

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>17 JULY 2024</b>
<b>TITLE OF REPORT:</b>	<b>214539 - PROPOSED RESIDENTIAL DEVELOPMENT OF FIVE DWELLINGHOUSES WITH ASSOCIATED VEHICLE ACCESS FROM C1059 TOGETHER WITH DRAINAGE INFRASTRUCTURE AND PLANTING AT LAND ADJACENT C1059, HATFIELD, LEOMINSTER, HR6 0SG</b>  <b>For: Mr Andrews per Mr D F Baume, Little Dinmore, Burford, WR15 8HR</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=214539&amp;search-term=214539">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=214539&amp;search-term=214539</a>
<b>Reason Application submitted to Committee – Re-direction</b>	

**Date Received: 13 December 2021**

**Ward: Hampton**

**Grid Ref: 359607,259809**

**Expiry Date: 10 May 2024**

Local Member: Cllr Bruce Baker

## 1.0 SITE DESCRIPTION

- 1.1 The application site relates to a parcel of agricultural land to the eastern end of Hatfield, roughly equidistant between Leominster, Bromyard and Tenbury Wells. The site is bound to the south by the C1059 from which access to the field is taken via a gate, close to the boundary with Curates Cottage which lies to the southwest. A coppice/woodland lies to the north of the site and open-countryside of undulating pasture to the east, with views towards Hampton Charles. The site lies within the hydrological catchment of the River Lugg, forming part of the River Wye Special Area of Conservation (SAC).

## 2.0 PROPOSAL

- 2.1 This application seeks planning permission for the erection five dwellings on land to the east of Curates Cottage. The development would comprise three detached dwellings (including 1no. bungalow) and one pair of semi-detached dwellings sitting perpendicular to the read at the western end of the site. The development would be served through the creation of two points of access of the C1059 with parking and garage space to the rear of the dwellings.

## 3.0 POLICIES

### **Herefordshire Local Plan - Core Strategy (2011 – 2031)**

- 3.1 The Herefordshire Local Plan Core Strategy policies together with any relevant supplementary planning documentation is accessible via the Herefordshire Council website.

SS1	Presumption in favour of sustainable 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
RA3	Herefordshire's countryside
RA4	Agricultural, forestry and rural enterprise dwellings
RA5	Re-use of rural buildings
RA6	Rural economy
H1	Affordable housing – thresholds and targets
H3	Ensuring an appropriate range and mix of housing
MT1	Traffic Management, highway safety and promoting active travel
LD1	Landscape and townscape
LD2	Biodiversity and geodiversity
LD3	Green Infrastructure
LD4	Historic environment and heritage assets
SD1	Sustainable Design and energy efficiency
SD3	Sustainable water management and water resources
SD4	Waste water treatment and river water quality

### **National Planning Policy Framework**

- 3.2 The National Planning Policy Framework (NPPF) is a significant material consideration. The latest version was updated in December 2023.

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

- 3.3 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 and the review process is currently underway. 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 Core Strategy – 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.

## **4.0 HISTORY**

4.1 None relevant.

## 5.0 CONSULTATIONS

5.1 Local Highway Authority – comment; -

5.1.1 14/2/24 - The Local Highway Authority has no objections to the development proposals. Please see previous comments issued 14 March 2024.

5.1.2 14/3/22 - The proposal submitted includes an access to serve multiple dwellings. The following observations are a summary of the highways impacts of the development:

The access proposed meets the visibility requirements and the associated rationale is acceptable in demonstrating the access amendments will not result in an unacceptable impact on road safety. The access meets the highway in a perpendicular fashion. This maximises visibility and ensures that turning movements can happen efficiently. This is in accordance with the guidance set out in the DfT's Manual for Streets 2 document.

The amendments required to form the access will require separate permission from the local highway authority. This is likely to be in the form of a Section 184 Licence and details of this can be found by following the link below. The proposed access specification is not shown. As with all other details of the access arrangements it is recommended that condition CAE is applied to ensure that the correct specification is included.

Vehicular accesses over 45m in length from the highway boundary to the face of a building should be referred to a Building Regulation Approved Inspector. The parking provided is acceptable for the nature and scale of the development. It is unclear from the submission if cycle parking is to be included, there is mention of it in the D and A statement, but details are not set out in the drawings. This is a requirement for all new developments and as such Condition CB2 should be applied to ensure its delivery.

For any works within the extent of the highway permission from the LHA will be required. Details of obtaining this permission can be found at:

[https://www.herefordshire.gov.uk/downloads/download/368/dropped\\_kerb\\_documents](https://www.herefordshire.gov.uk/downloads/download/368/dropped_kerb_documents)

There are no highways objections to the proposals, subject to the recommended conditions being included with any permission granted.

In the event that permission is granted the following conditions and informative notes are recommended.

- CAB - Visibility Splay Required (2.4m x 74.3m to the North East and 72.2m to the South West from Each Access Proposed)
- CAE - Access Construction Specification
- CB2 - Provision of Secure Cycle Parking
- I11 - Mud on Highway

5.2 HC Trees – no objection; -

5.2.1 26/1/22 - The impact on existing trees is low and the protective measures proposed in the accompanying tree report will ensure they unaffected.

The planting scheme provides a mix of broadleaf trees that will soften the impact of the development in the local landscape.

Conditions

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:

Tree Survey – Peter Quinn Associates  
Detailed Landscape Proposals/ drawing 21/540/03A Peter Quinn Associates

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.

5.3 HC Ecology – comment; -

5.3.1 3/5/24 - Herefordshire Council, as a Competent Authority under the Habitat Regulations 2017, Part 6, section 63(5) concludes that there would be no adverse effects on the integrity of the Special Area of Conservation; subject to appropriate mitigation being secured via the planning conditions listed above. Planning Permission can legally be granted. (see full Habitat Regulations Assessment at **Appendix 1**)

5.3.2 20/2/24 - The details in the updated drainage information ref CWC105 dated January 2024 are noted.

The Natural England nutrient neutrality calculator cannot be used to calculate nutrient mitigation through a change of land use not directly associated with the residential development from Farmland to other uses. A detailed bespoke calculation is required utilising certainty of recent and current use, detailed nutrient testing (legacy nutrients) and information such as provided by Farmscoper. The proposed future use then needs to be fully detailed and a management plan agreed and then the finally agreed scheme secured by a legal agreement as a charge on the land for normally 80-120 years.

A second or additional nutrient neutrality proposal is also supplied relating to downslope planting of an orchard to mitigate the remaining phosphate in outfall. If this is the final nutrient neutrality solution the orchard and its retention and management for the next 80-120 years will need to be secured as a charge on the land through an appropriate legal agreement.

It is noted that the drainage report advises that this required detailed nutrient neutrality assessment and legal agreement is being progressed separately by the applicant.

The final technical details and specific nutrient neutrality calculations will need to be completed as part of the relevant legal processes. Once the legal agreements have been completed and are assured as secured the required HRA process, appropriate assessment can be progressed and the required consultation with Natural England completed. This HRA process must be completed in full with required legal certainty secured PRIOR to any grant of a planning permission.

5.3.3 17/10/23 - There doesn't appear to be any significant additional information in respect of Nutrient Neutrality subsequent to previous comments made 15th May 2023.

Once the required legal agreements in respect of change of land use and planting/management as a charge on the land; and associated nutrient neutrality calculations have been completed and supplied the relevant HRA process can be progressed.

5.3.4 15/5/23 - The further Technical Note by Corner Water Consulting dated 05/04/2023 is noted and refers.

It is noted that at this time no confirmation on the technical design approval by the council's drainage consultants has been received.

It appears that proposal now includes utilising a change in agricultural land management to achieve required Nutrient Neutrality. It is noted that no technical evidence has been supplied to demonstrate how a proposed change in land use will achieve a scientifically and legally secured nutrient neutrality for the proposed development. No final calculation of Phosphate mitigation requirements to achieve nutrient neutrality appear to have been supplied (Natural England Phosphate Calculator) – as it is clear the locality has very poor infiltration and associated uncertain nutrient pathways the applicant may wish to consider a pure surface water discharge and undertake all nutrient neutrality calculations accordingly.

