the west. At pre-application stage it was shown to be separate which was not ideal. The new location is supported. The co-location will bring benefits of integrated

informal and formal recreation along with natural play opportunities whilst being accessible and offering natural surveillance.

To ensure parity across all developments which require on-site play a cost value is provided below. This is calculated on the size of the development (excluding 1 bed) and in accordance with the SPD on Planning Obligations play tariffs and development costs only @ 50%. Therefore for:

15 x 2 bed @ £965  
13 x 3bed @ £1640  
8 x 4+ bed @ £2219

We would therefore expect the on-site play provision to be of a value of approximately **£27,000**  
*The play area costs include groundworks, landscaping, ancillary features such as benches, pathways etc*

The play area scheme will need to be approved by the planning authority and include details of provision as set out below and the applicant will need to demonstrate the minimum cost has been met.

- a detailed location plan,
- layout,
- equipment list (with suppliers and part numbers),
- details of safety fencing (if applicable),
- safety surfacing,
- information on signage,
- seating and litter bins

#### **Recommend condition and informative**

- **CA6: Details of play provision**
- **Informative.** On-site children's play provision: We would expect the play area to be of the value **£27,000** in accordance with the SPD on Planning Obligations and the size of the development.

**SUDs:** The SuDs attenuation basins are included as part of the multi-functional open space and this is supported. However, the applicant will need to demonstrate that appropriate gradients have been met in support of the health and safety of standing water. Plans submitted as part of the landscape scheme should demonstrate that appropriate gradients can be achieved where appropriate.

There does not appear to be any landscape plans submitted.

#### **Recommend condition**

It is recommended that submission of plans should be conditioned accordingly and submitted as part of the landscape scheme. They should demonstrate that appropriate gradients can be achieved where appropriate. .

**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.

There does not appear to be a maintenance or management plan

## Recommend condition

It is recommended that submission of details of the Management Company should be conditioned accordingly and submitted as part of the landscape scheme. This should include a written scheme detailing:

- the future management and maintenance requirements for the open space facilities
- how the Management company will be set up in order to fulfil its ongoing obligations and functions in relation to the open space facilities

**Off-Site Outdoor Sports Contribution:** An off-site contribution will be sought in accordance with the evidence base set out above and CS policies OS1 and OS2. It is noted in the draft Heads of Terms prepared by Pegasus and submitted with the application, that there no reference to off-site contribution towards sports.

The Herefordshire Playing Pitch and Outdoor Sports(PPOS) Strategy and Action Plan Feb 2023 indicates that there is no requirement for additional sports land in Colwall, but existing facilities at both Colwall Cricket Club and Collwall Football Club would benefit from improvements to ensure the sustainability of the clubs in meeting both existing and future needs as set out below.

The Herefordshire Playing Pitch and Outdoor Sports(PPOS) Strategy and Action Plan Feb 2023 indicates that there is no requirement for additional sports land in Colwall, but existing facilities at both Collwall Cricket Club and Collwall Football Club would benefit from improvements to ensure the sustainability of the clubs in meeting both existing and future needs as set out below.

Current Status	Recommended Actions	Priority	Aim
<p><b>Colwall Cricket Club:</b> Two good quality squares. Square one consists of 12 senior wickets and two junior wickets. Square two consists of ten senior wickets and two junior wickets. Ancillary facilities of standard quality. Square one's senior wickets have spare capacity of 21 MES per season, its junior wickets have spare capacity of four MES per season. The Senior wickets have actual spare capacity to accommodate further teams on Sundays and midweek. Whilst the junior wickets do not have enough spare capacity to cater for any further growth. Square two's senior wickets have spare capacity of 21 MES per season. Whilst the junior wickets are overplayed by four MES. Senior wickets have actual spare capacity to cater for teams on Saturday, Sunday and midweek.</p> <p>Colwall CC suggests that in the coming years it plans to redevelop its clubhouse. There are no drawn plans at present, and the Club is currently unsure whether it is looking to use the same structure or to look at a rebuild of the clubhouse. In addition, the site currently has no car parking, which has become a significant</p>	<p>Sustain square quality with appropriate levels of maintenance.</p> <p>Explore the opportunity to complete plans to develop and improve ancillary provision on site.</p> <p>Support Colwall CC in its search for land for car parking.</p>	<p>Medium Priority, Medium Timescales</p>	<p>Protect Enhance Provide</p>
<p>issue but due to lack of land on the site, it is unlikely that this issue can be solved. The Club suggests that if a small patch of land close to the site could be secured then this would likely be the ideal scenario for a car park.</p>			
<p><b>Colwall Football Club:</b> One adult pitch of poor quality. No dedicated ancillary provision. Adult pitch has potential spare capacity, which is discounted due to poor pitch quality.</p>	<p>Look to improve pitch quality with enhanced levels of maintenance.</p> <p>Explore the opportunity to improve the ancillary provision onsite.</p>	<p>Low Priority Low Timescales</p>	<p>Protect Enhance</p>

Contributions are calculated using the following methodology for rural parishes:

- A square meter rate of £27.28 is used in rural areas. This is based on the figure used to inform both the SPD planning obligations and the Infrastructure Delivery Plan for the Core Strategy.
- A 35% reduction is made as off- site contributions are based on market housing only:
- For this application in accordance with the policy requirements, provision should be equivalent to 0.13ha (1300sq m) based on 1.6ha per 1000 population.
- Using the rate of £27.28 and based on market housing (at 65%) only this equates to **£23,051**

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

#### **4.15 Public Right of Way (PROW) Development Officer comments as follows:**

##### First consultation response dated 15 March 2023

No objection to the dwellings. However, there is a proposed cycle/footway linking to public footpath CW30. This is only a footpath so it would NOT be acceptable for cycles to exit on to it.

##### Second consultation response dated 8 August 2023

No objection to the dwellings. As previously stated, CW30 is a public footpath so it would not be acceptable for cycles to exit onto it.

#### **4.16 Strategic Housing Manager comments as follows:**

##### First consultation response dated 14 March 2023

Thank you for allowing me the opportunity to comment on this full planning application. The applicant is providing 40% affordable housing in line with Policy H1 of the Core Strategy. This application also meets Policy SS2 Delivering new homes.

The proposed tenure, house types which include bungalows and houses and the unit mix of 2, 3 and 4 beds are acceptable to Strategic Housing and conforms to policy H3 of the Core Strategy and Colwall's NDP.

I acknowledge that the applicant has not provided one bed units as these are not sustainable in rural locations. The applicant is providing Frist Homes which will have a 30% discounted off the open market value and will be available to first time buyers with a local connection to Colwall. The applicant is also providing a wheelchair accessible bungalow to meet a proven need. This site is an allocated site within Colwall NDP.

I would look for the affordable units to be secured within a S106 and allocated to those with a local connection to Colwall in the first instance.

Finally, notwithstanding the above, the affordable housing units are small and do not meet the minimum standards as outlined in the Technical housing standards – nationally described space standard. As such I am unable to fully support this application and would look for the applicant to increase the affordable housing unit's sizes in line with the Government standards.

##### Second consultation response dated 17 August 2023

I would advise that I have reviewed amended proposed site plan Rev W, July 2023 with regards to the increased space, as per the technical standards in relation to the affordable housing.

I can confirm that Strategic Housing is now happy to remove its objection subject to a condition that if any planning permission is granted it will be subject to the revised plans as above.

#### **4.17 Tree Officer comments as follows:**

##### First consultation response dated 31 March 2023

Unfortunately I am unable to support the application in its current form because of the constraints it puts on the mature Oak tree which is protected by a Tree Preservation Order.

This tree, ref T43 in the accompanying tree report is threatened by the access road for three dwellings on the southward side. The radii of the root spread is 14.4m, the access is located 8m from the tree.

The tree report does provide mitigation in the form of 'no dig' construction to avoid excavations and soil compaction. However, the report request: "Ensure that finished floor level of three plots south of T43 are elevated to allow for extra height of minimal-dig drive and parking areas. (About 200mm above surrounding ground level.)"

None of the drawings show that this has been taken into account.

If the 'No dig' design of the access road is not acknowledged by the applicant then there is a reasonable assumption that the extent of root damage to the tree could result in its demise.



My preference would be for the access road be pulled further south to avoid the need for 'no dig' and damage to the tree.

Development resulting in the damage to an important tree can justifiably be seen as non-compliance of policies SS6, LD1, LD2 & LD3.

#### Second consultation response dated 6 November 2023

The amendment to the proposed layout – PL004 Rev W – now moves development away from the mature Oak tree, T43.

Accordingly my initial objection no longer stands.

I would however require the tree protection proposals provided in the tree report are secured via a planning condition.

Condition.

Trees In accordance with plans

Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan:

BS5837 Tree Constraints, Tree Impacts and Tree Protection Method Statement for residential development.

Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

#### 4.18 Other Consultation Responses

#### 4.19 Herefordshire Amphibian and Reptile Team comments as follows:

##### Consultation response dated 20 April 2023

The area proposed for this 36-house development is part of one of Herefordshire's few Conservation Areas and is in the Malvern Hills AONB.

HART notes that the Ecology Report submitted with the application is clearly not using up to date information, particular concerning species present in and close beyond the boundaries of the site. Protected species, not least the Great Crested Newt, but also other threatened amphibians (Toad, Palmate and Viviparous Newt) and reptiles (Slow-worm and Grass Snake), are not mentioned, except in the context of the lack of standing water on the site and hence unsuitable habitat for the Great Crested Newts. There are two ponds in the garden of a house in Stone Drive and one in Stone Close adjacent to the boundary of the site. In the former there is evidence of Great Crested Newts breeding year on year (eggs and young) in a pond just yards outside the boundary in a garden and would use the site as a corridor to other ponds in the vicinity, like the one at the end of Stone Close where the Great Crested newts have also been seen and photographed, again close to the site boundary and nearby Colwall Village Garden. Similar considerations apply for the other species mentioned above. The records are lodged with the Herefordshire Biological Records Office and available if the Consultant firm had asked for them, which we understand they did not.

Other wildlife seen in the adjacent garden includes *\*redacted\**, fox and otter, all of which came in or went out under the fence between Grovesend Field and the garden. There is a brook flowing down from the hills which is around 750m away at its nearest point. There are a lot of mature gardens close by the site, and a narrow strip of derelict Victorian industry – such brownfield sites support good wildlife numbers.

Below is a table of species recorded in recent years.

We also note that the map of Herefordshire's Special Wildlife Sites is out of date – there are more sites now than the report's map suggests. It suggests a less than thorough ecological assessment of the value of the site and its immediate environment, where wildlife would be using the site as part of their terrestrial habitat and corridors to other favourable habitats.

These habitats deserve our proper and reasonable protection. Any development of this scale should consider this evidence of wildlife presence seriously and mitigate appropriately in the eventual level of housing and surrounding landscaping.

We would expect that there would be planning gains required which would give real positive gains to enable present wildlife to continue to flourish and link across the wider landscape. This survey undertaken on the proposed development has played down any likelihood or presence of these species.

Below is a list of some of the key species recorded. Many of these records have already been lodged with the HBRC. This gives plenty of evidence reflecting the value of the wider landscape, including the field and further afield, which is the home range habitat of many species resident or actively using the gardens such as amphibians, reptiles, and mammals such as the *\*redacted\**.

Given this site is a special Conservation Area and part of the Malvern Hills AONB, careful consideration is needed as to the preservation and enhancement of the area's character and

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



Consultation response dated 30 March 2023

No objection.

**4.21 Malvern Hills AONB Unit comments as follows:**

First consultation response dated 21 April 2023

Thank you for consulting us on the application above. The site lies within the Malvern Hills Area of Outstanding Natural Beauty (MHAONB), an area designated for its outstanding national landscape. As per paragraph 176 of the NPPF (July 2021), great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which has the highest status of protection in relation to these issues, along with National Parks. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas. The scale and extent of development within this designated area should be limited.

You will be aware of the MHAONB Management Plan 2019-2024. This sets out the vision for the MHAONB and the priorities for its management over a 5-year period. It is a statutory document of the relevant local authority under Section 89 of the Countryside and Rights of Way (CROW) Act 2000, and a material planning consideration in decision-making.

The MHAONB Partnership, in addition to the statutory Management Plan, has also published significant advice and guidance, including documents on Landscape Strategy and Guidelines, Guidance on how Development can respect Landscape in Views, Guidance on Identifying and Grading Views and Viewpoints, Guidance on Building Design, and Guidance on Use and Selection of Colour in Development (<https://www.malvernhillsaonb.org.uk/our-work/planning/guidance-documents/>). Delivering against the guidance contained within these documents will also assist public bodies in their statutory duties to have regard to the purposes of conserving and enhancing the natural beauty of the AONB.

Principle of Development

The area surrounding Colwall Stone and Colwall Green has been subject to a detailed Landscape Sensitivity and Capacity Assessment (LSCA), undertaken as part of developing the 'made' Colwall NDP. This assessment concludes the application site as having a 'Between Low to Medium and Medium' Landscape Capacity (Reference: Site 12A of Figure 1 of 'made' Colwall NDP (2021)). The study shows that aspects of this site proposed for new residential development are of a moderate landscape sensitivity, while the parcels of land which form part of the site identified for green infrastructure (Site 12B), are of high to moderate landscape sensitivity.

We acknowledge the LSCA findings undertaken for the Colwall NDP in that the site under consideration has the potential to be able to accommodate new development, without unacceptable adverse landscape and visual impacts, or compromising the values attached to it, provided it takes account of appropriate mitigation. This is noting that the site is located north-west of the centre of the settlement and has important views into and out of the village, as well as from the Malvern Hills themselves (see Map 7 of made Colwall NDP).

Although visible from several summits across the Hills, it is an understandable choice for development based on the LSCA conclusions, being on the edge of the main part of Colwall village and partially enclosed by existing built form to the east and south. Nevertheless, landscape & visual impacts, density, siting, layout and design of built form must respect and reflect the existing local settlement pattern, vernacular and sense of place. Furthermore, parts of the site are important Green Infrastructure assets and need appropriate consideration.

Landscape & Visual Impacts

Landscape Sensitivity of the application site appears to vary from High to Moderate largely due to its close association with the highly sensitive historic sector of Colwall village and the Upper Colwall/Colwall Stone Conservation Area. The site is visible from the Malvern Hills' ridge and from properties on its boundaries. It is partly screened by the hedgerows on the eastern side of the PROW in summer, it is visible from PROW to the west and south.

Landscape Value is considered to be between High to Moderate. Being within the Upper Colwall/Colwall Stone Conservation Area, the site forms part of the green open space to the north and west of the residential area at Colwall Stone and is part of the setting of Colwall's Victorian industrial heritage. A well-used public footpath and hedge along the track to the west appears to also form a clear edge to the natural built form of the village, aside from the sporadic agricultural building and dwelling.

The analysis and subsequent assessment process assumes that the proposed development will be a development of high-quality, responding to the context of the Malvern Hills AONB, and consequently positively responding to the various guidance in terms of design (for example, highways, materials, lighting etc). Notwithstanding this detail, it is anticipated that the main cause of landscape and visual impacts will be predicated on the change from the greenfield nature of the site currently, and a change to one of built form; more detailed considerations in terms of materials, colours, finishes will influence this to a greater to lesser degree, but are more likely to 'minimise' impacts rather than avoid them altogether.

We note that no representative viewpoints have been taken from either the north-west, north or north-east, and would seek re-assurance from the comment raised in Section 3.79 of the LVIA as to why the selected viewpoints have been chosen. At 4.12 of the LVIA, it doesn't appear that the Upper Colwall/Colwall Stone Conservation Area has been identified as a key factor, particularly when the statement is later made at 4.21 of the LVIA. This should be clarified.

We note the conclusions drawn by the LVIA on the effects on visual amenity and landscape character. We have however not had an opportunity to consider these effects in full detail and so leave it to the LPA to examine the LVIA and conclusions it reaches.

## Design

We note and have reviewed the Design & Access statement which states that clear regard has been had to the MHAONB Guidance on Building Design and the Guidance on the Selection and Use of Colour in Development, which is welcomed. Whilst much of the site lies in the 'Urban' landscape character of the MHAONB, the imminently adjacent Principal Timbered Farmland palette (which is the landscape character type of the application site, as identified within HC's Landscape Character Assessment) is used to influence material and colour choice, without pastiche replication of historic details seen in the locality. We welcome the informed background and rationale in justifying the proposed choice of colour and materials, which is partly based on the Principal Timbered Farmlands Landscape Character but also refers to the MHAONB 'Guidance on Building Design' which provides Local Guidance for Colwall and in reference to colour. This would appear appropriate in plan form, subject to the following re-considerations below.

We note that the MHAONB Landscape Character Map says it's urban and the Herefordshire Council Landscape Character Assessment states it is within Principal Timbered Farmlands. With a low density of development, this does feel somewhat like a hybrid site at the edge of the village which, ultimately, will be part of the village. We wish to ensure that colour selections are also informed by the village materials too. This happened with the application for the primary school on Mill Lane where brick selection (especially the bricks in the gable end facing the open countryside) were selected to fit in with the village.

We note that there do not appear to be plans of the proposed garages within the submission, notwithstanding that half the proposed plots appear to have some form of garaging incorporated. Whilst they are shown on the 'Proposed Streetscene' drawing, it would be assumed that proposed floor and elevation plans are submitted. This needs to be clarified.

With regards to House Type D, which corresponds to Plots 15 and 19 on the proposed site plan, we would suggest a minor amendment to the proposed part render/brick side elevation which would appear to draw the eye to somewhat unprepossessing features, particularly noting that this elevation on Plot 19 fronts the streetscene. Window proportions also all greatly vary.

Proposed boundary treatments are unclear. We would not wish to see close board fencing that is ubiquitous and often associated with urban development and not characteristic of this nationally protected landscape, see also the Colwall NDP on this point. We would strive to see native hedgerows, where they are the characteristic boundary. Fencing would only be acceptable if it is low, avoids uniformity and does not erode local character through inappropriate colours or introducing urbanising characteristics. Please also refer to Point 8 of Policy CNDP2 of the Colwall NDP which clarifies this point further.

Should the LPA be minded to approve, we politely request that a condition be included that material samples of the dwellings are provided to be viewed on site prior to construction, to ensure that the colour palette chosen clearly respects the landscape character of the area. We also note that lack of information has been provided as to where materials will be sourced from as locally characteristic materials provide a link with the local landscape.

#### Plot Size and Orientation

The density of the proposal will be just under 16 dwellings per hectare (within the developed area, i.e. excluding the areas of public open space) which is viewed to be acceptable in this instance, in this sensitive national landscape.

Whilst recognising that some exceptions exist, this part of Colwall includes detached properties which sit in larger plots, also a characteristic of the Upper Colwall/Colwall Stone Conservation Area. Those properties are usually set back with principal elevations facing the road frontage. Several dwellings proposed appear to be large relative to modest to small plot sizes and with no obvious relationship in siting to a local road or indeed the proposed access road. The AONB Building Design Guidance advises that new development should reflect the existing settlement pattern and plot size and that characteristic spacing should be respected. We also draw your attention to Point 14 of Policy CNDP2 of the Colwall NDP in that housing schemes should respond to the plot size and pattern of development, which is locally characteristic, with reference to neighbouring properties. On larger schemes (over 5 houses) a range of house types and sizes will be required in line with Policy CH1. Plots 20, 21, 22, 31, 32 and 33 would appear to have limited amenity space in the context of other development. It may be worthwhile omitting a handful of dwellings to facilitate the better characteristic spacing that typifies Colwall hereabouts. We note that the site is allocated to take at least 32 dwellings and thus, omitting three/four dwellings would still be in line with Policy CD7 of the Colwall NDP and still contribute towards delivering proportionate housing growth in the parish.

