

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>19 MARCH 2025</b>
<b>TITLE OF REPORT:</b>	<b>231202 - PENDING S106 AGREEMENT - DEVELOPMENT OF 44 DWELLINGS at LAND NORTH OF A40 (GLOUCESTER ROAD) AND EAST OF HUNSDON MANOR, WESTON UNDER PENYARD, HEREFORDSHIRE.</b>  <b>For: Mr Pearson per Gurdish Johal, Armstrong Burton Architects</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=231202&amp;search-term=231202">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=231202&amp;search-term=231202</a>
<b>Reason Application submitted to Committee – Redirection</b>	

**Date Received: 17 April 2023**

**Ward: Penyard**

**Grid Ref: 363605,223238**

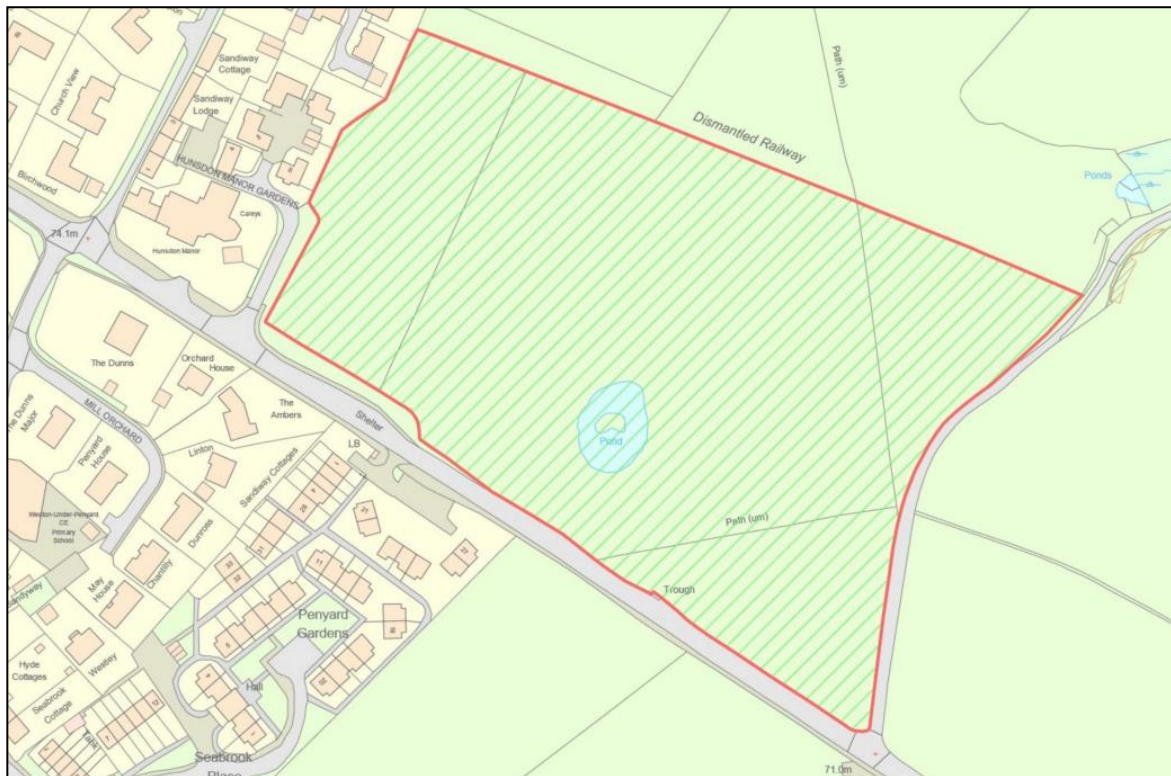
**Expiry Date: 21<sup>st</sup> March 2025**

**Parish: Weston Under Penyard**

Local member: Cllr Bramer

## **1.0 SITE DESCRIPTION**

- 1.1 This application site is located in the village of Weston-under-Penyard which is located approximately 1.5 miles from the market town of Ross on Wye. The village is bisected by the A40 which joins Ross with Gloucester. The village has a range of amenities including a primary school, village pub, village hall, church and playing fields. There is a regular bus service linking the village to both Gloucester, Ross on Wye and further afield to Hereford.
- 1.2 The application site covers an area of approximately 2.09 hectares and is located in the north east part of the village. It is rectangular in shape and has been previously used for grazing. The front of the site which has a road frontage has an intermittent native hedgerow. The eastern boundary is characterised by a native hedgerow whilst the western boundary has a series of trees that are not within the application site and are protected by a Tree Preservation Order. The northern boundary has relatively little vegetation and further beyond that is the route of a former railway line (which is dismantled). The land slopes gradually from the road to the north. Currently there is an agricultural access in the centre of the boundary located along the road frontage.
- 1.3 To the west is the residential site known Hunsdon Manor Gardens. The development known as Ariconium is situated on the opposite side (southern side of the A40) and there is a continuous footway along this side into the village. The development known as Ariconium which has been built out was allocated within the current NDP for 18 dwellings but planning permission was granted for 35 homes.



**Figure 1: Site Location Plan**

- 1.4 Within the application site is a small pond which is predominantly dry during the year. Situated within the site's south east corner is a mature oak tree which is protected by a Tree Preservation Order. Access to the site is gained directly off the A40 via an existing farm gate access situated towards the site's south eastern corner.
- 1.5 The application site is also within close proximity to the strategic highway network with the settlement being approximately 3.0 miles to the M50. This provides links for the existing and future residents to access services and employment opportunities across the wider West Midlands and north Gloucestershire regions.

## **2.0 PROPOSAL**

- 2.1 The application seeks planning permission for the erection of 44 units including 41% (18no.) of affordable housing provision with 59% (26no.) open market dwellings: The development proposals provide a nett area of 1.66 ha of residential development, allowing space for a range of dwelling types suitable for people of different ages and lifestyles, including:

### Market units

- 16 x 3 bedroom houses
- 8 x 4 bedroom houses
- 2 x 5 bedroom houses

### Affordable units

- 11 x 2 bedroom houses
- 7 x 3 bedroom houses

- 2.2 As can be seen below on the proposed layout below (figure 2) a significant amount of the site has been left undeveloped and this is due a high level of archaeological interest as well as enabling the provision of open space around the existing pond on site.



**Figure 2: Proposed Layout Plan**

- 2.3 The application site has no national or local designations in terms of either ecology or landscape and does not fall within a flood plain. There are no listed buildings on or adjoining the site, the closest being the Church of St Lawrence which is approximately 340 metres away. The site is not located within a conservation area, however the application site has been the subject of an archaeological field evaluation. This evaluation revealed extensive archaeological remains of high significance in one part of the site, and other remains of interest elsewhere on the site. That part of the site containing extensive archaeological remains of high significance would stay undeveloped and safeguarded, achieving preservation in situ. The proposal also retains the existing tree that is subject to a Tree Preservation Order (TPO) that is located within the southeast corner. An area to the south of the site has been set aside for the incorporation of a SUDS pond and the public open space (POS) is located in the northern half of the site.
- 2.4 The site is identified within the made Weston under Penyard Neighbourhood Plan (NDP) as a housing allocation (WNP 08) for approximately 37 homes and this is listed under NDP Policy HS2.

***Policy HS2 states: Site Reference WNP08***

- *Area to be developed 4.09 ha*
- *Approximate number of dwellings 37*
- *Affordable homes 40%*

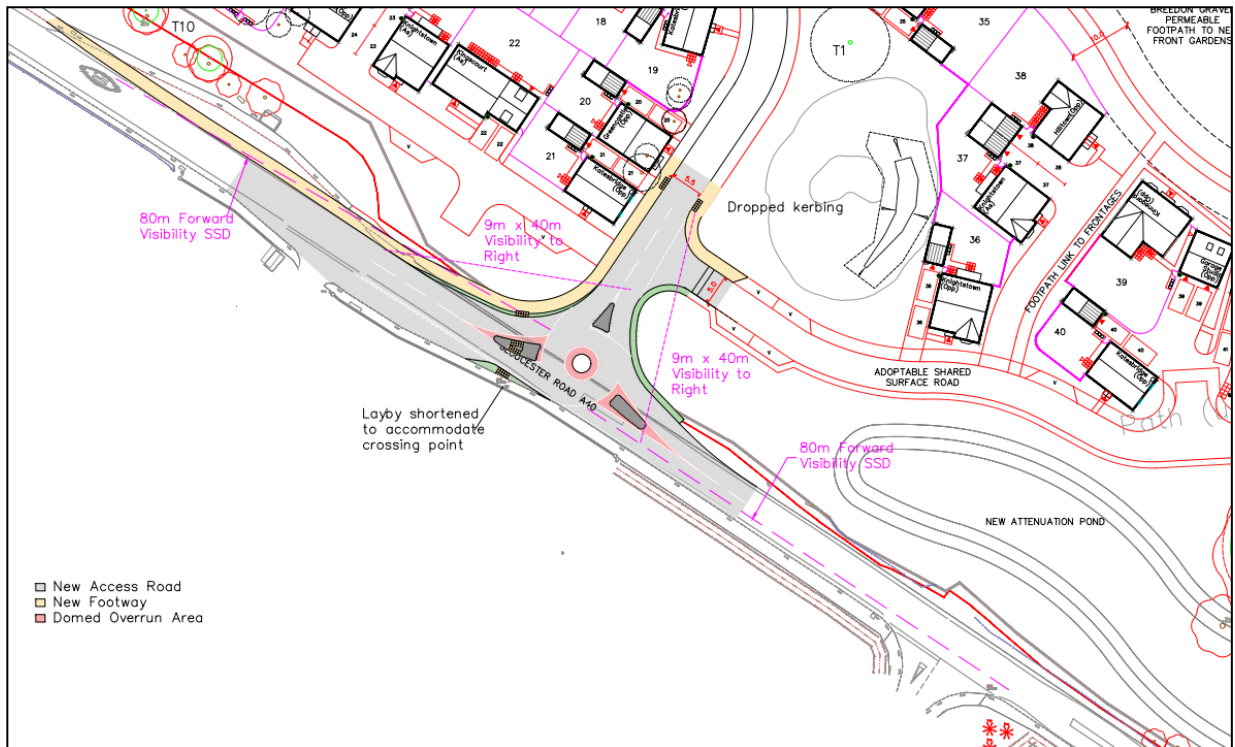
*WNP08 is allocated for approximately 37 dwellings within the Settlement Boundary defined in Policy H2 subject to the proposed development conforming to all policies contained in the Weston under Penyard Neighbourhood Plan, the HC Core Strategy and the following site specific requirements:*

- a) The opportunity must be taken in the housing design and the site design to significantly enhance the setting of the entrance to Weston village. This must be complemented by and increasing the number of trees on site;*
- b) Housing design should comply with the policies of this Plan but should, where possible, be complementary with the design of the nearby development on site WNP33;*
- c) Provision should be made for pedestrian and cycle access at the NE side of the site to allow for the potential development of a combined footway/cycleway on the route of the disused railway;*
- d) The existing pond should be retained as an amenity feature within the new development. Adequate play areas and public green space to a stated recognised standard of provision should be provided as a feature at the centre of the site around the existing pond;*
- e) Every possible opportunity should be taken to enhance the safety of all users of the A40 road and footways to the satisfaction of Herefordshire Council and the Parish Council. Particular regard should be paid to vehicular access, traffic calming facilities and pedestrian and cycling crossing improvements. These improvements should be designed and constructed in a manner that is complementary with the nearby development on site WNP33;*
- f) Any proposal for development of this site will require a full archaeological investigation. In the event of significant and extensive remains being found they should be preserved insitu in accordance with paragraph 135 of the NPPF and the land surrounding the remains will be considered at a future review stage of the Plan for designation as Local Green Space in accordance with Policy SE3;*
- g) The horse trough on the A40, referred to in Appendix A, (D) 5, should be protected and the site enhanced if possible;*
- h) Developers should ensure that the phasing of construction works should minimise the effect on the amenity or visual intrusion of residents of properties located nearby and those new residents nearby within their development. In this regard any planning application should be supported by evidence of current demand for the type and number of houses proposed and accompanied by a working method statement showing how development should be brought forward in phases to minimise any adverse effects; and*
- i) Any application for development of this site must demonstrate that flood risk to the site or downstream of the site arising from watercourses and ponds on the site is not increased by the development. All flood risk tests and assessments required by the local planning authority must be completed prior to planning approval and any associated flood mitigation works will be completed in accordance with the requirements of the local planning authority.*

*This policy is considered to be the most significant in terms of the development of this site and the resulting planning application has been designed to ensure that it meets the requirements of this policy.*

- 2.5 The proposed layout shows a single access point onto Gloucester Road and the scheme proposes a site access mini-roundabout as requested by the Local Highway Authority during the application process. See Figure 3 below:





**Figure 3: Proposed Site Access**

2.6 The application has been supported by the following:

- Covering letter
- Planning Portal application forms and certificates.
- Design and Access Statement
- Landscape details
- Transport Statement (updated)
- Flood Risk Assessment and Drainage Strategy updated
  - Sequential and Exception Test
  - Flood Model Addendum
- Heritage Impact Assessment and amended Heritage Statement
- Post Archaeological Report
- Landscape Management Plan
- Ecology Report and ecological impact assessment
- Arboricultural Impact Assessment and Method Statement (updated)
- Acoustic Report
- Site Location Plan
- Planning layout drawing
  - Full suite of plans providing details of each house including floorplans and elevations.

### 3.0 Policies

#### 3.1 Herefordshire Local Plan – Core Strategy (CS):

- SS1 - Presumption in favour of sustainable development
- SS2 - Delivering new homes
- SS3 - Releasing land for residential development
- SS4 - Movement and transportation
- SS6 - Environmental quality and local distinctiveness
- SS7 - Addressing climate change
- RA1 - Rural housing distribution
- RA2 - Housing in settlements outside Hereford and the market towns

---

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

H1 - Affordable housing – thresholds and targets  
 H3 - Ensuring an appropriate range and mix of housing  
 SC1 - Social and community facilities  
 OS1 - Requirement for open space, sport and recreation facilities  
 OS2 - Meeting open space, sport and recreation facilities  
 MT1 - Traffic management, highway safety and promoting active travel  
 LD1 - Landscape and townscape  
 LD2 - Biodiversity and geodiversity  
 LD3 - Green infrastructure  
 LD4 - Historic environment and heritage assets  
 SD1 - Sustainable design and energy efficiency  
 SD2 - Renewable and low carbon energy  
 SD3 - Sustainable water management and water resources  
 SD4 - Waste water treatment and river water quality

The Herefordshire Local Plan Core Strategy policies can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/local-plan-1/local-plan-core-strategy>

### 3.2 **Minerals and Waste Local Plan (MWLP) 2024:**

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

<https://www.herefordshire.gov.uk/local-plan-1/minerals-waste-local-plan>

The following policies are considered relevant to the application proposal:

- SP1 - Resource Management
- M1 - Minerals Strategy

### 3.3 **Weston Under Penyard Neighbourhood Plan 2011-2031 (NDP) Made on 20<sup>th</sup> May 2016**

- Policy WNP08: Selected sites for housing
- Policy H1: Number of new homes
- Policy H2: Location of new development
- Policy H4: Type of Housing
- Policy H3: Housing Mix and tenancy
- Policy H5: Provision of affordable housing
- Policy H7: Affordable homes for local people
- Policy D1: design appearance
- Policy D2: Technical design
- Policy SE6: Sustainable water Management
- Policy SD1: community facilities
- Policy SE3: Sustaining Open Spaces
- Policy ID1: Infrastructure Delivery
- Policy SE1: Sustaining the Parish Environment and Landscape
- Policy SE2: Sustaining Local Heritage and Character

[https://www.herefordshire.gov.uk/directory-record/3118/weston\\_under\\_penyard\\_neighbourhood\\_development\\_plan\\_made\\_20\\_may\\_2016](https://www.herefordshire.gov.uk/directory-record/3118/weston_under_penyard_neighbourhood_development_plan_made_20_may_2016)

### 3.4 National Planning Policy Framework (NPPF)

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 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

The National Planning Policy Framework (NPPF) is a significant material consideration. The latest version was updated in December 2024. The (NPPF) sets out government's planning policies for England and how these are expected to be applied. The NPPF can be viewed in full via the link below:-

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

- 3.5 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 CS – which are considered to be those relating to meeting housing needs, guiding rural housing provision, highways safety and safeguarding features of environmental value (amongst others) – have been reviewed and are considered to be consistent with the NPPF. As such, it is considered that they can still be attributed significant weight.

## 4. Planning History

- 4.1 The application site was subject to an outline planning application submitted in December 2014 under reference P143842/O for 37 Dwellings with All Matters except 'Access' reserved for future consideration. Outline consent was granted on the 14 December 2015.

## 5 CONSULTATIONS

### 5.1 External Consultations

### 5.2 **Welsh Water: Comments: November 2024: No objection**

I refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development. Dwr Cymru Welsh Water have no further comment and refer you to our previous response dated 22/06/2023 reference PLA0073170. No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site

## **Welsh Water comments: August 2024 No objection**

Dwr Cymru Welsh Water have no further comment and refer you to our previous response dated 22/06/2023 reference PLA0073170

## **Welsh Water comments: June 2023 No objection**

### **ASSET PROTECTION**

The proposed development site is crossed by a 150mm public rising main. Please see copy of indicative public sewer record attached. No operational development is to take place within 3 metres either side of the centreline of the sewer. We request that prior to commencing any operational development the location of this asset is determined. If operational development is likely to take place within 3 metres either side of this sewer, please stop works and contact us. The applicant may be able to divert this asset under Section 185 of the Water Industry Act 1991.

We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site.

Turning to surface water, it is proposed that the surface water from the development site to be discharged into an existing drainage ditch, Dwr Cymru Welsh Water have no objection to this however 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.

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

### **Condition**

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

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

### **Advisory Notes**

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition.

Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com). The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011.

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 to establish the location and status of the apparatus.



Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

In accordance with National Planning Policy Framework (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

### **SEWAGE TREATMENT**

We advise that Lower Cleeve WwTW has a phosphate permit. This matter will need to be considered further by the local planning authority, notwithstanding this no problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site

### **POTABLE WATER SUPPLY**

Capacity is currently available in the water supply system to accommodate the development. We reserve the right however to reassess our position as part of the formal application for the provision of new water mains under Section 41 and Section 51 of the Water Industry Act (1991) to ensure there is sufficient capacity available to serve the development without causing detriment to existing customers' supply as demands upon our water systems change continually. 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

## **5.3 Natural England: Comments: June 2023: No objection**

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

#### **NO OBJECTION**

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection. Natural England's advice on other natural environment issues is set out below:

#### **Internationally and nationally designated sites**

The application site is within the catchment of the River Lugg which is part of the River Wye Special Area of Conservation (SAC) which is a European designated site, and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended), the 'Habitats Regulations'. The SAC is notified at a national level as the River Lugg Site of Scientific Interest (SSSI) Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

#### **European site - River Wye SAC - No objection**

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process. Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially

occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

#### **European site – Wye Valley and Forest of Dean SAC - No objection**

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

#### **River Lugg SSSI – No objection**

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

#### **Wigpool and Ironstone Mine SSSI- No objection**

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

#### **Full comments can be seen via the link below:**

<https://myaccount.herefordshire.gov.uk/documents?id=7ad094bd-0d52-11ee-906e-005056ab11cd>

#### **5.4 Historic England comments: November 2024: No Objection:**

Thank you for your letter of 24 October 2024 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

#### **Historic England comments: No Objection: August 2024**

Thank you for your letter of 6 August 2024 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

#### **Historic England Advice**

The further information pertinent to our previous comments is the archaeological evaluation report and amended heritage statement. These address our previous concerns and meet the requirements of NPPF. We have no further concerns.

Please seek the views of your Archaeological Advisor.

#### **Recommendation**

Historic England has no objection to the application on heritage grounds.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

**Previous comments June 2023 can be viewed on line:**

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=231202&search-term=231202](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=231202&search-term=231202)

## **5.5 Herefordshire and Worcestershire NHS: June 2023: Qualified comment**

### Introduction

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

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

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

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

### Review of Planning Application

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

### Assessment of Development Impact on Existing Healthcare Provision

The development could generate approximately 96 residents and subsequently increase demand upon existing services.

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

### Healthcare Needs Arising From the Proposed Development

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

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

This housing development falls within the boundary of a practice which is a member of the South & West Herefordshire Primary Care Network (PCN) and, as such, a number of services for these

patients may be provided elsewhere within the PCN. The ICB would therefore wish to secure the funding for the South & West Herefordshire PCN for the patients within this vicinity.

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

Primary Care Network	Additional Population Growth (40 dwellings) <sup>1</sup>	Floorspace required to meet growth (m <sup>2</sup> ) <sup>2</sup>	Capital required to create additional floor space (£) <sup>3</sup>
South & West Herefordshire PCN	96	6	24,000

**Notes:**

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

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

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

## Conclusions

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

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

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

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

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

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

## 5.6 Internal Council Consultations

## 5.7 **Team Leader Area Engineer (Highways): March 2025**

The Local highways authority has no objections to the proposed development with the following conditions attached should planning permission be granted.

#### CAE- Vehicular access construction

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

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

#### CAP- Highways Improvement/off site works

Development shall not begin in relation to any of the specified highways works until details of the [works] have been submitted to and approved by the local planning authority in writing following the completion of the technical approval process by the local highway authority. The development shall not be occupied until the scheme has been constructed in accordance with the approved details as submitted in drawing 24470-02-7

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

#### CAQ- On site roads - Submission of Details

Development shall not begin in relation to the provision of road and drainage infrastructure until the following details are submitted to and approved in writing to the local planning authority:

- Surface finishes
- Drainage details
- Future maintenance arrangements

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

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

#### CAT- Construction Management Plan

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

- A method for ensuring mud is not deposited onto the Public Highway
- Construction traffic access location
- Parking for site operatives
- Construction Traffic Management Plan

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

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

#### CAJ- Parking - Estates

Prior to the first occupation of [any or the] dwelling to which this permission relates an area for car parking shall be laid out within the curtilage of that property, in accordance with the approved



plans (P103) which shall be properly consolidated, surfaced and drained, in accordance with details to be submitted to and approved in writing by the local planning authority and those areas shall not thereafter be used for any other purpose than the parking of vehicles.

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

#### CB2- Secure covered cycle parking provision

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

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

#### **Area Leader Area Engineer (Highways): November 2024**

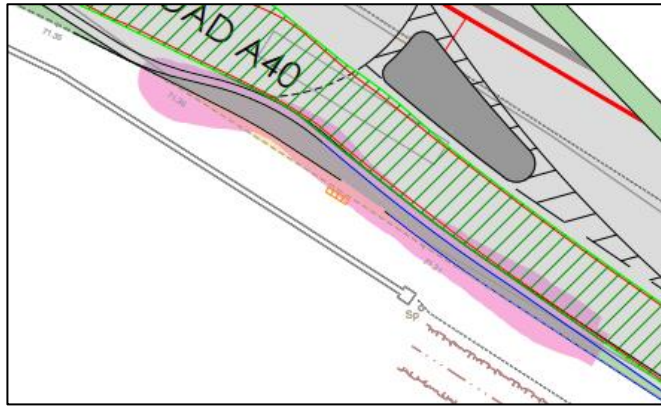
##### Comments:

Following the submitted documents and the Stage 1 Road safety Audit that has been carried out on the proposed mini-roundabout, the local Highways authority has considered the details following meetings with the Highways adoptions manager and the highways accident investigation and safety manager and offers the following comments and recommendations for the proposed scheme.

The RSA 1 identified an issue regarding the possible safety of cyclist using the roundabout and the solution proposed was to reduce the width of the lanes to 3.2m via white hatched lines. After consideration of the proposal, the LHA recommends the removal of the white hatched lines as this may lead approaching drivers from the rear to think they have sufficient space to pass.

The recommendation is for a raised (70mm domed area) as indicated in the images below. This will allow cyclist to take a more central safe position but also allow for larger vehicles to manoeuvre through the roundabout.

It is also requested that the slight deflection in the road to the South side of the roundabout (highlighted in pink below) is removed and the road deflection be located to the north side of the carriage way via the raised highway by the central refuge area.



In principle as previously advised there is no objection to the proposed development but the LHA would request that the above recommendations are implemented into the design of the scheme and submitted for the consideration of the LHA.

**Previous comments June 2023 can be viewed on line:**

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=231202&search-term=231202](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=231202&search-term=231202)

#### 5.8 **Environmental Health Service Manager (Noise / Nuisance): No Objection January 2025**

No additional comments but request the suggested conditions made in my previous comments are attached to any permission granted:

Prior to the commencement of the development a detailed Construction Method Statement (CMS) shall be supplied and approved to minimise noise and nuisance to neighbours: The CMS shall contain the following:

Hours of operation:

The methods and materials to be used to ensure that the generation of noise is minimised;

Choice of plant and equipment to be used;

The use of prefabricated materials wherever possible;

Regarding optimum site layout, noise generating activities to be located away from sensitive receptors; and

Good housekeeping and management, to include.

a) Review of plant and activities to ensure noise minimisation measures are in place and operating;

b) Public relations, e.g. provision of telephone numbers for complaints, pre-warning of noisy activities

including activities that might generate perceptible vibration, sensitive working hours;

c) Controlling of site traffic and setting up of access routes away from sensitive receptors; and

d) Provision of noise monitoring during activities likely to affect sensitive receptors.

The development shall be carried with full implementation of all noise and overheating mitigation recommendations outlined in the acoustic assessment reference 26942-ENV-0401, carried out by MEC, dated March 2023.

Reasons: In order to protect the amenity of occupiers of nearby properties so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

**Previous comments June 2023 can be viewed on line:**

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=231202&search-term=231202](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=231202&search-term=231202)

**5.9 Principal Natural Environment Officer (Landscape): November 2024: No objection**

I have just noticed on the Boundary Treatment plan (dwg no. P104 rev F), that the main SuDS Pond at the south of the site has a ranch style fence around it. This will be slightly visually intrusive in this otherwise soft and natural frontage area. Ideally the slopes of the pond are designed to be a gradual gradient so that the fence isn't required for any health and safety reasons – for example the large ponds at the residential development of St Mary's on the edge of Ross-on-Wye do not have fencing around. Alternatively a lower trip rail could be provided only on sections where safety is a concern.

This comment is for consideration only and does not constitute an objection in relation to the landscape scheme.

**Principal Natural Environment Officer (Landscape): August 2024: No objection**

**Overall layout**

I am supportive of the revised layout. It provides space to the retained and protected trees. It sits comfortably within the site and its archaeological constraints, as well as in the wider landscape and the relationship with the village. It is a shame to see plots 17-22 are still slightly squashed into the edge of the site, an alternative draft had made them into a central street. Overall, however, the layout is in accordance with Core Strategy Policy LD1.

**Trees**

The updated arboricultural impact assessment and method statement are both welcome. There will be some development impact on the east boundary to trees T10, 11, 12 and 13, however this is addressed in para 2.7 of the method statement to ensure that damage to roots is minimised.

### Details

There are a number of inconsistencies and details that could be addressed:

1. The hard and soft landscape sheets 3 & 4 show existing vegetation (G1 & G2) to be retained along the A40 boundary, however both tree reports show them to be removed.
2. Also along the A40 boundary with the balancing pond POS, I would expect to see a new native hedgerow for definitive feature that is easily maintained and creates a positive street scene (with the native scrub and pond edge seeding beyond).
3. The hard and soft landscape sheets and site layout show indicative benches around T1 feature oak, but the details are not specified and the seats would be hard to get to and slightly hidden, without an access path and behind a new native boundary hedge along the access road.
4. The site plan shows trees within the POS around the northern edge of the balancing pond, however these are not shown on the planting plan as it is not likely that they would establish well on the new slopes.
5. The planting plans, however, could include new tree planting to shade the 2no visitor parking spaces.
6. The planting plans could add several young oak trees to the eastern boundary of the POS, east of T1, to provide succession and continuity of these characteristic and important feature trees.
7. Around the southern edge of the archaeological green space, the 10m buffer zone is shown with trees in on the site layout plan, however the planting plans show it to be planted with scrub on the western half and native hedgerow on the eastern half. This is also not reflected in the street scene drawings B and C, which illustrate the layout plan proposals rather than the planting plan details.
8. Hard surfaces – the private footpath paving is specified as pendle utility garden slabs, which is suitable, however the colour is specified as rather generic and slightly Cotswold shade of buff. More suitable to this site would be natural or charcoal (dark or light grey).
9. Hard surfaces – I cannot find the spec for paving to private parking courtyards.

### Conditions

If the application is to be approved, then in addition to addressing the above details, a condition should be added for a landscape and ecological management plan to be provided (wording to reflect ecologist requirements). This is to ensure the successful establishment of the approved scheme and in order to conform with policies SS6, LD1, LD2 and LD3 of the core strategy.

**Previous comments June 2023 and October 2024 can be viewed on line:**

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=231202&search-term=231202](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=231202&search-term=231202)

#### 5.10 Principal Natural Environment officer (Ecology): November 2024: No objection

The site is within the River Wye SAC catchment and this proposed development triggers the legal requirement for a Habitat Regulations Assessment process to be carried out by the LPA, the final HRA 'appropriate assessment' completed by the LPA must be formally approved by Natural England PRIOR to any future planning consent being granted.

In addition at this location the HRA process must also consider effects on the Wye Valley & Forest of Dean Bat SAC and the Wye Valley Woodlands SAC (bat species).

Sufficient and detailed information will be required to be submitted with any future outline or full applications to allow the authority to assess the proposal through its Duty of Care under NERC

Act and Habitat Regulations. Natural England will also need to be a statutory consultee and will require sufficient information, like ourselves, to formally undertake a Screening Assessment for 'Likely Significant Effects' and then subsequently undertake a relevant Appropriate Assessment to determine and recommend relevant and appropriate Conditions to secure that the development(s) will have NO 'likely significant adverse effects' on the relevant SAC.

This HRA process needs to be completed based on all current requirements and considerations and on information supplied in support of this specific application and that is sufficiently detailed to allow any relevant conditions to be secured.

The HRA process must be completed with legal and scientific certainty and using a precautionary approach.

The previous 2014 application was not subject to a full HRA process (as was appropriate at that time) but subsequent changes now require the HRA process to be completed prior to any grant of planning permission.

### **Notes in respect of HRA**

The proposal is for 44 new residential dwellings with new foul and surface water flows created and additional lighting introduced into the landscape.

#### River Wye SAC (SSSI)

The proposed development lies within the mains sewer system catchment managed through Welsh Water's Lower Cleeve Waste Water Treatment Works that discharges outfall into the River Wye catchment.

It has been advised that this mains sewer system has sufficient capacity to manage the additional foul water flows created by the proposed development.

The additional nutrient loading created by this development through the WWTW can be accommodated within the phosphate allowance agreed with Natural England through the current Core Strategy housing allocations.

All surface water can be managed through an on-site Sustainable Drainage Scheme and no discharge of surface water to local mains sewer is proposed.

The agreed foul and surface water management methodology can be secured by condition on any planning permission granted,

#### Wye Valley & Forest of Dean Bat SAC and Wye Valley Woodlands SAC (Bat species)

The site is located approx. 4km from the WVFoD Bat SAC and approx. 9km from features of the WWTW SAC. At these distances the area available to bats related to the SAC sites for foraging and commuting is significant and the loss of this area of agricultural land to development would have a de minimis effect.

There are known local populations of Horseshoe bat species (species subject to SAC consideration) that may contribute to the SAC bat populations in addition to being considered on a local basis alongside the other bat species recorded in the locality. All bat species, but in particular species such as the Horseshoes are considered to be light sensitive. Minimising any effects due to increased illumination levels created by the development is a key consideration in respect of bat species.

External lighting associated with the proposed residential dwellings can be controlled and effects minimised through an appropriate condition on any planning permission given.

No details have been supplied on any 'public' or street lighting that may be introduced. If any such lighting is essential then it must be designed with Bats and nocturnal wildlife in mind. Luminaires



should be 'warm' (<3000 Kelvin) LED units with directional shielding to ensure all illumination is directed down to the ground; like other existing council street lighting a three stage dimming across the night period is requested to further minimise illumination levels and provide 'darker periods' each night.

With lighting controlled and the proposed habitat-landscape enhancements in place there are no identified effects on Bats or Bats as related to the SAC sites.

### Suggested Conditions

#### **Habitat Regulations - Nature Conservation (River Wye SAC) – Foul Water-Surface Water**

Unless otherwise agreed in writing by the Local Planning Authority all foul water flows created by the approved development shall be managed through connection to the Welsh Water mains sewer network managed by the Lower Cleeve Waste Water Treatment Works; and all surface water shall be managed through onsite Sustainable Drainage Systems.

*Reason: In order to ensure Nutrient Neutrality and comply with 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'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2, SD3 and SD4.*

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

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

*Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3; ; and the council's declared Climate Change and Ecological Emergency*

As relevant a condition to manage any proposed street lighting is also requested at the discretion of the planning case officer.

The completed HRA Appropriate Assessment should be subject to a completed formal consultation with Natural England prior to any final grant of planning permission.

As a general precaution a Construction Environmental Management Plan will be requested as a pre-commencement condition through general ecology comments and wildlife protection considerations.

#### **Other ecology comments**

The ecology report by Brindle & Green dated April 2023 has only been supplied in "DRAFT" form and so final comments cannot be completed until a final complete version is supplied for consideration. Unless there are any significant changes between the supplied Draft Eco Rep[ort] and the final full report submitted the following comments will remain relevant.

The ecology report does not identify any likely effects on protected species from the proposed development, although a detailed precautionary approach is relevant and appropriate and the

applicant and their contractors have their own legal duty of care towards wildlife protection that applies over and above any planning related controls or requirements.

With the size and scale of proposed developments it would be reasonable to request that a fully comprehensive Construction Environmental Management Plan (CEMP) to ensure all ecological and environmental effects from site preparation and construction processes are fully considered should be secured as a pre-commencement condition. Although not a requirement of the condition the applicant is recommended to keep the CEMP under constant review to allow for changing conditions and opportunistic and mobile wildlife on the site.

### **Ecological Protection and Construction Environmental Management Plan**

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

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

*Supporting information:* The CEMP does not preclude the requirement for the applicant and their contractors to comply with all statutory ecological protection legislation that lies above any planning permission process. The CEMP should include consideration for all potential environmental effects and a helpful guide to all relevant considerations for a CEMP can be found at

[https://www.designingbuildings.co.uk/wiki/Construction\\_environmental\\_management\\_plan](https://www.designingbuildings.co.uk/wiki/Construction_environmental_management_plan)

Lighting is already subject to comment and controls through the HRA process.

Biodiversity Net Gain (species enhancements). A detailed plan and specification for provision of habitat boxes, hibernacula and hedgehog highways is requested as a condition on any planning permission granted. The provision of enhanced habitats secured off-site are suggested to achieve 'no nett loss' and demonstrate a meaningful Biodiversity Net Gain.

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

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

Reason: To ensure that biodiversity net gain is secured and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies SS1, SS6 LD1, LD2 and LD3; and the council's declared Climate Change and Ecological Emergency

The supplied Landscaping Plan is noted. The following comments-suggestions are made:

- The Sustainable Drainage System should be designed with “wildlife in mind” – this does appear to be the case but should not be lost in any technical amendments to design.
- Beech is not a typical hedgerow species in the county and the similar, but locally characteristic and more versatile hedgerow species – Hornbeam should be considered as more locally appropriate.
- Thorney and Spikey species should not be used adjacent to or alongside any public footpath, footway, highway or publically accessible open space.
- Blackthorn should be avoided in all locations due to its suckering-invasive nature and potentially more hazardous thorns.
- Elder should not be used as part of hedgerow composition as it out competes and stunts growth of other woody species – Guelder Rose is a suggested wildlife friendly alternative.

#### 5.11 Archaeology Advisor comments: No Objection: October 2024

- No further comments August 2024

#### Archaeology Advisor comments: No Objection: June 2023:

A good scheme that conserves and enhances the evident archaeological interest.

But nb:

- If permitted, the development must be undertaken exactly as indicated or implied within the current application.
- *Some* of the conditions attached to previous permission 143642 [c.f.] are still relevant, and will need to be re-applied. These conditions are Condition 10 11 and 13 of that permission – in essence relating to the so called ‘protected area’.

The current application relates to a site that has a long history of planning and heritage discussions and where formerly there might have been significant archaeological issues. The discovery of a high- status Roman farmstead (i.e. a ‘Villa’) in the north eastern sector during early field evaluation led quickly to the decision – supported at the time by all relevant stakeholders, that full preservation in situ of these remains was necessary within a defined protected area. Accordingly, the location of the Villa was entirely removed from the developable area of application 143642. Various other safeguarding conditions were also applied. In effect, and amongst other things, the site ‘shrank’ by about 30% as outline permission was granted (14/12/15). A good conservation result, in my view.