A fully detailed and legally-scientifically evidenced nutrient neutrality submission based on site specific Farmscoper methodology is requested. All relevant evidence of existing farm use, legacy phosphate levels etc as utilised in the Farmscoper Nutrient Neutrality report should be supplied. Any final proposal and detailed land management plan that may be considered through HRA will need to be secured through an appropriate legal agreements and as a formal charge on the land involved for the lifetime of the development the change supports. Legal and scientific certainty will be required prior to any HRA process being commenced and appropriate formal consultations with Natural England completed.

At this time the principle of evidencing nutrient neutrality through change in land use is noted and accepted as a potential route to nutrient neutrality – subject to required detailed scientific and legal evidence and certainty being demonstrated.

5.3.5 26/10/22 - The further additional drainage information – Corner Water Consulting dated 15/09/2022 is noted.

It is noted that at a calculated volume of 3.15m<sup>3</sup> per day of outfall this is not a “small private foul water system” in respect of discharges to ground as considered by Herefordshire Council and Natural England within the supplied guidance on Nutrient Neutrality Criteria; nor Environment Agency in respect of General Binding Rules that relate to “small” private foul water systems – ie those under 2m<sup>3</sup> per day discharging to ground..

The 200m buffer advised in the guidance for ‘small’ foul water systems is provided to ensure that the effects of density of drainage fields in a specific locality on creating cumulative or ‘in-combination’ effects on the wider hydrological catchment of the SAC (as HRA is based upon) is considered in respect of demonstrating Nutrient Neutrality.

The supplied information and extensive and confusing arguments therein provide no certainty that there are no cumulative or in-combination effects (phosphate pathways) from the proposed foul water outfall on the wider local catchment and thus pathways to the River Lugg SAC.

Reliance on existing natural features such as trees to provide mitigation has no certainty of remaining scientifically or legally certain for the lifetime of the project as required for HRA purposes.

If the applicant wishes to rely on alternative methods of securing nutrient neutrality these will need to be scientifically certain/demonstrated with relevant legacy P testing etc, and secured for relevant retention and management to ensure complete nutrient neutrality is secured for the lifetime of the development. A legally secured agreement and legal charge on the relevant mitigating land, habitats and management may be appropriate solution. Such a legal agreement would need to be fully secured and provide scientific certainty of full Nutrient Neutrality PRIOR to any HRA process being progressed and any planning permission being granted.

- 5.3.6 8/9/22 - Subject to the council's drainage consults approving the ability to achieve a discharge to ground NO legal certainty that there are no other drainage fields or point sources of Phosphate within 200m appear to have been supplied – as were requested as part of the previous ecology objection.

Appropriate plans and legal-scientific certainty on this issue are requested. If the drainage scheme or the 200m buffer cannot be legally and scientifically demonstrated the applicant will need to demonstrate that relevant Nutrient Neutrality has been completely and legally secured (eg confirmed purchase of P Credits) PRIOR to any HRA process being progressed. Guidance on developing Nutrient Neutrality schemes can be found at <https://www.herefordshire.gov.uk/nutrient-management/nutrient-management-guidance-developers> Guidance on the council's P Credit scheme and availability of credits should be discussed directly with the Development Management Team.

At this time due to legal and scientific uncertainty and phosphate neutrality not secured there is an identified Adverse Effect on the Integrity of the River Lugg (Wye) Special Area of Conservation (a European Site, 'National Network Site' or 'Higher Status' nature conservation site). There is an Ecology OBJECTION raised as the application does not demonstrate compliance with Core Strategy SD4 and SD3 (SS1, SS6 and LD2 also apply); The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'); NPPF; and NERC Act obligations.

- 5.3.7 7/4/22 - The application site lies within the catchment of the River Lugg SAC, which comprises part of the River Wye Special Area of Conservation (SAC); a habitat recognised under the Habitats Regulations, (The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations')) as being of international importance for its aquatic flora and fauna.

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

The competent authority (in this case the Local Planning Authority) is required to consider all potential effects (either alone or in combination with other development) of the proposal upon the European site and species and habitats within the reason for designation through the Habitat Regulations Assessment process.

The HRA process must be based on a demonstration of legal and scientific and be undertaken with a 'precautionary' approach. All mitigation must be legally securable through the planning process for the lifetime of the development.

Notes in respect of HRA:

The Surface and foul water drainage report by Hydrologic Services ref L0338A dated November 2021 refers

The proposal is for a development of 5 new residential dwellings with associated additional foul water flows. The supplied report calculates foul water flows (based British water Flows and Loads as being 21 person equivalent – 3.15 cubic metres per day.

With a flow greater than 2 cubic metres per day the foul water system is not covered by General Binding Rules and is thus not considered by the EA, LPA or Natural England as being a 'small private foul water system' to which the published Lugg HRA criteria can be applied. All applications falling outside of the agreed criteria require relevant detailed assessment and consideration to ensure certainty of Nutrient Neutrality being scientifically and legally achieved considering the 'precautionary approach' required by HRA.

- EA permits are not a relevant certainty when it comes to the HRA process as they are usually obtained after a planning permission, are not part of planning controls, and are not in themselves automatically subject to the same HRA scrutiny as the planning process triggers.

The following points are raised and detailed clarification/evidence and information is requested:

- The supplied report does not appear to include any consideration of all potential source of Phosphates from existing systems and processes, including small private foul water treatment system discharges (ie including those not triggering an EA discharge licence at this time). It is noted that several residential properties (with potential foul water outfalls) are within 200m of the proposed drainage mound and as the proposed new outfall is not considered as a 'small system' the potential area of effect should be increased on a precautionary basis unless otherwise scientifically demonstrated as being different. Further details and investigations are requested.

Other HRA comments:

- The percolation within the top 300mm of soils show that an appropriate percolation can be achieved at the base of a mound type system to allow certainty that the final system is not considered a surface water discharge and final polishing of outfall at the base of the mound can be completed within the local top soils.
- Aside from certainty of 'in combination-cumulative effects' identified above for a final HRA appropriate assessment there is no indication that the proposed foul and surface water management schemes cannot be achieved at this location and secured through relevant conditions on any planning permission granted.
- The legally secured management and maintenance of the achieved by a relevant pre-first occupation condition on any planning permission finally granted.

Once the additional legal-scientific certainty of existing nutrient sources has been supplied the LPA can look to progress the required HRA and undertake a final consultation with Natural England. This process must be fully completed PRIOR to any planning permission being granted

Wider Ecology comments:

The supplied ecology report by Worsfield and Bowen (revision 1) dated June 2021 appears relevant and appropriate. The recommendations for basic precautionary working and detailed Biodiversity Net Gain enhancements should be secured by a relevant condition on any planning permission finally granted.

The roadside hedgerow at the wider location already has existing gaps both for residential and agricultural purposes, The proposed two additional residential access are similar to the existing. The supplied access design statement (by DTA) advises each new access will be 4.5m wide. Allowing for regrowth of hedgerow and construction no more than 6m of existing hedgerow should be removed for each of the two accesses without the prior approval of the

LPA - this will ensure the minimal disruption to existing hedgerows from the proposed development – all retained hedgerow outside of the two access points should be subject to a secured root protection area no less than 1m out from dripline during construction. A condition to secure this minimal impact on wildlife corridor and habitat of principal importance is requested.

#### Ecological Protection & Biodiversity Net Gain

The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity Enhancements, as recommended in the ecology report by Worsfold & Bowen (revision 1) dated June 2021 shall be fully implemented and hereafter maintained in as stated unless otherwise approved in writing by the local planning authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

#### Protected Species and Lighting (Dark Skies)

At no time shall any external lighting, except low power (under 550 lumens), 'warm' LED lighting in directional down-lighters on motion operated and time-limited switches, that is directly required in relation to the immediate safe use of the approved dwellings be installed or operated in association with the approved development and no permanently illuminated external lighting shall be operated at any time, without the written approval of this local planning authority.

All lighting installed shall demonstrate compliance with latest best practice guidance relating to lighting and protected species-wildlife available from the Institution of Lighting Professionals.

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 SS1, SS6, LD1-3.