#### Housing Mix

Noting the Council's ability to currently demonstrate a five-year housing land supply and that housing policies within the Council's Core Strategy should be considered as 'up-to-date', the AONB Unit recognises that a shortage of genuine affordable housing is an issue in National Landscapes. Policy BDP3 of the MHAONB Management Plan states that priority should be given to affordable housing, which genuinely meets local need. The proposal to provide 39% affordable housing on site does not currently appear to be in line with indicative targets set out in Policy H1 of the Local Plan, which identifies a 40% threshold, let alone with the focus on affordable

housing contained within the AONB Management Plan. We would seek that the evidence of true housing need in the area is robustly presented.

#### Parking/Erosion of Tranquillity

Tranquillity is the quality of calm experienced in places with mainly natural features and activities, free from disturbance from manmade ones. Tranquillity is important for mental and physical well-being. The effects of new development on tranquillity needs appropriate consideration.

From a practicality sense, we consider that tandem parking arrangements never work in practice, often leading to increased parking stress. We note that visitor parking appears to be absent and should be clarified to avoid further potential loss of tranquillity.

#### Light Pollution

Parts of the AONB, including in Colwall parish, are still some of the few places in England where it is possible to appreciate the night sky without intrusive effects of light pollution. Nevertheless, light spillage continues to affect the area. The development could promote skyglow, potential glare and light intrusion. We would encourage that any external lighting is kept to an absolute minimum and only installed where necessary and is in accordance with the Malvern Hills AONB Lighting Guidance as very recently reviewed<sup>1</sup> (and so with Policy BDP2 of the AONB Management Plan) (currently being reviewed). Householders in the AONB can take simple steps to reduce light pollution by angling lighting downwards (without tilt) and fitting cut-off timers and sensors.

#### PV Panels

We note in the Planning Statement at 6.87 that the development intends to incorporate photovoltaic panels, although these are not shown on the plans of the proposed dwelling. We would seek re-assurance that they will be non-reflective and uniformly dark to avoid drawing the eye. We recognise that two house types are proposing a brown clay tiled roof (House Types A & D), and therefore care may be needed to minimise an obvious contrast when using dark panels. However, the slate tiled roofs should have a darker appearance and so contrast with solar panels would be expected to be reduced. We request a suitably worded condition for timely removal/replacement of the panels once they have reached the end of their workable life.

#### Mitigation

Whilst planting should be used, where appropriate, 'screening' should in no way be used to hide poor development. Good building design is always essential. Much of the mitigation proposed relates to improving Green Infrastructure and providing Public Open Space on the west and south/south-west of the application site.

This change will be perceived from some sections of the surrounding AONB landscape, particularly to the immediate west of the site. There would also be some visibility of the proposed development from restricted parts of the Malvern Hills themselves, again seen as a marginal extension to the existing settlement. The settlement-edge location of the site within an area defined as urban in character, although the HC Landscape Character Assessment defines the site as Principal Timbered Farmlands, the proposed low density of development, and the substantial proportion of the site which would remain as landscaped green space, together would help to minimise effects on the character of the AONB.

Overall, we consider that the proposed development would not result in significant adverse effects on the special qualities of the AONB. Some of the identified distinctive landscape elements, such as small orchards and hedgerow trees, should be a positive contribution.

#### Summary

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

In summary, we do not object to the proposed application, in terms of the requirement for development in the village, the principle of development, which is informed by a sound Landscape Sensitivity and Capacity Assessment, produced as a part of the Colwall NDP, and the application is supported by a detailed and rigorously justified LVIA. However, we seek further re-assurance on matters pertaining to design, lighting for the site, and PV panels, which we believe can take the form of either appropriate amendments being submitted or agreement of such matters through suitably worded planning conditions, as appropriate, and that we are formally consulted at the appropriate stages. This is to ensure adherence to Policies BDP2, BDP5 and BDP8 of the MHAONB.

Management Plan 2019-2024. Nevertheless, we view that the development being proposed is broadly accordance with good practice guidance that includes guidance which has been produced by the AONB Partnership, which subject to the refinements and clarification advised above, can promote appropriate development within the MHAONB.

For the purposes of paragraphs 176 and 177 of the NPPF, whether a proposal is 'major development', is a matter for the decision-maker, considering its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

We hope you can take the comments above into account. Should amendments be sought, we ask that we are formally reconsulted and reserve the right to make further comments

Second consultation response dated 14 September 2023

Thank you for re-consulting us on this application.

We wish to re-iterate that the application site lies within the Malvern Hills Area of Outstanding Natural Beauty (MHAONB), an area designated for its outstanding national landscape. As per paragraph 176 of the NPPF (July 2021), great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which has the highest status of protection in relation to these issues, along with National Parks. The conservation and enhancement of wildlife and cultural heritage are important considerations in these areas. The scale and extent of development within this designated area should be limited.

The MHAONB Management Plan 2019-2024 sets out the vision for the MHAONB and the priorities for its management over a 5-year period. It is a statutory document of the relevant local authority under Section 89 of the Countryside and Rights of Way (CRoW) Act 2000, and a material planning consideration in decision-making. The MHAONB Partnership, in addition to the statutory Management Plan, has also published significant advice and guidance, including documents on Landscape Strategy and Guidelines, Guidance on how Development can respect Landscape in Views, Guidance on Identifying and Grading Views and Viewpoints, Guidance on Building Design, and Guidance on Use and Selection of Colour in Development(<https://www.malvernhillsaonb.org.uk/our-work/planning/guidance-documents/>). Delivering against the guidance contained within these documents will also assist public bodies in their statutory duties to have regard to the purposes of conserving and enhancing the natural beauty of the AONB.

Our revised comments are informed by the additional supporting information which appears on the application webpage at the time of writing. We trust our previous comments, where amendments have not been submitted e.g. lighting, solar panels, parking/tranquillity, remain pertinent and will be considered accordingly in decision-making.

Landscape and Visual Impacts

We note Figure 6 of the LVIA only shows that the viewpoints from the north-west, north and north-east are effectively taken from Old Church Road and the nearest footpath. Greater variation in viewpoints is needed in those directions, particularly heading towards Mathon, which is evident from the ZTV. We appreciate that this point may not have come across in our previous comments but is relevant, although we recognise that this has been done in relation to longer distance viewpoints to the south and east.

We again re-iterate that at 4.12 of the LVIA, it doesn't appear that the Upper Colwall/Colwall Stone Conservation Area has been identified as a Constraint/Opportunity, particularly when the statement is later made at 4.21 of the LVIA. The July 2023 Cover Letter simply says that the LVIA mentions the Conservation Area earlier in the report, which is not the point which is being made. This of course has some bearing on the subsequent assessment undertaken.

The references made in the Cover Letter identifies the Upper Colwall/Colwall Stone Conservation Area as a 'landscape designation', which is incorrect. Conservation Areas are a heritage designation under the Planning (Listed Buildings and Conservation Areas) Act 1990 to manage the special historic or architectural character of a place.

## Design

We note the new 'Boundary Treatments Plan' submitted. We do not encourage close board fencing that is ubiquitous and associated with urban development. It is not characteristic of this nationally protected landscape (see also the Colwall NDP on this point). Several fences shown would actually front the internal access road serving the development, which is also likely to be visible from Old Church Road, increasing the number of public receptors, potentially including those in area which has increased landscape value, which is already high given this is an AONB. We would strive to see native hedgerows, where they are the characteristic boundary. Fencing would only be acceptable if it is low, avoids uniformity and does not erode local character through inappropriate colours or introducing urbanising characteristics. Please refer to Point 8 of Policy CNDP2 of the Colwall NDP which clarifies this point further, and our own Guidance on Building Design at 44-45 and local guidance for Colwall at Pages 90-91, which confirms boundaries.

We note the Garages 'drawings' have now been provided, which will reflect relevant house type.

We note the Design & Access Addendum, which states that clear regard has been had to the MHAONB Guidance on Building Design and the Guidance on the Selection and Use of Colour in Development, which is welcomed. We strongly encourage a condition that physical samples of the proposed materials for the dwellings be provided on site for inspection by ourselves and the LPA prior to discharge of such details, to ensure that considerations for our Guidance on Building Design and the Guidance on the Selection and Use of Colour in Development, is reflected appropriately.

## Plot size and orientation

It appears some 're-jigging' has taken place to address amenity relationships and pedestrian access although again several plots remain limited in amenity space compared to the rest of the site. Whilst recognising that some exceptions exist, this part of Colwall includes detached properties which sit in larger plots, also a characteristic of the Upper Colwall/Colwall Stone Conservation Area, a particular matter identified by the Inspector in the dismissed appeal at Land to the rear of Paddock End and The Way, Mathon Road, Colwall (APR/W1850/W/19/3233889).

Those properties are usually set back with principal elevations facing the road frontage. Several dwellings proposed appear to be large relative to modest to small plot sizes and with no obvious relationship in siting to a local road or indeed the proposed access road. The AONB Building Design Guidance advises that new development should reflect the existing settlement pattern and plot size and that characteristic spacing should be respected. Why particularly are the affordable housing units are proposed less amenity space than the market housing units? We

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also draw your attention to Point 14 of Policy CNDP2 of the Colwall NDP in that housing schemes should respond to the plot size and pattern of development, which is locally characteristic, with reference to neighbouring properties. It again may be worthwhile omitting a handful of dwellings to facilitate the better characteristic spacing that typifies Colwall hereabouts. We note that the site is allocated to take at least 32 dwellings and thus, omitting three/four dwellings would still be in line with Policy CD7 of the Colwall NDP and still contribute towards delivering proportionate housing growth in the parish.

#### Housing Mix

Noting the Council's ability to currently demonstrate a five-year housing land supply and that housing policies within the Council's Core Strategy should be considered as 'up-to-date', the AONB Unit recognises that a shortage of genuine affordable housing is an issue in National Landscapes. Policy BDP3 of the MHAONB Management Plan states that priority should be given to affordable housing, which genuinely meets local need. We would seek that the evidence of true housing need in the area is robustly presented and draw your attention to our Position Statement: HOUSING DEVELOPMENT IN THE MALVERN HILLS AONB AND ITS SETTING, which will shortly be adopted.

#### Summary

We still seek re-assurance on matters pertaining to the LVIA, design, layout, as well as our previous comments relating to lighting for the site, parking/tranquillity and PV panels, which have not been addressed. We request that the decision-maker, if minded to grant planning permission, seeks to remove householder 'permitted development' rights, in the interests of conserving the character and appearance of the AONB, to enable appropriate re-assessment on a case-by-case basis. The above is not insurmountable. These are constructive suggestion to improve the scheme, which can promote appropriate development within the MHAONB and to ensure adherence to Policies BDP2, BDP5 and BDP8 of the MHAONB Management Plan 2019-2024. We advise you that for the purposes of paragraphs 176 and 177 of the NPPF, whether a proposal amounts to 'major development', is a matter for the decision maker, considering its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. We hope will take the comments above into account. Should amendments again be sought, we respectfully ask that we are formally reconsulted and reserve the right to make further comments.

#### **4.22 Ledbury Area Cycle Forum (LACF) comment as follows:**

##### *Consultation response dated 20 April 2023*

I am writing on behalf of Ledbury Area Cycle Forum (LACF). Access to the site is on the quiet lane network used extensively by cyclists travelling to and from Ledbury. It is also a popular pedestrian and cycling route to the Colwall Village Garden.

The proposed access arrangements for the housing development will significantly impact the active travel choices of local residents. The applicant quotes 'no existing highway safety concerns'. This is undisputed. The current vehicle movements on Old Church Road is low enough to enable pedestrians, dog walkers and cyclists to share the space with confidence. This space-sharing only works when transport ratios are in balance. Any increase in motorised traffic will tip this balance to the extent that pedestrians, dog walkers and cyclists will feel intimidated and discouraged. The DfT statement that up to 100 vehicles per day is acceptable for space sharing doesn't reflect the reality of perceived risk, and likelihood of actual risk, that is sufficient to discourage vulnerable road users.

A footway, running a short distance along Old Church Road has been discussed. This is unacceptable for two reasons. It will despoil the rural nature of the lane. More significant is that, by formalising the road space, traffic speeds will increase. While the footway is proposed to run only for the short distance between the development and Stone Close, the higher traffic speeds will persist beyond this stretch of lane, adding to the dangers for walkers and pedestrians further

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along. As well as increased traffic speeds, car drivers will be more likely to 'own the road', taking less care with cyclists, blocking their passage when squeezed by an approaching vehicle, and close passing at other times.

Vehicle movements along Stone Drive already present hazards to cyclists. Any additional traffic will exacerbate the dangers.

The increased perceived and actual risks outlined above will discourage active travel modes and are therefore non-compliant with the local and central Government policies listed below.

Cycle storage proposed at the development is insufficient to comply with these policies. Herefordshire Council's minimum standards for residential cycle storage, defined over ten years ago, are no longer fit for purpose in the context of Council's Carbon Reduction Strategy. Each of the 19 dwellings without a garage should have enclosed secure cycle storage, large enough for one bike per bed space, approached by an all-weather, level-access pathway and supplied with power for recharging e-bikes. Rear garden cycle storage for the two centre-of-terrace dwellings is not acceptable. It is implied but not detailed in the application, that access will be via a narrow pathway winding around the outside of neighbouring gardens. This will be awkward for regular bikes, but impossible for heavy e-bikes and non-standard cycles such as cargo bikes and tandems.

National and local planning policies listed below seek to encourage active travel. The development proposals contravene the following:

- National Planning Policy Framework 2019: promoting sustainable transport
- Herefordshire Core Strategy: SS4 - developments 'to be designed and located to minimise the impacts on the transport network....and to ensure that the efficient and safe operation of the transport network are not detrimentally impacted.' Herefordshire Council to safeguard....cycle links to transport hubs. MT1- the promotion of highway safety and active travel, and the provision of sufficient cycle storage at new developments. SD1: the provision of sufficient cycle storage.
- Herefordshire Council's Climate Emergency policy
- Herefordshire Council's Carbon Reduction Strategy
- Department for Transport 'Gear Change - a bold vision for cycling and walking' that states that cycling should become the transport of choice for local journeys.
- D f T Local Transport Note 1/20
- The Highway Code 2022

The encouragement of sustainable travel choices is key to compliance with the above.

## **5. Representations**

### **5.1 Colwall Parish Council comments as follows:**

#### *First consultation response dated 13 April 2023*

IT WAS RESOLVED that Colwall Parish Council had no objections to the proposed but requested that the planning officer take into consideration the following requests.

- The provision of a short stretch of all-weather surface for the footpath CW30 from the junction at the south west corner of the site to the junction with The Crescent to encourage all year round pedestrian access for the school and village amenities, and discourage car use especially during the winter months.
- As part of approval of detail the Planning Officer confirms that the design for driveways accords with CNDP CD2.6 or, if impractical, other materials such as stone sets are used and the use of tarmac is minimised. In addition that the footpaths and cycle ways on the site utilise a suitable all weather surface other than tarmac.
- As part of approval of detail the Planning Officer confirms that the design of plot boundaries satisfies CNDP CD2.8 including avoiding the use of close panel timber fencing.

- As part of approval of detail the Planning Officer confirms that any external lighting satisfies CNDP CD2.11 - Colwall Parish Council will not assume “any responsibility or liability” for any of amenity area(s) and/or amenities provided therein, the Parish Council request that these should be covered off in a management plan in perpetuity (not limited to 10 years as detailed/stated in the application).
- Highways are to be satisfied as the suitability of Old Church Road for the development.

Colwall Parish Council requests any potential S106 monies that arise from this application are to be used for the following: -

- Colwall Library Re-fit £10k (for which HC will match fund for an estimated sum of £15k);
- Outdoor Childrens Play Areas £50k: o Additional equipment for under 5’s play area in Brookmill Close;
- Repair/Replacement to climbing items and slide in Orlin Road play area;
- Upgrades to existing equipment/sites;
- Gateway Traffic Calming points on Walwyn Road sites near Pictons Nursery and Colwall Green (exact locations to be agreed with Highways) £75k. - Bike rack by village pharmacy – £2-£3k.

5.2 The consultation responses referenced above responses can be viewed in their submitted format on the Council’s website by using the following link:-

[Planning Search – Herefordshire Council](#)

#### **Publicity:**

5.3 The proposal due to the scale of development is classified as a major development. As such, it has been advertised in the local press. In addition, numerous site notices have been displayed around the site. A total of 4 formal re-consultation periods have taken place (Site notices displayed April 2023, July 2023, December 2023 and April 2024). Statutory consultees have also been consulted.

5.4 Public 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=230457&search-term=230457](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=230457&search-term=230457)

5.5. A total of 261 consultation responses have been received, a number of which are repeat responses from individuals in connection with the numerous consultations periods undertaken. A total of 232 of the representations received raise objections or continuing objections to the scheme. 1 raises support and the remainder are considered ‘non-committal’.

5.6 Concerns raised can be summarised as follows:

#### **Neighbourhood Development Plan Process and Principle of Development**

- Issues with the NDP process, settlement boundary drafting, site selection;
- Poor NDP referendum result;
- NDP has been hugely divisive in the area;
- Alternative, more suitable sites;
- Council currently has a five year supply;
- Site not suitable given its AONB and Conservation Area Constraints;
- The proposals do not achieve the requirements set out in NDP;
- Loss of openness;
- Local community wishes to revise its NDP.

## **Highway Safety and Footway/Cycleway Connectivity**

- Highway safety, increased traffic on Old Church Road, impact on pedestrian, cyclists, horse and rider safety, width of Old Church Road, no passing places;
- Width of roads in the area (too narrow);
- Highway safety issues on surrounding roads – including Stone Drive and Mathon Road.
- Number of accidents in the area – issues already on roads in the area and the proposed development will represent a tipping point;
- Inaccurate detail within the Transport Statement and queries over figures included within the Traffic Data;
- Photographs of vehicle conflict in area and car in verge;
- Pedestrians, cyclists and dog walkers conflict and potential for conflict based on highway proposals;
- No plans to upgrade footpath;
- Application does not meet conditions set out in NDP relating to pedestrian and cycle access;
- Herefordshire Strategic Housing Land Availability Assessment identified the site road as not being suitable for development;
- Width of footpath proposed on Old Church Road inadequate;
- Safe diversionary route must be provided for Old Church Road users while works being carried out;
- Footpath CW30 does not provide access to Walwyn Road and cannot be considered as suitable for general use – across a field;
- Should not be approved unless proper access for cyclists and pedestrians, separated from traffic along Old Church Road;
- Unsuitable highway, pedestrian, cyclists provision for a development of this size;
- Highway matters remain unresolved.