It should be emphasised that this protected area (reproduced now in section 2.2 of the planning design and access statement) was always conceived to have a stand-off from the principal identified remains, and indeed it does so. Also, the protected area was to work in tandem with *additional* broad locations adjacent to the south and south west, where precautionary archaeological excavations needed to occur adjacent – as a sort of ‘back stop’. These additional excavations were completed recently, with a very negative result, fortunately. In that sense, the previous ‘programme of works’ Condition 12 has already been complied with.

Fundamentally therefore, as regards below ground archaeology within those parts of the site that will actually be developed, there will be minimal impact on any remains of interest. Clearly, as is implied in the application, the Villa boundaries must have been quite abrupt on those sides of the monument we are concerned with. The Villa is likely to have extended a little further and more diffusely to the north, outside of the application site altogether, but the relationship in that direction is more about the (quite distant) SAM of *Ariconium*. Without wishing to speculate too much, it might be surmised that there could be a link with those who actually controlled Ariconium when it was in operation as a Roman Iron production centre...

I would agree with the applicants that being an entirely subterranean feature, and not (e.g.) inter-visible with Ariconium, any direct 'setting' issues as regards the Villa will be very minor in this case. One of the anticipated enhancements will be signage and interpretation relating to the buried remains, as those remains will not necessarily be appreciated otherwise. The measures to be put in place to properly secure the protected area (fencing off, importation of topsoil, anti-detectorist 'seeding' etc.) should ensure that the preserved remains are retained safely in place – certainly more than they would be if they were to stay under agriculture.

In summation, I consider that the current application, continuing as it does the extensive historic environment work and discussions previously undertaken here, is in accordance with broad local and national policy and guidance, including but not limited to LA4 of the Core Strategy, and in Section 16 of the NPPF.

**Previous comments June 2023 can be viewed on line:**

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=231202&search-term=231202](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=231202&search-term=231202)

## 5.12 Principal Building Conservation Officer: No objection November 2024

### Policy and Documents

The Planning (Listed Buildings and Conservation Areas) Act 1990

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

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

National Planning Policy Framework

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

Further to my previous comments, thank you for consulting me on the amended plans. I would refer to my previous comments of 07/07/2023, where objections were not raised to the principle of development but concern was expressed in respect of a number of details I have included my previous comments within a table for comparison.

	Comments of 05/07/2023	Comments of 26/02/2024	Comments of 28/08/2024	Comments of 11/11/2024
1	The relationship with the A40 in terms of plots 1 and 2 does appear to be discordant with the character and local distinctiveness of the area. Ideally plots 1 and 2 should be removed in their entirety..... The proposed high boarded fence as a boundary treatment to plots 1 and 2 compounds the issue	I note that the number of houses in this location has been reduced from 10 to 4, with plot 1 set back from the A40, and the frontage facing the A40. The garden boundary does not project beyond the front wall of the house which is welcomed, however the street scene P300 does not clarify if the boundary treatment is a fence or brick wall, and given the prominence adjacent to the A40 a brick wall to match the bricks of house would be preferred. However I duly note the change in siting and would consider that the previous concerns in respect of plot 1 have been met.	I note the boundary treatments identified on DWG No P104. I would raise no objection to the amended plans.	DWG No P104 Ref F noted. . I would raise no objection to the amended plans.

2	Noting the garden offices to 42 and 43, and the close boarded fence to the exterior of 42, and would suggest a brick wall would be more appropriate in this location. The pathway between units 42 and 43 is not readily understood and if only to serve as an access to the garage of 32 would consider full enclosure with a gateway more appropriate for a domestic situation.	I note the garden offices to 42 and 43 have been removed which is welcomed. The pathway between current number 42 and 43 still remains, which appears solely to enable people departing cars parked at the rear of 44 to walk to the front door or 44. Care in the materials of the boundary treatment would therefore need to be considered.	I note the boundary treatments identified on DWG No P104. I would raise no objection to the amended plans	DWG No P104 Ref F noted. . I would raise no objection to the amended plans.
3	It is not considered the cramped appearance in the eastern side of the site would enhance the setting of the entrance to Weston Village....The design of the granny annexe and garden office as illustrated on drawing P221 and P222 – does not reflect local characteristics and are particularly insensitive.	I note the omission of the granny annexe to previous plots 34 and 43 which is welcomed.	n/a	n/a
4	It is not clear how the House types Acton, Armoy, or Bushmills reflect the local character..... The absence of chimneys is noted with concern and I would draw your attention to the chimneys on the frontage of Ariconium Place	I note the Action and Armoy house types remain on plots 25/26 , but that Bushmill is retained on plots; 8.9, 29,30,31,32, 33 and 34. The street scene P300 illustrates the view of the properties, and I would consider this to be in sharp contrast to the roof-scape of the new development opposite which has significantly more interest in the roof-scape by the introduction of chimneys, which is also an indication of the more traditional houses in the locality. I would again request the introduction of chimneys in line with Policies within the Herefordshire Local Plan Core Strategy 2011 – 2031 including; Core Strategy Objectives 10 and 12, and Policies SS6, LD1 and LD4. It is noted that Core Strategy Policies seek to protect conserve and where possible enhance heritage assets and their setting, and where opportunities exist	I acknowledge chimneys have been introduced on DWG P300 Rev C, where chimneys have been introduced to plots; 1,11, 13, 15, 22, 39, 40, and 42 only.  I also note the apparent discrepancy between the street scene and P101 Rev F, which suggests chimneys on plots; 3,4,5,6, 7/8, 16, 17/18,19/20,21/22 26,32, 36/37 also. However I note that the elevation drawings; P201 Rev A Bushmills SO and FH indicates a central chimney whereas Bushmill AR P233 Rev B does not have a chimney. No amended elevation drawings appear to have been submitted for Hilltown, which has a chimney identified on DWG P300 Rev C on plots 3,5, 16, and 23  I welcome the introduction of chimneys as indicated on P101 Rev F, which appears to indicate a greater number of chimneys than on the street scene. I would request that	I note DWG P300 Rev E and have compared to DWG P300 Rev C. However there does not appear to have been any change to the chimney provision.  There still appears to be a discrepancy with the chimneys indicated on P101 Rev H and DWG P300 Rev E in terms of; Plot 16 Hilltown 17 – 22 Bushmill  The introduction of chimneys is welcomed and as such I would request that the approved plans be clarified on the decision notice, that is P201 Rev A Bushmill Brick and P207 rev C are the approved housetypes and not DWG P300 Rev E which is indicative of the street scene only.



		<p>to contribute towards the character and local distinctiveness of the townscape, and</p> <ul style="list-style-type: none"> <li>• policy HS2 of the Weston Under Penyard Neighbourhood Development Plan, which requires the development of this site to;</li> </ul> <p>a) The opportunity must be taken in the housing design and the site design to significantly enhance the setting of the entrance to Weston village. This must be complemented by appropriate green spaces and by retaining and reinforcing hedgerows and increasing the number of trees on site;</p> <ul style="list-style-type: none"> <li>• Policy D1 of the Weston Under Penyard Neighbourhood Development Plan which requires proposals to ; “offer a design that seeks to reflect local distinctiveness and the aesthetic qualities of traditional rural settlements and buildings found in South Herefordshire. Development proposals should contain design measures which, in addition to regulatory requirements, will:</li> </ul> <p>a) Be sympathetic to the existing traditional character of the parish, utilising a mixture of materials and architectural styles and incorporate locally distinctive features, for example, the use of local stone;</p> <p>It is not clear how the character of the immediate area has influenced the design of all the house types and concern is maintained in respect of the Acton, Armoy, and Bushmills house type and the lack of chimneys within the site, which do not reflect the traditional</p>	<p>this be clarified to avoid any doubt as to the approved plans.</p>	
--	--	---	---	--

		housing stock in the area or the recent developments.		

I note with thanks the amended plans, and would consider that the introduction of the chimneys as indicated would address the previous concerns in respect of the roofscape. However there appears to be some discrepancy between the plans as the scheme has evolved, and hopefully this will be clarified.

I would raise no objection to the amended plans as identified above and would request the standard conditions in respect of materials, landscaping.

**Previous comments June 2023 can be viewed on line:**

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=231202&search-term=231202](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=231202&search-term=231202)

**5.13 Environmental Health Service Manager (Contaminated Land) comments as follows: No objection November 2024**

**Comments:**

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

We've nothing to add to our previous comments recommending and appropriate condition be appended to any approval. Copied below for ease of reference.

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

a) a Preliminary Risk Assessment report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice

b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors

c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

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

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

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

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

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

Technical notes about the condition

1. Assessment is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework 2019.

2. All investigations of potentially contaminated sites are required to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.

3. Where ground gas or vapour protection measures are required, they shall be validated in accordance with current best practice guidance.

#### 5.14 **Open Space Planning Officer Comments: November 2024**

I have no further comments to make.

#### **Open space Officer Comments: July 2023**

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

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

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

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

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

**Open Space Evidence Bases:** As part of the Core Strategy Review the following evidence bases have been updated and reviewed.

- Herefordshire Open Space Assessment, Strategy and Action Plan 2023 (to note although complete it is not as yet published on the planning website).

**Open Space Policy Requirements:** In accordance with CS policies OS1 and OS2 requirements for open space, sport and recreation facilities will be sought from all new residential development on a site by site basis in accordance with all applicable set standards and evidence bases.

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

In this instance there is no requirement for off-site sports provision in Weston Under Penyard. For a development of this size and location on-site POS and Children's equipped play would be required.

For 44 houses at an occupancy of 2.3 (total population 101.2) the following is required:

- The developer provides a minimum of 0.12ha (1200sq m) of on-site green infrastructure comprising;
- 0.04 ha (400sq m) of Public Open Space (@ 0.4ha per 1000 population)
- 0.08ha (800sq m) of Children's Play (@ 0.8ha per 1000 population) of which 0.025ha (250sq m) should be formal children's play. (@ 0.25ha per 1000 population).

Site Layout Plan no. P101 Rev shows areas of POS on site as follows:

- Retention of the existing small pond in the centre of the site;
    - o The proposal is to save it and as much of the surrounding vegetation as possible and make it an attractive feature of the site. The design shows a number of homes fronting onto this space and the plan is to enhance its biodiversity with appropriate planting to reinforce what is already there. The pond will also play a part in the SUDS of the site.
  - The provision of a new attenuation pond.
    - o Like the outline scheme the proposal is for a large attenuation pond to be provided within the southern green space running alongside Gloucester Road.
  - Area to north east corner to be kept free of development due to archaeological significance
- Quantum: Including all of these areas, as per my pre-application comments the quantum of on-site POS for informal recreation and play looks to be in excess of the policy requirements.

It is noted that no formal children's play is to be provided on-site. The Weston Under Penyard NDP Policy HS2 states that play provision and POS should be located centrally around the existing pond, at pre-application there was an indication that this could be provided in the archaeological area of POS.

However, the applicant has confirmed in the Planning Statement that this may not only be an issue due to the sensitivity of the site, but an off-site contribution is supported by the Parish Council towards improvements at the existing facilities south of the A40.

This is supported and a contribution is requested in lieu of on-site provision and in accordance with CS policies OS1 and OS2 towards the existing play area in the village at the village hall recreation ground.

There has been recent investment into provision at this location and the Parish Council is keen to provide additional complimentary add-ons to the play provision if funding is to become available. In accordance with the SPD on Planning Obligations the contribution will be required from market family housing only (excluding 1 bed) as follows:

3 bed: £1,640 x 15

4 bed: £2,219 x 11

Total £49,009

Quality: The latest evidence base: Open Space Assessment, Strategy and Action Plan 2023, supports the provision of multifunctional open spaces that provide differing functions that meet the local and environmental context. The Weston-under-Penynd NDP Policy HS2 requires the land which is a former Roman Villa to be considered in the future as a Local Green Space. The applicant has acknowledged that due to the sensitivity of the area and the requirement to protect assets below ground that the area is to be managed to enhance biodiversity and could support informal play and recreation. However in support of this, opportunities to provide for both the local residents, the wider community and wildlife do not appear to have been considered in this area. It is noted that pathways are included as shown on Soft Landscape Plan drawing no. BG22.184.8.BRGR-ZZ-ZZ-DR-L-00002 Revision P03 but nothing else such as seating areas, appropriate planting etc in support of this approach. I would ask that further details are provided as part of the landscape plans.

**Retained Pond and SUDs:** The retained pond SuDs attenuation basins can be included within POS if designed accordingly to take account of health and safety and standing water issues. It is acknowledged that these areas can provide good opportunities for informal recreation and natural play along with being areas suitable for biodiversity and wildlife. The landscape aspects of SUDs and appropriate gradients for SUDs on areas of POS should be designed in accordance with the Councils SuDS Handbook which provides advice and guidance on the inclusion of SuDs on new development.

Plans submitted as part of the landscape scheme should demonstrate that appropriate gradients can be achieved where appropriate.

It is not clear from the submitted drainage strategy and plans if this is achievable and further clarification is sought as the land is proposed as POS.

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

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

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

#### 5.15 **Public Right of Way Manager (PROW) Development Officer: No objection October 2024**

There are no PROW within the site. No objection. November 2024

I have no further comments to make.

#### 5.16 **Waste Operations Team Leader Comments:**

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

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

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

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

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

Storage space will need to be provided at each property for the following containers:  
1x180 litre wheeled bin for general rubbish

---

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

Potentially Collected on an alternate 3 weekly basis

1x240 litre wheeled bin for recycling paper & card  
 1x240 litre wheeled bin for recycling tins, cans, glass and plastics  
 1x23 litre food waste caddy (collected weekly)  
 1x240 litre bin at each property with a garden. This is an optional fortnightly (seasonal) garden waste bin, however space should be provided to allow residents with gardens the ability accommodate a garden waste container or home compost bin should they choose to use it.

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

Herefordshire Council has plans to introduce both a fortnightly garden waste and a weekly food waste collection service, with the likelihood being two bins per property may need to be presented on the same day. All bin collection points should be sized to offer each property that has use of the collection point 1.16M of space to allow them to place two bins for collection. These presentation points appear to be not present for plots 22-24, 37-38, 42-44, 28-31 and 1-9. Residents should not be required to manoeuvre bins more than 30 metres from storage point to collection point. Collection operatives will not move bins further than 25 metres from collection point to the point where the RCV can safely access.

**Previous comments June 2023 can be viewed on line:**

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=231202&search-term=231202](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=231202&search-term=231202)

#### 5.17 Education comments: August 2024

Site: Land North of A40 (Gloucester Road) and East of Hunsdon Manor, Weston Under Penyard, Herefordshire, HR9 7FZ & HR9 7FQ Description: Development of 44 dwellings Application No: 231202		
Date application received:	Re-consultation 06/08/2024	
Date reply sent:	16/08/2024	
Schools affected:	Weston-under-Penyard CE Primary School  St Joseph's RC Primary School  John Kyrle High School  St Mary's RC High School	
Breakdown of Housing:	Open Market: 2+ bedroom flat / apartment 2/3 bed house / bungalow 4+ bed property  Affordable:	- 16 units 10 units  18 units
Total Contribution expected:	£291,966 based on breakdown above	

The educational facilities provided for this development site are Ross Early Years, Weston-under-Penyard Primary School, St Josephs RC Primary School, John Kyrle High School, St Marys RC High School and Ross Youth.

Weston-under-Penyard CE Primary School has a planned admission number of 10. As at the schools spring census 2024:-

. 3 year groups are over or near capacity — Y2=12, Y4=9, Y5=16

St Josephs RC Primary School has a planned admission number of 30. As at the schools spring census 2024:-

. 1 year group is over or near capacity — Y1 =32

John Kyrle High School has a planned admission number of 240. As at the schools spring census 2024:-



. 2 year groups are over capacity — Y8=241, Y9=252

St Marys RC High School has a planned admission number of 150. As at the schools spring census 2024:-

• All year groups are at or near capacity — Y7=150, Y8=150, Y9=149, Y10=149, Y11=150

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

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

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

Contribution by No of Bedrooms	Pre-School	Primary	Secondary	Post 16	Youth	SEN	Total
2/3 bedroom house or bungalow	£484	£3,431	£3,005	£135	£948	£558	£8,561
4+ bedroom house or bungalow	£716	£5,620	£6,173	£135	£1,868	£987	£15,499

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

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

#### 5.18 **Environmental Health Service Manager (Air quality comments): No objection Sept 2024**

No adverse comments in respect of Air quality.

Should planning permission be granted I would recommend that:

##### **Electric Vehicle Charging Points**

Appropriate cabling and an outside electrical socket must be supplied for each property to enable ease of installation of an electric vehicle charging point (houses with dedicated parking). The wiring must comply with relevant standards and the socket must be provided with a locking weatherproof cover if located externally to the building. The cable and switches should be installed such as they can be adapted to an EV charge point that complies with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 in the future.

For developments with unallocated parking i.e. flats/apartments 1 EV charging point per 10 spaces (as a minimum) should be provided by the developer to be operational at commencement of development.

#### 5.19 **Principal Natural Environment officer (Trees): January 2025 No objection**

No further comments and no objection. The tree Protection Scheme as detailed in supplied tree report should be secured by standard condition on any permission granted.

**Previous comments June 2023 can be viewed on line:**

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=231202&search-term=231202](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=231202&search-term=231202)

## **5.20 Strategic Housing Manager comments: January 2025: No objection**

Lagan Homes have provided evidence that none of the main Registered Providers for this location are willing to take on the site, and with that in mind, we will have to consider Affordable Home Ownership.

As you know, Low Cost Market is our preferred tenure as it gives a truly affordable, based on local wages and the open market valuation of similar properties, opportunity for local residents to purchase a property. However, I am aware that one Registered Provider said they may be interested but provided a very low offer which would make the site unviable. With that in mind, I am aware that the high percentage discounts associated with Low Cost Market would work out, on balance, less money for Lagan Homes and cannot be accepted by them.

Therefore, I am prepared to accept their offer of Discounted Market of 30% for all of the Affordable Homes, which equate to 40% of the whole site.

As discussed in the meeting that we had with Lagan Homes, there is no longer a requirement to provide the tenure of First Homes. Therefore, the plots that were designated for these (3 x 2bed and 2 x 3 bed) can be sold as Discounted Market at 30% below Open Market value.