#### Hedgerow Protection

Unless otherwise approved in writing by the local planning authority;

No more than two SIX metre long sections of existing highway side hedgerow shall be removed; and

- All retained hedgerows shall be subject to a secure root protection area no less than 1m outside the dripline of the woody hedgerow plants for the duration of all construction works approved by this permission.

Reason: To ensure all hedgerows are protected 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 SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

5.4 BBLP Land Drainage Team (Lead Local Flood Authority) – comment; -

5.4.1 3/4/24 - I have read the 17/1/2024 Technical Note (foul drainage). There are no substantial changes to the text that I am aware of.



A group of objectors have filed a consultant's report regarding the foul drainage proposals. This could be presented to the applicant for comment. My initial thoughts are that the 2m criteria to groundwater could be satisfied by means of a raised mound. Subject to minor redesign it could prove possible to deflect any surface water inflows to the area where the foul effluent will be dispersed. I note that the presence of other septic tanks/diffusers has been discussed but these are uphill of the proposed discharge point. These issues need to be addressed by the applicant and if there are issues that conflict with policy then they will need to be considered by the LPA

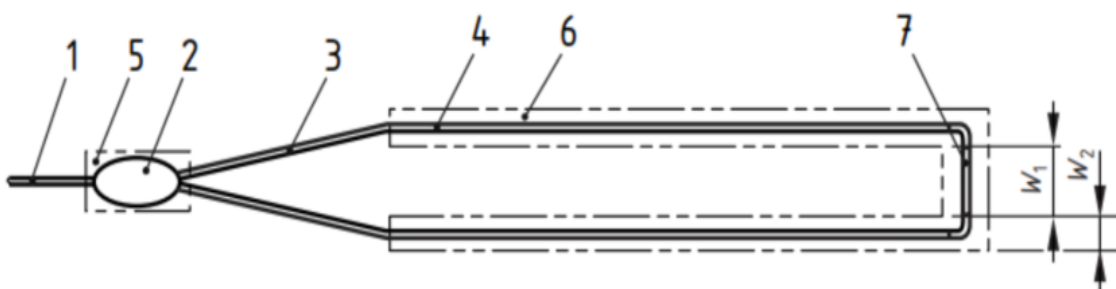
#### 5.4.2 24/1/23 – Surface water drainage;

The applicant has provided indicative levels relating to the proposed swale. We are broadly supportive of the proposals, although confused regarding the depth of the swale which has been referred to as shallow. Based on the information presented the proposals are for a swale that has an invert 1m below ground level. This would mean an invert of 205m AOD alongside the basin and 204m AOD at the outfall into the ditch. The respective ground levels are 206m AOD and 204.5m hence the swale would need to be 1m deep at the upstream end and 0.5m deep at the downstream end. We accept that it would be possible to excavate soil to create a swale of this depth (although this would require a strip of land to be dedicated for the swale) but there is no clarity on who would maintain the swale in the future and who would own the land. In the event of the swale blocking in the future, the management company would need to be able to access the land to remove any blockage. We await confirmation regarding the maintenance issue, the width of the swale would need to be shown on drawings.

Foul water drainage;

The applicant has suggested that the Environment Agency permit application does not require the scheme to meet BS 6297 :2007 + A1:2008 in entirety.

We have discussed the issue with the EA who have advised that there may be situations where drainage mounds may be acceptable with pipe layouts that are not strictly in accordance with the British Standard. The below extract is taken from Figure 5 of BS 6297, which shows two parallel distribution pipes. For some installation such as sloped sites the EA would accept a single pipe laid along the contour line. The provision of drainage mound with a single pipe on sloped ground would allow a long, narrow mound to be installed which would allow effluent to be dispersed over a wider area which in good soils would allow for effective dispersal.



We have reviewed form B6.5 and note that a question is included at Section 5f as follows : 'what type of sewage treatment system will you be using to treat your effluent?'. There are three options :-

- Package Treatment Plant that meets BS 12566
- Septic Tank that meets BS 12566
- Other: You must provide design details of 'other' treatment including the stages of treatment carried out on your effluent and the final effluent discharge quality that the treatment system is designed to achieve

The form has been designed to cater for scenarios where a type of treatment system has been proposed (or is already installed) that has been developed based on an alternative design than the British Standard.

Following our discussions with the EA we conclude that although the form does make reference to applicants being able to present proposals that are not strictly compliant with the British Standards, the drainage mound would need to comply with the broad principles of BS 6297 in all cases.

The applicant has argued that the proposed installation would comply with the criteria for a Vp range of 2.4 to 288sec/mm at a depth of 300mm, which would make the design compatible with BRE 478. As explained above, we endorse the recommendations in BS 6297 relating to testing at 600mm deep. The applicant has presented a design that utilises a Vp rate of 44 s/mm that is based on the average of three tests (following the test process for drainage fields in BS 6297). The final test demonstrated a rate of 71 and 86 s/mm which is in excess of 50% above the average figure, thus as the design should comply with BS 6297 the Vp rate of 44 s/mm should not be used in design.

The design may be compliant with the Building Regulations but it is not compliant with BS 6297.

Furthermore, in suggesting that the test results at 300mm deep are compliant, the applicant has advised that the design is compatible with BRE 478 but has ignored references in BRE 478 appendix 13 that advise that 'the slowest percolation test result should be used to determine the basal area required'. We also note that 'where appropriate the vertical percolation rate for the limiting layer should be obtained' and 'the route of treated wastewater transmission from the mound needs to be established to enable the correct size and shape of mound to be determined' (pages 9 and 10 respectively).

Advice from Corner consulting suggests that BRE 478 'Mound Filter Systems for the treatment of wastewater; refers to a maximum Vp rate of 140 s/mm for underdrains. However, we note that there are no specifications provided for underdrains. As noted in the commentary SEPA have adopted this maximum Vp rate of 140 s/mm for drainage mounds serving more than one dwelling. The selected Vp rate is consistent with the approach laid out in Section 6.2.2 of BS 6297.

Overall comments;

The proposals are not fully compliant with BS 6297 because the deeper tests demonstrated an infiltration rate slower than the guidance defined in the SuDS Manual.

Furthermore, the mound has not been sized in accordance with BS 6297

Accordingly the installation would not comply with the requirements stipulated by the Environment Agency. The Environment Agency have selected BS 6297 as the design criteria that is used for the approval of Environmental Permits. As explained above, the British Standards compliment the Building Regulations. The British Standards are widely used in the UK for the approval of building products and designs that in turn comply with the Building Regulations.

We also remind the applicant of their duties under Clause 63 of the Building Act to ensure that soil pipes and all other associated sewerage infrastructure is constructed with due diligence.

The maintenance issues related to the surface water strategy remain to be addressed

#### 5.4.3 3/11/22 – Surface water drainage;

In our previous response we requested that the Applicant considered locating the discharge pipe close to the field boundary to the west to ensure that it is not damaged from agricultural practices. The 15-09-22 technical notes includes outline details of a swale that is proposed. We assume that the discharge from the basin will be from the base, hence a pipe will be needed to begin with. We request a revised drawing showing where the pipe or swale will run, clarifying which parties will be responsible for each section. If the gradient of the land is sufficient, it may be possible to discharge water into a shallow swale at the red line boundary, in such case the downstream land owner will maintain the swale as a riparian land owner. If the discharge point at the red line boundary is lower down then a pipe or ditch may be required. A positive discharge from the new basin will need to be possible, either by means of a riparian discharge or via a lowered section of pipework that is installed with an easement.

Foul water drainage;

The applicant has provided further commentary regarding the requirements for the Vp rate below the mound and the permitted level of groundwater, we respond as follows :

Section 6.2.2 of BS 6297 includes a description of the percolation test which identifies that the waste should have soaked away within 6 hours.

Whilst a specific Vp rate is not defined, by inspection as the test relies on the water level dropping from 225mm to 75mm (a drop of 150mm) therefore the related Vp rate is 140 s/mm.