## **Flooding and Drainage**

- Surface water run off and drainage issues;
- Deliverability of development as a result of drainage risks;
- Severn Trent comments are a concern and lack of correct modelling to confirm a solution, capacity of sewage works serving Colwall. Sewage spill taking place;
- Risk of sewage overflow and pollution – already taking place in area;
- Alarming high levels of phosphate pollution in Cradley Brook downstream of the local sewage works;
- Concerns regarding foul sewage, lack of a resolution on foul sewage issues and impact on local water supply guarantees;
- Evidence of drainage/sewage overflow submitted;
- Drainage matters considered unresolved;
- Only way to avoid the pollution threat is to refuse planning permission since the developer has a right to connect once planning permission granted, even if STW have not undertaken work to handle additional flow;
- Condition suggested by Severn Trent is inadequate;
- Essential planning permission refused unless Severn Trent confirm they are able to accommodate the development.

## **Landscape/Trees/Open Space**

- The proposal is major development in the AONB and should be treated accordingly;
- Loss of green space;
- Impact on verges and trees along Old Church Road;
- Management and maintenance in respect of proposed wildflower meadow, community orchard and play area – large area of open space is a substantial commitment;
- Key views and important vistas will be harmed;

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- Development would be highly visible from the Malvern Hills;
- Essential the decision-takers assess the impact for themselves of what is proposed from all reasonable viewpoints;
- CD7 seeks to retain locally important vegetation – damage to vegetation as a result of cutting back hedges;
- Impact on mature oak tree;
- Loss of natural beauty

### **Conservation Area and Heritage/Non-designated heritage assets**

- Impact on character and appearance of the area – more rural character, open space, eclectic variety of building forms and types, more intimate vernacular, soft road verges, hedges running parallel with the road, strong boundary treatments;
- Open spaces make a significant contribution to its rural character;
- Loss of valuable green space in the Colwall Conservation Area;
- Old Church Road is a characteristically quiet country lane, unsuitable or safe for further development;
- Impact on conservation area;
- Impact on nearby listed buildings;
- Demolition of locally important heritage assets;
- Herefordshire Council's Character Statement has not been taken onto consideration – importance of the Character of Old Church Road referenced within this statement with its associated hedges and open spaces including Grovesend Field;
- Herefordshire Council has a duty under S.72 of the Planning (Listed Buildings and Conservation Areas) Act.

### **Design**

- Design of the dwellings not in accordance with requirements of NDP;
- Design doesn't reflect settlement pattern, local vernacular.

### **Ecology and Biodiversity**

- Impact on wildlife and ecology – known habitat for many species including presence of protected species adjacent to the site – many varieties have been identified using the field and a number of protected species;
- Lack of ecology surveys and not reviewing the material required in respect of local ecology records;
- Essential more thorough survey of wildlife undertaken;
- Evidence of protected species provided in neighbouring garden;
- Impact on verges and trees along Old Church Road;
- Impact on ecology of nearby allotments and ancient cherry orchards;
- Biodiversity Net Gain.

### **Sustainability and Climate Change**

- Climate change and carbon footprint;

### **Housing Demand and Housing Mix**

- Housing demand and how it is calculated;
- Development not considered to respond to local housing need;
- Planning Statement claims 51% of the units will be open market but it is 22/36;
- Need for the development has not been shown and can be delivered in other ways;

- Ledbury Housing Market Area could have taken on some of the need from the area and the proportionate growth did not necessarily need to be delivered in Colwall;
- Concerns the Council misled the Parish Council over housing requirement figures.

### Capacity of Local Services

- Existing local facilities at capacity – population of the village increasing.

### Amenity

- Impact on amenity of adjacent dwellings – overlooking, potential disturbance, anti-social behaviour on open space immediately adjacent to property, loss of privacy.

### Other Matters

- In a village poll, over 92% oppose the development;
- Localism and strength of feeling against the proposals;
- Application lacking in essential detail;
- Grant of planning permission
- Majority of contributors against the development;
- Lack of S.106 and S.278 agreements – realistic plans for highway works on Old Church Road;
- Lack of maintenance and management agreements;
- No significant public benefit to weigh against the harm it would cause;
- Proposal falls well short of delivering a cumulative public benefit adequate to outweigh the harm identified;
- No exceptional circumstances have been demonstrated;
- Proposal not acceptable on the basis of the ‘great weight’ which needs to be given to the = AONB and Conservation Area;
- Applicant has failed to show any significant public benefit;
- Overall concerns raised that comments made during consultation process have not been addressed through revisions;
- Parish Council’s ‘no objection’ came with conditions, however these are not able to be met.

5.7 Objections have been submitted on behalf of ‘The Revised NDP Group’ which include a Written Legal Opinion by Miss S Davies. The Opinion can be viewed in full using this link - [documents \(herefordshire.gov.uk\)](#).

Matters raised in the Opinion and Analysis can be summarised as follows:

- Colwall NDP is now more than 2 years old;
- Open spaces are said to form part of the conservation area character;
- Conservation Area Statement does not appear to be referenced in the section which makes reference to the detailed design guides. It is endorsed by the Conservation Officer and likely this is the character statement against which the impacts on the Conservation Area ought to be assessed. NDP makes no mention;
- Under the Service Level Agreement it would have been for Herefordshire Council to provide feedback on the draft NDP. That would also have been necessary in order to discharge its duties under paragraph 8(2) and/or 8(3) of Schedule 4B. Risk the NDP has been prepared in ignorance of the Colwall Conservation Area Character Statement, and the Council has not corrected the position in the feedback it was to provide during the preparation of the NDP;
- Not only is Character Area Statement not mentioned in the NDP, it also does not appear to be mentioned in the Heritage Statement produced by the Applicant. Also not listed as a source material relied upon;
- Each party seem to have undertaken their analysis unaware of this document;

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- Number of open spaces are of significance in the conservation area and these form part of the character. Neither the applicant, nor the Council have grappled with this point;
- South Lakeland requires that the preservation of the character and appearance of the conservation area can only be achieved by positively contributing to preservation or enhancement that leaves character unharmed. The applicant and Conservation Officer do not appear to have considered how the open spaces themselves are preserved or enhanced by the development. There is a risk of a Court finding that the statutory duty in s.72(1) has not been properly discharged;
- The Conservation Officer in their consultation response notes the fact that the site is adjacent to the stable blocks, the barn house, and winterslow, as well as the non-designated heritage assets. The Conservation Officer makes no assessment of the impact of the proposed development on the significance of those heritage assets and /or does not provide any reasoned justification for the acceptability of the impacts having regard to the statutory duty and the relevant paragraphs of the NPPF. If it is the case that the Consultation Officer has not grappled with the impacts on these listed buildings, there is also a risk that the s.66(1) duty has also not been properly discharged. It follows that having not grappled with the impacts on those heritage assets, the Council have not advised that 'great weight' needs to be given to the conservation of the assets (§199 of the NPPF);
- I have reviewed the Planning Statement produced by the Applicant which correctly makes reference to the need to demonstrate that there are exceptional circumstances and where it can be demonstrated that the development is in the public interest (see §5.33). However, the Planning Statement does not appear to go on to provide that justification that such exceptional circumstances exist in this case;
- The need to provide 'great weight' to the conservation and enhancement of the AONB, as well as the need to meet the threshold that there are 'exceptional circumstances' and where the development is in the public interest is a critical part of the planning balance. Whilst this appears to have been dismissed given that the Site is allocated in the NDP, that does not answer the point: there is still a need to meet the 'exceptional circumstances' test. In so doing, there is a requirement per §177 NPPF to demonstrate that (a) there is a need for the development, including in terms of national considerations and the impact of permitting it or refusing it on the local economy; (b) the cost of, and scope for developing outside the designated area, or meeting the need in some other way; and (c) any detrimental effect on the environment, the landscape, and recreational opportunities and the extent to which they could be moderated. In my view, (a) and (b) in particular have not been addressed.
- Council has a 6.19 years of housing supply as per July 2022 Housing Supply Update;
- Arguably a question about how there is a 'need' for the development;
- There appears to have been no alternative sites assessment to demonstrate that (b) has been properly discharged i.e. the cost of and scope for developing outside of the designated area;
- The specific points raised by the AONB Officer will be relevant to c). There is a risk the relevant tests in §177 have not been properly discharged either.

5.8 Comments in support can be summarised as follows:

- Need for housing in area;
- Capacity in local schools;
- Numbers proposed will not add much additional congestion.

## 6. Officer's Appraisal

### Policy context

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:  
*"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*

- 6.2 In this instance the adopted development plan comprises the Herefordshire Local Plan – Core Strategy 2011-2031 (CS) (adopted by the Council on 16 October 2015) and the Minerals and Waste Local Plan (adopted by the Council on 8 March 2024). The Colwall Neighbourhood Development Plan 2021-2031 (CNDP) was made on 7 June 2021 and also forms part of the Development Plan for Herefordshire.
- 6.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and Paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020. The Local Plan 2021-2041 will set out the planning framework for the county for the period to 2041, covering issues such as housing provision, the economy, retail and town centres, infrastructure provision and the environment. Herefordshire Council consulted on the draft Herefordshire Local Plan (Regulation 18) between 25 March 2024 and 20 May 2024. The latest updates in respect of the draft Herefordshire Local Plan can be viewed via the following link - [Local Plan 2021 - 2041 – Herefordshire Council](#). The plan has been published for consultation. Post consultation, assessment of which policies have/have not been subject to objection will now be carried out.
- 6.4 The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the most relevant policies of the CS – which are considered to be those relating to meeting housing needs, guiding rural housing provision, highways safety and safeguarding features of environmental value (amongst others) – have been reviewed and are considered to be consistent with the NPPF. As such, it is considered that they can still be attributed significant weight. The National Planning Policy Framework and Planning Practice Guidance are also material considerations, alongside specific topic based technical guidance and documentation.
- 6.5 Herefordshire Council is currently able to demonstrate a five year housing supply of 5.84 as published in the Five Year Housing Land Supply (2023 – 2028) Annual Position Statement at 1 April 2023 (dated August 2023). On the basis of the above, and the Council's Five Year Housing supply position, the policies which are most important for considering determining the application are not considered out of date.

### **Principle of development**

- 6.6 Core Strategy Policy SS1 identifies a presumption in favour of sustainable development. This means, when considering development proposals Herefordshire Council will take a positive approach that reflects the presumption in favour of sustainable development contained within national policy, as set out in Paragraph 11 of the National Planning Policy Framework.
- 6.7 Core Strategy Policy SD2 relates to delivering new homes and establishes the overarching requirement for the delivery of homes in Herefordshire within the 2011-2031 plan period. The policy identifies Hereford as the main focus for housing development. Outside Hereford, the main focus for residential development is within the market towns. Policy SD2 identifies in rural areas new housing development will be acceptable where it helps to meet housing needs and requirements, and supports the rural economy and local services and facilities and is responsive to the needs of the community. In the wider rural areas residential development will be carefully controlled.
- 6.8 Core Strategy Policy RA1 relates to rural housing distribution. In Herefordshire's rural areas, a minimum of 5,300 new dwellings will be provided between 2011-2031 to contribute to Herefordshire's Housing Needs. The policy sets out new dwellings will be broadly distributed across the county's rural areas, on the basis of seven Housing Market Areas (HMAs). The

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indicative housing growth targets in each of the rural HMA's will be used as a basis for the production of NDP's. Local evidence and environmental factors will determine the appropriate scale of development.

- 6.9 Colwall falls within the Ledbury HMA where there is a minimum number of 565 dwellings to be delivered within the HMA during the plan period. Figure 4.14 of the Core Strategy identifies Colwall as one of 10 settlements in the Ledbury HMA which will be the main focus of proportionate housing development. Figure 4.15 identifies other settlements where proportionate growth is appropriate. An indicative housing growth target of 14% is established for the Ledbury HMA. In 2011, there were 1141 properties in the Parish of Colwall. Applying the target of 14% gives a requirement to build a minimum of 160 new dwellings Colwall.
- 6.10 Based on the Council's proportional growth by Housing Market Area and Parish (April 2023) figures, a total of 73 new dwellings were completed in Colwall between 2011 and April 2023. As at April 2023, the figure for new dwellings commitments was 55 and the number of site allocations without planning permission in the NDP accounted for a total of 51 new dwellings. The application site is accounted for as a 'site allocation without planning permission in the NDP' and therefore contributes towards the figures for Colwall. The plan to deliver the number of new dwellings required includes housing on this site.
- 6.11 Policy RA2 relates to housing in settlements outside Hereford and the market towns and sets out the minimum growth target in each rural HMA 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.
- 6.12 Policy RA2 sets out 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.
  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.
- 6.13 Policy RA2 identifies Neighbourhood Development Plans will allocate land for new housing or otherwise demonstrate delivery to provide housing to meet the various targets. In the period leading up to the definition of appropriate settlement boundaries the Council will assess any applications for residential developments in Figure 4.14 and 4.15 against their relationship with the main built up form of the settlement. The Colwall Neighbourhood Development Plan is adopted and forms part of the Development Plan. It was made on 7 June 2021 following various stages including draft plan and plan submissions and consultation, examination and referendum.
- 6.14 The whole of Colwall is included within the Malvern Hills Area of Outstanding Natural Beauty. The Colwall NDP Policies Map designates a settlement boundary for Colwall, with the NDP supporting text explaining Colwall Parish Council decided to prepare an NDP to retain a settlement boundary and to protect the area of the AONB that lies outside of the settlement boundary. The Colwall NDP provides detail in terms of the evidence base informing the identification of the settlement boundary, which included 'The Preliminary Assessment of Settlement Boundary Landscape Appraisal' (March 2013) and the 'Colwall Neighbourhood Development Plan Landscape Sensitivity and Capacity Assessment' in 2013. A development capacity table was also produced based on the LSCA which was used to identify the settlement boundary.

- 6.15 Policy CSB1 of the Colwall NDP relates to the settlement boundary and confirms residential development will be supported within the Colwall settlement boundary where proposals are in accordance with the principles of the Development Plan. Policy CSB1 also confirms the provision of at least 70 new houses will be supported over the Plan period.
- 6.16 As set out earlier in this report, the majority of the site falls within the settlement boundary for Colwall as designated by the Colwall Neighbourhood Development Plan, with the exception being the two parcels of land to the south and west which are shaded blue on the policies map and comprise Open Space designations.
- 6.17 The application site is known as 'Site 2 Grovesend Farm' and is allocated through Policy CD7 of the Colwall Neighbourhood Development Plan for housing development of at least 32 dwellings. The areas to the west and south of the housing site (shaded blue in the Policies Map) are designated as Open Space, but are also included within Policy CD7.
- 6.18 Residential development is proposed within the part of the site which falls within the settlement boundary and therefore accords with the requirements of CSB1. The application also includes the provision of Open Space which aligns with the areas shaded in the Policies Map. It is noted the application proposes a total of 36 dwellings, an additional number to the 32 referenced in the policy text. Policy CSB1 and CD7 also refer to a minimum housing number for the plan period, and in the case of Site 2, 'development of at least 32' dwellings. Proportional growth targets provide a minimum basis for the level of new housing to be accommodated in each NDP area and are a minimum not a maximum requirement. As such, an assessment of the merits of the proposed development in that context and on the basis of the relevant considerations associated with the site is required to determine acceptability.
- 6.19 Notwithstanding the inclusion of the site within the settlement boundary, it is acknowledged the site is within the Malvern Hills AONB (now a 'National Landscape' from November 2023) and Colwall Stone/Upper Colwall Conservation Area. As such, there is a requirement to further the purpose of conserving and enhancing the natural beauty of the AONB pursuant to section 85 of the Countryside and Rights of Way Act 2000. Special attention should also be paid to the desirability of preserving or enhancing the Conservation Area, and special regard is to be given to the desirability of preserving listing buildings and their settings.
- 6.20 An assessment of the proposed development in the context of those considerations and all other relevant technical considerations will now be discussed under the relevant headings within this report. This will include assessment against the wider development plan policies, including the specific criteria set out in NDP Policy CD7 as relevant by topic area.

## **Landscape**

### Legislative and policy context

- 6.21 In November 2023, all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales became 'National Landscapes'. The Levelling Up and Regeneration Act 2023 (LURA) introduced a notable change for National Landscapes, which became effective from December 2023. This relates to the responsibilities of any 'relevant authority', as referred to by the Countryside and Rights of Way (CRoW) Act 2000, when discharging a function that affects a 'National Landscape'. The amendment reads as follows:

*Countryside and Rights of Way (CRoW) Act 2000, Section 85 - General duty of public bodies:*  
"Any relevant authority exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty."

- 6.22 Whilst noting the change in terminology to 'National Landscapes', the legal AONB status remains and therefore the use of the term 'AONB' continues in this report. The application documentation and policy also refers to AONB.
- 6.23 In summary, based on amendments introduced through the LURA, it is recognised a relevant authority must now seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty. The Malvern Hills AONB Management Plan 2019-2024 is a statutory document produced under Section 89 of the CROW Act 2000 which sets out the overall vision for the AONB and priorities for its management.
- 6.24 In terms of the development plan context, Core Strategy Policy SS6 is an overarching policy, relating to environmental quality and local distinctiveness. The policy seeks to ensure development proposals conserve and enhance those environmental assets that contribute towards the county's distinctiveness, including its settlement pattern, biodiversity and especially those with designations.
- 6.25 CS Policy LD1 deals directly with landscape and townscape and identifies proposals should:
- Demonstrate that character of the landscape has positively influenced the design, scale, nature, site selection, protection and enhancement of the setting of settlements and designated areas;
  - Conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including AONBs, nationally and locally designated parks and gardens and conservation areas;
  - Incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings; and
  - Maintain and extend tree cover where important to amenity through the retention of important trees, appropriate replacement of trees lost through development and new planting to support green infrastructure.
- 6.26 Core Strategy Policy LD3 sets out development proposals should protect, manage and plan for the preservation of existing and delivery of new green infrastructure, and should achieve the following objectives:
1. Identification and retention of existing green infrastructure corridors and linkages, including the protection of valued landscapes, trees, hedgerows, woodland, watercourses and adjoining flood plain;
  2. Provision of on-site green infrastructure; in particular proposals will be supported where this enhances the network; and
  3. Integration with, and connection to, the surrounding green infrastructure network.
- 6.27 NDP Policy CD1 identifies exceptional key views as shown on Map 7 and described in the Colwall Neighbourhood Development Plan Visual Study Report (January 2019). The views are considered to make a highly important contribution to Colwall's landscape character, sense of place, local distinctiveness and visual amenity. The views also contribute to the special landscape qualities of the AONB.
- 6.28 Policy CD1 confirms where a development lies within sight of an Exceptional Key View, and/or could affect it, a Landscape and Visual Assessment or similar study should be carried out to demonstrate that levels of effects are acceptable, and that the scheme has been sited and designed sensitively and appropriately, reflecting, respecting and where possible enhancing the landscape context within which it is situated. The policy requires a proportionate level of information to the type and scale of development proposed and is clear development proposals which have a high degree of adverse effect on one or more of the Exceptional Key Views will not be supported.