The bungalow must be built to M4(2)

**Previous comments June 2023 can be viewed on line:**

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=231202&search-term=231202](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=231202&search-term=231202)

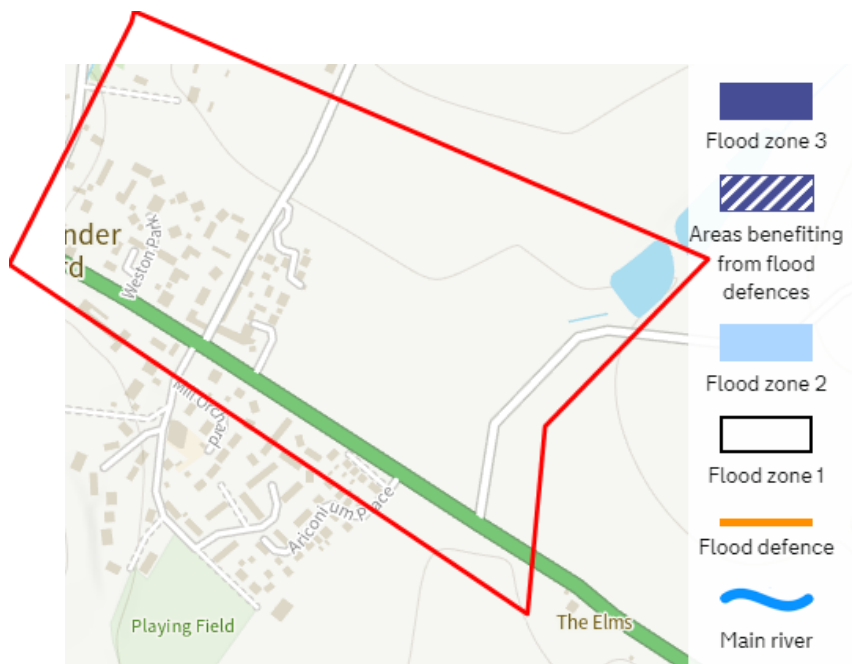
## **5.21 Land Drainage: No Objection December 2024**

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

- Application Form;
- Flood Risk and Surface Water Drainage Strategy (Revised 29.11.2024).
- Drainage Information submitted under 211492
- CCTV survey presented by Lagan Homes
- P21-2340-P101B Site Layout Plan and Design Response
- LDE Hydraulic Modelling Report 681393-R01
- Additional Topographical Survey Nov 2024
- Flood Model Addendum 28.11.2024

### **Site Location**

*Environment Agency Flood Map for Planning (Rivers and Sea), April 2024*



## **Overview of the Proposal**

The Applicant proposes the construction of 44 dwellings with associated access roads. The site covers an area of approx. 4.1ha and is currently a greenfield site. The site slopes from approximately 78m in the north to 72m in the south. Three agricultural storage ponds sit approx. 120m to the north-east of the site



A recessed area surrounded by trees is located in the centre/south of the site, as indicated in the below satellite imagery.

## **Flood Risk**

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

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the low probability Flood Zone 1. However, the Flood Map for Planning does not include watercourses with a catchment less than 3 km<sup>2</sup>

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

*Table 1: Scenarios requiring a FRA*

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

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

The base flow from the agricultural storage ponds is conveyed via a land drain, which crosses the site. The original FRA revised considered the risk of flooding from the reservoirs uphill of the site. 1D/2D Hydraulic Modelling was completed that assumed that the land drain was not functional .....(letter 4<sup>th</sup> June 2024... "no losses due to the presence of the culvert were included"). The initial modelling demonstrated that some areas of the site are at risk of fluvial flooding.



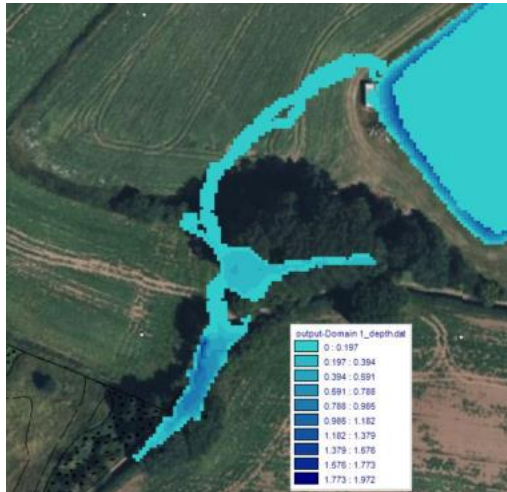
When the land drain capacity is exceeded, the watercourse appears as an ephemeral watercourse, hence there is only a flow during storms.

During a site visit with the applicant's representative we noted that crops were not growing adjacent to the lowest pond. This was due to waterlogging and water erosion. The modelling results are consistent with these site observations.

The applicant has presented revised modelling that demonstrates the extent of fluvial flooding assuming that the land drain is functional. For the purpose of the assessment, it has been assumed that the land drain is 50% blocked.

The 1D/2D modelling has been used to establish the Flood Zones. Topographical survey was utilised to model the road surface south of the railway. The digital terrain model was built using LIDAR in this area, where ground levels could not easily be recorded.

The model results for the 30 year storm (Flood Zone 3B) show that water spills onto the road surface (near the route of the former railway). The model shows that water is retained on the road surface north of the peak road levels because the land drain can convey sufficient water away to prevent the development plot flooding.

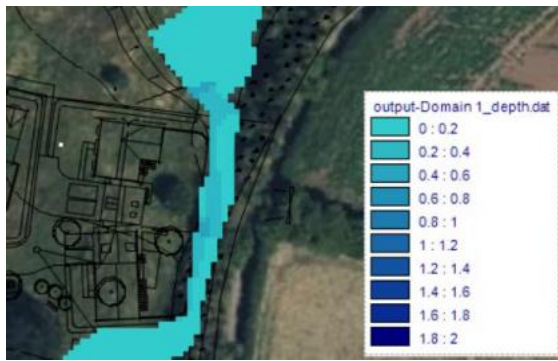


We note the original modelling results for the 30 year storm showed that if there is no land drain modelled, the water spills down Bury Hill Lane (i.e. passing over the peak road level) and into the site.

The model results for the 100 year storm (Flood Zone 3A) show shallow fluvial flooding in the vicinity of Plots 43 and 44. The model results do not show fluvial water spilling along Bury Hill Lane and impacting the T-Junction with the A40, but it is possible that this water is from surface water that runs off farmland east of the lane.

Ground raising has been proposed to allow plot 43 and 44 to be built 600mm above the highest ground level. An area of land within the extent of the archaeological area is to be raised to a minimum of 72.50m AOD. A masonry retaining wall will be constructed around the gardens, creating a low area to the east that is intended to convey flood water during extreme flood events. This low area of land will be retained by the Management Company.

The model run includes a worst case 100 year +CC flood scenario where the land drain is 50% blocked, showing the impact of ground raising.



The recent topographical survey shows that the road is 72.19m alongside Plot 44, which is similar to the virgin ground near plot 43. The modelling plot above suggests that the floodwater stays in the field, however in reality it could break onto the highway. The road surface will not alter significantly over the longer term.

The Planning Practice Guidance to NPPF identifies five classifications of flood risk vulnerability and provides recommendations on the compatibility of each vulnerability classification within each of the Flood Zones, as shown in Table 2:

Table 2: Flood risk vulnerability and flood zone compatibility

Table 2: Flood risk vulnerability and flood zone compatibility

EA Flood Zone	Essential Infrastructure	Water Compatible	Highly Vulnerable	More vulnerable	Less vulnerable
Zone 1	✓	✓	✓	✓	✓
Zone 2	✓	✓	Exception test required	✓	✓
Zone 3a	Exception test required	✓	✗	Exception test required	✓
Zone 3b	Exception test required	✓	✗	✗	✗
✓ Development considered acceptable ✗ Development considered unacceptable					

The Planning Practice Guidance to NPPF states that residential development is to be considered as 'more vulnerable' development. With reference to Table 2, 'more vulnerable' development would be considered appropriate in Flood Zones 1 and 2. **However, for 'more vulnerable' development in Flood Zone 3a the Exception Test would need to be passed.** No development would be considered acceptable in the functional floodplain Flood Zone 3b.

### Surface Water Drainage

Infiltration testing undertaken at the site confirms that a discharge to ground is not viable.

A recessed area surrounded by trees is located in the centre/south of the site, as indicated in the above satellite imagery. There is a 300mm square culvert which takes flow from the existing dry pond. The downstream end of this is located alongside the A40 where it appears that there used to be a trough. The trough no longer exists and there is currently a short section of open ditch present.



Details of the drainage connection between the pond and former trough are shown on historic mapping.

The topographical survey indicates that the junction of Bury Hill Lane / A40 is the lowest point. It is also evident that the centreline of the A40 is higher than the adjacent land and so in moderate storms water would spill via the gulley system.

CCTV Surveys have demonstrated that the highway gullies at the junction of Bury Hill Lane discharge into this former trough / ditch. The water drains below the highway by means of a highway drain, that in turn joins a land drain below farmland to the south of the A40.

Surface water runoff will be attenuated within an online basin, sized for a 1 in 100 year plus 40% climate change event, and discharged to the open ditch at a restricted greenfield runoff rate of 3.8l/s.

The basin has additional freeboard of 300mm, 1:3 side slopes and provides 853m<sup>3</sup> attenuation. The basin will be over dug to provide 300mm of permanent wet areas.

It has been proposed that the piped drainage systems upstream of the attenuation basin, together with downstream flow controls will be offered for adoption. However the attenuation basin would need to remain private because we understand that Welsh Water would not adopt it.

The applicant has advised that at detailed design stage the surface water drainage design would be revised to be Section 104 compliant for Welsh Water adoption

In principle we hold no objection to the surface water strategy

The modelling study included proposals for a bund around the pond. This would not be required as in the event of a flood, adequate performance of the SuDS would not impact flood levels

### **Foul Water Drainage**

A connection to the foul water sewer has been promoted. A foul rising main also runs along the sites eastern boundary. Welsh Water have confirmed that a connection to the existing foul water sewer can be accommodated.

The presence of the 90mm diameter foul rising main was not identified exactly. DCWW required a 3m offset to buildings to ensure that the installation complies with their easement criteria.

### **Conclusion**

The applicant will need to demonstrate that the Exception Test can be passed.

If the council is minded to approve the planning application then we hold no objection in principle, subject to the following Pre-Occupation conditions :-

- The applicant shall provide an as-built topographical survey of the proposed raised ground north of Plots 41, 42 and 43, that demonstrates that finished ground levels are above 72.50m AOD. The survey shall be implemented following a suitable duration as deemed appropriate to allow adequate consolidation of the fill.
- The provision of a revised surface water drainage strategy

**Previous comments June 2023 can be viewed on line:**

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=231202&search-term=231202](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=231202&search-term=231202)

## **6. Representations**

### **6.1 Weston Under Penyard Parish Council: February 2024**

You are currently considering this application which is subject to S106 agreement. As you know the application site lies to the north of the A40, while most of the village amenities, including the school and the playing fields, lie to the south of the A40.

In 2015 an outline planning application was made for residential development of this site. The application was approved and subsequently lapsed. However, this application included a controlled crossing to the west end of the site. Such a crossing is absent from the current application, and you should know that the Parish Council have received a number of complaints/representations from residents of the Parish concerning the apparent absence of a controlled crossing. It may be that it is your intention to cover this under S106 or a Highways agreement, if so, will you please ensure that it is in the form of a 'Pelican' style crossing.

This stretch of the A40 is frequently monitored by the police to prevent speeding. We advise that the police be consulted to provide some practical information to the Highways Officer's desktop studies and conclusions, we are confident that he will then realise that a traffic-light controlled crossing is essential.

In addition to the pedestrian crossing, we have grave concerns about the form of the roundabout at the site entrance. A mini roundabout of the style approved by the Highways Officer is not going to be effective. We have an example of this in the village outside the Weston Cross Public House. A mini roundabout was installed here and has done little or nothing to slow traffic. Paradoxically it has had the effect of making near miss incidents far more frequent than existed previously. A fully raised and kerbed roundabout is necessary at the new site entrance.

In November the Highways Officer recommended removal of the raised deflection zone on the south side of the A40 at the approach to new roundabout. He has recommended this to facilitate cyclists using the A40. With respect, this is entirely the wrong focus. It would be better, by far, to provide cyclists with a safe cycle path off the A40 and concentrate the design of the A40 to reduce traffic speed at this point.

We hope you are able to help

### **6.2 Weston under Penyard Parish Comments: August 2024**

The site: Is located to the north of the A40 and to the east of Hunsdon Manor Gardens. It amounts to 4.09 Ha (10.1 acres) and is identified as site WNP08 in the Weston under Penyard Neighbourhood Development Plan (NDP). The applicant is Lagan Homes.

The Parish Council were notified on 6th August that amendments had been made to the application and that comments should be received by Herefordshire Council by 22nd August 2024.

Comments as follows:

1. The application is for 44 dwellings. 37 dwellings are allowed for in the NDP. The application does NOT CONFORM.

2. This is the largest development contemplated by the NDP and probably the largest that is likely to be considered for many years. It will significantly inform the character of the village for decades to come. The developer has made changes to the appearance of some of the houses proposed, but these changes are not innovative. They are superficial and do not inspire a sense of place or enhance local distinctiveness. The NPPF and The NDG now require a high standard of design from housebuilder/developers and emphasis is placed on maintaining and enhancing local distinctiveness through innovative design. Innovative design and local distinctiveness are absent from this application. The Application does NOT CONFORM in this regard.
3. In connection with item 2 above. The roofscape of the development is largely red coloured tiles, this is not in accordance with the vernacular architectural style of this area and should be changed.
4. We note that a new access road is proposed with a roundabout on the A40, this is considered a good thing as is SUPPORTED. The PC expect that Herefordshire Council will require this roundabout to be properly constructed of kerbed safety zones and a central raised island. A painted mini roundabout will be insufficient to calm traffic along this stretch of A40.
5. The controlled pedestrian crossing shown on the original application, appears to have been removed. This must be REINSTATED. Safe crossing for children, the elderly and wheelchair pedestrians is ESSENTIAL
6. We observe that the provision for the Bus Stop is a partial layby with part of the stopping zone in the A40. (At present the stop requires the bus to move off the carriageway). The proposal follows a similar idea that was constructed recently in the village on the A40 adjacent to the Weston Cross Public House. In this case, some cars dangerously overtook the stationary bus. Herefordshire Council have now installed a traffic island opposite the bus stop to prevent vehicles from overtaking when the bus is stationary. If a partial layby is to be used, a traffic island should also be constructed.
7. In comments on the original application the PC objected to the agglomeration of affordable housing at the western edge of the site. The developer should be required to provide tenure blind integration of affordable housing, sympathetically and evenly distributed throughout the development.
8. In concert with item 7 above, enhancements like solar panels should be evenly distributed across the tenures provided the orientation of the homes is appropriate.
9. The provision of air source heat pumps as a sustainable source of energy should be encouraged.
10. It is noted that all housing types now have solar panels. This is a good thing and is SUPPORTED

FINALLY: The Parish Council express their displeasure at the haste with which comments have been requested only 16 days after notification. In addition, some documents requiring review and comment have been posted on the planning website since 6th August and in some cases within the last week. This is highly irregular and makes a farce of the practice of consultation on planning applications

### 6.3 **Weston Under Penyard Parish Council Previous comments:**

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=231202&search-term=231202](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=231202&search-term=231202)

## Publicity

- 6.4 The proposal due to the scale of development is classified as a major development. As such it has been advertised in the local press (Hereford Times). As well as numerous site notices being displayed around the application site over 3 consultations. In addition, statutory consultees have been consulted.
- 6.5 In response to the public consultation a total of 47 comments were received on the application throughout the process, detailing the following points:  
These can be viewed in full here:  
[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=231202&search-term=231202](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=231202&search-term=231202)

*Objections: 30 comments received: summarised as below*

### Traffic/Highways

- A40 busy Road. This will add to the problem
- The lane to the side of the proposal is going to become worse
- Need signalised lights or a mini roundabout
- Significant increase in vehicle movements
- Will be a need to commute
- Cycle parking details
- EV charging points
- Relocated bus stop must include a bus shelter
- Roundabout is not good planning ,the roundabout on the A40 should definitely not just be painted on the ground - it needs to be raised
- Inadequate pedestrian measures
  - Absence of pedestrianised controlled with safety refuge which is essential to address the increase number of children. No safe crossing on the A40

### Landscape

- Detrimental impact on AONB
- Lighting of the of the public Area
- Extends ribbon development
- Substantial adverse impact and only diminish after 15 years due to planting
- No pedestrian and cycle access has been proposed at the southwest corner of the site
- Poor design and low quality housing stock/destroy rural setting as enter the village eastern edge
- Onsite play facilities should be provided on the area of natural green space. It is undesirable for children to have to cross the A40 to reach the play facilities on the village recreation ground.
- No physical boundary between the proposed development and Hunsdon Manor Gardens except for TPO trees
- Unattractive approach in to the area
- Plot 25 to plot 35 not close board fence
- Gravel buffer zone to the archaeological zone is not clear
- Same standard of housing design as Lea and development opposite
- Inadequate tree planting and hedging
  - Trees need to be of substantial height

### Ecology

- Destruction of native habit
- Affect wildlife: breeding ground for toads, newts and bats, red kite, thrush, dunnocks, kestrel, barn owls and buzzards, swallows, skylarks
- River Wye become contaminated

### Drainage

- historical inadequate sewage and drainage situation, the drain in Rectory Lane, is frequently blocked after rainfall.
- No planned improvement in drainage or sewage

#### Principle

- Two developments opposite will detract from village
- Minimum of 65 houses
- Too many houses on the site/excessive for the site should be 37
- Only small amount of infill is required
- Be looking at a building site
- This site was refused before what has changed
- No garden privacy for occupants
- Why do we need more housing in the parish
- Village doubled in recent years
- Weston has already had a development that should be sufficient
- Insufficient justification for the need for additional housing/no demonstrable need
- No employment in the village
- Housing density is higher as they can't build on third of the site
- Not loose farmland/green field site

#### Infrastructure

- The local infrastructure, medical and schooling facilities and transport will just not cope with the continued
- Increase in population
- No shop in village
- Lack of police station in close proximity
- Should not reduce the number of affordable housing on the site in the future

#### Heritage

- Building on an historical field is just wrong
- Roman remains need to be accessible for future generations
- Wonton destruction of a historical site
- Surely the vibrations of all the heavy equipment will cause irreparable damage.