Accordingly, SEPA documentation WAT-RM-TM-04 refers to a slowest Vp of 140 s/mm for Drainage Mounds where a licence is required. In Scotland, a licence is required for a mound serving more than 3 dwellings (refer to Figure 1). This guidance also includes a hierarchy of treatment criteria for discharging treated effluent into more porous soils. It also advises "where fissures are present, if possible the soakaway should be relocated or the effluent discharged to surface waters". The SEPA guidance follows a more cautious approach than BRE 478 (which refers to a slowest Vp of 288 s/mm).

The 140s/mm rate is used for the approval of Drainage Mounds designed in accordance with the Building Regulations (the test is completed at surface level). The criteria also provides residents some assurance that for small discharges there is less likely to be a surface level discharge off site, which may cause inconvenience to others, create an environmental health hazard or create a phosphate pathway.

A more stringent approach is required for mounds requiring Environment Agency permits. The surface level test is completed as referenced above, but further testing is needed lower down.

The applicant has identified that in Appendix C2 of BS 6297, the Vp rate is not specifically defined and is only referred to as " a suitable Vp value". The text reads "it is recommended that there is a minimum of 600mm of unsaturated soil beneath the mound with a suitable Vp value". The text has been incorporated in the British Standard because this is recommended practice.

Our own review has identified that the only other reference to a slowest Vp rate is the 288 s/mm figure that is included in BRE 478. The BRE guidance documents do not have the same status as the British Standards, but it is clear that the authors of BRE 478 recommended this slowest rate as it is the lowest rate normally used for soakaway design.

The SuDS Manual provides clarity on the lowest band rate for infiltration, as used for surface water drainage applications:

Infiltration viability should be given full consideration where rates of  $10^{-6}$  m/s or greater exist on the site (subject to geotechnical and contamination considerations). Where rates are less than that, the soils can still usefully be used for Interception delivery, but disposal of significant volumes of runoff may not be cost-effective or appropriate, unless there is a large area of land available for this purpose.

It should be noted that Interception does not necessarily require any infiltration capacity, as it can also be delivered via green roofs, bioretention systems etc.

Throughout the SuDS Manual, the lowest band figure for soakaways is  $1 \times 10^{-6}$  m/s, where soakaway tests demonstrate this rate permeable paving is often selected for use.

Section 3.28 of the Building Regulations includes an equation for calculating the infiltration rate based on the measured  $V_p$  figure.

The authors of BRE 478 have selected a slowest rate of 2 hours per 25mm. Using the equation this equates to  $1.1 \times 10^{-6}$  m/s.

It is therefore clear that a drainage mound built to be compliant with BS 6297 that the designer should complete an adequate site investigation to ensure that there is a minimum of 600mm of unsaturated soil beneath the mound with a suitable  $V_p$  value. The above review references the SuDS Manual and demonstrates that the slowest rate of 288 s/mm is an appropriate figure.

The designer also holds a duty to complete site investigations to ensure that there are no pathways for treated effluent via fissures in the soil, if permeable bedrock is encountered or there are layers of highly permeable soil.

The applicant has pointed out that the Diagram 2 in the Building Regulations identifies that the soil below a drainage mound can be impervious. As noted above, there is different guidance in BS 6297. The Environment Agency have selected BS 6297 as the design standard.

The applicant has also identified that a drainage mound can be installed in an area with a high groundwater level. However, it should be noted that groundwater levels vary throughout the year and so this guidance simply endorses the use of drainage fields in areas where high groundwater levels tend to occur.

Overall comments;

The proposals are not fully compliant with BS 6297 because the deeper tests demonstrated an infiltration rate slower than the guidance defined in the SuDS Manual. Accordingly the installation would not comply with the requirements stipulated by the Environment Agency. The Environment

Agency have selected BS 6297 as the design criteria that is used for the approval of Environmental Permits. As explained above, the British Standards compliment the Building Regulations. The British Standards are widely used in the UK for the approval of building products and designs that in turn comply with the Building Regulations. We also remind the applicant of their duties under Clause 63 of the Building Act to ensure that soil pipes and all other associated sewerage infrastructure is constructed with due diligence.

- 5.4.4 27/5/22 - The Applicant proposes the construction of 5 new dwellings (2x2 bed & 3x3 bed) with associated garages and landscaped areas. The site covers an area of approx. 0.59 ha and is currently agricultural land. The topography of the site slopes down gently to the west from approx. 210mAOD to 205mAOD. An unmapped drainage ditch runs approx. 90m from the north western boundary of the site.

Fluvial Flood Risk;

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the low risk Flood Zone 1. As the proposed development is less than 1 ha and is located within Flood Zone 1, in accordance with Environment Agency standing advice, the planning application does not need to be supported by a Flood Risk Assessment (FRA). This is summarised in Table 1:

	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*

Surface water drainage;

Groundwater was observed at 1.3 to 1.8m deep. Infiltration testing was attempted but failed. The ground consisted of approx. 300mm of topsoil over heavy clay.

The surface water drainage strategy comprises a deep attenuation basin over 0.00m<sup>2</sup> and basal area of 21.0m<sup>2</sup> (31m x 13m), which has been designed for a 1 in 100 year plus 40% climate change event. A 71mm hydrobrake will restrict discharge flows to 2 l/s to the drainage ditch 90m from the north western boundary, which is within the land ownership boundary.

We accept the proposed surface water drainage arrangements in principle. We would ask that the Applicant considers locating the discharge pipe close to the field boundary to the west to ensure that it is not damaged from agricultural practices.

Foul water drainage;

Percolation testing undertaken at ground level recorded rates of between 43 and 45 s/mm. As there was no percolation rate below 300mm, we objected to the proposed foul water drainage strategy which comprises a drainage mound. Effluent would sit on top of the impermeable clay ground and seep out the sides of the drainage mound or onto the adjacent topsoil. The construction and installation of a drainage mound is likely to create springs in the adjacent field. For a mound serving multiple properties, owing to the increased quantity of effluent dispersed, there is an increased risk of effluent re-emerging. BS 6297 Annex C recommends that there is a minimum of 600mm of unsaturated soil below the mound with a suitable percolation rate.

We note that the Applicant undertook 300mm deep percolation tests as well as 1m deep infiltration testing, which has not previously been submitted. At 1m depth, some permeability was observed and a converted Vp rate of 115s/mm recorded. However, these test results are conflicting with the previously submitted Sutton Survey results.

As 5 dwellings are proposed to discharge to the drainage mound, a professional report should be submitted to prove permeability in the 600mm soil strata below the proposed mound (pit bases typically 300mm to 500mm below ground). This is required to assist in the assessment of the site location and the sizing of the mound system, to ensure that the underlying soil is capable of accommodating the discharge.

The Applicant should reconsider the foul water drainage strategy or proposed site layout.

Overall comments;

We object to the proposed development due to the foul water drainage strategy as detailed above. A revised foul water drainage strategy should be submitted before planning is granted.

We accept in principle the surface water drainage strategy. Detailed drainage design/construction drawings should be submitted at Discharge of Condition.

## 5.5 Dŵr Cymru Welsh Water – comment; -

5.5.1 13/1/22 - We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

#### SEWERAGE

Since the proposal intends utilising an alternative to mains drainage we would advise that the applicant seek advice from the Environment Agency and the Building Regulations Authority as both are responsible to regulate alternative methods of drainage.

However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

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

#### Advisory Notes

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps; some sewers were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

5.6 Natural England – no objection;

5.6.1 24/5/24 - We consider that without appropriate mitigation the application would:

have an adverse effect on the integrity of River Wye Catchment SAC. <https://designatedsites.naturalengland.org.uk/> damage or destroy the interest features for which River Lugg Site of Scientific Interest (SSSI) have been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required;

The Development hereby approved shall include a total impermeable area not greater than 40% of the site or 0.49ha.

The approved foul water system and Sustainable Drainage System shall be managed and maintained as approved for the lifetime of the development it supports.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures as set out below.

A lack of objection does not mean that there are no significant environmental impacts. Natural England advises that all environmental impacts and opportunities are fully considered and relevant local bodies are consulted.

## 6.0 COMMUNITY REPRESENTATIONS

6.1 Hatfield Group Parish Council – object; -

6.1.1 29/2/24 - The Parish Council held an Extra Ordinary Meeting which a large number of Hatfield residents attended.