- 6.29 NDP Policy CD2 relates to new residential development and contains more detailed landscape design requirements setting out various landscape design principles which should be incorporated to schemes, including incorporating landscape proposals which protect and enhance the distinctive local landscape character. Additionally, keeping use of hard surface materials to a minimum, planting species characteristic of the village, sensitive boundary treatments, enhancing appropriate tree cover, plots with capacity to allow growth of vegetation and demonstrating how the design has considered the visual impact of the pattern of buildings identified in Policy CD1. The principles also confirm new lighting should be warm and kept to a minimum to minimise impacts on dark skies, and light spillage should be minimised. New open spaces should also be designed to link to the existing settlement pattern and open countryside.
- 6.30 Alongside the broader landscape principles identified in CD2, Policy CD7 also includes landscape design principles for the Grovesend Farm site. These can be summarised as follows:
- The density, siting, layout and design of new built form must respect the existing local settlement pattern, vernacular and sense of place – in order to reduce potential adverse effects on the historic landscape character and visual amenity of the area;
  - The scheme should demonstrate it has taken into account views from key view points within and around the village and on the Malvern Hills, in order to ensure that the development integrates appropriately into and enhances, its surrounding character and ‘natural beauty’. Particular attention should be paid to selection of materials and colours for roofscapes with CD7 confirming the site forms an integral part of the setting of several ‘Important Views into and out of the village, which should be retained wherever possible;
  - The development should protect existing, and deliver new green infrastructure assets and functions, and ensure integration with, and connection to, the surrounding green infrastructure network. A ‘green corridor’ must be provided from the new road through Site 2 to the greenspace (Area 12B (1) on Map 3) to the west, allowing access for pedestrians and maintenance vehicles.
  - Ecological habitats must be retained, protected and enhanced, and managed to ensure their future health. Where possible development should restore areas of traditional orchards that used to occupy the site and in areas along the site boundary.
  - New landscape features should be designed and managed to ensure that the development integrates appropriately into its surrounding context. All new planting should comprise appropriate plant species that reflect local character and distinctiveness and enhance biodiversity. Tree cover should be extended where appropriate.
  - The northern side of the development will form a new frontage to Old Church Road, and so must respect, and make a positive contribution to, its historic rural character. Effects on the setting of the listed buildings in close proximity to the site must be considered. Locally-important roadside trees and hedges must be retained and protected wherever possible. If loss is unavoidable, replace with same / similar.
  - Area 12B (2), which lies south of Area 12A, contains locally-important heritage assets and landscape features. Designs should be sensitive to the setting and context of the ice house, tramway and former orchard. A buffer zone of native trees and shrubs and secure fencing must be provided along Area 12A’s southern boundary in order to protect these assets and features.
  - The areas to the west and south of the proposed new housing, as identified on the Parish Policies Map and the extract showing the site location plan, are protected for public open space use as part of the development scheme.
- 6.31 The National Planning Policy Framework identifies requirements in terms of conserving and enhancing the natural environment at Chapter 15.
- 6.32 Paragraph 180 sets out ways in which planning policies and decisions should contribute to and enhance the natural environment, including protecting and enhancing valued landscapes and by recognising the intrinsic character and beauty of the countryside. Furthermore, minimising impacts and providing for net gains for biodiversity and preventing new and existing development

from contributing to unacceptable risk from soil, air, water or noise pollution of land instability. Additionally, land where appropriate.

- 6.33 Paragraph 182 identifies great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
- 6.34 Paragraph 183 then goes on to say, when considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:
- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
  - b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
  - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
- 6.35 The accompanying footnote (footnote 64) confirms for the purposes of Paragraphs 182 and 183, whether a development is 'major development' is a matter for the decision maker taking into account its nature, scale, setting and whether it could have a significant adverse impact on the purposes for which the area has been designated or designed. The reference to 'major development' included in footnote 64 is a specific definition for a specific purpose and is distinct from the definition of major development used in general town planning terms.

*Assessment of landscape legislative and policy context*

- 6.36 The application is accompanied by various supporting information relating to landscape including, a Landscape and Visual Impact Assessment and associated Figures, Design and Access Statement, Tree Impacts and Tree Method Statement and Arboricultural Technical Note. Illustrative sections and a Boundary Treatment Plan are included in the submitted drawings.
- 6.37 Malvern Hills National Landscape Partnership (formerly known as Malvern Hills AONB Unit) have been consulted in connection with the application and do not raise any objection. Within detailed comments, it is confirmed the made Colwall NDP is informed by a sound Landscape Sensitivity and Capacity Assessment and also, that the application is accompanied by a detailed and rigorously justified LVIA. Whilst not objecting to the proposed application, there are areas where MHNLP has sought further reassurance in terms of matters of design, lighting and PV panels which are discussed as relevant in this report. Further details required in terms of design are matters which can be managed by way of conditions.
- 6.38 The Landscape Officer acknowledges the high sensitivity of the site given its constraints, also noting its allocation in the Colwall NDP, with Policy CD7 setting out the design principles and the landscape capacity study identifying an area of between low to medium and medium capacity to change. The submission of the LVIA is welcome by the Landscape Officer, but design and layout concerns were raised in the initial consultation response where some areas of the scheme were not considered to reflect aspects of the LVIA. The matters raised related to the impact of the development on the Oak Tree on the Old Church Road frontage, a missed opportunity for a clear view corridor across the site, proposed woodland copse appearing out of place, responding to existing settlement pattern and queries regarding the layout of the pumping station. Areas where

further information would be of assistance were also identified, such as sections of the open space, additional street scenes and management and maintenance details.

- 6.39 Following the initial consultation period and in response to matters raised in representations, revised application proposals and supporting documentation have been submitted. Amendments include locating dwellings to the north of the site further southwards to ensure the access drive avoids the Oak Tree root protection area. Plots 29-34 have also been moved and amendments to certain plot layouts providing more generous plot sizes. Additional details for the pumping station have also been submitted, including confirmation this is to be screened. The submitted details confirm that as the size and appearance of the pumping station are not yet known, however, the submitted plans cover the maximum specification that might be required. Boundary treatment details have also been reviewed. The use of close board fencing is only proposed where separating rear gardens and native hedging is retained and enhanced. The landscape details remain illustrative but are intended to establish principles. In terms of maintenance, the applicant has confirmed trees have been incorporated within gardens where possible, with areas of public open space and the pumping station likely to be managed by a management company.
- 6.40 A number of formal re-consultations have taken place following submission of revised plans and supporting information. A written legal Opinion has also been submitted on behalf of a group of local residents and a legal Opinion in response submitted on behalf of the applicant.
- 6.41 In subsequent comments, the Landscape Officer has confirmed the scheme would result in a permanent change to the character of Old Church Road due to the introduction of vehicle access, trimming of hedgerows and proposed new footway. Those changes are noted as reducing the current strong rural character in this location. Furthermore, the Landscape Officer acknowledges a major negative change due to the loss of open agricultural land and introduction of housing and associated infrastructure. The open space will be publically accessible and it is recognised this presents a range of biodiversity and amenity features. Conditions have been recommended to secure elements of the scheme and provide additional details where considered necessary. The Landscape Officer comments in terms of level of change are noted.
- 6.42 The LVIA provides detailed conclusions in terms of effects on the landscape character and visual effects which are well explained and summarised in pages 57-59 of the LVIA. The overall conclusion within the LVIA is as follows:

*Overall, the Proposed Development would result in limited effects on landscape character and visual amenity, restricted to the site and its local landscape context (i.e. it's immediate environs); in such views the proposed development will be seen in the context of the existing settlement edge of Colwall Stone.*

*A range of landscape and visual receptors have been assessed and impacts have been identified for both landscape character and for visual receptors. This is part of an iterative process whereby potential impacts have informed the design of the Proposed Development and the associated landscape strategy. Mitigation has therefore become integral to the Proposed Development. Notable residual effects on landscape character and visual amenity would be limited to the immediate environs to the site.*

*While the Proposed Development would be visible in some views to and from the Malvern Hills, effects on such views would be limited, and by Year 15 the Proposed Development would be very well assimilated into the existing settlement pattern of Colwall Stone.*

*The Proposed Development is not therefore considered to be in conflict with the policies of the Malvern Hills AONB Management Plan, and the design of the Proposed Development has been developed in line with the published guidance for development within the AONB.*

- 6.43 The Landscape and Visual Impact Assessment has been prepared in accordance with the relevant legislative and policy background. The approach and methodology have been developed

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using best practice guidance. The findings established in the LVIA in terms of the impacts of the proposal are accepted by officers. It is also noted the residential development proposed falls within the settlement boundary and is allocated for residential development. The decision to allocate the site for residential development through the NDP was also underpinned by comprehensive analysis in respect of landscape sensitivity.

- 6.44 The LVIA is considered by officers to confirm the level of effects including impacts on key views are acceptable and it is considered the scheme, including changes made during the course of the assessment of the proposals has demonstrated the character of the landscape has positively influenced the design, scale and setting of the settlement. Design is assessed in more detail in the relevant section of this report, but in summary the layout, siting and design are assessed by officers as reflecting the local area. The scheme proposes a good mix of dwelling types, with design features underpinned by analysis of the local area. The proposed layout is also low density and scale is varied across the site to reflect the particular site context and constraints. Tree cover is also maintained and extended. The rural character of Old Church Road will change, however, boundary treatment along Old Church Road is largely retained and built development is set back. The NDP also stipulates access should be sited in this location. Areas of open space are incorporated as specified in the NDP Policies Map and Policy CD7.
- 6.45 As set out, great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs and scale and development within these areas should be limited. Paragraph 183 of the Framework is clear permission should be refused other than in exceptional circumstances. Whether a proposal is major development in the AONB is a matter for the decision maker taking into account its nature, scale and setting, and whether it could have significant adverse impact on the purposes for which the area has been designated or defined.
- 6.46 The applicant's Planning Statement Addendum (at Paragraphs 3.6 to 3.17) draws the conclusion that the scheme does not constitute major development in the AONB. The submitted Planning Statement goes on to say, *'Even if the development was considered to represent major development in this context, exceptional circumstances and public interest have been demonstrated through the allocation of the site in the Colwall NDP, following a detailed assessment and analysis of appropriateness, and a public referendum. Further, in respect of need, where the point of housing land supply is raised, it is reiterated that the housing supply the Council can demonstrate is calculated based on deliverable sites, including those allocated for development in Neighbourhood Plans, and specifically including the application site as deliverable within five years'*.
- 6.47 Whether a proposal is major development in the AONB is a matter for the decision maker taking into consideration points a) to c) as set out in Paragraph 183 of the Framework. The whole of Colwall falls within the AONB and in preparing its made NDP, the established settlement boundary seeks to protect the area of the AONB that lies outside of the settlement boundary. The settlement boundary is underpinned by robust and comprehensive assessment of landscape sensitivity and capacity across the parish. It takes account of local evidence and environmental factors, and included consideration of alternative sites. The site is allocated within the development plan, for residential development of at least 32 dwellings and contributes towards the achievement of deliverable sites within five years. As such, the need for residential development on the site is established and scope for meeting the need in some other way has been considered in the preparation and examination of the plan.
- 6.48 In terms of the impact of the proposed development on the local economy, the site is accessible by public transport and located close to local services and businesses. New households at the site are likely to support services in the area in a sustainable manner. There would also be economic benefits associated through the provision of jobs and local purchasing during the construction stage. The scheme also delivers much needed affordable housing. Based on the assessments informing the settlement boundary and the site based LVIA submitted to accompany the application, officers also consider any detrimental effect on the environment has been appropriately moderated. Officers' view is that when considering criteria a) to c) in Paragraph 183

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of the Framework, there are exceptional circumstances in this case and it can be demonstrated the development is in the public interest.

- 6.49 Notwithstanding the above, assessment against the criteria established in Paragraph 183 is only required where a proposed development is considered to constitute major development in the AONB based on the criteria set out in footnote 64. Officers' view is that based on the relationship of the site with the existing settlement, the assessment and findings contained within the LVIA, the assessments undertaken in terms of landscape sensitivity and capacity, the number of dwellings proposed, low density of development (which includes large areas of local green space) and the scale and siting of the development, the proposed development does not constitute major development in the AONB. As such, in officers' view there is no requirement for 'exceptional circumstances and public interest' to be demonstrated in this case.

#### Conclusion on Landscape Matters

- 6.50 The proposed development is considered to result in limited effects on landscape character and visual amenity, restricted to the site and its local landscape context (its immediate environs). In such views the proposed development would be seen in the context of the existing settlement edge of Colwall. The development would be visible in some views to and from the Malvern Hills, but effects on such views are assessed as limited, and by year 15, the proposed development would be well assimilated into the existing settlement pattern of Colwall Stone.
- 6.51 Officers have concluded the proposed development does not constitute major development in the AONB and as such, there is no requirement for 'exceptional circumstances and public interest' to be demonstrated in this case.
- 6.52 Overall, the proposed development is considered to conserve and enhance the natural beauty of the AONB and meet the principles established in Policies SS6, LD1, LD3, CD1, CD2 and CD7, alongside the requirements identified in Chapter 15 of National Planning Policy Framework. The requirements of Malvern Hills AONB Management Plan 2019-2024 are also considered to have been met through the detailed proposals. On that basis, officers are satisfied the requirement of seeking to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty is achieved.
- 6.53 It is acknowledged further information is required in terms of the detail relating to the landscape proposals, however, this can be secured by suitably worded conditions.

#### **Heritage**

- 6.54 The site is located within the bounds of the Colwall Stone/Upper Colwall Conservation Area. There are no listed buildings within the site but there are listed buildings within the immediate vicinity as shown in Plate 30 and Appendix 6 of the Heritage Assessment. Remnants of a former tramway and piggery complex are located within the southern part of the site which are identified as locally important heritage assets in the Colwall NDP.
- 6.55 The Planning (Listed Buildings and Conservation Areas) Act 1990 at section 66 states "*In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*"
- 6.56 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 outlines that when considering any planning application in a conservation area, a local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

- 6.57 Core Strategy Policy SS6 is a strategic policy relating to environmental quality and local distinctiveness. The policy outlines development proposals should conserve and enhance those environmental assets that contribute towards the county's distinctiveness, and notes heritage assets and specifically those with environmental designations.
- 6.58 Policy LD4 of the Core Strategy requires that development proposals protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance. Additionally, to contribute to the character and local distinctiveness of the townscape or wider environment, especially within Conservation Areas.
- 6.59 NDP Policy CD4 relates to development in the conservation area and protecting built heritage assets setting out proposals for new development will be required to demonstrate careful consideration of any potential impacts on the setting of the conservation area and other nearby heritage assets above or underground. The policy details proposals will be required to describe the significance of any heritage assets affected, including any contribution made by their setting. Development proposals should protect, conserve and where possible, enhance heritage assets and their settings in a manner appropriate to their significance.
- 6.60 The National Planning Policy Framework also includes guidance in terms assessing impact of proposals on designated and non-designated heritage assets. Paragraph 200 sets out that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's significance and no more than is sufficient to understand the potential impact of the proposal on their significance. Paragraph 200 also sets out where a proposal includes or has the potential to include heritage assets with archaeological interest, a desk based assessment and where necessary, field evaluation should be submitted. Paragraph 201 identifies local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). Paragraph 203 goes onto advise, in determining applications, local planning authorities should take account of a) the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness, amongst other things.
- 6.61 The Framework then goes on to explain how to consider potential impacts. Paragraph 205 states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (the more important the asset is, the greater the weight should be). Paragraph 206 outlines any harm to or loss of a designated heritage asset should require clear and convincing justification. Paragraph 207 deals with considering proposals which would lead to substantial harm. Paragraph 208 relates to less than substantial harm to a designated heritage asset and sets out the harm should be weighed against the public benefits. Paragraph 209 relates to non-designated heritage assets and confirms the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss to the significance of the heritage asset.
- 6.62 Historic England has also prepared guidance in respect of the historic environment and the Planning Practice Guidance contains further advice on enhancing and conserving the historic environment.
- 6.63 The application is accompanied by a Heritage Statement which identifies the significance of the heritage resource within the site and any heritage assets affected by the proposals, in order to inform the assessment of any harm or benefit which may result from the implementation of the proposals. The statement references the legislative and policy framework surrounding heritage assets and sources and methodology used to inform the assessment are well detailed. The

submitted Heritage Statement is considered to provide a comprehensive analysis of the heritage environment in the context of the proposals.

- 6.64 Historic England and the Council's Building Conservation Officer (BCO) have both been consulted on the application. Historic England has not provided a consultation response. The initial consultation response from the BCO notes the sites location in the conservation area and identifies the affected heritage assets, including non-designated heritage assets within the application site. The comments confirm the principle of development is not opposed given the allocation within the Colwall NDP and notes the layout of the site has addressed the sensitive value of the site and its constraints. Minor design amendments were requested to the scheme to include the introduction of chimneys and changes to Plot 35 and 36. Conditions were also requested to secure additional details.
- 6.65 Submitted representations raise concerns regarding the impact of the proposal on the character and appearance of the conservation area. A legal Opinion has also been submitted on behalf of a group of residents. The heritage matters raised relate to the NDP process and concerns the NDP was prepared in ignorance of the Colwall Stone/Upper Colwall Conservation Area Statement. Also, that the CAS is not referred to in the Heritage Statement submitted by the applicant. It is also said that the significance of open spaces in the Conservation Area Statement have not been assessed by the applicant or the Conservation Officer. Finally, the opinion alleges the Council's Conservation Officer has failed to make a proper assessment both of the impact on the Conservation Area Statement and potentially listed buildings.
- 6.66 The applicant has submitted a written legal Opinion in response to the above. Alongside this, Addendums have been submitted to both the Planning Statement and Heritage Statement. A standalone copy of the Colwall Stone/Upper Colwall Conservation Area Statement referenced within the legal Opinion submitted on behalf of residents has also been submitted by the applicant for completeness and is available to be viewed as part of the planning application documentation. Full re-consultations have taken place since the submission of all of the above additional information.
- 6.67 In terms of the matters raised, it is acknowledged the NDP Bibliography does not reference the 'Designation of Conservation Area; Colwall Stone/Upper Colwall Character Statement. However, as discussed in the Applicant's legal Opinion, this is not conclusive of the matter and the protection of the Conservation Area is clearly front and centre of the NDP. Furthermore, it is noted the Historic England commented positively on the NDP. The below is an extract of the Colwall Neighbourhood Development Plan Independent Examiner's Report Final (Page 14):

*"Historic England is supportive of both the content of the document and the vision and aims set out in it. The emphasis on the conservation of local distinctiveness and the protection of the built environment and rural landscape character including important views is highly commendable. We also commend the approaches taken in the Plan to ensuring that the design of new development takes cues from the local vernacular, thus reinforcing local distinctiveness and contributing to the conservation and enhancement of the historic environment. We note that the selection of sites with the potential for new housing development has been positively guided by considerable research including the Village Design Statement (2001) and the Landscape Assessment and associated stage 2 Landscape Sensitivity and Capacity Assessment (Tinkler 2013). This and other documentation produced by the Malvern Hills AONB provides a very thorough evidence base for the policies and proposals put forward.*

*"It is also clear that specific policies for individual development sites provide for thorough mitigation against potentially adverse impacts upon the rural and built environment including heritage assets and the Colwall conservation area. The consideration of development outside the Development Boundary within the rural environs of Colwall is equally well thought through and well analysed and the detailed policies seeking to ensure the retention and sensitive conversion of historic farmsteads are particularly welcomed".*