#### Design

- House designs and materials do not adhere to HS2
- Plot 22 and 21 - loss of privacy overlook gardens and rear of property (7 Hunsdon Gardens)
- Design/material do not enhance the appearance to the village
- Loss of privacy Hunsdon Manor Gardens and Rectory Meadow
- Insufficient setback from A40
  - Noise disturbance from traffic
  - Number of houses needs to be reduced

#### S106

- Pedestrian road A40 crossing with automated stop lights and a central raised safe refuge in middle of road
- Improvements to School Lane
- Planting of lost trees and hedgerows
- Local Amenities
- Additional school places
- Cycle path into Ross
- Money to improve the infrastructure to the village

#### Other

- Pollution: noise, air and light

- Heat recovery
- How addressing climate change
- Procedural: needs to go to planning committee

#### Support: 17 comments received

##### General

- the village needs more houses and these are nicely placed with lots of greenspace
- More housing to support the growing population
- Currently live in village would like a larger house in a great village with local primary school
- Great to have affordable housing in this location
- Allows a start on the housing ladder
- Area is short on housing
- Need 4 bedroom houses
- Archaeology has been incorporated into the design
- Best spot for new housing – new entrance into the village
- Great location close to Ross
- Proposal will 'square up' the village rather than all on one side
- Would like to move to the area, this gives me the opportunity
- Great to be able to move back to the village
- 44 houses is not crammed and the houses have good gardens.
- Most of the objections are from existing villagers who live close to the site
- Existing population is growing
- looking at the plans it looks like they have done a very good job at staying away from the found roman remains
- The open space is very nice and well thought about with regards the entrance to the village

- 6.6 The consultation responses can be viewed on the Council's website by using the following link:-

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=231202&search-term=231202](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=231202&search-term=231202)

- 6.7 Cllr Bramer (Penyard Ward) – requested re-direction to Planning & Regulatory Committee on the basis of the level of public interest.

## **7. OFFICER APPRAISAL**

### ***Policy context***

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

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

- 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. The Council cannot currently demonstrate a five-year housing land supply, with the latest published figure (January 2025) standing at 3.06 years. As per Paragraph 11(d)(ii) of the NPPF, where policies relevant to housing supply are out-of-date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

- 7.3 In applying the tilted balance, particular weight is given to:

- directing development to sustainable locations;



- making efficient use of land;
- delivering well-designed places; and
- providing much-needed housing, including affordable provision.

7.4 The site is identified within the Weston Penyard NDP (Policy WNP08) for approximately 37 dwellings within the Settlement boundary which is defined within Policy H2 of the NDP. The site is adjacent to an established residential area within a named settlement for growth within Policy RA2 of the Core Strategy. The village has, with a range of services and facilities as well as public transport connections.

### ***Key Considerations***

7.5 The key considerations in the assessment of this application are:

- Principle of development
- Design: townscape and visual impact
- Transportation, access and parking
- Impact on neighbouring residential amenity
- Drainage/Flooding
- Landscape and Trees

An assessment of the proposed development in the context of considerations and all other relevant technical considerations will now be discussed under the relevant headings within this report. This will include assessment against the wider development plan policies, including the specific criteria set out in NDP Policy HS2: Site WNP08 as relevant by topic area.

### ***Principle of development***

7.6 Core Strategy Policy SS1 identifies a presumption in favour of sustainable development. This means, when considering development proposals Herefordshire Council will take a positive approach that reflects the presumption in favour of sustainable development contained within national policy, as set out in Paragraph 11 of the National Planning Policy Framework.

7.7 Core Strategy Policy SD2 relates to delivering new homes and establishes the overarching requirement for the delivery of homes in Herefordshire within the 2011-2031 plan period. The policy identifies Hereford as the main focus for housing development. Outside Hereford, the main focus for residential development is within the market towns. Policy SD2 identifies in rural areas new housing development will be acceptable where it helps to meet housing needs and requirements, and supports the rural economy and local services and facilities and is responsive to the needs of the community. In the wider rural areas residential development will be carefully controlled.

7.8 Core Strategy Policy RA1 relates to rural housing distribution. In Herefordshire's rural areas, a minimum of 5,300 new dwellings will be provided between 2011-2031 to contribute to Herefordshire's Housing Needs. The policy sets out new dwellings will be broadly distributed across the county's rural areas, on the basis of seven Housing Market Areas (HMAs). The housing growth targets in each of the rural HMA's will be used as a basis for the production of NDP's. Local evidence and environmental factors will determine the appropriate scale of development.

7.9 Weston under Penyard falls within the Ross on Wye HMA where there is a minimum number of 565 dwellings to be delivered within the HMA during the plan period. Figure 4.14 of the Core Strategy identifies Weston under Penyard is one of settlements in the Ross on Wye HMA which will be the main focus of proportionate housing development. Figure 4.15 identifies other settlements where proportionate growth is appropriate. An indicative housing growth target of 14% is established for the Ross on Wye HMA. In 2011, there were 465 properties in the Parish

and a minimum of 55 dwellings to be delivered in the period of April 2015 to 31<sup>st</sup> March 2031 as per Policy H1 of the NDP.

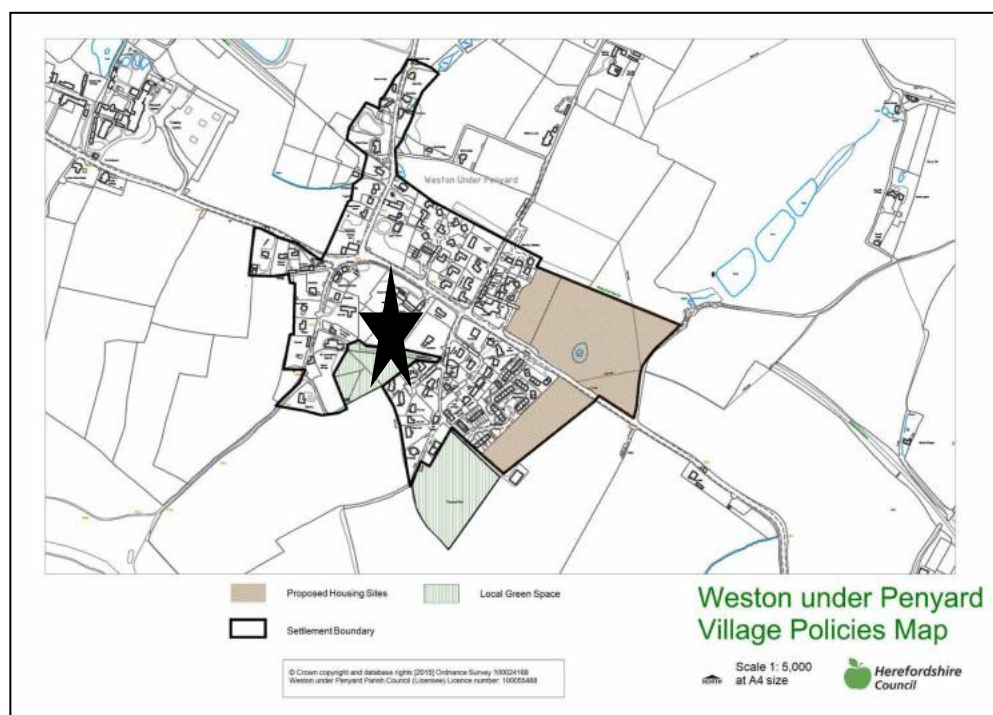
7.10 Policy RA2 relates to housing in settlements outside Hereford and the market towns and sets out the minimum growth target in each rural HMA will be used to inform the level of housing development to be delivered in the various settlements set out in Figures 4.14 and 4.15.

7.11 Policy RA2 sets out housing proposals will be permitted where the following criteria are met:

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

7.12 Policy RA2 identifies Neighbourhood Development Plans will allocate land for new housing or otherwise demonstrate delivery to provide housing to meet the various targets. In the period leading up to the definition of appropriate settlement boundaries the Council will assess any applications for residential developments in Figure 4.14 and 4.15 against their relationship with the main built up form of the settlement. The Neighbourhood Development Plan is adopted and forms part of the Development Plan. It was made on 20 May 2016 following various stages including draft plan and plan submissions and consultation, examination and referendum.

7.13 The site is identified in the Weston under Penyard Neighbourhood Plan as a housing allocation (WNP 08) for approximately 37 homes under Policy HS2.



**Figure 4: Weston under Penyard Policies Map: Site shown by black star**

- 7.14 Policy H1 of the Weston Under Penyard NDP relates to the settlement boundary and confirms residential development will be supported within the settlement boundary where proposals are in accordance with the principles of the Development Plan. Policy H1 also confirms the provision of at least 55 new houses will be supported over the Plan period.
- 7.15 As set out earlier in this report, the application site is known as 'Land to the North of A40, East of Hunsdon Manor, Weston under Penyard and allocated through Policy WNP08 of the Weston Under Penyard Neighbourhood Development Plan for housing development of at least 37 dwellings.
- 7.16 It is noted the application proposes a total of 44 dwellings, an additional number to the 37 referenced in the policy text. Proportional growth targets provide a minimum basis for the level of new housing to be accommodated in each NDP area and are a minimum not a maximum requirement. As such, an assessment of the merits of the proposed development in that context and on the basis of the relevant considerations associated with the site is required to determine acceptability. Taking the above into account, the proposal is considered acceptable in principle, delivering 44 new homes, including affordable housing within a sustainable location.

### ***Design, layout, and appearance***

- 7.17 Core Strategy Policy SD1 relates to sustainable design and energy efficiency. The policy requires development proposals to create safe, sustainable, well integrated environments for all members of the community. The policy stipulates various requirements development proposals should incorporate which include (as relevant to matters of design for this application):
- ensuring development proposals make efficient use of land, taking into the local context and site characteristics;
  - new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development while making a positive contribution to the architectural diversity and character of the area, including, where appropriate, through innovative design;
  - Utilise physical sustainability measures – including orientation of buildings, the provision of water conservation measures, storage for bicycles and waste including provision for recycling and enabling renewable energy;
  - Create safe and accessible environments – minimise opportunities for crime and consider fire safety measures;
  - Ensuring design can be easily adapted; and
  - Utilise sustainable construction methods which minimise the use of non-renewable resources.
- 7.18 Site WNP08 Policy HS2 states that the opportunity must be taken in the housing design and the site design to significantly enhance the setting of the entrance to Weston village. This must be complemented by a) appropriate green spaces and by retaining and reinforcing hedgerows and increasing the number of trees on site; b) Housing design should comply with the policies of this Plan but should, where possible, be complementary with the design of the nearby development on site WNP33.
- 7.19 NDP Policy D1 of the Weston Under Penyard Neighbourhood Development Plan which requires proposals to “offer a design that seeks to reflect local distinctiveness and the aesthetic qualities of traditional rural settlements and buildings found in South Herefordshire. Development proposals should contain design measures which, in addition to regulatory requirements, will:

a) *Be sympathetic to the existing traditional character of the parish, utilising a mixture of materials and architectural styles and incorporate locally distinctive features, for example, the use of local stone;*

- 7.20 Chapter 12 of the National Planning Policy Framework relates to 'Achieving well-designed places' and seeks to ensure development will function well and add to overall quality of the area. Also, is visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Additionally, is sympathetic to local character and history, including the built environment and landscape setting. The importance of appropriate amount and mix of development is also referenced, which includes a mix of green and other public spaces.
- 7.21 Local objections are raised on the basis that the design of the scheme is not high quality, does not respond to the characteristics of the area and would represent a harmful addition to the area. Furthermore, that it does not meet the requirements set out in the NDP.
- 7.22 Officers have secured numerous revisions and changes to the scheme. Garden/annex rooms have been removed and chimneys have been added as well as house type changes and changes to the layout. The house designs are a mix of storey heights for example two storeys, a single storey units as well as rooms above the garages and take into account the existing built form in the immediate area. The quantum of development is over the desired 37 units as per NDP policy HS2 at 44 units, but the development remains at a very low gross density of less than 11 d/ha. The application site also delivers generous sized areas of open space. It is noted that both the Landscape Officer and Building Conservation Officer have not objected to the proposal. The dwellings would have a simple form, and are focal/dual aspect buildings on corners with render proposed on focal buildings on the key junctions and terminating views. Materials are consistent with the local area and roof treatments throughout are to be brown and grey roof tiles. Elevations will be red brick, stone and render. This material palette is considered sympathetic to the site context and local distinctiveness of the area. Specific details of material will be secured by condition.
- 7.23 The application is accompanied by a Design and Access Statement and officers have secured revisions to both the layout and the design of the units. After reviewing the proposal, it considered the density, siting, layout and design respects the existing local settlement pattern and vernacular. Whilst acknowledging local views to the contrary, the application is therefore considered to accord with the requirements set out in Core Strategy Policy SD1, NDP Policies HS2 and DE1 and Chapter 12 of the NPPF.

### **Amenity**

- 7.24 Herefordshire Local Plan Core Strategy SD1 is relevant in assessing amenity impacts of development proposals. The policy requires development to safeguard residential amenity for existing and proposed residents and ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light, or air contamination, land instability or cause ground water pollution. Paragraphs 196 to 201 of the National Planning Policy Framework also relate to ground conditions and pollution. In addition to the expectations of Policy SD1 of the Core Strategy, Policy D1 of the NDP requires that new developments should not detract from the amenity of adjacent existing properties and also NDP Policy ST1 says that development proposals should ensure that residential and environmental amenity is not adversely affected by traffic. These policies collectively aim to safeguard residential amenity by addressing potential impacts such as pollution, traffic, and visual effects while promoting high-quality design and maintaining the character of the area.
- 7.25 There are no triggers which would require the submission of details with regards to air quality and this has been confirmed by technical officers. In terms of land contamination, the Council's Contaminated Land Officer has been consulted and has highlighted that the north of the site appears to be potentially encroached by a railway line and there appears to have been an orchard in the north east section. Both of these uses may be considered potentially contaminative. An

---

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

assessment should be undertaken and on that basis conditions have been suggested prior to the commencement of development to cover any additional detail required in respect of contaminated land.

- 7.26 The NPPF states that planning policies and decisions should ensure that development 'creates places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 7.27 A number of local residents who live in Hunsdon Manor Gardens and Rectory Meadow who are located immediately to west of the application site and have raised concerns in regards to privacy. Reference has been specifically made about plots 21 and 22. The proposed layout and location of the dwellings has been arranged so it will not result in any unacceptable harm to local amenity, character, or settlement identity. With respect to the existing properties located to the west due to generous separation distances and existing planting it is not considered there will be any issues in regards to overlooking or privacy and the development as proposed/amended will not cause a harmful residential relationship between the site and the existing properties. The layout of the development means that no adverse relationships within the site are expected. The outlook for existing dwellings adjacent to the site will change, but as a result of the layout and scale, this change will not result in an unacceptable loss of visual amenity or outlook.
- 7.28 In regards to noise, an assessment has been submitted and reviewed by technical officers in respect to existing sound levels at the site and which determines the risk of potential impacts from noise on the future occupants and, where necessary, proposes suitable mitigation measures. It is acknowledged that the site is bounded by the A40 to the south. This is the only major noise source with the potential to effect the amenity of future residents. The EHO officer has advised that compliance can be achieved on this site providing that the recommendations within the above referenced report are implemented.
- 7.29 NDP Policy HS2 states the developers should ensure that the phasing of construction works should minimise the effect on the amenity or visual intrusion of residents of properties located nearby and those new residents nearby within their development. During any construction of a housing development it would be anticipated that there would be unavoidable impacts, however a Construction Management Plan (CMP) will be secured by a condition and as requested by the EHO officer a Construction Method Statement (CMS) shall be supplied and approved to minimise noise and nuisance to neighbours:
- 7.30 Although there will a change for existing dwellings abutting the site, based on the site layout and scale of the proposed dwellings, the scheme is not considered to result in any unacceptable impacts in terms of the following- loss of light, loss of privacy, increase in noise and disturbance, visual amenity or overbearing impacts.
- 7.31 With the above in mind, the proposal is considered to accord with the expectations of Policy SD1, the relevant policies of the NDP, and the principles outlined within the NPPF.

### ***Landscape and Trees***

- 7.32 In terms of the development plan context, Core Strategy Policy SS6 is an overarching policy, relating to environmental quality and local distinctiveness. The policy seeks to ensure development proposals conserve and enhance those environmental assets that contribute towards the county's distinctiveness, including its settlement pattern, biodiversity and especially those with designations.
- 7.33 CS Policy LD1 deals directly with landscape and townscape and identifies proposals should:

- Demonstrate that character of the landscape has positively influenced the design, scale, nature, site selection, protection and enhancement of the setting of settlements and designated areas;
- Conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including AONBs, nationally and locally designated parks and gardens and conservation areas;
- Incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings; and
- Maintain and extend tree cover where important to amenity through the retention of important trees, appropriate replacement of trees lost through development and new planting to support green infrastructure.

7.34 Core Strategy Policy LD3 sets out development proposals should protect, manage and plan for the preservation of existing and delivery of new green infrastructure, and should achieve the following objectives:

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



**Figure 5: Landscape plan**

7.35 NDP policy SE1 states that development should contribute positively to the area's rural character and not adversely affect it. Wherever possible proposals should:

---

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



- a) Not adversely affect landscape character but include measures to conserve, restore or enhance the landscape features such as trees, vistas and panoramic views especially primary views into, out of and within the parish including those listed in Appendix B;
- b) Maintain and preferably extend tree distribution and cover;
- c) Retain important landscape assets of the parish such as ancient trees, orchards, hedgerows and open green spaces;
- d) Contribute towards reconnecting and enhancement of the ecological network of the area with measures, in particular, to enhance the biodiversity value of the parish;
- e) Ensure that any adverse effects on the European sites can be avoided or mitigated; and
- f) Not compromise the ability of the Nutrient Management Plan to deliver the necessary overall nutrient reductions along those stretches of the River Wye SAC which are already exceeding water quality targets, or at risk of doing so.

7.36 NDP Policy HS2 (Site WNPO8) states:

- a) The opportunity must be taken in the housing design and the site design to significantly enhance the setting of the entrance to Weston village. This must be complemented by appropriate green spaces and by retaining and reinforcing hedgerows and increasing the number of trees on site;

7.37 NDP Policy D1 Development proposals should contain design measures which, in addition to regulatory requirements, will:

- Be set back from the road and well screened by mature trees/shrubs landscaping to maintain a soft edge to the Weston village and blend with the existing landscape.

7.38 The National Planning Policy Framework identifies requirements in terms of conserving and enhancing the natural environment at Chapter 15.

7.39 Paragraph 187 sets out ways in which planning policies and decisions should contribute to and enhance the natural environment, including protecting and enhancing valued landscapes and by recognising the intrinsic character and beauty of the countryside. Furthermore, minimising impacts and providing for net gains for biodiversity and preventing new and existing development from contributing to unacceptable risk from soil, air, water or noise pollution of land instability.