Hatfield & District Group Parish Council does not support this development The PC's earlier comment referenced the Core strategy RA2 (1) identifies Hatfield in fig 4.15 as a settlement where PROPORTIONATE development will be permitted.

The new development would increase the village size by at least 20% and considering the recent developments by 50% This is not a proportionate development.

This is major development it is not in keeping with a small hamlet such as Hatfield.

Policy 4.8022 Core strategy states the NATIONAL guidance emphasises the importance of not promoting unsustainable patterns of development in rural area.

The development is outside the curtilage of the village. According to the SHLA assessment the site is visually and physically disconnected from the village. The site is not recommended for development and has no potential for development.

RA2 (1) It specifies in relations to smaller settlements, all proposals will be expected to demonstrate particular attention to farm layout, character and setting of the site and its location in that settlement and to show how it will contribute to or is essential to the social wellbeing of the settlement.

The development is not in keeping with the rest of Hatfield Village, which is mainly cottages and farms from several different eras. The proposed development is set in a green field site, in open countryside.

Policy SS7 Addressing climate change 99% of Hatfield residents are car dependent; 10 or more extra cars travelling to and from the proposed site will not help to meet goals to reduce CO2 and other emissions that contribute to climate change

Surface Water Management and foul drainage issues

There are no mains sewers in Hatfield, all dwellings require a soak away. The proposed extension of the site to the north and rewilding of existing farmland and repositioning of the effluent treatment mound requires a permit for such a large effluent discharge exceeding 2m<sup>3</sup>/day foul water. The site lies within the river Lugg special area of conservation.

The site identifies as having very poor filtration due to low permeability of both the soil and underlying bedrock it proceeds to say an attempt was made to assess the groundwater level, below the top of the ground was very hard clay.

The "clean" water is allowed to drain from the mound into the surrounding area. Although the site is often flooded in winter. It will drain into the surrounding ancient woodland and natural balanced habitat besides it.

There are small streams in the woodland draining into pools and beyond. These feed into Humber Brook. From there they flow into the River Lugg at Hope Under Dinmore. All increasing

the phosphates for the area. The development has an adverse impact on the environment and ecology of the area. It strains the local infrastructure and there is no easy access to amenities, it is a round trip of probably 14 miles to the nearest town. There are no local amenities, the local pub at Docklow is 4 miles away, there is no public transport, the nearest supermarket is again 7 miles away, a round trip of 14 miles to buy essentials. Results in land use: A change away from productive agriculture to housing which is not in agreement with national policies. It destroys the rural character by its visual impact by introducing modern styles of development in a sparsely populated area, it is not in line with the existing low density linear development pattern. This development has raised grave concerns to the community and public opinion.

6.1.2 3/2/22 - Core Strategy RA2 (1) identifies Hatfield in fig 4.15 as a settlement where proportionate development will be permitted. However, the new development would increase the village size by at least 20%, and if you take recently approved applications into account, by at least 50%. RA2 (1) It specifies in relations to smaller settlements, all proposals will be expected to demonstrate particular attention to farm layout, character and setting of the site and its location in that settlement and to show how it will contribute to or is essential to the social wellbeing of the settlement. The development is not in keeping with the rest of Hatfield Village, which is mainly cottages and farms from several different eras. The proposed development is set in a green field site, in open countryside. The site has drainage problems and is at risk of flooding not only to the proposed site but to other nearby areas. The site is at the furthest Eastern end of the settlement area, and is not within the curtilage of Hatfield village. Policy SS7 Addressing climate change 99% of Hatfield residents are car dependent; 10 or more extra cars travelling to and from the proposed site will not help to meet goals to reduce CO2 and other emissions that contribute to climate change. The C1059 is a narrow single-track road, more suited to life 100 years ago, it has no passing places. Modern large agricultural implements (tractors, combines, bailers etc) also use this road, sometimes causing long traffic delays. It is felt by the PC and general community that the infrastructure could not sustain the extra traffic the houses would produce. It is felt that the “traffic track” was taken during the Covid period, when less traffic was using the road. It is felt that this may be an inaccurate reflection of road use. Hatfield is a linear settlement strung out along a section of C1059. There is no school, shop, bus service or other facility, other than an ancient Parish Church at the extreme Western end of the village. The Parish Council feel that this development would be not be in the interest of Hatfield village and therefore cannot support the application.

6.2 Hampton Charles Parish Council (adj) – no response.

6.3 Site Notice - 55 representations received (exc. repeated / further comments), objecting to the application. The comments are summarised as follows:

- Site is outside the boundary for Hatfield and is visually and physically disconnected from the main built form.
- Limited services in Hatfield.
- Limited local infrastructure to support the development.
- Road through the village is narrow, with limited parking and existing issues with HGVs/agricultural vehicles.
- Access off C1059 constructed without planning permission.
- Hatfield is unsustainable with no facilities or public transport.
- Visual impact, including on Herefordshire Trail and the Three Rivers Ride.
- Heavy clay soil with poor permeability.
- Loss of agricultural land.
- Impact on wildlife (bats, barn owls) and proximity to woodland.
- Loss of hedgerow.
- Poor drainage, often waterlogged in winter.
- Light pollution.
- Phosphates adversely impacting river water quality.

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Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504



- Contrary to Herefordshire Council Environmental Policy.
- Council has deemed the site unsuitable for development (SHLAA).
- Council can now deliver a 5-year housing land supply.
- Pre-application advice from LPA is outdated given the current 5-year housing land supply.
- No planning site notices posted.
- Prejudices future local housing opportunities.
- Design of proposed dwellings not in keeping and overbearing in scale.
- Demonstrable change to character of the area.
- Overlooking and loss of light.
- Loss of view.
- Impact on residential amenity (particularly Curates Cottage).
- Infrastructure and Practical Concerns
- Seasonal variation in water table.
- Test holes in wrong location.
- Porosity and infiltration testing should be year-round.
- Inaccurate Automatic Traffic Count (ATC) during COVID-19 lockdown.
- Working from home challenging due to poor broadband.
- Residential use may conflict with agricultural uses (noise and smell).
- No affordable housing provision.
- 10 new dwellings already provided (7 barn conversions, 3 new-builds).
- Hatfield has exceeded its housing growth targets for the period to 2031.
- Not contributing positively to climate change mitigation (increased CO2 emissions).

The full comments are accessible via the Herefordshire Council website and link above.

6.4 Cllr Baker (Hampton Ward) – requested re-direction to Planning & Regulatory Committee on the basis of the level of public interest.

## 7.0 OFFICER APPRAISAL

### Principle of development

7.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that 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.

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

7.3 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 was updated in November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any applications. In this case the relevant policies have been reviewed and are considered entirely consistent with the NPPF and therefore can be attributed significant weight.

7.4 Hatfield, despite lacking significant community services or facilities (apart from a parish church) and relying on Leominster and Tenbury for broader services, is designated in Policy RA2 of the Core Strategy as a smaller settlement suitable for proportionate housing. While concerns about Hatfield's sustainability due to its lack of services and public transport are noted, its inclusion in the Core Strategy indicates it is considered broadly sustainable. The NPPF supports approving proposals that align with an up-to-date local plan without delay.