- 6.68 The Village Design Statement, which was endorsed as a material consideration when dealing with planning matters by Herefordshire Council on 20 April 2001, is also referenced in the NDP Bibliography and includes detailed analysis across various aspects of the conservation area, including analysis with regards to open space in the village, with specific reference to the site.
- 6.69 Concerns are raised regarding the soundness of the Colwall NDP, however the plan is made and forms part of the development plan having been through the necessary plan stages. As discussed above a review of documentation associated with the NDP confirms it is clear potential impacts on the conservation area were robustly considered and well understood as part of the plan and examination process. Furthermore, the plan acknowledges any proposal for new development would have to provide specific assessment of the extent to which it would impact on the historic environment. The application is accompanied by a detailed Heritage Statement, and addendum following matters raised in representations.
- 6.70 The Heritage Statement concludes as follows (Pages 41 to 42):

*“The proposals would reduce the extent of open space provided by the site, however the design and siting of the proposed areas of residential development have been carefully considered in order to minimise the level of impact arising to the Conservation Area. Overall, when taking into account all relevant factors, it is considered the proposed development would result in less than substantial harm to the overall heritage significance of the Conservation Area, with this at the lower end of that spectrum.*

*Less than substantial harm, at the very lower end of the spectrum, is also considered to arise to the Grade II Listed Buildings at the former Grovesend Farm complex, as a result of a change in setting.*

*No harm is identified to any additional designated heritage assets, via a change in setting.”*

- 6.71 Officers concur with the findings of the submitted Heritage Statement and Addendum to Heritage Statement, including its analysis of significance, impacts and level of harm. As such, the requirements of Paragraph 207 are not considered relevant in this case as the level of harm is not assessed as substantial. The County Archaeologist has also confirmed no objections are raised to the proposed development.
- 6.72 Paragraph 208 of the National Planning Policy Framework requires that when a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this should be weighed against the public benefits of a proposal, including, where appropriate, securing its optimum viable use. The level of harm and benefit is a matter which has been referred to in letters of representation. Having assessed the scheme, officers consider there are public benefits arising from the delivery of a mix of housing, including affordable housing, to meet local needs. In addition, enhanced public open space would be delivered and public access to an informed interpretation of the sites history. The less than substantial harm identified is considered to be outweighed by the significant benefits associated with the scheme and therefore the requirements of paragraph 208 are met.
- 6.73 A group of former agricultural and piggery buildings and the remains of a tramway, are located within the southern part of the site and represent non-designated heritage assets. The Statement also notes the NDP refers to the surviving buildings within Area 12 B as an ice works, but due to a lack of identified evidence base and sources have not been identified which confirms their use as an ice works. The Heritage Statement concludes due to their construction, layout and overall poor state of preservation it is not suitable for the existing agricultural and piggery buildings to be retained and are proposed for demolition.
- 6.74 Paragraph 209 of the NPPF requires the effect of an application on the significance of a non-designated heritage asset to be taken into account in determining the application, requiring a balanced judgement having regard to the scale of any harm to the setting or loss and the

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

significance of the heritage asset. The loss of the piggeries is noted and in many ways regrettable, however, they are not publically accessible, nor are the tramlines. The retention of the tramlines and their interpretation in the area of open space are considered a public benefit. Additionally, a condition requiring a full photographic survey of the piggery prior to demolition is included and a condition requiring a methodology of the tramlines retention to be incorporated into the hard landscaping plan. On the basis of the analysis provided in the Heritage Statement, measures included by way of condition and the public benefit arising from the proposals, the loss of the piggeries and proposal for the tramlines are considered by officers to be acceptable in the context of the effect on these non-designated heritage assets.

- 6.75 The representations and legal Opinions submitted are duly noted and have been discussed above. The proposed development has been assessed in terms of its impact on heritage assets. Taking account of the analysis supporting the scheme and the assessment undertaken in respect of the application proposals, officers consider the layout, density, scale and design of the dwellings, together with the siting of open space, results in a scheme which has an acceptable impact on the conservation area, listed buildings and non-designated heritage assets.
- 6.76 The scheme would reduce the extent of open space provided by the site, which is noted as contributing to the significance of the conservation area. However, officers consider the significance of the open space has been preserved through retention and reinforcement of existing boundary treatment, large areas of open space included within the layout, single storey development in response to site characteristics and low density layout in developed areas. Furthermore, the open space on the boundary of the site that are not being developed, provide a natural buffer between the housing proposed and the adjacent countryside.

#### Conclusion on heritage matters

- 6.77 It is officers view less than substantial harm would arise to the conservation area, adjacent/nearby listed buildings and non-designated heritage assets on the site. Based on assessment of the proposals and analysis of the public benefits associated with the scheme as discussed above, officers view is the level of harm is considered to be outweighed by the public benefits associated with the proposed development. Those conclusions have been reached in the context of the requirements of sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Core Strategy Policy LD4, NDP Policy CD4 and CD7, alongside the requirements set out within Chapter 16 of the NPPF.

#### **Design, Layout and Appearance**

- 6.78 Core Strategy Policy SD1 relates to sustainable design and energy efficiency. The policy requires development proposals to create safe, sustainable, well integrated environments for all members of the community.
- 6.79 The policy stipulates various requirements development proposals should incorporate which include (as relevant to matters of design for this application):
- ensuring development proposals make efficient use of land, taking into the local context and site characteristics;
  - new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development while making a positive contribution to the architectural diversity and character of the area, including, where appropriate, through innovative design;
  - Utilise physical sustainability measures – including orientation of buildings, the provision of water conservation measures, storage for bicycles and waste including provision for recycling and enabling renewable energy;
  - Create safe and accessible environments – minimise opportunities for crime and consider fire safety measures;

- Ensuring design can be easily adapted; and
  - Utilise sustainable construction methods which minimise the use of non-renewable resources.
- 6.80 NDP Policy CD2 sets out various requirements for new residential development in Colwall. This includes ensuring entrance points are designed to reflect rural context and character, respecting existing building lines, responding to plot size and pattern of development and appropriate individual identity for dwellings. High standards should be reflected in the design, detailing and finishes on all elevations. Furthermore, building materials and design details should be locally appropriate.
- 6.81 NDP Policy CD7 relates specifically to the application site and sets out new buildings should respond positively to the distinctive character of the local area.
- 6.82 Malvern Hills AONB Management Plan 2019-2024 also sets out the vision for the designated AONB and its management. Built Development Guidance has also been prepared by Malvern Hills National Landscapes which includes guidance in respect of Building Design, Colour in Development and Solar Panels.
- 6.83 Chapter 12 of the National Planning Policy Framework relates to 'Achieving well-designed and beautiful places' and seeks to ensure development will function well and add to overall quality of the area. Also, is visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Additionally, is sympathetic to local character and history, including the built environment and landscape setting. The importance of appropriate amount and mix of development is also referenced, which includes a mix of green and other public spaces.
- 6.84 Objections are raised on the basis the design of the scheme is not high quality, does not respond to the characteristics of the area (including the conservation area) and would represent a harmful addition to the area in terms of design. Furthermore, that it does not meet the requirements set out in the Colwall NDP.
- 6.85 Elements of design have also been considered in the previous sections of this report in the context of landscape and heritage considerations.
- 6.86 The application is accompanied by a Design and Access Statement identifying the factors which have influenced the development strategy for the site, including analysis of the site and surrounding area, research and survey work. The document includes analysis of urban grain, materials, scale, key views and sets out landscape and visual design principles.
- 6.87 The layout comprises access from Old Church Road as required in CD7. A large area of public open space is proposed to the south west of the site and an area to the south. These are also in line with CD7 in terms of reflecting the land which is allocated to be Public Open Space. The 36 dwellings proposed are to be sited in the eastern section of the site. A row of 10 dwellings are positioned backing onto the existing dwellings which front Stone Drive (Plot 10 is adjacent to a property on Stone Close). Four dwellings are sited immediately south of Old Church Road and the remainder positioned around the internal access roads serving the development.
- 6.88 The properties fronting onto Old Church Road have been amended during the assessment of the application. They are sited further back from the road to ensure the protected tree has sufficient space. Design changes have also been made to Plots 35 and 36 to more successfully respond to the characteristics in the area. Plot 1 addresses both Old Church Road and the internal access road to the development. Plots 1, 35 and 36 are bungalows. In terms of Plots 1 to 10, the layout of these units reflects the adjacent pattern of development along Stone Drive which comprises predominantly large detached dwellings (including some bungalows) set within generous plots and set back from the highway. Plots 1 to 10 have been set back from the road and comprise generous rear gardens. Parking spaces and single storey garages are sited between these dwellings which assists in breaking up the row of dwellings in this part of the site.

6.89 Similarly, Plots 11 to 15 also comprise detached dwellings, set back from the access road with generous rear gardens and a sense of space between those dwellings. Plots 16, 17, 23 and 24 are bungalows, positioned to take into account site characteristics and provide good surveillance over the public open space area. Plot 19 is located on a corner plot and includes features for an active frontage to both public facing elevations. It also benefits from a generous rear garden and is set slightly back from the access road to provide planting along the access road. Plots 20 to 22 comprise a terrace of 3 dwellings, however Plot 20 includes area of landscaping to the east which would be visible as you move along the access road into the development. This provides a successful landscaped area in a prominent location within the layout and would provide a sense of openness in this part of the layout. Those properties are also set back from the road, with parking accommodated on plot to the front. To the north of this area, are semi-detached dwellings and one row of terraced properties. The siting of these units is considered to achieve appropriately sized rear gardens, a sufficient set back from the roads and successful spacing between the dwellings to ensure that despite this being a more dense area of the development layout, the characteristics of the area are achieved, whilst still providing a mix of housing as is also required.

6.90 In terms of scale, the proposed development comprises a mixture of single and two storey dwellings. The majority of the dwellings proposed are two storey, with seven single storey properties positioned to take account of the site's characteristics and topography. It is considered the placement of the bungalows responds positively to the characteristics of the site and surrounding area. The scale of the two storey dwellings in their context is considered acceptable, and respects the surrounding character. The buildings in the village exhibit a great variety of styles. In terms of the dwelling types, a total of seven different housetype designs are proposed across the site which provide variation across the scheme. The variation in scale also adds to this. Details such as strong triangular shaped gable, stepped brickwork, horizontal brick cladding, window surrounds and stone cills have all been included within the house type design. At the request of the Building Conservation Officer, chimneys have also been added to the scheme. These are considered to add additional architectural detail characteristic of the local area and provide variation across the roofscape. The Village Design Statement recognises the setting of the village is enhanced by a variety of rooflines created by development. Again, the variation in scale also contributes to this. Based on analysis provided within the DAS, the mix of housetypes and architectural features are considered to respond positively to the distinctive character of the local area. There will be some boundary treatment removal required to facilitate the proposed access, but overall the proposals incorporate the retention and enhancement of existing boundary vegetation and new hedging. Evergreen hedging is a common boundary feature in the area. Close board fencing is used in a limited manner for internal plot boundary division which is considered acceptable. An illustrative Street scene (Rev E) has been provided and is inserted below:



6.91 The Landscape Officer's comments initially raised concerns regarding the level of variation in housetypes and spacing on the basis this is contrary to the surrounding settlement pattern. Some amendments have been made to the scheme since those comments were made, but for the reasons set out in detail above, it is considered the scheme does successfully respond to settlement pattern.

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

- 6.92 Additional details for the pumping station have been submitted during the course of the application, including confirmation this is to be screened. The submitted details confirm that as the size and appearance of the pumping station are not yet known, the submitted plans cover the maximum specification that might be required. The siting of the pumping station is considered acceptable in principle, as is the approach in terms of planting.
- 6.93 Malvern Hills AONB Management Plan 2019-2024 also sets out the vision for the designated AONB and its management. Built Development Guidance has also been prepared by Malvern Hills National Landscapes which includes guidance in respect of Building Design, Colour in Development and Solar Panels. The Design and Access Statement includes analysis of Colour and Materials. In principle, the palette of materials is considered acceptable, however given the sensitivities of the site, and as suggested by the Building Conservation Officer, additional details can be secured by way of condition. External lighting can also be minimised and additional details are to be provided by way of condition. The Design and Access Statement references PV panels are to be included on the proposed dwellings, however specific details have not been provided. Further details would be required to ensure the panels proposed are appropriate in the context of the character of the area and landscape and this again can be secured by way of condition.
- 6.94 Following analysis of the scheme, is it considered the density, siting, layout and design respects the existing local settlement pattern and vernacular. This ensures landscape and scenic beauty in the AONB is conserved and enhanced, together with the character and appearance of the Conservation Area. The application is considered to accord with the requirements set out in CS Policy SD1, NDP Policies CD2 and CD7 and Chapter 12 of the NPPF.

### **Amenity**

- 6.95 Herefordshire Local Plan Core Strategy SD1 is relevant in assessing amenity impacts of development proposals. The policy requires development to safeguard residential amenity for existing and proposed residents and ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light, or air contamination, land instability or cause ground water pollution. Paragraphs 189 to 194 of the National Planning Policy Framework also relate to ground conditions and pollution.
- 6.96 There are no triggers which would require the submission of details with regards to air quality, In terms of land contamination, the application is accompanied by a Phase I Desk Study Report. The Council's Contaminated Land Officer has been consulted regarding the proposals and confirms the Preliminary Risk Assessment (Desk Study) considers a Phase II Intrusive Site Investigation should be undertaken to quantify risks and address uncertainties identified. On that basis conditions have been suggested prior to the commencement of development to cover any additional detail required in respect of contaminated land.
- 6.97 A number of residential amenity concerns have been raised within submitted letters of representation including a representation from Hopyard Cottage which lies immediately west of the application site, with its eastern and southern boundaries abutting the site. Amenity concerns in respect of impacts on Hopyard Cottage include the difference in levels between the application site and adjacent cottage, which sits an average of one metre below the application site. Additionally, the proximity of windows serving the existing dwelling and the site boundary. Loss of light, loss of a view and overall security of the adjacent residential dwelling are also raised, as is the potential increased fire risk from the use of the adjacent land as public open space. Proposed boundary treatments and maintenance arrangements for the open space have been queried.
- 6.98 Representations have also been received from properties surrounding the application site, including on Stone Drive. Concerns raised relate to increased overlooking, loss of privacy including the existing rear gardens, and loss of light and increased noise and disturbance.

6.99 Site visits have been carried out to assist in assessing the amenity impacts on adjacent occupiers. Those visits have included an assessment from within the application site and visits to some properties adjacent to the site, at the request of those occupiers. Applegate on Stone Drive and Hopyard Cottage have been visited.

6.100 The proposed residential dwellings are to be located to the eastern section of the site. In terms of immediate residential dwellings surrounding the site, plots 1 to 9 back onto the properties fronting onto Stone Drive and Plot 10 is adjacent to Stone Close. Plots 25, 26, 36 and 37 abut the boundary of the Barn House. The open space to the south west of the site abuts Hopyard Cottage. Residential properties along Stone Crescent are separated from the residential development by the public open space at the south. (Block Plan Extract Below for ease)



6.101 Plot 1 is positioned closer to its rear boundary with Pembroke Lodge, however Plot 1 is a bungalow and the distance to the boundary is considered acceptable in this context. In terms of Plots 2 to 10, it is acknowledged the outlook from the existing properties/rear gardens along Stone Drive in particular will be altered as a result of the introduction of residential dwellings where the outlook is currently over agricultural land. However, the row of properties to the east of the site comprise generous rear gardens, allowing for sufficient distances from first floor windows to rear

boundaries to ensure there is no unacceptable overlooking or loss of privacy from the proposed dwellings. This includes ensuring rear gardens of existing properties are not unacceptably overlooked by first floor windows. The proposed plot sizes and scale of buildings proposed also means those dwellings will not result in an unacceptable loss of light or overbearing impact to adjacent properties. The same can be said for Plots 25, 26, 36 and 37.

- 6.102 With the land currently in agricultural use, some of the properties along Stone Drive currently benefit from lower, more open boundary treatments, which offer those properties less privacy to rear gardens than might normally be found between residential dwellings. The application documentation confirms where existing hedgerow along the boundaries will be retained and new hedgerow is proposed to be planted. The boundary treatments for the existing residential dwellings will be altered through the new planting, however, that is considered acceptable and will ensure an acceptable degree of boundary privacy to both the new occupiers and the existing. The outlook for existing dwellings adjacent to the site will change, but as a result of the layout and scale, this change will not result in an unacceptable loss of visual amenity or outlook.
- 6.103 In respect of concerns regarding noise and disturbance, there will be residential activity at the site where it is currently agricultural, but based on the siting of the proposed residential dwellings adjacent to existing residential dwellings, the proposed residential dwellings are considered entirely compatible.
- 6.104 In terms of Hopyard Cottage, the public open space is to be located adjacent to this property in the part of the site designated as public open space. Whilst there is likely to be an increase in activity as a result of public access to the designated open space, the use is compatible adjacent to residential dwellings and is not considered to give rise to any unacceptable amenity impacts. Hopyard Cottage currently comprises lower boundary treatment in some areas to enable views beyond the properties boundary onto the adjacent agricultural land beyond the properties extent of ownership. The development proposes the retention of existing hedging and proposed hedgerow planting which will is considered to provide an appropriate level of privacy and acceptable in terms of its effects on this dwelling. A condition has also been included to secure further details in respect of boundary treatments across the site.
- 6.105 Although there will a change for existing dwellings abutting the site, based on the site layout and scale of the proposed dwellings, the scheme is not considered to result in any unacceptable impacts in terms of the following- loss of light, loss of privacy, increase in noise and disturbance, visual amenity or overbearing impacts.
- 6.106 The requirements of Core Strategy Policy SD1 in respect of land contamination and residential amenity are therefore considered to be met.

### **Transport and Highways**

- 6.107 Core Strategy Policy SS4 explains new developments should be designed and located to minimise the impacts on the transport network, ensuring that journey times and the efficient and safe operation of the network are not detrimentally impacted. Furthermore, where practicable, development proposals should be accessible by and facilitate a genuine choice of modes of travel, including walking, cycling and public transport.
- 6.108 Core Strategy Policy MT1 relates to traffic management, highway safety and promoting active travel. The policy identifies a number of principle requirements which should be incorporated into proposals. Those relevant to this application include:
- Promote and, where possible incorporate integrated transport connections and supporting infrastructure, including access to services by means other than private motorised transport;
  - Encourage travel behaviour through use of travel plans;

- Ensure developments are laid out to achieve safe entrance and exit, have appropriate operational and manoeuvring space, accommodate provision for all modes of transport, the needs of people with disabilities and provide safe access for emergency services;
- Protect existing local and long distance footways, cycleways and bridleways;
- Have regard to the Council's Highway Development Design Guide and cycle and vehicle parking standards, having regard to the location of the site and the need to promote sustainable travel choices.