7.40 The application site has no formal landscape designation. The site forms part of the eastern approach to the village when travelling along the A40 in a westerly direction and is an allocated site within the NDP. The site is well contained with existing boundaries. Although it is visible from public footpaths to the south. As confirmed by the Landscape Officer the landscape character type is principal settled farmlands. The application site has an existing individual oak tree with a Tree Preservation Order (TPO\_570) located within the South East corner (see figure 4), as well as other boundary vegetation including protected trees to the west (TPO\_275 and 501). As highlighted within the heritage section of this report below, the north east section of the site is protected for its valuable in-ground archaeological remains of a Roman farmstead (ie. a Villa). The south and west boundaries are existing residential development, while the north and east are open countryside. The land slopes up to the north. The southern boundary is the busy A40 trunk road.

7.41 The application is supported by a landscape and visual impact appraisal (LVIA), hard and soft landscape details, a landscape management, and arboricultural impact assessment report. These are welcome in assessing the application.

7.42 Following comments from the Landscape Officer a revised scheme has been submitted to overcome initial concerns regarding overdevelopment around the field oak tree; the impact of certain plots on root zones; and the positioning of a plot due to impact on the street scene along

the A40. Following extensive discussions and submission of revisions the Landscape Officer is now in support of the layout as confirmed in their comments that the scheme 'provides space to the retained and protected trees. It sits comfortably within the site and its archaeological constraints, as well as in the wider landscape and the relationship with the village'. In regards to the trees following the submission of the updated arboricultural impact assessment and when viewing the significant tree upon the site and other trees adjoining the site along its western boundary, these are to be retained and the layout now demonstrated that they will be protected from invasive development.

- 7.43 The proposal is therefore considered to accord with the expectations of Policy LD1 and LD3 of the Core Strategy, as well as Policy SE1, H2 and D1 of the NDP.

### ***Heritage/Archaeology***

- 7.44 The Planning (Listed Buildings and Conservation Areas) Act 1990 states "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."
- 7.45 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 outlines that when considering any planning application in a conservation area, a local planning authority must pay special attention to the desirability of preserving or enhancing the character of appearance of that area.
- 7.46 Core Strategy Policy SS6 is a strategic policy relating to environmental quality and local distinctiveness. The policy outlines development proposals should conserve and enhance those environmental assets that contribute towards the county's distinctiveness, and notes heritage assets and specifically those with environmental designations.
- 7.47 Policy LD4 of the Core Strategy requires that development proposals protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance. Additionally, to contribute to the character and local distinctiveness of the townscape or wider environment, especially within Conservation Areas.
- 7.48 NDP Policy HS2 states any development will require a full archaeological investigation. In the event of significant and extensive remains being found they should be preserved as well the land surrounding the remains will be considered at a future review stage of the Plan for designation as Local Green Space.
- 7.49 NDP policy SE2 relates to sustaining Local Heritage and character and states that developments will be supported where they conserve or enhance the parish's historic character and local distinctiveness by: a) Demonstrating that negative impacts to the significance, including impacts to the setting, of heritage assets, have been either avoided or minimised. Where the harm of any residual impacts of a proposed scheme is not justified by the public benefits that would be provided, it will not be supported; and as well as ensuring that appropriate archaeological investigations are carried out and in the event of significant and / or extensive remains being found they should be preserved in-situ in accordance.
- 7.50 When considering the impact of a development proposal upon the setting of a heritage asset, there are several stages. Firstly identifying those assets which may be affected and their significance. Then those aspects of their setting which contribute to the significance are identified and lastly the impact of the development upon this significance. It should be noted that a view to or from a heritage asset does not necessarily mean that a site is within that assets setting, this depends upon whether that view contributes to the significance of the asset. Also a site can be within the setting of a heritage asset without their being a direct view under certain circumstances.

The fundamental principle is whether or not a development affects the significance of a heritage asset, including those aspects of its setting which contribute to its significance.

- 7.51 The site is not within a conservation area, nor does it contain or adjoin any designated or non-designated heritage assets. It is also noted there are no above ground structures on the site. There are listed buildings within the area (including St Lawrence Church Grade II\* and additional listed structures and the Old Rectory, however they are sufficient distance from the site and the topography and vegetation it is not perceived that these will be affected by the proposed redevelopment of the site.
- 7.52 The application has been supported by a Heritage Statement and Historic England, Council's Archaeological Advisor and Building Conservation Officer have been consulted on the proposal. As reference above, there are no listed building within the site or about the site and the site is not located within a conservation area. However, archaeological remains are positioned on the application site, within the north eastern corner. The application site has been the subject of an archaeological field evaluation. This evaluation revealed extensive archaeological remains of high significance in one part of the site, and other remains of interest elsewhere on the site. That part of the site containing extensive archaeological remains (as detailed above) of high significance would stay undeveloped and safeguarded, achieving preservation in situ. Planning conditions are recommended to protect the archaeological remains of high significance.
- 7.53 As detailed within the Heritage Statement, information boards are also understood to be installed on site to assist with interpretation of the heritage on the site and that of the immediate area.
- 7.54 Officers concur with the findings of the submitted Heritage Statement and its analysis of significance, impacts and level of harm. As such, the requirements of Paragraph 207 are not considered relevant in this case as no harm has been identified. The Archaeology Advisor, Historic England and Building Conservation Officer have also confirmed no objections to the proposed development. As such the proposal adheres to the aims of Core Strategy Policy LD4, NDP Policy HS2 and SE2 alongside the requirements set out within Chapter 16 of the NPPF.

### ***Transportation, Access and Parking***

- 7.55 Core Strategy Policy SS4 explains new developments should be designed and located to minimise the impacts on the transport network, ensuring that journey times and the efficient and safe operation of the network are not detrimentally impacted. Furthermore, where practicable, development proposals should be accessible by and facilitate a genuine choice of modes of travel, including walking, cycling and public transport.
- 7.56 Policy MT1 of the Core Strategy seeks to ensure that development promotes and where possible incorporates integrated transport connections and supporting infrastructure, including access to services by means other than private motorized transport and encourage active travel to reduce short distance journeys. Core Strategy Policy MT1 relates to traffic management, highway safety and promoting active travel. The policy identifies a number of principle requirements which should be incorporated into proposals. Those relevant to this application include:
- Promote and, where possible incorporate integrated transport connections and supporting infrastructure, including access to services by means other than private motorised transport;
  - Encourage travel behaviour through use of travel plans;
  - Ensure developments are laid out to achieve safe entrance and exit, have appropriate operational and manoeuvring space, accommodate provision for all modes of transport, the needs of people with disabilities and provide safe access for emergency services;
  - Protect existing local and long distance footways, cycleways and bridleways;

- Have regard to the Council's Highway Development Design Guide and cycle and vehicle parking standards, having regard to the location of the site and the need to promote sustainable travel choices.

7.57 The NDP also contains policies which reference highway related elements. Policy D2 says that proposals should respect the connections between people and places. The proposal should:

- Provide safe and convenient vehicular access to and from any public road;
- Provide adequate off-street parking, taking into account local car ownership levels, the availability of public transport and the site-specific circumstances;
- integrate the new homes into the existing neighbourhood and support a more pedestrian and cycle friendly environment
- Provide access to local facilities and public transport links via convenient direct paths suitable for those pushing a pushchair, in a wheelchair, walking with a stick or walking frame or using a mobility scooter

7.58 NDP Policy ST1: identifies that proposals should ensure that:

- There will be safe access onto the adjacent roads and adequate off street parking for residents and visitors;
- Development in the parish does not create a significant increase in the volume of traffic on roads that do not have sufficient safe capacity;
- Residential and environmental amenity is not adversely affected by traffic;
- New and improved footpaths and cycleways are provided, not just within new developments but subject to viability with appropriate extensions to create safe pedestrian and cycle routes to the key locations in the parish;
- Roads in new developments should be wide enough to allow vehicles (especially emergency vehicles) to pass each other without either using the pavements;
- New development is designed to not have adverse effect and subject to viability have positive benefits for the storm-water drainage systems in the adjoining roads; and
- Cycleways are promoted as a preferred transport method, seeking to provide a safe cycling link with other parts of the parish and with Ross on Wye.

7.59 Policy HS2 identifies for this site (WNP08)

- Provision should be made for pedestrian and cycle access at the NE side of the site to allow for the potential development of a combined footway/cycleway on the route of the disused railway;
- Every possible opportunity should be taken to enhance the safety of all users of the A40 road and footways to the satisfaction of Herefordshire Council and the Parish Council. Particular regard should be paid to vehicular access, traffic calming facilities and pedestrian and cycling crossing improvements. These improvements should be designed and constructed in a manner that is complementary with the nearby development on site WNP33;

7.60 Chapter 9 of the National Planning Policy Framework also includes guidance in respect of promoting sustainable transport. Paragraph 115 states that when assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code48; and

- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach

- 7.61 Paragraph 116 states development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.62 Paragraph 117 then goes on to say, within this context, applications for development should:
- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
  - b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
  - c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
  - d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
  - e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 7.63 The application is accompanied a Transport Statement (amended) as well as a Road Safety Audit. The site is in a sustainable location with local bus stops. The A40 which runs alongside the site is a single carriageway with a kerbed footpath located on the southern side of the road adjacent to the site, with another one commencing on the southwest boundary adjacent to the bus stop. These footpaths provide access throughout the village allowing for trips on foot to local facilities including the primary school. The road is subject to a 30mph speed limit adjacent to the site and throughout Weston-under-Penyard, increasing to the national speed limit adjacent to Bury Hill Lane at the southeast corner of the site.
- 7.64 The kerbed footways on both sides of A40 and from the proposed site will provide links to Weston-under-Penyard and associated services and amenities. It is noted that there are no designated cycleways within the immediate vicinity of the site. NDP policy HS2 specifically requires provision to be made for both pedestrian and cycle access at the NE side of the site to allow for the potential development of a combined footway/cycleway on the route of the disused railway. It is acknowledged that this proposal does not specifically include this element, However, access can be achieved onto to disused railway to the north if a combined footway is developed in the future. The proposal is providing a 2.0m footway on the northern side of the A40 which would link into the existing footway with the junction of Hundson Manor Gardens.
- 7.65 As detailed within the submission the bus stop proposal has been revised to stop on-carriageway to assist with traffic calming and to prioritise bus movements over other vehicular traffic.
- 7.66 The Local Highway Authority (LHA) has been consulted on the application and been actively involved in promoting amendments to secure it's acceptability on highway grounds. Following the submission of revised drawings the proposal now demonstrates that a safe access onto the A40 can be achieved and that the development will not have a significant impact on the highway network. As highlighted within the highway comments, Weston – under - Penyard has had a successful traffic calming scheme installed with the removal of the centre line along with other traffic calming features. However, whilst the vehicles speeds have reduced, they are still significantly higher in the eastern end the village than the signed speed limit. As such as part of this proposal the LHA requested the removal of the T junction, and the design now incorporates a mini roundabout. The request for the mini roundabout will reduced speeds as it 'will add a site presence on the highway highlighting the change in the road side environment, especially as the

location of the SUDS pond does not allow for dwellings that are highway facing and behind hedges’.

- 7.67 Following the submission of the drawings to incorporate the mini roundabout (see figure 3), a Road Safety Audit (RSA) was commissioned by the applicant and submitted. The Local Highways Authority has reviewed and verified its contents and considered the mini roundabout to be acceptable and officers are satisfied that the proposed domed roundabout being raised and painted along with the existing speed limit will in combination act as a new gateway and visual key to drivers that they are entering the village. The proposed footway and traffic-calming measures would improve pedestrian access and reduce vehicle speeds, thereby mitigating potential impacts on the local highway network
- 7.68 In terms of parking within the site, the provision on site accords with Herefordshire Design Standards and will provide a total of 118 allocated spaces across the site. A further formal 6 visitor parking spaces are provided. This is considered acceptable by the LHA. The internal road layout has been designed in accordance with relevant guidance, ensuring safe access and manoeuvrability for all users.
- 7.69 The proposed development, supported by a package of highway improvements, would enhance pedestrian safety and contribute to a safer highway environment along the A40. While concerns have been raised regarding the lack of provision of a pedestrian signalised crossing by both the Parish and local residents, it is imperative to note that the development has secured S106, financial contribution of £86,504.00 (index linked) to provide sustainable transport infrastructure to serve the development. Whilst the scheme does not provide the delivery of a pedestrianised signalised junction, as highlighted above the securing of S106 monies for off-site works (via a legal agreement) have been secured for sustainability improvement works and as such this money is for the purpose of securing proper investigation and delivery of a signalised junction in full liaison with the Ward councillor and the Parish Council. Also this money could be used to assist in delivery of a further improvements following the investigation and when more monies become available.
- 7.70 Overall, the proposed development and off site proposals are considered to be in accordance with Core Strategy Policies SS4 and MT1 and in general conformity with aims of NDP Policies and principles of the NPPF, Chapter 15 of the which specifically, 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.

#### ***Drainage and Flooding Drainage and flood risk***

- 7.71 The Council’s Land Drainage Team (Local Lead Flood Authority) has been consulted on the application as have Welsh Water. A Flood Risk Assessment (FRA), Drainage Strategy, flood modelling addendum and a sequential and exception test document has been submitted to accompany this planning application. Policy SD3 of the Core Strategy states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water. For waste water, policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway).
- 7.72 NDP Policy HS2 requires that any application for development of this site must demonstrate that flood risk to the site or downstream of the site arising from watercourses and ponds on the site is not increased by the development. All flood risk tests and assessments required by the Local

Planning Authority must be completed prior to planning approval and any associated flood mitigation works will be completed in accordance with the requirements of the Local Planning Authority.

- 7.73 The site is located in low risk Flood Zone 1 and because the proposed development is more than 1 hectare, it is supported by a Flood Risk Assessment. As highlighted within the drainage comments; though the site is located in Flood Zone 1 on the EA mapping, initial modelling demonstrated that some areas of the site are at risk of fluvial flooding. As such additional modelling has been submitted to demonstrate the extent of fluvial flooding. This further assessment assessed the residual risk from the upstream reservoirs and overland flow routes. This identified that a small area of the application site is located within Flood Zone 3 for surface water flooding would affect two residential plots.
- 7.74 As such due to this application being for residential use, a 'more vulnerable' development in Flood Zone 3a, the sequential test would need to be passed.
- 7.75 A flood risk sequential test and exception test was requested by the Council and the reason for this request and the purpose of the sequential test is to demonstrate that there are no other suitable and available sites located within Flood Zones 1 or 2 which could accommodate the application proposal.
- 7.76 Paragraph 170 of the NPPF directs that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. New development should be steered away from areas at flood risk through the application of the Sequential Test. The NPPF states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. This is reflected in policy SD3 of the Core Strategy.
- 7.77 The PPG sets out further guidance on the application of the sequential test. Amongst other things, this advises that the geographic area across which to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed. The Local Planning Authority is responsible for defining the search area. In this context it was agreed to be the Weston under Penyard Parish area.
- 7.78 In terms of considering available alternatives, as detailed within the submitted information, the applicant has considered these, and reviewed and concluded that there are no other reasonably available alternative sites where the development could be accommodated and this has been evidenced with a variety of reasons. Notwithstanding the view it is also noted that if any other sites were to come forward they would be Greenfield or out of settlement.
- 7.79 In conclusion therefore, it is considered that the Sequential Test is passed. There are no other reasonably available sites which could accommodate the development and are at a lower risk of flooding. As such there is no requirement to apply the Exception Test for the type of development proposed, however the LPA must still ensure that development would be safe for its lifetime and not contribute to increase flood risk elsewhere. Paragraph 181 of the NPPF is relevant in this regards and states that planning permission should only be granted where,
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
  - b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
  - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
  - d) any residual risk can be safely managed; and



- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

- 7.80 The application proposes to manage flood risk by increasing ground levels so that floor levels of the buildings are set above the modelled flood level (55.80AOD), with an allowance for climate change. Flood resilient construction techniques will also be employed within the construction of the buildings. These measures are considered to be sufficient to manage the risk to the development itself and ensure that it is safe for its lifetime. In order to ensure that flood risk is not increased elsewhere, compensatory storage is provided within the site on a level-for-level/ volume-for-volume basis. A surface water management scheme has also been presented which includes a scheme of attenuation to ensure that there would be no net increase in runoff rates. The Environment Agency and the Councils Land Drainage Engineers have no objections to the application on this basis, subject to the measures being secured by condition. On that basis, there is no conflict with SD3 or the guidance of the NPPF identified.
- 7.81 In regards to surface water matter infiltration testing was undertaken at the site confirms that a discharge to ground is not viable. Surface water runoff will be attenuated within an online basin, sized for a 1 in 100 year plus 40% climate change event, and discharged to the open ditch at a restricted greenfield runoff rate of 3.8l/. Drainage colleagues have advised that the attenuation basin would need to remain private because as it has not been confirmed that Welsh Water would adopt it. The applicant has advised that at detailed design stage the surface water drainage design would be revised to be Section 104 compliant for Welsh Water adoption and the drainage colleagues have confirmed they have no objection to the surface water strategy
- 7.82 Welsh Water have confirmed that there is capacity within the existing public sewerage network in order to receive the domestic foul only flows from the proposed development site and advised no problems are envisaged with the Wastewater Treatment Works for the treatment of domestic discharges from this site. Welsh Water have raised no objection to the proposal, however have recommended a compliance condition advising that no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network and advisory notes
- 7.83 Overall, on the basis of the detailed responses provided by Land Drainage and sequential test has been passed, the proposal is considered acceptable in terms of Core Strategy Policies SD3 and SD4, the Policy H2 of NDP and guidance within Chapter 14 of the NPPF.

### **Ecology / biodiversity**

- 7.84 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.
- 7.85 Policy SE1 of the NDP states that wherever possible proposals should Contribute towards reconnecting and enhancement of the ecological network of the area with measures, in particular, to enhance the biodiversity value of the parish;
- 7.86 Relevant guidance and principles are also set out within the NPPF at Chapter 15.
- 7.87 The application is accompanied by an ecology report and ecology impact assessment. These do not identify effects on protected species from the proposed development, although it is noted a detailed precautionary approach is relevant and appropriate and the applicant and their contractors have their own legal duty of care towards wildlife protection that applies over and above any planning related controls or requirements required due to compliance with the Wildlife & Countryside Act during the construction phase. To mitigate potential impacts, a Construction Environmental Management Plan (CEMP) is recommended as a pre-commencement condition to ensure appropriate ecological protections and risk avoidance measures are in place. Other

conditions relating to the protection of dark skies and the provision of biodiversity enhancements are recommended.