- 7.5 With no predefined development boundary for Hatfield, the determination of whether a scheme is within or adjacent to the main built-up area under Policy RA2 should be made on a case-by-case basis. Development in smaller settlements like Hatfield must pay attention to form, layout, character, and setting while contributing to the settlement's social well-being.
- 7.6 Hatfield is notably linear, characterized by ribbon development with significant gaps between dwellings occupied by small parcels of agricultural land or larger plots. This ad-hoc arrangement is particularly evident in the village's eastern end, where residential development is denser, and gaps between homes are fewer. Dwellings often front the highway directly or are oriented perpendicular to it, contributing to a spacious, verdant, and distinctly rural character.
- 7.7 The application site is northeast of Curates Cottage, near Hatfield's eastern end. It borders open countryside to the north, east, and west, and lies opposite Lockleys Farm to the south, positioning it well relative to Hatfield's established built form. Despite concerns about the proposal's impact on the settlement's role, function, and setting, the development would uphold the linear pattern and provide a bespoke response with varied dwelling types and features akin to existing development.
- 7.8 Regarding housing numbers, the latest proportional growth figures indicate that the Hatfield and District Group Parish has a residual housing target of 2 for the remaining years of the plan period until 2031. This area includes Pudleston and Docklow, both named settlements appropriate for open-market housing growth under Policy RA2 of the Core Strategy. The Bromyard Housing Market Area (HMA) has provided 35 additional dwellings than required, with further years of the plan period remaining. This highlights how other parish areas within the HMA have exceeded their local housing targets. Considering this, officers acknowledge local concerns about the provision of an additional 5 dwellings. However, housing figures are targets, not ceilings, and should not preclude further sustainable development.
- 7.9 The proposal would provide 5 open-market dwellings as part of a cohesive development on the edge of the settlement. Although affordable provision is not possible, the development would offer a mix of dwellings responding to the needs identified in the Herefordshire Housing Market Area Needs Assessment (HMANA) 2021. This includes 2 two-bed dwellings, 2 three-bed dwellings, and a bungalow – seldom provided in small, rural housing schemes. The scheme also presents opportunities for social and economic benefits, such as supporting the local construction industry, community cohesion, and local services (e.g., Stoke Prior Primary School and Docklow public houses), though these benefits cannot be guaranteed or quantified accurately.
- 7.10 Some windfall development has occurred in Hatfield and the wider parish, but this is limited. Officers do not believe that adding 5 dwellings would significantly compromise social and community well-being to a degree justifying refusal of the application.
- 7.11 In light of the above, the principle of some open-market housing on this site is accepted, subject to addressing other matters as considered below.

### **Siting, design and visual / landscape impact**

- 7.12 Policy SD1 of the Core Strategy sets out that development proposals must respect the scale, massing, height, proportions, and detailing of surrounding development. In alignment with this, Policy RA2 requires that the design and layout reflect the size, role, and function of the settlement. For smaller settlements like Hatfield, particular attention must be paid to the form, layout, character, and setting of the site within the settlement.

- 7.13 Some objectors reference the Strategic Housing Land Availability Assessment (SHLAA) 2019, which concludes that the site has 'no potential for development' as it is 'distinctly outside the village settlement' and 'visually and physically disconnected from the village.' While the SHLAA offers an objective assessment of potential housing sites based on suitability and availability, it primarily serves as an evidence base document to inform the development of Supplementary Planning Documents (SPDs) and Neighbourhood Development Plans (NDPs). Planning applications should be considered on their own merits, as stipulated by the SHLAA disclaimer and, crucially, planning law and the NPPF, which requires decisions to accord with the development plan unless material considerations indicate otherwise. Therefore, limited weight may be given to the SHLAA's findings in this context, and the inclusion or exclusion of a site in the SHLAA does not automatically determine its eligibility for planning approval; each application must be assessed individually.
- 7.14 The site is not located within a nationally valued landscape and is categorised under the LCT 13 Plateau Farmland and Estates character type according to the HC Landscape Character Assessment 2023. The surrounding area aligns with several defining characteristics, including a traditional mix of farming uses, a combination of regular and irregular medium-sized fields bordered by hedgerows, and scattered woodlands. The settlement patterns reflect this character, featuring sparsely populated hamlets that retain their historic character, highlighted by local reddish-brown and grey sandstone architecture.
- 7.15 The application site forms part of an irregularly shaped parcel of land bounded to the south by a minor road and to the north by woodland. There is a distinct openness to the east with views across agricultural land towards Hampton Charles. However, the development would not create an unnatural incursion into the countryside, as it would be set between the road and woodland, serving as a backdrop and restricting longer-distance views. The application includes a detailed landscaping plan indicating that the roadside hedgerow would be retained, save for access points, as the required visibility splays could be achieved without their removal. Additional hedgerow planting is proposed along the internal access roads, along with new appropriate tree species and a stock-proof post-and-rail fence around the site's edge. An Arboricultural Report supports the application, confirming a low impact on existing trees, with protective measures secured by Condition 14. These measures would ensure the development maintains a rural character rather than appearing suburban. An updated detailed landscaping plan shall be secured by condition, noting that the site location has been revised since the scheme was submitted.
- 7.16 The proposed dwellings are planned in a linear arrangement with two shared points of access from the minor road. They would occupy spacious plots, with semi-detached units oriented with gable ends facing the road and principal elevations facing the internal access road. Other dwellings would face the road, with detached garages generally located at the rear of the site.
- 7.17 In terms of design, the dwellings would adopt a traditional approach, carefully considering the local context. They incorporate features such as dormer windows, chimney breasts, timber-framed porches, and cat-slide roofs to ensure distinctiveness. The mix of materials chosen aims to balance cohesion within the development while acknowledging the varied material palette of the settlement, offering a sensitive response to this rural setting.
- 7.18 Despite the inevitable visual and landscape changes anticipated with development, the careful attention to the site layout, the design of the dwellings, and the proposed landscaping ensures that the change would not be considered adverse. Although concerns have been raised regarding the impact on tourism and recreation (e.g., Herefordshire Trail, bridleways), the site lies adjacent to a settlement identified for growth, and thus change should be expected.

### **Access and highway safety**

- 7.19 In addition to the requirements of Policy MT1 of the Core Strategy, Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.
- 7.20 The development would be served by 2no. vehicular accesses in the form of private shared drives taken from the C1059. Parking, turning and garaging facilities would all be provided to the rear of the site, save for Plot 1 which would be to the front, adjacent to the road.
- 7.21 As commented by the LHA, the proposed access arrangements would meet the visibility requirements and highway perpendicularly, facilitating efficient and safe turning movements. Although detailed information on the specification of the construction access, this would be secured by Condition 7 as is standard. The level of parking is commensurate for the scale and nature of the proposed development, with details of secured cycle parking coming forward at a later stage to satisfy Condition 8.
- 7.22 The objectors note that the road through the village is narrow with limited parking / passing spaces and existing issues with HGVs/agricultural vehicles. Although this is acknowledged, the development is not considered to be of a scale and nature which would give rise to cumulative impacts in this regard which would be considered severe. It would therefore not be necessary to require the developer to fund mitigation measures (i.e traffic calming) within the highway, as suggested by local residents. It should also be emphasised that the development cannot be expected to resolve existing highway related issues.
- 7.23 Objections also outline concerns relating to the Automatic Traffic Count (ATC) conducted during the COVID-19 lockdown may not accurately reflect typical traffic conditions. Given that the LHA have not identified network capacity as an issue and that acceptable visibility splays can be demonstrated and noting that the ATC was undertaken in May 2021 (and not during a full lockdown), a re-evaluation of traffic data has not been recommended in this case.
- 7.24 With the above in mind the proposal is considered such which would not give rise to an unacceptable impact on highway safety or lead to severe cumulative impacts on the local highway network. The proposal is therefore considered to accord with the expectations of Policy MT1 of the Core Strategy, as well as the principles outlined within the NPPF.

#### **Impact on residential amenity**

- 7.25 The site lies adjacent to Hatfield, with the nearest residential dwellings of Lockleys Farm and Curates Cottage lying to the south and east, respectively. Although Herefordshire Council do not benefit from adopted separation distances, those in this case are in excess of what would generally be considered the minimum required in the interests of residential amenity. The orientation of the dwellings relative to the neighbouring dwellings together acknowledging existing and proposed boundary treatments and other intervenes such as roads and garages is such that objectors concerns relating to amenity issues cannot be substantiated.
- 7.26 The localised impact of construction could be managed through the submission of a Construction Management Plan, but the duration of impacts in this regard should nevertheless be time -limited.
- 7.27 The development would give rise to visual change. That said, there is no right to a private view; it is not a material planning consideration and this is an established principle. Light pollution impacts can be managed by way of further details submitted at a later stage, secured by condition.
- 7.28 The overall layout of the development is such that would safeguard the amenity of future occupiers with adequate private amenity space.

- 7.29 With the above in mind the proposal is considered to accord with the expectations of Policy SD1, and the principles outlined within the NPPF.