- 6.109 Colwall NDP also contains policies which reference site layout and access design. NDP Policy CD2 identifies access from the highway and site entrance points should be designed to reflect the rural village context and should meet Herefordshire's Council's Design Guidance. In addition, car parking should be fully accommodated within the site and not dominate the street scene. Electric vehicle car charging points should be included and provision for secure cycle storage.
- 6.110 NDP Policy CD7 also stipulates specific requirements in respect of development on the site. This includes access to the site from Old Church Road, a safe and surfaced (suitable for use all year) pedestrian and cyclist links or links to the amenities and facilities of Colwall Village should be provided.
- 6.111 Chapter 9 of the National Planning Policy Framework also includes guidance in respect of promoting sustainable transport. Paragraph 114 identifies that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
  - b) safe and suitable access to the site can be achieved for all users;
  - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
  - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 6.112 Paragraph 115 states development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.113 Paragraph 116 then goes onto say, within this context, applications for development should:
- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
  - b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
  - c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
  - d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
  - e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 6.114 Paragraph 117 confirms that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

- 6.115 The application is accompanied a Transport Assessment. The Local Highway Authority has been consulted on the application and provided the following comments within their first consultation:
- 6.116 The local highway authority (LHA) has the following comments:
- *The LHA is accepting of the proposed footway plans along Old Church Road between the site and Stone Drive as it would enable more vulnerable residents who may not be confident to walk in the carriageway to access the rest of the village on foot. However, the footway should be delivered via S278 rather than S106.*
  - *The access is designed as per our Highway Design Guide and provides visibility splays that are in correlation with the results of the speed survey. Therefore the access is considered to be acceptable.*
  - *Visibility splays of 2.4m x 33m should be provided at all internal junctions.*
  - *2m x 2m vision splays should be provided at all driveways as it is noted that planting appears to be adjacent to the driveways which may hinder visibility, nothing over 0.6m in height should be placed within the splays.*
  - *The whole of the area within the forward visibility splay on the bend will have to be adopted, therefore the line of the footway should follow the edge of the visibility splay.*
  - *It is noted that a 2.5m strip of planting is provided alongside the eastern footway/cycleway through the site. The LHA will not adopt this area.*
  - *All shared private drives under 25m in length should be provided with a turning head capable of turning a large estate car around via a three point turn with all of the car parking spaces occupied. Shared private drives over 25m in length should be provided with a turning head capable of turning a LWB Transit type van around via a three point turn with all of the car parking spaces occupied if Waste have confirmed that a refuse vehicle would not have to travel down it. Vehicle swept paths of these manoeuvres should be provided for all shared private drives.*
  - *It is noted that the 2.5m wide footway/cycleway terminates at the south-western edge of the site where it meets footpath CW30. In order not to preclude the future development of a footway/cycleway towards the school the stretch between the termination of the site footway/cycleway and the edge of the land to the south (assumed to be in separate ownership), as shown in yellow below, should be a 2.5m tarmac surfaced path and be included within the red line.*
  - *The LHA confirmed it would only wish to adopt the footways alongside the main carriageway and through the site and an additional footpath to the south west of the site.*
- 6.117 Submitted representations raise concerns in respect of highways, including highway safety, increased traffic on Old Church Road and surrounding roads and number of accidents within the area. Concerns have also been raised in terms of the deliverability of proposed footpath works based on the width of Old Church Road and a lack of proposals to meet the conditions relating to pedestrian and cycle access as set out in the NDP. Ledbury Area Cycle Forum has also provided a detailed objection to the application raising issues including increase in road traffic tipping the balance in terms of space sharing. Concern dog walkers, pedestrians and cyclists will feel intimidated and discouraged. The footpath has also been raised within the objection as potentially encouraging traffic speeds to increase. Further areas raised within the representation include existing issues with the surrounding road network, including along Stone Drive and insufficient cycle storage.
- 6.118 Herefordshire Ramblers has confirmed in a consultation response it raises no objection.
- 6.119 A Technical Highway Note was submitted in July 2023 addressing the queries raised by the Local Highway Authority including access and off site works, internal visibility, shared private drives and internal footway/cycleway. Swept Path Analysis is also included for panel van and tanker, refuse vehicle and fire tender. The Technical Note addressed the majority of the matters raised by the LHA, however the deliverability of off-site highway works required further discussion. A site meeting was held between the Planning Officer, Local Highway Authority, and the Applicant,

Applicant's agent, Arboricultural Consultant and Highway Consultant. The purpose of the meeting was to consider the deliverability of off-site highway works given the matters raised within submitted representations in respect of existing boundary vegetation and the width of the highway, Measurements were taken during the site meeting to inform discussions on the deliverability of a footpath along Old Church Road. Following the meeting, an updated topographical survey was undertaken and an updated Transport Statement and accompanying Arboricultural Technical Note were submitted in March 2024. A full re-consultation has taken place on the basis of the revised and additional documentation received in March 2024.

- 6.120 The Local Highway Authority have provided a further re-consultation response which reads as follows:

*“Following an on-site meeting with the Applicant’s Team and a further topographical survey being undertaken revised plans for the proposed footway on Old Church Road have been produced. The south-western part of the footway scheme remains at 1.2m, however, following the revised topographical survey a footway of only 0.9m in width is achievable to the eastern end in the vicinity of Stone Drive. Whilst this is narrower than the local highway authority would have preferred it is still considered to be an acceptable width to accommodate wheelchair users as stated within Manual for Streets. It is accepted that the majority of residents from the site would be comfortable walking in the carriageway of Old Church Road given it’s lightly trafficked nature, even with the additional traffic generated by the development. However, a site should be accessible for all users and therefore the inclusion of a footway helps to facilitate vulnerable users to access the services within the village.*

*The local highway authority has no objection to the application subject to the inclusion of the below conditions.*

*Conditions: CAB (as per drawings SK01 Rev D and SK06 Rev E by Rappor), CAD (no access gates), CAE, CAH, CAJ, CAP (footway along Old Church Road as per drawing SK05 Rev C by Rappor), CAT, CB2*

*Informatives: I11, I09, I45, I08, I07, I05, I43, I49, I54, I51, I47, I35”.*

Please note that the plans referred to above can be found in the Transport Statement (March 2024): <https://myaccount.herefordshire.gov.uk/documents?id=2585cbc2-ec19-11ee-907c-005056ab11cd>

- 6.121 Proposed vehicular access to the site is via Old Church Road, in accordance with NDP Policy CD7. It is noted a section of the proposed footpath to be delivered by Section 278 Highways Agreement would be reduced in width to that initially proposed to ensure deliverability. However, the amendment remains acceptable based on the assessment undertaken by the LHA. The provision ensure safe links to the amenities in the village for all road users. The applicant has provided footway/cycleway links within the site across the public open space to the south western corner of the site, where there is an existing Public Right of Way. The PROW Officer has confirmed no objection is raised, but footpath CW30 is a footpath only, so it would not be acceptable for cycles to exit onto the existing PROW network in this location. The land including the PROW to the south west is not in the control of the applicant and therefore the application does not propose alterations to this footpath. Residents of the site would be able to use the existing public footpath on foot, should they choose to access the amenities of Colwall via this route. Alternatively the route via Old Church Road is also available which includes a route for cyclists to the services and amenities of the area.
- 6.122 Whilst concerns raised have been noted and considered as part of the assessment of the application, the transport surveys undertaken in connection with the scheme including the Technical Note (March 2024), Updated Transport Assessment (March 2024), and analysis of the highway impacts of the proposal, demonstrate the proposed development is acceptable from a highways perspective. Conditions have been suggested to secure agreed details or secure any

additional detail required including full details of cycle provision within the curtilage of the proposed dwellings.

- 6.123 Overall, the proposed development and off site proposals are considered to be in accordance with Core Strategy Policies SS4 and MT1, NDP Policies CD2 and CD7, and Chapter 15 of the National Planning Policy Framework. The guidance in terms of Manual for Streets and Herefordshire Design Guide for New Development. Appropriate conditions are suggested.

### **Drainage and Flooding**

- 6.124 Policies SD3 and SD4 of the Core Strategy deal with issues relating to sustainable water management, waste water treatment and river quality. SD3 sets out measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk; to avoid adverse impact on water quantity; to protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation. SD4 seeks to ensure development does not undermine the achievement of water quality target for rivers within the county, in particular through the treatment of waste water. The policy sets out a hierarchy in terms of the approach to wastewater. In the first instance, developments should seek to connect to the existing mains wastewater infrastructure.
- 6.125 Chapter 14 of the National Planning Policy Framework relates to meeting the challenge of climate change, flooding and coastal change. Paragraphs 165 to 175 deal with planning and flood risk. Paragraph 173 sets out when determining any planning application, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site specific flood risk assessment. Paragraph 175 identifies major developments should incorporate sustainable drainage systems unless there is clear evidence this would be inappropriate.
- 6.126 A high volume of the objections and further objections submitted raise continuing concerns regarding flooding and drainage. Photographs have also been provided showing sewage spill taking place in the area and surface water issues. Key themes raised within submitted letters of representation have been summarised below:
- Surface water run-off and drainage issues – including potential increase to nearby properties and surrounding area;
  - Deliverability of development as a result of drainage risks;
  - Severn Trent comments are a concern and lack of correct modelling to confirm a solution, capacity of sewage works serving Colwall. Sewage spill taking place;
  - Risk of sewage overflow and pollution – already taking place in area;
  - Alarming high levels of phosphate pollution in Cradley Brook downstream of the local sewage works;
  - Concerns regarding foul sewage, lack of a resolution on foul sewage issues and impact on local water supply guarantees;
  - Evidence of drainage/sewage overflow submitted;
  - Drainage matters considered unresolved;
  - Only way to avoid the pollution threat is to refuse planning permission since the developer has a right to connect once planning permission granted, even if STW have not undertaken work to handle additional flow;
  - Condition suggested by Severn Trent is inadequate;
  - Essential planning permission refused unless Severn Trent confirm they are able to accommodate the development.
- 6.127 The application is supported by various drawings and technical documentation which informs the proposed drainage strategy.

- 6.128 Both the Lead Local Flood Authority (Land Drainage) and Severn Trent have been consulted on numerous occasions in connection with this application and provided various comments. Those consultation responses can be viewed in Section 4.3 (Severn Trent) and 4.11 (Land Drainage) of this report.
- 6.129 It is noted Land Drainage original consultation response refers to a 41 dwellings, and not the 36 proposed. The application drawings and technical documentation provided in respect of drainage relates to 36 dwellings and that is the information upon which the proposed development has been assessed. The correct number of 36 dwellings is also referred to within subsequent consultation response from Land Drainage.
- 6.130 The site is confirmed as having a low probability of fluvial flooding, being located in Flood Zone 1. Due to the size of the site (over 1ha), in line with the NPPF, a Flood Risk Assessment accompanies the application.
- 6.131 The FRA acknowledges the watercourse which flows along the settlement boundary, is culverted upstream, which is said to restrict flood flows. The open channel will have the capacity to direct flows past the site.
- 6.132 In terms of surface water flood risk, the EA's Risk of Flooding from Surface Water map indicates that the majority of the site is not located within an area at risk of surface water flooding. However, there are multiple surface water flow routes located across the site due to the topography, flowing east to west. The higher risk flow route identified across the southern area of the site is associated with the Oak Drive and Stone Close access roads, as well as the surface water flow route associated with the ordinary watercourse. No dwellings are proposed to be located near this flow route.
- 6.133 The overland surface water flow route across the centre of the site is acknowledged within the FRA and stated to be a low to medium flow route across the centre of the site and is estimated to potentially cause flooding to depths between approx. 150-300mm. Land Drainage confirms awareness of an existing highways storm drain to the east of the site which appears to follow this surface water flow route. In order to inform its assessment of the scheme, Land Drainage visited the site and provided detail comments and photographs. Initial comments set out that it was not evident from the originally submitted FRA that full consideration had been given to flood risk posed by the surface water flow route. The comments also stated that a surface water discharge to ground must be prioritised before alternative solutions can be considered and therefore site specific infiltration would be required.
- 6.134 Based on the findings of the site visit and the original submission documentation, Land Drainage requested the following information:
- Submission of a revised Flood Risk Assessment which fully acknowledges the surface water flow route across the centre of the site associated with a culverted land drain. The above advice should be considered, and the site layout reconfigured appropriately;
  - Results of infiltration testing undertaken in accordance with BRE365 and confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice;
  - Submission of a revised surface water drainage strategy in line with the above advice.
  - Evidence of acceptance from Severn Trent for the proposed foul water connection to the public sewerage system.
  - Clarification of the adoption/ownership proposals for both the surface and foul water drainage system.

6.135 The original Land Drainage consultation response also acknowledges Severn Trent were undertaking enquiries to confirm whether a connection to the public sewerage system can be accommodated and a Type 3 pumping station is proposed to achieve connection.

6.136 Following the above, additional information has been submitted and further Land Drainage consultations provided. Following various queries raised by the Land Drainage team and additional documentation submitted by the applicant, the latest comments confirm the following:

#### **Surface water drainage**

- Infiltration testing at the site confirms surface water discharge to ground is not viable;
- Three attenuation basins are proposed due to the significant change in topography in the south-western corner of the site (approx. 4m). It is stated that this design would also allow for permanent water levels within the north-western (Basin C) and southern basin (Basin A);
- The surface water drainage system has been designed to accommodate a 1 in 100yr + 40% CC event with a 10% allowance for urban creep; the supporting calculations have been provided. It is proposed that the offsite discharge will be limited to 4.4l/s (QBAR rate) via a 100mm diameter HydroBrake fitted to the outfall from Basin A;
- Surface water will initially discharge to online attenuation basin 'B' (depth of 1.2m and total storage volume 240m<sup>3</sup>);
- A 110mm diameter HydroBrake is proposed downstream of the basin to limit the discharge to 5.9l/s and will include an overflow weir. This will allow the surface water to back up into basin 'C' for additional storage (total storage volume of 280m<sup>3</sup> at a depth of 1.2m and has been designed to maintain a permanent water level. Basin 'A' has a total storage volume of 259m<sup>3</sup> at a depth of 0.9m and has also been designed to maintain a permanent water level. The final discharge from this basin (A) is limited to 4.4l/s via a 100mm diameter HydroBrake before entering the existing local watercourse located along the southern site boundary;
- We note that the cover levels of the proposed HydroBrake manholes have been amended accordingly to accommodate the overflow weir and the 'Drainage Strategy' drawing has been revised to demonstrate this.
- All surface water drainage infrastructure will be proposed for adoption to the water authority. The connections to the adopted systems (surface and foul water) from the plots and private drives will be privately maintained by the respective homeowner.

#### **Foul Water Drainage**

- Note a foul pumping station is proposed, built to adoptable standards and located to allow tanker access.
- Severn Trent have provided further comments reiterating their concern regarding the impact of the development on their own sewerage system. However, they state that they have a low level of confidence in the hydraulic model used to inform their study. As such, they demonstrate intentions to undertake further work to develop the model to improve the level of accuracy however it is noted that this may take some time. This in turn may demonstrate the quantum of any impact the development may have.
- Severn Trent have concluded that they cannot currently substantiate their objection. They have requested that should the development be approved, they would be satisfied or a condition to be applied.
- As such, Land Drainage has removed objection regarding the foul water drainage proposals given that a connection to the Severn Trent public foul sewer will be accommodated.

6.137 The LLFA has confirmed it raises no objections to the proposals.

6.138 Severn Trent, has provided a number of consultation responses. In April 2023, a holding objection was request was received until additional information submitted regarding pumped flow rate and confirmation of discharge of Surface Water to nearby watercourse. Severn Trent confirmed once that information provided, it would be in a position to raise a Modelling Request determining effect of the proposal on the network. In September 2023, following submission of further details, a further consultation response was received from ST confirming no objection raised as modelling demonstrated a low impact. In November 2023, ST advised further investigation would be required and in January 2024, a further response was provided confirming the results of the

Modelling Report indicated a predicted risk of flooding and pollution and a further holding request was submitted. In February 2024, Severn Trent subsequently confirmed it was in receipt of its Sewer Capacity Assessment, which predicts a potential high risk of pollution but provided no detail to determine the specific implications of the proposed development. Officers discussed the February 2024 response with ST as it was considered further detail was required in connection with the objection raised to assess the planning application. In their most recent consultation response (dated March 2024), ST confirms the following:

*"I refer to our recent discussions regarding the proposed development at Old Church Road, Colwall.*

*As you are aware, our current objection is based on the findings of our initial SCA. However, after further consideration it has become clear that the hydraulic model on which the study is based is one in which we have a low level of confidence (it is often only after having carried out a SCA that the quality of the model becomes clear) and consequently we must now undertake work to further develop the model to a greater level of accuracy.*

*This additional work will involve survey work on site and consequently will take at least twelve weeks to complete. When all necessary work has been carried out we will be happy to share the findings with you. This being the case, whilst we still have concerns over this development, Severn Trent cannot substantiate our current objection and appreciate you may need to approve the application. If you decide to do so, we ask for the approval to be conditioned as follows:*

*The development hereby permitted shall not commence until drainage details for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before first occupation of the development.*

**REASON:**

*To ensure the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem and to minimize the risk of pollution".*

- 6.139 The applicant provided a Technical Note (dated March 2024) in response to Severn Trent's consultation responses. The submitted note draws attention to Severn Trent's statutory duties under the Water Industry Act 1991. The site is allocated for residential development and therefore, the Technical Note sets out Severn Trent should have planned and implemented the work necessary to ensure the satisfactory operation of their network to accommodate the development. The response also notes there would be a lead in time for implementation of the development, including finalising of S106, discharging pre-commencement conditions and obtaining the necessary technical approvals (including highways and sewers). Furthermore, foul flows from the development would be pumped, and the pumping arrangement could be configured to mitigate against the failure to adequately upgrade and adapt the network, such as pumping outside of peak flows or reducing the pump rate until such time as the necessary improvement works are carried out. Severn Trent's latest response confirmed it cannot substantiate its objection and noting the position outlined by the applicant in the submitted Technical Note, officers do not consider it would be reasonable to withhold planning permission where the responsibility to undertake the necessary works is covered by legislation outside of the planning remit.
- 6.140 Concerns raised within letters of representation have been considered as part of the assessment of the acceptability of the drainage strategy. Additional clarification requested by the LLFA has been provided and as set out above, the LLFA is now in a position to confirm the details provided are acceptable and no additional information is required prior to the grant of planning permission. Therefore, the strategy proposed is considered acceptable to accommodate for the requirements of the development in terms of flooding and drainage. Severn Trent has confirmed it cannot substantiate an objection to the development and has requested the above condition to ensure the development is provided with a satisfactory means of drainage and to reduce the risk of

exacerbating a flooding problem and to minimise the risk of pollution. The suggested condition is included and provides scope for agreement of further details in terms of a drainage connection and any mitigation in terms of pumping outside peak flows or reducing pumping rates.

- 6.141 Overall, officers consider with the addition of the condition and specified reason suggested by ST and on the basis of the detailed responses provided by Land Drainage, the proposal is considered acceptable in terms of Core Strategy Policies SD3 and SD4, the Colwall NDP and guidance within Chapter 14 of the NPPF.