- 7.88 It is noted that the national requirement for 10% Biodiversity Net Gain (BNG) became mandatory for applications submitted on or after 12 February 2024. This application was submitted in April 2023, well before day one of mandatory BNG and is therefore exempt from the 10% BNG requirement. Notwithstanding this, the proposal makes a positive provision for mitigation and enhancement in accordance with policy LD2.

### ***Impact on the River Wye Special Area of Conservation (SAC)***

- 7.89 The proposed development is located within the River Wye SAC catchment and this proposed development triggers the legal requirement for a Habitat Regulations Assessment (HRA) process to be carried out by the Local Planning Authority. The proposed development has been screened under the HRA process, considering potential impacts on the River Wye SAC. The proposed development lies within the mains sewer system catchment managed through Welsh Water's Lower Cleeve Waste Water Treatment Works that discharges outfall into the River Wye catchment. The assessment confirms that foul water would be managed via a connection to the mains sewer network, with sufficient capacity confirmed by Welsh Water. Surface water would be managed through a Sustainable Drainage System (SuDS), preventing any discharge into the mains sewer and preventing potential pollutant pathways. As a result, the Council's Ecologist have confirmed no objection. The foul and surface water management schemes would be secured through planning conditions.
- 7.90 Furthermore, Natural England has confirmed it considers the proposed development will not have significant adverse impacts on designated sites and has confirmed no objection. Based on the information which has been submitted and comments received from Natural England and the Council's Ecologist, the proposal is considered acceptable in terms of its ecological impacts in the context of LD2, guidance contained in the NPPF and NE's Standing Advice, subject to the various conditions suggested which are included within this recommendation.

### ***Provision of play and public open-space***

- 7.91 Policy OS1 of the Core Strategy states that appropriate open space provision is expected for residential development. Policy OS2 requires that such provision of open space, sports, and recreation should meet applicable standards in terms of quantity, quality, and accessibility. It expects on-site provision unless an off-site or partial off-site contribution would result in an equally beneficial enhancement to existing open space. Although it is noted that the need for open space, sports and recreational facilities is to be considered on a site by-site basis.
- 7.92 Policy SE1 of the NDP states that the existing pond should be retained as an amenity feature within the new development. Adequate play areas and public green space to a stated recognised standard of provision should be provided as a feature at the centre of the site around the existing pond.
- 7.93 Paragraph 103 of the NPPF emphasises that high-quality open spaces and opportunities for sport and physical activity are important to the health and well-being of communities.
- 7.94 No formal children's play is to be provided on-site. Although The Weston Under Penyard NDP Policy HS2 states that play provision and POS should be located centrally around the existing pond. Due to the archaeological sensitivity of the site and the fact that an off-site contribution is supported by the Parish Council towards improvements at the existing facilities south of the A40, the Open space planning officer has confirmed the acceptance of the proposal. A contribution is requested in lieu of the on-site provision towards the existing play area in the village at the village hall recreation ground. This is considered to accord with CS policies OS1 and OS2. Notwithstanding the lack of provision of formal play provision on the site informal play can occur around the open space within the site. The layout also shows a buffer

---

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

strip to provide an area of green space to the frontage which as well as providing an area of open space around the existing pond to provide an attractive access into the site.

- 7.95 Overall, the proposal is considered to be acceptable and in accordance with CS policies OS1 and OS2.

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

- 7.96 Policy H1 of the Core Strategy establishes the need to provide 40% affordable housing on a scheme in this location. Additionally, Core Strategy Policy RA2 (4) seeks to ensure that schemes generate the size, type, tenure and range of housing that is required in particular settlements, reflecting local demand.
- 7.97 Policy H3 requires residential developments to provide a range and mix of housing which meet the following:
1. Provide a range of house types and sizes to meet the needs of all households, including younger single people;
  2. Provide housing capable of being adapted for people in the community with additional needs; And;
  3. Provide housing capable of meeting the specific needs of the elderly population by:
    - providing specialist accommodation for older people in suitable locations;
    - ensuring that non-specialist new housing is built to take account of the changing needs of an ageing population;
    - ensuring that developments contain a range of house types, including where appropriate, bungalow accommodation.
- 7.98 Weston Under Penyard NDP Policy H3 seeks to ensure residential development for sites of 11 new dwellings or more, or 1-10 new dwellings with a total gross floorspace of more than 1,000 sq m, should demonstrate they meet local housing needs and should provide a tenure mix of 40% of Affordable Homes. This being the case unless viability considerations can be shown to necessitate an alternative percentage of provision range of and mix of housing to support balanced and inclusive communities. This includes providing a range of house types and sizes to meet the needs of all households, providing housing which is capable of being adapted for people with additional needs and providing housing capable of meeting the specific needs of the elderly population.
- 7.99 The NPPF also sets out requirements in terms of delivering a sufficient supply of homes at Chapter 5. Paragraph 66 sets out where major development is proposed a mix of affordable housing is required to meet identified local needs, across Social Rent and other affordable housing for rent and affordable home ownership tenures.
- 7.100 A total of 26 open market dwellings and 18 affordable dwellings are proposed across the site. The mix of properties is as follows:

#### 26 Market Units

- 16 x 3 beds
- 8 x 4 beds
- 2 x 5 beds

#### 18 Affordable Unit

- 1 x 2 bed bungalows x 1
- 10 x 2 bed
- 7 x 3 bed

- 7.101 Policy H1 states that there will be a requirement for the applicant to provide 40% (18 units) as affordable housing as confirmed by the Council's Housing Officer, this application meets this policy. During the application process the type of units, appearance and number of bedrooms and location around the site has been amended (the units are now pepper potted around the layout) to address initial concerns. Further discussions have also been involved the tenure of the units. As secured within a S106 the affordable units will be discounted market with a 30% discount off the open market value and the site will also deliver 1 unit of affordable housing as a wheelchair accessible bungalow to M4(2) Regulation standard.
- 7.102 The affordable units would need to be secured via a Section 106 Agreement and allocated to those with a local connection to Weston Under Penyard in the first instance. Overall, the proposed development accords with CS Policies H1 and H3, NDP Policy H3, together with Chapter 5 of the Framework.

### ***Sustainability and Climate Change***

- 7.103 Core Strategy policy SS7 requires focus on measures to address the impact that new development in Herefordshire has on climate change, outlining how development proposals should include measures which will mitigate their impact on climate change, with policy SD1 also seeking to support these measures. Herefordshire Council has unanimously passed a motion declaring a Climate Emergency, signalling a commitment to ensuring that the council considers tackling Climate Change in its decision-making, with this resolution came a countywide aspiration to be zero carbon by 2030; and a Climate Change Checklist to aid the consideration of development proposals.
- 7.104 Chapter 14 of the NPPF is also of relevance with, paragraph 164 stating that development should be planned so that they:
- a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through incorporating green infrastructure and sustainable drainage systems; and
  - b) help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings in plans should reflect the Government's policy for national technical standards.
- 7.105 The application site is located within a sustainable location with access to a range of amenities, transport services as well as being in close proximity to a residential neighbourhood which the proposed use is largely intended to serve and therefore reducing the distance need to travel. As part of the submission the applicant has completed and submitted the climate change measures checklist. The proposal includes electric charging points and a condition has been added to ensure electric vehicle charging points will be incorporated as part of the development. As well as incorporating modern technology and construction technologies to ensure the development uses energy efficiently. It is also noted that the scheme will incorporate both heat pumps and solar PV panels.
- 7.106 Conditions have been included within this recommendation to secure further specification and siting details for EV charging points alongside details in terms of cycle parking provision. Overall, the proposed development incorporates a range of sustainability measures and is considered in compliance with Core Strategy policies SS7 and SD1.

### ***Minerals and Waste***

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

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

- 7.109 The Council's Refuse and Recycling team has been consulted and the refuse strategy is based on each dwelling storing refuse and recycling bins on plot and presenting at the roadside on bin collection days. Road access has been tracked to ensure suitability for refuse vehicles; however it is considered adequate provision has been made within the layout for refuse and recycling but a condition has been included within the recommendation to confirm arrangements.

### ***Planning Obligations***

- 7.110 Paragraph 58 mentions that planning obligations should "only be sought where they meet all of the following tests:
- a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development."
- 7.111 Core Strategy Policy ID1 relates to infrastructure delivery and identifies provision for new and/or the enhancement of existing infrastructure, services and facilities to support development and sustainable communities. The Planning Obligations Supplementary Planning Document and Affordable Housing Supplementary Planning Document both provide the details of the type and scale of obligations that may apply.
- 7.112 A development of this scale and nature attracts various financial contributions which would need to be secured via a Section 106 Agreement. The provision of affordable housing would also need to be secured via such an agreement.
- 7.113 Consultation comments have been provided in respect of certain requirements, for example for open spaces, health care provision and education. These are set out within Draft Heads of Terms as included within the table below:

<b>Infrastructure</b>	<b>Quantum of contribution</b>
Affordable Housing	<p>The developer covenants with Herefordshire Council to provide 18 units of on-site affordable housing.</p> <p>The developer covenants with Herefordshire Council that the Affordable Housing Units shall be for the following affordable housing tenures;</p> <ul style="list-style-type: none"> <li>• Discounted market with a 30% discount off the open market value</li> </ul> <p>The developer covenants with Herefordshire Council to deliver 1 unit of affordable housing as a wheelchair accessible bungalow to M4(2) regulation standard.</p>

	<p>The Affordable Housing Units must be allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons in affordable housing need one of who has:-</p> <ul style="list-style-type: none"><li>• a local connection with the parish of Weston under Penyard;</li><li>• in the event there being no person with a local connection to Weston under Penyard any other person ordinarily resident within the administrative area of Herefordshire Council who is eligible under the allocation policies.</li></ul>																								
Primary Care contribution	The developer covenants to provide a financial contribution of <b>£28,800.00 (index linked)</b> to provide new and additional premises or infrastructure, extension to existing premises or improved digital infrastructure and telehealth facilities at the South and West Herefordshire Primary Care Network.																								
Education contribution	<p>The developer covenants to provide a financial contribution of <b>£260,244.00 (index linked)</b> of;</p> <table><tr><td>Contribution by size and dwelling type</td><td>Pre-school</td><td>Primary</td><td>Secondary</td><td>Post 16</td><td>Youth</td><td>SEN</td><td>Total</td></tr><tr><td>2/3 bed open market house or bungalow</td><td>£432</td><td>£3,063</td><td>£2,695</td><td>£121</td><td>£850</td><td>£558</td><td>£7,360</td></tr><tr><td>4+ bed open market house or bungalow</td><td>£639</td><td>£5,018</td><td>£5,535</td><td>£121</td><td>£1,675</td><td>£987</td><td>£13,532</td></tr></table> <p>to provide the education facilities at Ross Early Years, Weston under Penyard Primary School, St Joseph's Roman Catholic Primary School, John Kyrle High School, Ross Youth and Special Education Needs schools.</p>	Contribution by size and dwelling type	Pre-school	Primary	Secondary	Post 16	Youth	SEN	Total	2/3 bed open market house or bungalow	£432	£3,063	£2,695	£121	£850	£558	£7,360	4+ bed open market house or bungalow	£639	£5,018	£5,535	£121	£1,675	£987	£13,532
Contribution by size and dwelling type	Pre-school	Primary	Secondary	Post 16	Youth	SEN	Total																		
2/3 bed open market house or bungalow	£432	£3,063	£2,695	£121	£850	£558	£7,360																		
4+ bed open market house or bungalow	£639	£5,018	£5,535	£121	£1,675	£987	£13,532																		
Recycling and waste contribution	The developer covenants to provide a financial contribution of <b>£3,520.00 (index linked)</b> to provide 1 x black bin and 1 x green bin for each dwelling.																								
Library contribution	The developer covenants to provide a financial contribution of <b>£5,578.00 (index linked)</b> to provide improved library infrastructure at Ross on Wye library.																								
Transport contribution	The developer covenants to provide a financial contribution of <b>£86,504.00 (index linked)</b> to provide sustainable transport infrastructure to serve the development.																								
On site Public Open Space and Play	The developer covenants with Herefordshire Council to provide a minimum of <b>0.04ha (400 sqm)</b> of on-site Public Open Space.																								

	The maintenance of any on-site Public Open Space (POS) will be by a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as the parish council and/or a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.
Play contribution	The developer covenants to provide a financial contribution of <b>£48,430.00 (index linked)</b> to provide for improved infrastructure at the existing play area in the village at the village hall recreation ground.
Village hall contribution	The developer covenants to provide a financial contribution of <b>£28,800.00 (index linked)</b> to provide new infrastructure at Weston under Penyard village hall.

- 7.114 At the time of drafting this report, the S106 is not finalised and therefore the recommendation is that permission is granted subject to the completion of the legal agreement.

### Other matters

- 7.115 Policy WNP08 has a site specific requirement for a 'horse trough on 'the A40, referred to in Appendix A, (D) 5, should be protected and the site enhanced if possible;
- 7.116 As detailed within the submission, the applicant has identified that the steel horse trough has not been discovered and 'may be covered by the hedgerow along the southern boundary and maybe within the highway'. Also, it is noted in the drainage officer comments there was no evidence of the trough. Notwithstanding this the applicant has advised that no development is proposed along the southern boundary apart from the access which does include visibility splays and for the new attenuation pond and this may reveal the location of the trough. As the site and this includes the hedge will be maintained by a Management Company the area around the trough (if located) will be maintained appropriately.

## 8 CONCLUSION

- 8.1 The application seeks full planning permission for the erection of 44.no dwellings on the site known as Land to the North of A40, East of Hunsdon Manor, Weston under Penyard. The site is allocated within the made Weston under Penyard Neighbourhood Development Plan for residential development of approximately 37 homes and is well located within an established residential areas with accessible services and public transport. The principle of development is acceptable and the scheme has been assessed against Policy HS2 which allocated the site for development. A total of 26 open market and 18 affordable dwellings are proposed. Revisions have been secured during the assessment of the application. This has led to a number of public consultations periods regarding the proposals. Matters raised within the submitted representations have been considered as part of assessment including the concerns of the Parish and have prompted requests for further information and amendments to the scheme.
- 8.2 Finally, the Council's inability to demonstrate a five-year housing land supply necessitates the engagement of the 'tilted balance', favouring sustainable development.
- 8.3 Both CS policy SS1 and paragraph 11 of the NPPF engage the presumption in favour of sustainable development and require that developments should be approved where they accord with the development plan. The NPPF encompasses the government's view of what is meant by 'sustainable development' in practice. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be



pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

b) A social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) An environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting.

- 8.4 The proposed development is considered acceptable in principle as the site is identified as an allocated site within the NDP and the Council does not have a 5 year supply of housing land and as such Framework Paragraph 11 details that policies for applications involving the provision of housing are considered out of date. There are no policies that would indicate a strong reason for refusal and thus the 'tilted balance' of 11 d) ii would apply.
- 8.5 The delivery of much needed local market housing and affordable housing is of substantial weight in favour, including a variable housing mix. The additional dwellings on the site will support the local economy. Additionally, there would be creation of jobs during construction, increased local spending, and off-site highway improvements. The site also secures S106 contributions. These all weigh in favour and many would benefit the wider community. The additional New Homes Bonus will benefit the council to provide new or to enhance existing community infrastructure and services.
- 8.6 Consequently, the adverse impact of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is having regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places all of which the proposal would provide. As such, the material considerations indicate a decision other than in accordance with the development plan.
- 8.7 In regard to other matters, the proposal's design and layout would respect local distinctiveness. The development's visual and landscape impacts are manageable, and the proposed highway improvements would enhance pedestrian safety and access while managing existing highway concerns. Overall, the proposal would contribute positively to the housing supply deficit and with no identified adverse impacts that would outweigh the benefits. With this in mind, the application is recommended for approval.
- 8.8 A Section 106 Agreement is required to secure the necessary planning contributions generated through the scheme and the delivery of affordable housing.

## **RECOMMENDATION**

**That subject to either the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, or a condition requiring the completion of an agreement prior to the commencement of development, officers named in the Scheme of Delegation to Officers are authorised to**

grant full planning permission, subject to the conditions below and any other further conditions considered necessary:

**STANDARD**

**1 Time:**

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

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

**2 Drawings:**

The development shall be carried out strictly in accordance with the approved plans:

P22-2340-P101 SITE LAYOUT PLAN REV J  
P22-2340-P102 MATERIALS DISTRIBUTION PLAN REV E  
P22-2340-P103 PARKING STRATEGY PLAN REV E REV E  
P22-2340-P104 BOUNDARY TREATMENT PLAN REV F  
P22-2340-P105 STOREY HEIGHTS PLAN REV E  
P22-2340-P106 REFUSE STRATEGY PLAN REV D  
P22-2340-P201 BUSHMILLS BRICK (SO & FH) GA PLANS AND ELES REV A  
P22-2340-P202 BUSHMILLS RENDER (SO & FH) GA PLANS AND ELES REV B  
P22-2340-P203 CAVAN SEMI (SO&FH) RENDER GA PLANS AND ELES REV B  
P22-2340-P204 CAVAN TERRACE (AR) BRICK GA PLANS AND ELES REV B  
P22-2340-P206 GREENCASTLE GA PLANS AND ELEVATIONS REV B  
P22-2340-P207 HILLTOWN GA PLANS AND ELEVATIONS REV C  
P22-2340-P208 KNIGHTSTOWN GA PLANS REV  
P22-2340-P209 KNIGHTSTOWN GA ELEVATIONS REV B  
P22-2340-P210 KINGSCOURT GA PLANS REV  
P22-2340-P211 KINGSCOURT GA ELEVATIONS REV B  
P22-2340-P212 KINNEGAD GA ELEVATIONS (STONE) REV B  
P22-2340-P214 KINNEGAD GA PLANS REV A  
P22-2340-P215 KINNEGAD GA ELEVATIONS (BRICK) REV C  
P22-2340-P216 LIFFORD GA PLANS REV A  
P22-2340-P217 LIFFORD GA ELEVATIONS REV B  
P22-2340-P218 PORTSALON GA PLANS REV  
P22-2340-P219 PORTSALON GA ELEVATIONS (BRICK) REV B  
P22-2340-P220 GARAGE STUDIO GA PLANS & ELEVATIONS REV A  
P22-2340-P223 GARAGE G1 SINGLE GA PLANS & ELEVATIONS REV A  
P22-2340-P224 GARAGE G2 TWIN GA PLANS AND ELEVATIONS REV A  
P22-2340-P225 GARAGE G3 DOUBLE GA PLANS & ELEVATIONS REV A  
P22-2340-P226 BANTRY BUNGALOW (STONE) GA PLANS & ELES REV C  
P22-2340-P227 KNIGHTSTOWN (STONE) GA ELES REV B  
P22-2340-P230 PORTSALON (STONE) GA ELEVATIONS REV B  
P22-2340-P231 KATESBRIDGE CT (STONE) GA PLANS & ELES REV C  
P22-2340-P232 KATESBRIDGE CT(RENDER) GA PLANS & ELES REV B  
P22-2340-P233 BUSHMILLS AR (BRICK) GA PLANS & ELES REV B  
P22-2340-P234 BUSHMILLS AR&SO (STONE) GA PLANS & ELES REV A  
P22-2340-P300 STREET SCENES REV F

except where otherwise stipulated by conditions attached to this permission.