### **Ecology**

- 7.30 Policy LD2 of the Core Strategy seeks to ensure that development proposals conserve, restore and enhance biodiversity assets of Herefordshire. Important sites, habitats and species shall be retained and protected in accordance with their status. Relevant guidance and principles are set out within the NPPF at Chapter 15.
- 7.31 The application is supported by an Ecology Report which has been undertaken by a suitably qualified Ecologist. This has been reviewed by the HC Ecology Team who concur with its findings, subject to the implementation of the basic precautionary working and detailed biodiversity enhancements being secured by way of condition.
- 7.32 The Ecology Team note the removal of small sections of hedgerow to facilitate the access but noting the existing hedgerow condition, the surrounding context and the opportunity for enhancement, do not raise objection on this basis.
- 7.33 Notwithstanding this, it is noted that the Ecology Report cannot be considered up-to-date due to it being more than 2 years old. Given the nature of the site, it is not considered that the ecological circumstances would have changed significantly but in order to ensure a robust assessment, the applicant is in the process of providing an update report. At the time of writing this has not been received and therefore the recommendation includes requirement for its submission within 3 months of the date of any positive committee resolution, allowing for review and the imposition of any relevant and necessary conditions as may be advised by the Council's Ecology Team.
- 7.34 It is noted that Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by means including recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land (Grades 1 – 3a), and of trees and woodland.
- 7.35 The objectors have emphasised that the scheme would be development of a greenfield site and in consequence, the loss of agricultural land. Although of course correct, this is expected in rural areas since previously developed land (PDL) is scarce—redundant agricultural buildings and land do not count as PDL. Consequently, the housing needs outlined in the plan cannot be fulfilled solely through the development of PDL; greenfield sites are also necessary. In this case, the development would result in a very small loss of good to moderate (Grade 3) agricultural land. It is not considered to be of such magnitude to warrant refusal.
- 7.36 Concerns have also been raised with respect to the potential for light pollution. Controls on / details of any external lighting may be secured by way of planning conditions appended to any approval.
- 7.37 Subject to the above, the proposal would comply with the requirements of Policy SS6 and LD2 of the Core Strategy, as well as the principles contained within the NPPF.

### **Nutrient neutrality**

- 7.38 The proposed development would be sited within the catchment of the River Lugg, which forms part of the River Wye Catchment SAC (including schemes impacting on the linked River Lugg SSSI). Given the nature of the development which has may impact on the designation through

foul water, surface water (and associated pollution), a Habitat Regulations Assessment (HRA) Appropriate Assessment must be undertaken to comply with The Conservation of Habitats and Species Regulations (2017) (as amended).

- 7.39 The phosphate budget of the proposed development has been calculated using an appropriate methodology and as accepted by the Council's Ecology Team. The assumed occupancy and water usage figures are standard and as agreed with Natural England. As outlined within the HRA, some changes to the standard methodology have been applied. As a low density scheme with only 40% of the site having impermeable surfaces, the phosphate leaching from the land use change is reduced to 0.26 kgTP/year. This would be controlled through the removal of permitted development rights and a maximum limit on impermeable surfaces secured by condition. Secondly, taking account of the proposed surface water drainage strategy where an attenuation / retention features would be utilised, this reduces phosphate leaching by an additional 28%, bringing the total leaching from future land use down to 0.19 kgTP/year.
- 7.40 The land use change and associated orchard planting, the above and the provision of the efficient package treatment plant is such which is able to demonstrate nutrient neutrality, subject to conditions securing the required elements. It is recommended that a management plan is provided for the open space to the north (inc. drainage features and orchard). The positive HRA has been completed with Natural England returning no objection. As such, an adverse effect on the integrity of the SAC can be ruled out.

### **Drainage and flood risk**

- 7.41 The application site is located within Flood Zone 1 and therefore it is at the lowest risk of flooding. The application is supported by a Flood Risk Assessment (FRA) due to the site being greater than 1. ha in site area. Local residents through objections to the application have raised concerns with respect to the heavy clay soil and associated poor permeability. Photographic evidence has been supplied which shows the site suffering from standing water during the winter months / periods of heavy rainfall.
- 7.42 The groundwater was found at depths ranging from 1.3 to 1.8 meters, with infiltration testing proving unsuccessful due to the presence of approximately of topsoil over heavy clay, as locally observed. Alternative methods of managing surface water drainage have therefore been explored and features a series of swales and an attenuation basin, designed to handle a 1 in 100 year flood event plus a 40% allowance for climate change. The basin would include a hydrobrake to limit discharge flows towards a drainage ditch located 90 to the northwestern boundary, within the control of the applicant.
- 7.43 While the LLFA are supportive of the proposed surface water drainage arrangements in principle, the details of the strategy – including the maintenance and management arrangements are recommended to be secured by way of condition.
- 7.44 In terms of foul water – the proposal would include the provision of a drainage mound to deal with the effluent treated by the single package treatment plant. The use of a mound is proposed owing to the poor ground conditions, as referenced in the objections. The design of mounds is governed by building regulations, but a condition requiring details to address the flooding / surface water related matters can manage these concerns.

### **Climate emergency**

- 7.45 It is noted that objectors have raised concerns with respect to the impact of the development with reference to the climate emergency.

7.46 In this case, the proposal would provide 5 no. purpose built dwellings which would be required to be constructed in accordance with Building Regulations. The application specifies that the proposal would provide for the following, quite expected for a development of this nature; -

- Max' solar gain
- Thermally efficient materials
- Energy efficient heating systems
- Solar panels
- Air source heating
- EV charging
- Secure bicycle parking / storage
- Recycling/ waste storage / composting

7.47 The measures are considered commensurate for the development and further requests would unlikely prove reasonable or necessary. The proposal is considered to have regard to the climate emergency and takes the appropriate steps to address it.

## 8.0 CONCLUSION

8.1 The development is acceptable in principle given the site's location adjacent to a rural settlement identified for some new market housing. The design and scale of the dwelling together with appropriate landscaping would ensure that there would be no demonstrable harm to visual amenity or the wider landscape. There would also be no significant additional impacts on residential amenity, and the relationship with the adjacent property remains acceptable in planning terms. There are no undue or insurmountable concerns regarding highway safety, drainage or ecology (subject to update report), and furthermore, the proposal can demonstrate nutrient neutrality. Overall, therefore, the application is considered to accord with the relevant development plan policies and approval is recommended, subject to conditions to reinforce the critical aspects.

## RECOMMENDATION

**That subject to submission of an updated Ecology Report within 3 months of the date of the Planning Committee, planning permission be granted subject to the following conditions and any further conditions or variations thereof deemed necessary by the officers named in the scheme of delegation to officers shall be included:**

### Standard

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**

**The development shall be carried out strictly in accordance with the approved plans listed below, except where otherwise stipulated by conditions attached to this permission.**

<b>7872-01-B</b>	<b>Location and Block Plan</b>
<b>7872-02-K</b>	<b>Proposed Site Layout</b>
<b>7872-05-A</b>	<b>Plot4 Proposals</b>
<b>7872-04-A</b>	<b>Plot3 Proposals</b>
<b>7872-03-A</b>	<b>Plot1-2- Proposals</b>
<b>7872-07</b>	<b>Garage Proposals</b>
<b>7872-06-C</b>	<b>Plot5 Proposals</b>

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

**Prior to commencement**

- 2. Prior to the commencement of development, visibility splays, and any associated set back splays at 45 degree angles shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4-metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 74.3-metres in the northeast direction, and 72.2-metres in the southwest direction along the nearside edge of the adjoining carriageway, for each of the proposed points of access. Nothing shall be planted, erected 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.**

- 3. Prior to the commencement of development, details and location of the following must be submitted to and approved in writing by the Local Planning Authority, and which shall be operated and maintained during construction of the development hereby approved:**
  - A method for ensuring mud is not deposited onto the Public Highway**
  - Construction traffic access location**
  - Parking for site operatives**
  - Construction Traffic Management Plan**

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

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

**No development to take place, with the exception of any site clearance and groundworks.**

- 4. 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 Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 5. With the exception of any site clearance and groundwork details of the design of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the Local Planning Authority. The details shall include, but may not be limited to the following; -**