### **Ecology and Biodiversity**

- 6.142 Policy LD2 of the Core Strategy seeks to ensure that development proposals conserve, restore and enhance biodiversity assets of Herefordshire. NDP Policy CD7 also set out requirements to retain, protect and enhance ecological habitats and where possible restore areas of traditional orchards. Important sites, habitats and species shall be retain and protected in accordance with their status. Relevant guidance and principles are set out within the NPPF at Chapter 15.
- 6.143 The application is accompanied by an Updated Preliminary Ecological Appraisal, which has been prepared by Cotswold Wildlife Services and a Biodiversity Compliance Checklist. As a result of species discussed within the report, certain parts of the Preliminary Ecological Appraisal are redacted.
- 6.144 It is noted that the national requirement for 10% Biodiversity Net Gain (BNG) became mandatory for applications submitted on or after 12 February 2024. This application was submitted in February 2023, well before day one of mandatory BNG and is therefore exempt from the 10% BNG requirement, however the application is accompanied by a Biodiversity Net Gain Assessment demonstrating the level of habitat loss and enhancements to be delivered through the proposal which has been considered alongside the application proposals in respect of ecology and biodiversity.
- 6.145 Consultations have taken place at various stages during the consideration of the application with the Council's Ecologist and Natural England. Herefordshire Amphibian and Reptile Team submitted a representation on the original submission, raising concerns in connection with the environment and its wildlife, including on Great crested newts and other threatened species. Representations have also been received from local residents which raise concerns regarding wildlife and ecology, including impact on species.
- 6.146 Subsequent to the original submission, bat surveys and reptile surveys were carried out, and the Updated Preliminary Ecological Appraisal in August 2023 contains the findings of these surveys and recommendations in response to ensure that birds, bats, reptiles and amphibians are not harmed by the proposed development.
- 6.147 Natural England has confirmed it considers the proposed development will not have significant adverse impacts on designated sites and has no objection. In respect of the Malvern Hills Site of Scientific Interest, NE's consultation response confirms based on the plans submitted, the proposed development is not considered to damage or destroy the interest features for which the site has been notified and has no objection. Advice has also been provided in terms of ensuring national and local policies, together with local landscape expertise and information to determine the proposal. Finally, NE has advised Standing Advice should be applied in respect of protected species and development.
- 6.148 The Council's Ecology Officer provided an initial consultation response requesting further information. Additional information was submitted in response which included additional optimal surveys. The Council's Ecologist provides a detailed analysis of the submitted information within their latest consultation response. In summary, the response confirms the ecology report includes full consideration of all recent records of protected species and species of national or local

interest, including those submitted by representations made by local residents. Any effects on local protected species will be limited to construction of the development and all wildlife can be protected during this phase using the appropriate risk avoidance measures that can be secured as part of a wider Construction Environmental Management Plan (CEMP). In the longer term it is considered the wildlife friendly habitats are increased and extended and appropriate management can be secured through a detailed Landscape Ecological Management Plan (LEMP) and relevant legal controls over the future private management of all shared open space and features on the site. The comments note specific enhancement can also be secured by condition (including suitably located bat and bird boxes, insect hotels, hibernacula for a range of wildlife and hedgehog homes/hedgehog highways). External lighting can also be minimised so as to protect the local intrinsically dark landscape and the nocturnal and light sensitive species present in the locality.

- 6.149 Based on the information which has been submitted in connection with Ecology and comments received from Natural England and the Council's Ecologist, the proposal is considered acceptable in terms of its ecological impacts in the context of LD2, guidance contained in the NPPF and NE's Standing advice, subject to the various conditions suggested which are included within this recommendation.

### **Trees**

- 6.150 Core Strategy Policy LD1 relates to landscape and townscape and seeks to maintain and extend tree cover where important to amenity, through the retention of important trees, appropriate replacement of tree lost through development and new planting to support green infrastructure. Core Strategy Policy LD3 relates to green infrastructure and sets out development proposals should protect, manage and plan for the preservation of existing and delivery of new green infrastructure, and should achieve the following objectives:

1. Identification and retention of existing green infrastructure corridors and linkages, including the protection of valued landscapes, trees, hedgerows, woodland, watercourses and adjoining flood plain;
2. Provision of on-site green infrastructure; in particular proposals will be supported where this enhances the network; and
3. Integration with, and connection to, the surrounding green infrastructure network.

- 6.151 NDP Policy CD2 relates to new residential development and in respect of trees seeks to ensure development proposals incorporate landscape proposals which protect and enhance the distinctive local landscape character, incorporate landscaping species character of the village (including fruit trees) and should retain and enhance existing boundary hedges and hedgerow trees, between and around plots. Furthermore, buildings should also be sited within plots with capacity to allow the growth of vegetation and tree cover along roadsides is encouraged, but sight lines should be retained.

- 6.152 Policy CD7 also sets out locally important vegetation along Old Church Road including mature trees should be retained and protected, and if loss is unavoidable, landscape schemes should replace with the same or similar species. Part 10 of CD7 also refers to a buffer zone of native trees, shrubs and secure fencing.

- 6.153 Chapter 12 of the NPPF also recognises the important contribution trees make in terms of the quality of the environment and mitigating against climate change.

- 6.154 The application is accompanied by a Landscape and Visual Impact Assessment, Tree Impacts and Tree Protection Method Statement, Biodiversity Net Gain Assessment, Illustrative Landscape Sections and Boundary Treatment Plan. The Tree Impacts and Tree Protection Method Statement details existing trees on the site including any removal and management recommendations, as well as recommendations in terms of new planting. It also takes into account various potential tree impacts such as shading, falling material, below ground conflicts.

- 6.155 Representations have raised concerns in terms of impact on existing trees including the impact on a mature oak tree within the site.
- 6.156 The Council's Tree Officer has been consulted on the application proposals and associated documentation. The initial consultation response raised concerns regarding a mature oak tree which is protected by Tree Preservation Order (Ref: T43). Specific issues related to the siting of the access road and mitigation measures proposed in the Tree Report which were not taking into account in the drawings. The Tree Officer confirmed the preference would be for the access road to be positioned further south to avoid the need for 'no dig' and damage to the tree.
- 6.157 In response, the application proposals have been amended moving the development away from the mature oak tree and the Tree Officer is in a position to confirm initial objection no longer stands. The Tree Impacts and Tree Protection Method Statement includes details regarding Tree Protection and a request has been made that these are conditioned. A suitably worded condition is included in this recommendation. The Tree Impacts and Protection Method Statement also refers to extensive new tree, shrub and hedge planting which can be provide mutual screening, habitat and landscape interest, referencing a detailed landscape plan will be needed in this respect. A condition has also been included to encompass full details of new planting.
- 6.158 On the basis of the detailed analysis accompanying the application and the comments of the Tree Officer, the development proposed is considered acceptable in terms of its impact on trees in the context of CS Policies LD1 and LD3, NDP Policies CD2 and CD7, and guidance contained within the Framework. A detailed landscaping scheme can be secured by way of condition to ensure appropriate new tree planting is secured.

### **Affordable Housing and Housing Mix**

- 6.159 Policy H1 of the Core Strategy establishes the need to provide 40% affordable housing on a scheme in this location. Additionally, Core Strategy Policy RA2 (4) seeks to ensure that schemes generate the size, type, tenure and range of housing that is required in particular settlements, reflecting local demand.
- 6.160 Policy H3 requires residential developments to provide a range and mix of housing which meet the following:
1. Provide a range of house types and sizes to meet the needs of all households, including younger single people;
  2. *Provide housing capable of being adapted for people in the community with additional needs;*  
*And;*
  3. *Provide housing capable of meeting the specific needs of the elderly population by:*
    - *providing specialist accommodation for older people in suitable locations;*
    - *ensuring that non-specialist new housing is built to take account of the changing needs of an ageing population;*
    - *ensuring that developments contain a range of house types, including where appropriate, bungalow accommodation.*
- 6.161 The policy identifies the latest Local Housing Market Assessment will provide evidence of the need for an appropriate mix and range of housing types and sizes.
- 6.162 Colwall NDP Policy CH1 seeks to ensure residential development should contribute towards a range of and mix of housing to support balanced and inclusive communities. This includes providing a range of house types and sizes to meet the needs of all households, providing housing which is capable of being adapted for people with additional needs and providing housing capable of meeting the specific needs of the elderly population.
- 6.163 The National Planning Policy Framework also sets out requirements in terms of delivering a sufficient supply of homes at Chapter 5. Paragraph 66 sets out where a major development

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involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified needs of specific groups. There are also exemptions where this 10% requirement should be made which are set out at a) to d) of Paragraph 66.

- 6.164 A total of 22 open market dwellings and 14 affordable dwellings are proposed across the site. The mix of properties is as follows:
- 7 detached bungalows (7 x 2 bedroom);
  - 17 detached dwellings (9 x 3 bedroom and 8 x 4 bedroom);
  - 6 terraced properties (2 bedroom); and
  - 6 semi-detached (4 x 3 bedroom and 2 x 2 bedroom).
- 6.165 40% of the 36 dwellings proposed equals 14.4 dwellings. The Affordable Housing SPD which supports and provides additional context to CS Policy H1 confirms that, when calculating the required amount of affordable housing, any figure below 0.5 will be rounded down to the nearest whole number; therefore the proposal meets the Policy H1 requirement for 14 affordable dwellings.
- 6.166 The Council's Housing Officer provided consultation responses in respect of the proposals. The affordable housing percentage (40%) has been confirmed as meeting the requirements of Core Strategy H1. The proposed tenure, housetypes (which includes bungalows) and mix of 2, 3 and 4 bedroom properties accords with H3 of the Core Strategy, together with Colwall's NDP. The proposed scheme is also providing First Homes which will have a 30% discounted off the open market value and will be available to first time buyers with a local connection to Colwall. A wheelchair accessible bungalow is also included to meet a proven need.
- 6.167 Whilst the Housing Officer made initial comments in terms of the size of the affordable housing units not being in line with nationally described space standards, it has since been acknowledged the development plan does not include affordable housing space standards and therefore the objection raised on this matter has been removed.
- 6.168 The affordable units would need to be secured via a Section 106 Agreement and allocated to those with a local connection to Colwall in the first instance. Overall, the proposed development accords with CS Policies H1 and H3, NDP Policy CH1, together with Chapter 5 of the Framework.

### **Sustainability and Climate Change**

- 6.169 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. NDP Policy CRE1 relates to renewable energy schemes and sets out new development should incorporate low carbon energy and energy efficiency technologies where this would be in keeping with local landscape character.
- 6.170 Herefordshire Council 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.
- 6.171 The proposed development is located within the settlement boundary for Colwall and benefits from good access to a range of facilities and opportunities to utilise a number of sustainable travel modes (including train station, bus links and pedestrian and cyclist travel options).

- 6.172 A Climate Change Checklist accompanies the application and the Design and Access Statement contains further details in respect of sustainability at Pages 35 to 37.
- 6.173 Submitted documentation confirms measures have been incorporated into the buildings to reduce energy demand, including, optimising passive solar gain, a fabric first approach to design and construction, energy efficient lighting and controls and inclusion of on-site renewable energy generation. Solar panels are to be provided on site and Electric Vehicle Charging Points to each dwelling.
- 6.174 Conditions have been included within this recommendation to secure further specification and siting details for EV charging points, alongside details in terms of cycle parking provision. Overall, the proposed development incorporates a range of sustainability measures and is considered in compliance with CS Policies SS7 and SD1.

### **Minerals and Waste**

- 6.175 A Minerals and Waste Local Plan (MWLP) was adopted in March 2024 and guides mineral extraction and the management of waste in Herefordshire up to 2041 and beyond. The plan replaces the saved minerals and waste policies of the Unitary Development Plan.
- 6.176 The planning system has a role to play encouraging the use of secondary or recycled construction materials and preventing waste generation in construction. All development should be designed to increase the potential for recycling waste. The used of materials and waste resources will be directed to contribute positively to addressing climate change. In order to address the requirements of Policy SP1, it is considered that should the application be approved, a Resource Audit will be required to set out end of life considerations for the materials used in the proposed development. An appropriately worded condition has been suggested to secure the required information.

### **Waste - Refuse and Recycling**

- 6.177 The Council's Refuse and Recycling team has been consulted but a formal response has not been received. The refuse strategy is based on each dwelling storing refuse and recycling bins on plot and presenting at the roadside on bin collection days. Road access has been tracked to ensure suitability for refuse vehicles, with the relevant tracking drawings appended to the Transport Statement.
- 6.178 It is considered adequate provision has been made within the layout for refuse and recycling but a condition has been included within the recommendation to confirm arrangements.

### **Planning Obligations**

- 6.179 Core Strategy Policy ID1 relates to infrastructure delivery and identifies provision for new and/or the enhancement of existing infrastructure, services and facilities to support development and sustainable communities. The Planning Obligations Supplementary Planning Document and Affordable Housing Supplementary Planning Document both provide the details of the type and scale of obligations that may apply.
- 6.180 A development of this scale and nature attracts various financial contributions which would need to be secured via a Section 106 Agreement. The provision of affordable housing would also need to be secured via such an agreement.
- 6.181 Consultation comments have been provided in respect of certain requirements, for example for open spaces, health care provision and education. These are set out within Draft Heads of Terms as included within the table below:

Infrastructure	Quantum of contribution
Affordable Housing	<p>14 of the residential units will be affordable dwellings intended for occupation as First Homes, Social Rented Shared Ownership, Discounted Market or Rent with local priority to Colwall parish followed by Herefordshire.</p> <p>1 of the social rented units will be an accessible bungalow.</p>
Healthcare contribution	<p>A financial contribution of <b>£24,000.00 (index linked)</b> to provide infrastructure for the provision of primary and community healthcare services in the East Herefordshire primary care network.</p>
Education contribution	<p>A financial contribution of <b>£217,334.00 (index linked)</b> to provide the education facilities at Ledbury Early Years, Colwall Primary School, St Josephs Roman Catholic Primary School, John Masefield High School, St Mary's Catholic School, Ledbury Youth and Special Education Needs schools.</p>
Recycling and waste contribution	<p>A financial contribution of <b>£2,880.00 (index linked)</b> to provide 1 x black bin and 1 x green bin for each dwelling.</p>
Library contribution	<p>A financial contribution of <b>£4,400.00 (index linked)</b> to provide improved library infrastructure at Colwall library.</p>
Transport contribution	<p>A financial contribution of <b>£67,827.00 (index linked)</b> towards;</p> <ul style="list-style-type: none"> <li>• The provision of pedestrian and cyclist dedicated routes</li> <li>• Cycle parking facilities</li> <li>• Bus infrastructure improvements</li> <li>• Village gateway scheme to include road narrowing, changed junction priorities, removal of white lines and sigs, changes to surface treatments, build outs to clarify where parking is appropriate</li> <li>• Safer routes to schools</li> </ul>

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On site Public Open Space and Play	<p>The developer covenants with Herefordshire Council to provide a minimum of <b>0.99 hectares (990sqm)</b> of on-site green infrastructure comprising;</p> <ul style="list-style-type: none"> <li>• 0.033 hectares (330sqm) of public open space</li> <li>• 0.66 hectares (660sqm) of children's play of which 0.021 hectares (210sqm) should be formal children's play</li> </ul>
Sports	<p>A financial contribution of <b>£23,051.00 (index linked)</b> towards sport infrastructure for football and cricket.</p>

6.182 The S106 is not finalised and therefore the recommendation is that permission is granted subject to the completion of the legal agreement.

### Planning Summary and Conclusions

6.183 The application seeks full planning permission for the erection of 36 no dwellings on the site known as 'Site 2 Grovesend Farm'. The site is allocated within the made Colwall Neighbourhood Development Plan for residential development of a minimum of 32 dwellings and open space.

6.184 The application site, along with the whole of the settlement of Colwall falls within the Malvern Hills Area of Outstanding Natural Beauty. The site also falls within the Colwall Stone/Upper Colwall Conservation Area.

6.185 The proposed layout makes provision for open space in accordance with the requirements of the Colwall NDP. Dwellings are also proposed in the part of the site where residential development is allocated, within the identified settlement boundary.

6.186 A total of 22 open market and 14 affordable dwellings are proposed. As confirmed in this report, the affordable housing figure is in full compliance with the policy requirements contained in the Development Plan. A mix of housing tenures and unit sizes are proposed to meet identified need. The scale of the dwellings is a combination of two storey and single storey buildings in response to characteristics of the site, its setting and housing need. A variation of house type designs are proposed across the site.

6.187 The application is submitted in full and therefore contains detail in terms of the layout, scale, design and appearance of the development. Indicative landscaping proposals are included to establish landscape principles taking account of the assessment undertaken. A number of technical reports are also submitted to accompany the proposed residential scheme.

6.188 Applications for planning permission are to be assessed in accordance with the development plan unless material consideration indicate otherwise. The development plan in this case comprises the Herefordshire Local Plan – Core Strategy, Minerals and Waste Local Plan and the Colwall Neighbourhood Development Plan.

6.189 The constraints associated with the site place additional statutory provisions on the local planning authority in assessing the scheme. In exercising or performing any functions in relation to, or so as to effect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved Welsh authority must seek to further the purpose of conserving and enhancing

the natural beauty of the area of outstanding natural beauty. Special attention is also required to be paid to the desirability of preserving or enhancing the Conservation Area, and special regard is to be given to the desirability of preserving listing buildings and their settings.

- 6.190 In addition to the development plan requirements, the National Planning Policy Framework also sets out the Government's planning policies for England and how these should be applied. The approach to decision making including in connection with proposals in the AONB and affecting heritage assets are also established within the NPPF.
- 6.191 Footnote 64 of the Framework sets out whether a development is 'major' specifically for the purposes of assessment against NPPF paragraph 183, is a matter for the decision maker having regard to the nature, scale and setting of the proposals and whether they could have a significant adverse impact on the purposes for which the area has been designated or defined.
- 6.192 Based on the assessments informing the site and the nature of the proposal, including the layout, density, scale and relationship with the existing settlement, officers have concluded the proposed development does not represent major development in the AONB. Accordingly, it is not considered there is a requirement to demonstrate exceptional circumstances in the context of Paragraph 183.
- 6.193 Notwithstanding the above, officers acknowledge the site is allocated for development of at least 32 dwellings within the made Colwall Neighbourhood Development. The allocation of the site is informed by comprehensive analysis through the Landscape Sensitivity and Capacity Assessment. The proposal contributes towards meeting housing need, including through the provision of both market and affordable housing. Whilst the planning application has attracted a high number of objections over the course of several consultation periods, the plan was made following public referendum. The Council is currently able to demonstrate a five year housing supply based on deliverable sites, which includes those allocated for development, with the application site contributing to the five year housing supply figures as deliverable within the next five years. As such, the proposed development makes a contribution towards the Council's current and planned ability to demonstrate a five year housing supply.
- 6.194 To summarise in respect of landscape, officers consider the LVIA carried out confirms the level of effects including impacts on key views are acceptable. It is also considered the scheme, including changes made during the course of the assessment of the proposals has demonstrated the character of the landscape has positively influenced the design, scale and setting of the settlement. The low density layout and variation of scale across the site, which includes the provision of open space as directed by the development plan reflects the particular site and surrounding context. For these reasons, and those discussed within this report, the proposal is considered to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty and meets the principles established in Policies SS6, LD1, LD3, CD1, CD2 and CD7, alongside the requirements identified in Chapter 15 of National Planning Policy Framework. The requirements of Malvern Hills AONB Management Plan 2019-2024 are also achieved through the detailed proposals. Conditions are also included to secure additional landscape details where considered necessary.
- 6.195 In terms of the conservation area, the scheme would reduce the extent of open space provided by the site, which is noted as contributing to the significance of the conservation area. The rural character along Old Church Road would also change through the proposals. However, it is officers' view the significance of the open space is preserved through provision of large areas of open space within the layout, retention and reinforcement of existing boundary treatment, single storey development in response to site characteristics and low density layout in developed areas. Furthermore, the open space proposed provide a natural buffer between the housing proposed and the adjacent countryside. This is also a positive attribute of the scheme in terms of access to open space.