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

## **Pre commencement**

### **3 Contaminated Land**

**No development shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:**

**a) a Preliminary Risk Assessment report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice**

**b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors**

**c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.**

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

### **4 CEMP**

**No longer than twelve months prior to any works or site preparation commencing a detailed, comprehensive, Construction Environmental Management Plan – including but not limited to detailed ecological working methods, Risk Avoidance Measures Scheme for Reptiles, retained tree and hedgerow protection scheme and consideration of all environmental effects of construction processes shall be supplied to the Local Planning Authority for written approval. The approved CEMP shall be implemented in full for the duration of all construction works at the site.**

**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, Weston Under Penyard Neighbourhood Development Plan and the council's declared Climate Change & Ecological Emergency.**

### **5 Resource Audit**

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

- The amount and type of construction aggregates required and their likely source;**

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

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

Reason: This condition is required pre-commencement as the treatment/handling of any site waste is a necessary initial requirement before any groundworks are undertaken in the interests of pollution prevention and efficient waste minimisation and management so as to comply with Policies SD1 and SP1 of the Herefordshire Local Plan – Core Strategy, Herefordshire Minerals and Waste Local Plan and the National Planning Policy Framework.

## 6 CMP/CMS

Development shall not begin until details and location of the following have been submitted to and approved in writing by the Local Planning Authority, and which shall be operated and maintained during construction of the development hereby approved:

- method for ensuring mud is not deposited onto the public highway
- 24 hour emergency contact number
- Construction traffic access location
- Parking for site operatives
- Measures to control noise and dust impact;
- The use of a consolidation operation or scheme for the delivery of materials and goods
- Means by which a reduction in the number of movements and parking on nearby streets can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of the neighbouring properties during construction):
- Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residential roads;
- Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;
- Locations for storage of plant/waste/construction materials;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Any necessary temporary traffic management measures;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses;
- Submission of tree protection plan in accordance with BS5837:201

- Detailed Construction Method Statement (CMS) containing
  - Hours of operation;
  - The methods and materials to be used to ensure that the generation of noise is minimised;
- Choice of plant and equipment to be used;
  - The use of prefabricated materials wherever possible;
  - Regarding optimum site layout, noise generating activities to be located away from sensitive receptors; and
- Good housekeeping and management, to include.
  - a) Review of plant and activities to ensure noise minimisation measures are in place and operating;
  - b) Public relations, e.g. provision of telephone numbers for complaints, pre-warning of noisy activities including activities that might generate perceptible vibration, sensitive working hours;
  - c) Controlling of site traffic and setting up of access routes away from sensitive receptors; and
  - d) Provision of noise monitoring during activities likely to affect sensitive receptors.

The development shall be carried with full implementation of all noise and overheating mitigation recommendations outlined in the acoustic assessment reference 26942-ENV-0401, carried out by MEC, dated March 2023.

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 tree protection and protect amenity of occupiers of nearby properties so as to comply with Policies SS6 and SD1 and Policy MT1,LD1 and LD3 of Herefordshire Local Plan – Core Strategy, Weston Under Penyard Neighbourhood Development Plan and the National Planning Policy Framework.

## 7 Archaeology Protection

Prior to commencement of the development hereby permitted the area detailed as archaeological no go zone natural green space on P22-2340-P101 SITE LAYOUT PLAN REV J shall be protected by appropriate robust fencing. Once these protective measures have been erected but prior to commencement of the development a suitably qualified archaeological consultant appointed by the developer shall inspect the site and write to the Local Planning Authority to confirm that the protective measures are in-situ. Upon confirmation of receipt of that letter by the Local Planning authority the development may commence but the tree protective measures must remain in-situ until completion of the development.

Reason: To ensure suitable protection to the extensive archaeological remains of high significance in accordance with LD4 of Herefordshire Local Plan – Core Strategy, and Weston Under Penyard Neighbourhood Development Plan and the National Planning Policy Framework.

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

## **8 Foundation detail**

With the exception of site clearance and groundworks, no development shall take place until a detailed design and method statement for the foundation design and all new groundworks has been submitted to, and approved in writing by, the Local Planning Authority. The development hereby permitted shall only take place in accordance with the detailed scheme pursuant to this condition.

Reason: The development affects a site on which archaeologically significant remains survive and a design solution is sought to minimise disturbance through a sympathetic foundation design in accordance with LD4 of Herefordshire Local Plan – Core Strategy, and Weston Under Penyard Neighbourhood Development Plan and the National Planning Policy Framework.

## **9 Electric Vehicle Charging**

With the exception of site clearance and groundworks, no development shall commence until written and illustrative details of the number, specification and location of electric vehicle charging points, has been submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points serving each plot shall be installed prior to first occupation of that plot and be maintained and kept in good working order thereafter as specified by the manufacturer.

Reason: To address the requirements policies in relation to climate change SS7, MT1 and SD1 of the Herefordshire Local Plan Core Strategy, to assist in redressing the Climate Emergency declared by Herefordshire Council, Weston Under Penyard Neighbourhood Development Plan and to accord with the provisions of the National Planning Policy Framework.

## **10 BNG**

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

Reason: To ensure that biodiversity net gain is secured and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies SS1, SS6 LD1, LD2 and LD3; and the council’s declared Climate Change and Ecological Emergency and Weston Under Penyard Neighbourhood Development Plan

## **11 Materials**

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 (including details of any solar panels) 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 Polies SD1, of the Herefordshire Local Plan and Weston Under Penyard Neighbourhood Development Plan and the National Planning Policy Framework

## **12 Highway works**

**Development shall not begin in relation to any of the specified highways works:**

- New Access Road
- New Footway(s)
- Relocated Bus Stop
- Over run area
- Visibility Spays
- Mini Roundabout

until details of the works have been submitted to and approved by the Local Planning Authority in writing following the completion of the technical approval process by the Local Highway Authority. The development shall not be occupied until the scheme has been constructed in accordance with the approved details as submitted in drawing 24470-02-7 rev E.

**Reason:** To ensure the safe and free flow of traffic on the highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy Plan, Weston Under Penyard Neighbourhood Development Plan and the National Planning Policy Framework

## **13 Road details**

**Development shall not begin in relation to the provision of road and drainage infrastructure until the following details are submitted to and approved in writing to the Local Planning Authority:**

- Surface finishes
- Drainage details
- Future maintenance arrangements

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

**Reason:** To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Weston Under Penyard Neighbourhood Development Plan and the National Planning Policy Framework.

## **14 Landscape Scheme**

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

- a) A statement setting out the design objectives and how these will be delivered.
- b) A Soil Resource Survey (SRS) and Soil Resource Plan (SRP) in accordance with the 'Construction Code of Practice for the Sustainable Use of Soils in Construction Sites' (DEFRA 2009).
- c) A plan showing existing and proposed finished levels or contours.



- d) A drawing detailing hard surfacing materials
- e) Detailed construction drawings of....
- f) Boundary treatments and means of enclosure.
- g) Artefacts and Structures e.g. street furniture, play equipment, water features.
- h) Vehicle /Cycle /Pedestrian access and circulation areas.
- i) Vehicle parking layouts
- j) Lighting and CCTV
- k) Trees and hedgerow to be removed.
- l) Trees and hedgerow to be retained, setting out measures for their protection during construction, in accordance with BS5837:2012.
- m) All proposed planting, accompanied by a written specification setting out species, size, quantity, density and cultivation details.
- n) A plan detailing water attenuation schemes.
- o) An environmental plan for the protection of sensitive landscapes during the construction phase.
- p) An Environmental Colour Assessment (ECA), to inform the choice of external colour of the development/feature/building.
- q) An implementation programme – setting out phasing of work where appropriate.

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

**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, Weston Under Penyard Neighbourhood Development Plan and the National Planning Policy Framework

**Prior to occupation**

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

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

## 16 Landscape Scheme

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

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

## 17 Surface Water drainage

Before the development is first occupied or brought into use, the provision of a revised surface water drainage strategy shall be submitted and approved in writing by the Local Planning Authority.

**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, Weston Under Penyard Neighbourhood Development Plan and the National Planning Policy Framework

## **18 Floor levels**

Before the development is first occupied or brought into use details of an as-built topographical survey of the proposed raised ground north of Plots 41, 42 and 43, that demonstrates that finished ground levels are above 72.50m AOD shall be submitted to the Local Planning Authority and approved in writing by the Local Planning Authority. The survey shall be implemented following a suitable duration as deemed appropriate to allow adequate consolidation of the fill.

**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, Weston Under Penyard Neighbourhood Development Plan and the National Planning Policy Framework

## **19 Car Parking**

Prior to the first occupation of [any or the] dwellings to which this permission relates an area for car parking shall be laid out within the curtilage of that property, in accordance with the approved plans (P103) which shall be properly consolidated, surfaced and drained, in accordance with details to be submitted to and approved in writing by the Local Planning Authority and those areas shall not thereafter be used for any other purpose than the parking of vehicles.

**Reason:** In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Weston Under Penyard Neighbourhood Development Plan and the National Planning Policy Framework.

## **20 Open Space**

Prior to the first occupation of the development hereby approved details of the Management Company should be submitted. Details to include a written scheme detailing:

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

The Management and maintenance shall be implemented in accordance with the approved details and be available for use prior to the first use of the dwelling to which it relates.

**Reason:** To ensure the successful establishment of the approved scheme, Local Planning Authority and in order to conform with policies OS2, OS3, SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy, the Weston Under Penyard Neighbourhood Development Plan and the National Planning Policy Framework.

## **21 Cycle Parking**

Prior to occupation of the development hereby permitted full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of each dwelling shall be submitted to the Local Planning Authority for their written approval.

The covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the first use of the dwelling to which it relates. Thereafter these facilities shall be maintained;

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

## **22 Refuse**

Prior to first occupation of the development, refuse and recycling collection arrangements shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and be available for use prior to the first use of the dwelling to which it relates.

Reason: To ensure satisfactory bin collection arrangements in line with Herefordshire Local Plan – Core Strategy Policies SD1 and MT1 Weston Under Penyard Neighbourhood Development Plan

## **23 Water Efficiency**

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).

## **24 Contaminated Land**

The Remediation Scheme, as approved pursuant to condition no. (3) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted and agreed in writing before the development is first occupied. Any

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

**Reason:** In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan – Core Strategy, Weston Under Penyard Neighbourhood Development Plan and the National Planning Policy Framework

#### **Compliance**

### **25 Contamination**

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

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

### **26 Access**

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

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

### **27 Archaeological Protection**

No materials shall be stored, no vehicles or machinery stored or parked and no fires lit within the fenced areas referred to in condition 7 above.

**Reasons:** To ensure that there is no damage during the construction phase to the trees on the site to be retained and that are recognised to be of amenity value, in accordance with Policy LD4 of Herefordshire Local Plan – Core Strategy, Weston Under Penyard Neighbourhood Development Plan and the National Planning Policy Framework.

### **28 Surface Water**

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

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

### **29 Noise Assessment**

The recommendations set out in the noise assessment carried out by Mewies Engineering Consultants Limited (MEC), report reference 26942-ENV-0401 shall be implemented in full and hereafter maintained as approved.

Therefore believe that compliance can be achieved on this site providing that the recommendations within the above referenced report are implemented

Reason: To protect amenity in line with Herefordshire Local Plan – Core Strategy Policies SD1 of the Herefordshire Local Plan – Core Strategy, Weston Under Penyard Neighbourhood Development Plan and the National Planning Policy Framework

### **30 Foul Water**

All foul water flows created by the approved development shall be managed through connection to the Welsh Water mains sewer network managed by the Lower Cleeve Waste Water Treatment Works; and all surface water shall be managed through onsite Sustainable Drainage Systems.

Reason: In order to ensure Nutrient Neutrality and comply with 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'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2, SD3 and SD4.

### **31 External Lighting**

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

Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3; ; and the council's declared Climate Change and Ecological Emergency.

### **32 Boundary Treatments**

Notwithstanding the approved plans, no works in relation to any boundary treatments required by this condition shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position, type, design and materials of any boundary treatment to be erected. The boundary treatment shall be completed before the dwellings hereby permitted are occupied. Development shall be carried out in accordance with the approved details.

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

### **33 Solar Panels**

Within six months of any of the [solar panels/photovoltaic panels] hereby permitted becoming redundant, inoperative or permanently unused, those panels and all associated infrastructure shall be removed and re-used, recycled, the materials recovered, or be finally and safely disposed of to an appropriate licensed waste facility, in that order of preference.

**Reason:** To ensure a satisfactory form of development, avoid any eyesore from redundant plant, prevent pollution, and safeguard the environment when the materials reach their end of life, in accordance with Policies SD1 and SD2 of the Herefordshire Local Plan – Core Strategy, Weston Under Penyard Neighbourhood Development Plan and the National Planning Policy Framework

**INFORMATIVES:**

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 is 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.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. Revised documents have been submitted during the course of the application assessment it has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

This planning permission is issued pursuant to a Section 106 Town & Country Planning Act 1990 obligation agreement (Date of agreement to be inserted upon issue of permission).

The CEMP does not preclude the requirement for the applicant and their contractors to comply with all statutory ecological protection legislation that lies above any planning permission process. The CEMP should include consideration for all potential environmental effects and a helpful guide to all relevant considerations for a CEMP can be found at:

[https://www.designingbuildings.co.uk/wiki/Construction\\_environmental\\_management\\_plan](https://www.designingbuildings.co.uk/wiki/Construction_environmental_management_plan)

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption

Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011.

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 to establish the location and status of the apparatus.

Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

In accordance with National Planning Policy Framework (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

Decision: .....

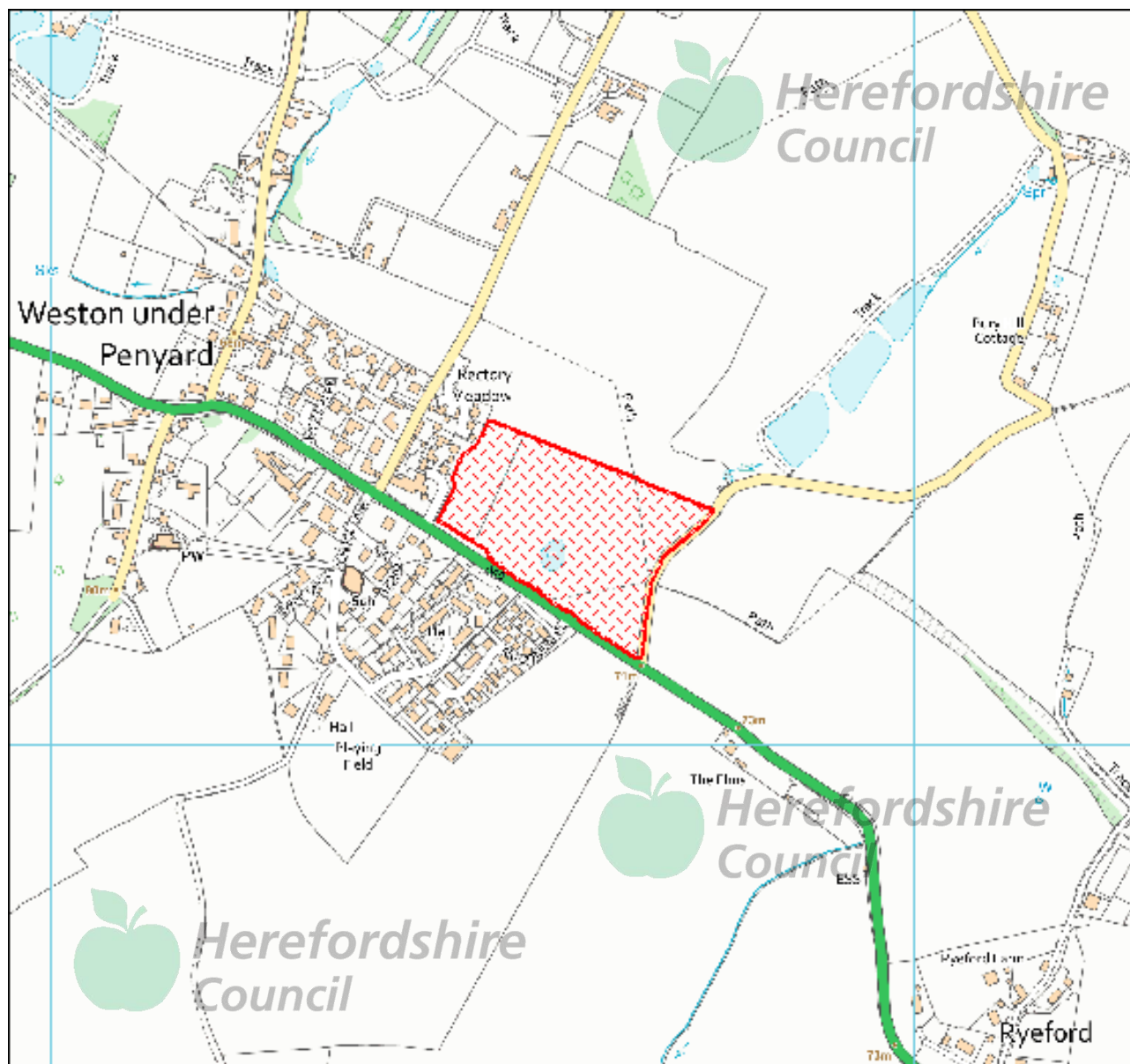
Notes: .....

.....

## **Background Papers**

None identified.





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

**APPLICATION NO:** 231202

**SITE ADDRESS :** LAND NORTH OF A40 (GLOUCESTER ROAD) AND EAST OF HUNSDON MANOR, WESTON UNDER PENYARD, HEREFORDSHIRE

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

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