**Details of the size and siting of the proposed surface water attenuation features including outfall location;**

**Details of the size and siting of the proposed foul water drainage mound feature;**



**Relevant calculations where appropriate and;  
Management and maintenance schedules for all drainage infrastructure**

**The approved scheme shall be implemented before the first use occupation of any of the dwellings hereby approved.**

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

- 6. With the exception of site clearance and groundworks, no further development shall take place until a landscape scheme is submitted to and approved in writing by the Local Planning Authority. The scheme shall include a scaled plan identifying:
  - a. All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.**
  - b. All proposed hardstanding and boundary treatment.****

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

- 7. With the exception of any site clearance and groundwork, details of the vehicular access construction must be submitted to and approved in writing by the Local Planning Authority. The construction shall then be implemented in accordance with the approved specification, ensuring a gradient no steeper than 1 in 12.**

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

**Prior to first occupation**

- 8. Prior to the first occupation of the development hereby approved, full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of each dwelling must be submitted to and approved in writing by the Local Planning Authority. 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 occupation of the development. Thereafter these facilities shall be maintained in perpetuity.**

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

- 9. Prior to the first occupation of the development hereby approved, a schedule of management and maintenance of the non-private areas (including proposed orchard) shall be submitted to and approved in writing by the Local Planning Authority. Maintenance shall be carried out in accordance with the approved schedule.**

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

- 10. Prior to the first occupation of any of the residential development hereby permitted written evidence / 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 first 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).**

#### **Compliance**

- 11. The hours during which construction work may take place shall be restricted to 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays. There shall be no such working on Sundays, Bank or Public Holidays.**

**Reason: To safeguard the amenities of the locality and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 12. The garages hereby approved shall be used solely for the garaging of private vehicles and for purposes incidental to the enjoyment of the dwelling house as such and not for the carrying out of any trade or business.**

**Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 13. The Development hereby approved shall include a total impermeable area not greater than 40% of the site or 0.49ha. An “impermeable area” will include land covered by buildings or non-porous hardstanding through which surface water is unable to infiltrate.**

**Reason: To ensure the protection of the River Lugg SSSI and the River Wye SAC from additional sources of phosphate resulting from surface water at the site.**

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

**Tree Survey – Peter Quinn Associates**

**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**

15. The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity Enhancements, as recommended in the ecology report by Worsfold & Bowen (revision 1) dated June 2021 shall be fully implemented and hereafter maintained in as stated unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

16. At no time shall any external lighting, except low power (under 550 lumens), 'warm' LED lighting in directional down-lighters on motion operated and time-limited switches, that is directly required in relation to the immediate safe use of the approved dwellings be installed or operated in association with the approved development and no permanently illuminated external lighting shall be operated at any time, unless otherwise approved in writing by the Local Planning Authority.

All lighting installed shall demonstrate compliance with latest best practice guidance relating to lighting and protected species-wildlife available from the Institution of Lighting Professionals.

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 SS1, SS6, LD1-3.

17. No more than two 6-metre sections of the existing highway side hedgerow may be removed. All remaining hedgerows must have a secure root protection area extending at least 1-metre beyond the dripline of the hedgerow plants for the entire duration of the construction works approved by this permission, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure all hedgerows are protected 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 SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

18. All planting, seeding or turf laying in the approved landscaping scheme (insert drawing no if appropriate) shall be carried out in the first planting season following the occupation of the building 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 5 years of planting will be replaced in accordance with the approved plans.

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

**INFORMATIVES:**

1. The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended) and the Habitats and Species Regulations (2019 as amended), with enhanced protection for special “Higher Status Protected Species” such as all Bat species, Great Crested Newts, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained. If any protected species or other wildlife is found or disturbed during works then all works should stop and the site made safe until professional ecology advice and any required ‘licences’ have been obtained. Any additional lighting should fully respect locally dark landscapes and associated public amenity and nature conservation interests.
  
2. It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

Decision: .....

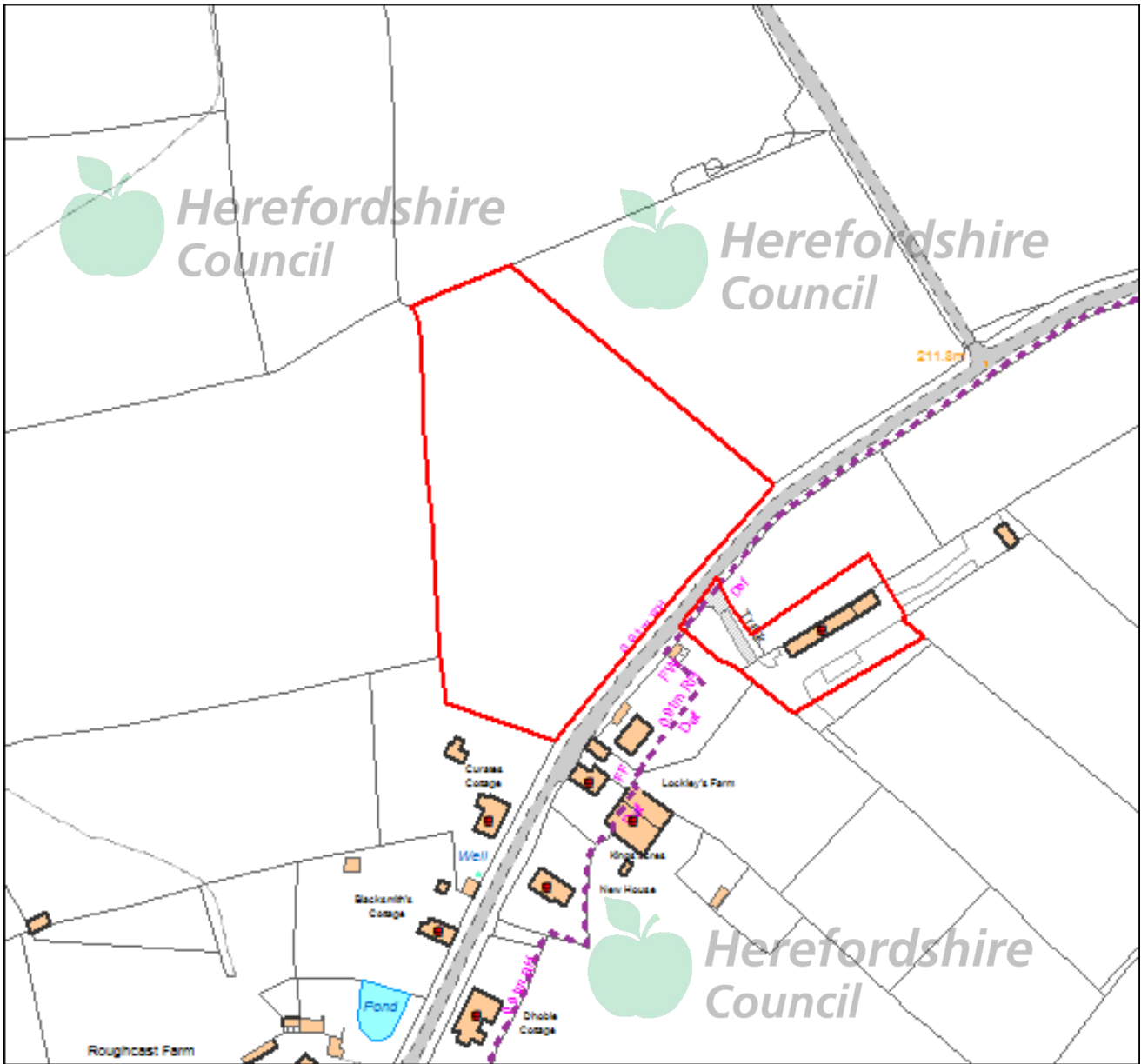
Notes: .....

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**Appendix 1 – Habitat Regulations Assessment**

**Background Papers**

None identified.



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**APPLICATION NO:** 214539

**SITE ADDRESS :** LAND ADJACENT C1059, HATFIELD, LEOMINSTER, HEREFORDSHIRE, HR6 0SG

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Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504