- 6.196 Officers have identified the level of harm as 'less than substantial' to the conservation area, adjacent listed building and non-designated heritage assets on the site. Paragraph 208 of the National Planning Policy Framework requires that when a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this should be weighed against the public benefits of a proposal, including, where appropriate, securing its optimum viable use. The site is allocated for residential development and open space. It is considered there are public benefits arising from the delivery of a mix of housing, including affordable housing, to meet local needs. In addition, enhanced public open space would be delivered through the proposals, where there is currently no public access to the site. The proposals also include an informed interpretation of the sites history. Officers have concluded the less than substantial harm identified is considered to be outweighed by the significant benefits associated with the scheme and therefore the requirements of paragraph 208 are met.
- 6.197 To summarise in terms of heritage, the level of harm identified is considered by officers to be outweighed by the public benefits associated with the proposed development. Those conclusions have been reached in the context of the requirements of sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Core Strategy Policy LD4, NDP Policy CD4 and CD7, alongside the requirements set out within Chapter 16 of the NPPF.
- 6.198 In addition to landscape and heritage, having undertaken detailed assessment in terms of design, amenity, transport and highways, drainage and flooding, ecology/biodiversity, trees, housing mix, sustainability/climate change and minerals and waste, the proposed development, with the inclusion of conditions and associated highway agreements for delivery of off-site works, has been assessed by officers as acceptable based on the relevant policy contexts identified.
- 6.199 Various changes have been made during the course of the assessment of the application. This has led to a number of public consultations periods regarding the proposals. A high volume of representations (including a number of further representations from the same individuals) have been received. It is acknowledged the vast majority of those who have commented on the application are not in support of the proposed development. Matters raised within the submitted representations have been considered as part of assessment of the proposals, and have prompted requests for further information and amendments to the scheme. Overall, officers' assessment of the scheme concludes the proposal accords with the development plan and there are no material considerations to indicate that planning permission should not be granted.
- 6.200 A Section 106 Agreement is required to secure the necessary planning contributions generated through the scheme and the delivery of affordable housing. Draft Heads of Terms have been provided which would form the basis for a legal agreement. As such, the recommendation is to permit the planning application, subject to a Section 106 Agreement.

## **RECOMMENDATION**

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

### **General**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

**2 The development shall be carried out strictly in accordance with the approved plans listed below:**

- PL 001 Rev A: Site Location Plan;
- PL 004 Rev X: Proposed Site Plan;
- PL 010 Rev C: House Type A (3B6P Detached);
- PL 011 Rev D: House Type B (2B4P Bungalow);
- PL 012 Rev C: House Type C (4B7P Detached);
- PL 013 Rev C: House Type D (4B7P Detached);
- PL 014 Rev C: House Type E (3B5P Semi-detached);
- PL 015 Rev C: House Type F (2B4P Terrace);
- PL 015 Rev C: House Type G (2B4P Semi-detached);
- PL 030 : Garage Plans and Elevations.

**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, CD2 and CD7 of the Herefordshire Local Plan – Core Strategy, Colwall Neighbourhood Development Plan and National Planning Policy Framework.**

**Prior to the commencement of development**

**3 Prior to commencement of development, the following shall be submitted to and approved in writing by the local planning authority:**

- c) **As the Preliminary Risk Assessment (Desk Study) submitted in support of the application (JPP, November 2021, R-DS-23497-01-00) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors**
- d) **if the risk assessment in (a) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.**

**Reason: This condition is required pre-commencement of development, in the interests of human health and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

**4 Prior to commencement of development, details and location of the following shall be submitted to and approved in writing by the local planning authority:**

- a) **A method for ensuring mud is not deposited onto the Public Highway**
- b) **Construction traffic access location**
- c) **Parking for site operatives**
- d) **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: The details relate to the duration of the construction period and are required prior to commencement of development 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.

- 5 Prior to commencement of development a detailed, comprehensive, Construction Environmental Management Plan - including but not limited to detailed ecological working methods and consideration of all environmental effects of construction processes shall be supplied to the Local Planning Authority for written approval.

The approved CEMP shall be implemented in full for the duration of all construction works at the site unless otherwise approved in writing by the local planning authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (ED Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SSI, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

- 6 Prior to commencement of development, a Resource Audit to identify the approach to materials shall be submitted to and approved in writing by the Local Planning Authority. The Resource Audit shall include the following;

- The amount and type of construction aggregates required and their likely source;
- The steps to be taken to minimise the use of raw materials (including hazardous materials) in the construction phase, through sustainable design and the use of recycled or reprocessed materials;
- The steps to be taken to reduce, reuse and recycle waste (including hazardous wastes) that is produced through the construction phase;
- The type and volume of waste that the development will generate (both through the construction and operational phases);
- On-site waste recycling facilities to be provided (both through the construction and operational phases);
- The steps to be taken to ensure the maximum diversion of waste from landfill (through recycling, composting and recovery) once the development is operational;
- End of life considerations for the materials used in the development; and
- Embodied carbon and lifecycle carbon costs for the materials used in the development.

Construction works shall thereafter be carried out in full accordance with the details of the approved Resource Audit unless agreed in writing by the Local Planning Authority.

Reason: This condition is required pre-commencement as the treatment/handling of any site waste is a necessary initial requirement before any groundworks are undertaken in the interests of pollution prevention and efficient waste minimisation and management so as to comply with Policies SD1

and SP1 of the Herefordshire Local Plan – Core Strategy, Herefordshire Minerals and Waste Local Plan and the National Planning Policy Framework.

- 7 Prior to commencement of development, drainage details for the disposal of surface water and foul sewage shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before first occupation of the development.

Reason: To ensure the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

- 8 No development shall take place until a full photographic survey of the piggeries has been submitted to and approved in writing by the Local Planning Authority. A copy of the approved record survey shall be submitted to the Herefordshire Historic Environment Record within 1 month of approval.

Reason: In order to document buildings, or parts of buildings which will be lost as a result of demolition in accordance with Policy LD4, CD4 of the Herefordshire Local Plan – Core Strategy and Paragraphs 209 and 211 of the National Planning Policy Framework. It is important the survey takes place prior to works commencing on site.

Prior to specific trigger points

- 9 Before any other works hereby approved are commenced, visibility splays, and any associated set back splays at 45 degree angles shall be provided in accordance with Drawing no. SK01 Rev D. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

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.

- 10 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.

- 11 Development shall not begin in relation to any of the specified highways works until details of the footway along Old Church Road (as per drawing SK05 Rev C by Rappor) 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 shall not be occupied until the scheme has been constructed in accordance with the approved details.

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.

- 12 Prior to any construction work above damp proof course a specification and annotated location plan for proposed biodiversity net gain enhancement

features including significant and meaningful provision of 'fixed' habitat features including a range of bird nesting boxes, bat boxes (or similar roosting features), invertebrate homes, hibernacula, hedgehog homes and hedgehog highways through all impermeable boundary features, shall be submitted to and approved in writing by the local planning authority.

The approved scheme shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that biodiversity net gain is secured and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EL) Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies SSI, SS6 LD1, LD2 and LD3; and the Council's declared Climate Change and Ecological Emergency.

13 With the exception of site clearance and groundwork, no further development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:

- a) A statement setting out the design objectives and how these will be delivered;
- b) A Soil Resource Survey (SRS) and Soil Resource Plan (SRP) in accordance with the 'Construction Code of Practice for the Sustainable Use of Soils in Construction Sites' (DEFRA 2009);
- c) A plan showing existing and proposed finished levels or contours;
- d) A drawing detailing hard surfacing materials;
- e) Detailed construction drawings of the proposed play area with seating and viewing platform;
- f) Artefacts and Structures e.g. street furniture, street lighting.
- g) All proposed planting, accompanied by a written specification setting out species, size, quantity, density and cultivation details;
- h) A plan detailing the integration of the water attenuation schemes with the POS.

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.

14 With the exception of site clearance and groundwork, no further development shall commence until details of the pumping station have been submitted to and approved in writing by the local planning authority. These details shall include:

- a) Elevations of the proposed pumping station;
- b) Hard and soft landscaping proposals; and
- c) Means of enclosure

Reason: To safeguard and enhance the character and amenity of the area in order to conform with policies SS6, SD1, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy, the Colwall Neighbourhood Development Plan and the National Planning Policy Framework.

15 With the exception of any site clearance and groundwork no further development shall commence until details of the play area has been submitted and approved in writing. These details should include:

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

- a) Play equipment,
- b) Surfacing,
- c) Landscaping,
- d) Means of enclosure,
- e) Street furniture.

The play area shall be constructed in accordance with the approved plans and made available for use prior to the first occupation of the dwellings hereby approved and thereafter retained.

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

- 16 With the exception of any site clearance and groundwork, no further development shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policies SD1, CD2 and CD7 of the Herefordshire Local Plan – Core Strategy, Colwall Neighbourhood Development Plan and the National Planning Policy Framework.

- 17 With the exception of site clearance and groundworks, no development shall commence until written and illustrative details of the number, specification and location of electric vehicle charging points, has been submitted to and approved in writing by the local planning authority.

The electric vehicle charging points serving each plot shall be installed prior to first occupation of that plot 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 of the National Planning Policy Framework.

- 18 No works in relation to any of the features specified below shall commence until a methodology and detailed drawings are submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in full in accordance with such approved details;

- Details as to the methodology for lifting and relaying and retaining the tramlines;
- Details as to how the tramlines will be incorporated into the wider hard and soft landscaping scheme.

Reason: In order to ensure the tramlines are incorporated into the landscaping proposals for the scheme in accordance with LD4, CD4 of the Herefordshire Local Plan – Core Strategy and Paragraphs 209 and 211 of the National Planning Policy Framework.

- 19 Notwithstanding the approved plans, no works in relation to any boundary treatments required by this condition shall take place until there has been submitted to and approved in writing by the local planning authority a plan

indicating the position, type, design and materials of any boundary treatment to be erected. The boundary treatment shall be completed before the dwellings hereby permitted are occupied. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policies SD1, LD1, CD2 and CD7 of the Herefordshire Local Plan – Core Strategy, Colwall Neighbourhood Development Plan and the National Planning Policy Framework.

Prior to occupation

- 20 Prior to occupation of the development hereby permitted, the driveway and vehicular turning area shall be consolidated and surfaced at a gradient not steeper than 1 in 8. Private drainage arrangements must be made to prevent run-off from the driveway discharging onto the highway. Details of the driveway, vehicular turning area and drainage arrangements shall be submitted to and approved in writing by the local planning authority prior to commencement of any works in relation to the driveway/vehicle turning area.

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.

- 21 Prior to occupation of each dwelling, 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 ensure the free flow of traffic using the adjoining highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 22 Prior to 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 with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 23 Prior to occupation of the development hereby permitted, a comprehensive Landscape Ecological Management Plan including the following details shall be submitted to and approved in writing by the local planning authority:

a) Including all shared areas of land and open space;

- b) detailed ecological management methods relevant to all habitats and features present;
- c) a scheme for regular ecological monitoring and LEMP review and reporting to LPA (not more than every FIVE years from date of first LEMP for a minimum of 30 years).

The approved Plan shall hereafter be implemented 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 Conservation of Habitats and Species (Amendment) (EL) Exit Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SSI, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

- 24 Prior to occupation of the development hereby permitted, a schedule of landscape management and maintenance for a period of 10 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.

- 25 Prior to occupation of the development hereby permitted, written evidence or certification demonstrating that water conservation and efficiency measures to achieve the 'Housing – Optional Technical Standards – Water efficiency standards' (i.e. currently a maximum of 110 litres per person per day) for water consumption as a minimum have been installed/implemented shall be submitted to the Local Planning Authority for their written approval.

The development shall not be occupied until the Local Planning Authority have confirmed in writing receipt of the aforementioned evidence and their satisfaction with the submitted documentation. Thereafter those water conservation and efficiency measures shall be maintained for the lifetime of the development.

Reason: In order to ensure that water conservation and efficiency measures are secured to safeguard water quality and the integrity of the River Lugg (Wye) SAC in accordance with policies SS6, SD2, SD4 and LD2 of the Herefordshire Local Plan Core Strategy, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations (2017) and NERC Act (2006).

- 26 Prior to occupation of the development, refuse and recycling collection arrangements shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure satisfactory bin collection arrangements in line with Herefordshire Local Plan – Core Strategy Policies SD1 and MT1.

- 27 No dwelling hereby approved shall be occupied until arrangements to facilitate broadband and/or high speed internet connection to the dwellings hereby permitted have been implemented in accordance with details that shall

previously have been submitted to and approved in writing by the local planning authority.

**Reason:** To ensure occupiers have suitable facilities and to address the requirements policies in relation to climate change SS7 and SD1 of the Herefordshire Local Plan Core Strategy and the guidance contained within the National Planning Policy Framework.

#### **Compliance**

**28** The proposed slab levels for the development shall be carried out in accordance with updated Drainage Strategy Drawing ref C002 rev K, prepared by Rappor.

**Reason:** To ensure that the development is of a scale and height appropriate to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy, CD2 and CD4 of the Colwall Neighbourhood Development Plan and the National Planning Policy Framework.

**29** No external lighting shall be provided on any dwelling or building approved under this permission other than the maximum of one external LED down-lighter above or beside each external door (and below eaves height) with a Corrected Colour Temperature not exceeding 2700K and brightness under 500 lumens. Every such light shall be directed downwards with a 0 degree tilt angle and 0% upward light ratio and shall be controlled by means of a PIR sensor with a maximum over-run time of 1 minute. The Lighting shall be maintained thereafter in accordance with these details.

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

**30** Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan:

**BS5837 Tree Constraints, Tree Impacts and Tree Protection Method Statement for residential development.**

**Reason:** To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

**31** The development shall be implemented in accordance with the following documents:

**Flood Risk Assessment incorporating Drainage Strategy revision 5 (December 2022, updated October 2023), updated Drainage Strategy Drawing ref C002 rev K prepared by Rappor and Updated Engineer’s Response (October 2023).**

**Reason:** To ensure adequate drainage arrangements serve the development and to mitigate, prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution and prevent adverse impact on adjoining land and use and to comply with Herefordshire Core Strategy policies S3 and S4.

**32 All hard and soft landscaping (planting, seeding or turf laying) in the approved landscape scheme required by condition 14 shall be carried out concurrently with the development and completed in the first planting season following the occupation of any dwelling or the completion of the development, whichever is the sooner. Any trees or plants which die, are removed or become severely damaged or diseased within 10 years of planting will be replaced in accordance with the approved plan.**

**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.**

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

**Reason: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

**34 Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015,(or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Class A of Part 2 and of Schedule 2 shall be carried out.**

**Reason: The site is within an Area of Outstanding Natural Beauty. In order to ensure boundary treatment is maintained in accordance with the approved details and in compliance with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

**35 No access gates or doors shall be provided / installed at the site access or internal access road without the prior written approval of the local planning authority.**

**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, including any representations that have been received. Revised documents have been submitted during the course of the application assessment it has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2. This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty Living Places (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn**

**Business Park, Rotherwas, Hereford HR2 6JT, (Tel. 01432 349517), 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.**

- 3. This planning permission is issued pursuant to a Section 106 Town & Country Planning Act 1990 obligation agreement (Date of agreement to be inserted upon issue of permission).**
  
- 4. The Council would expect the play area to be of the value £27,000 in accordance with the SPD on Planning Obligations and the size of the development.**

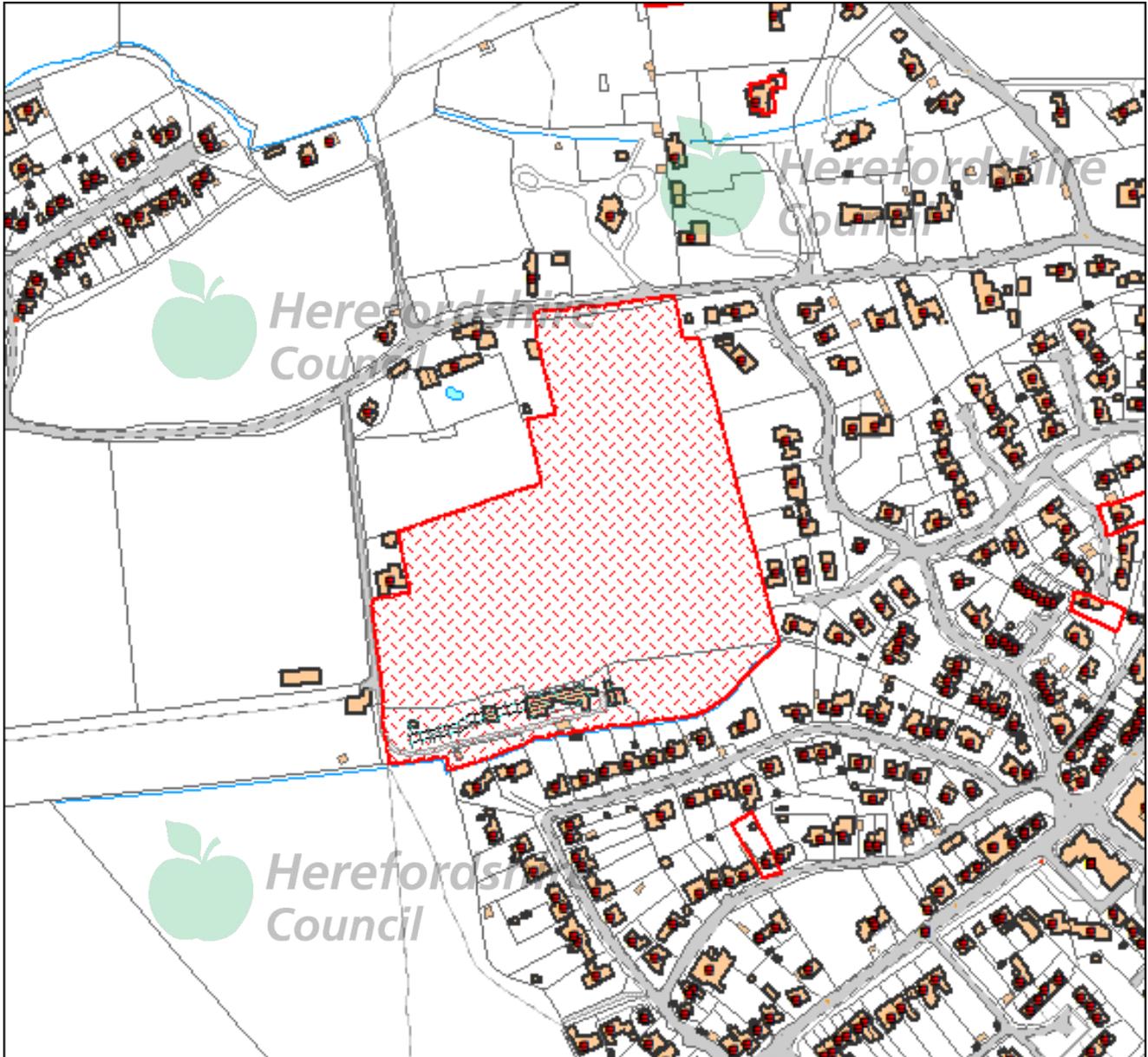
Decision: .....

Notes: .....

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**Background Papers**

None identified.



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**APPLICATION NO:** 230457

**SITE ADDRESS :** LAND TO THE SOUTH OF OLD CHURCH ROAD, COLWALL, HEREFORDSHIRE

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

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