

MEETING:	<b>PLANNING AND REGULATORY COMMITTEE</b>
DATE:	<b>4 JUNE 2025</b>
TITLE OF REPORT:	<b>240349 - PROPOSED DEVELOPMENT OF 9 DWELLINGS (6 X OPEN MARKET AND 3 X AFFORDABLE) AT LAND AT RAMBLERS WAY, WINFORTON, HEREFORD, HR3 6EP</b>  <b>For: Mr Pryce per Mr Russell Pryce, Unit 5, Westwood Industrial Estate, Ewyas Harold, Hereford, Herefordshire HR2 0EL</b>
WEB LINK:	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=240349&amp;search-term=240349">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=240349&amp;search-term=240349</a>
<b>Reason Application submitted to Committee – Member Redirection</b>	

**Date Received: 6 February 2024****Ward: Castle****Grid Ref: 329415,246956****Expiry Date: 11 April 2025**

Local Members: Cllr Robert Highfield

## 1. SITE DESCRIPTION AND PROPOSAL

- 1.1 The application relates to a site which lies on the western edge of Winforton. The site comprises around 0.5 hectares of grassland and is found to the south of the A438. Access from the highway is gained via a private road known as Ramblers Way which is associated with three wayside dwellings to the north of the site which were granted outline permission in 2015. The site is bound by a cul-de-sac known as the Vineyards to the east and open countryside is found to the south. The topography of the site is generally flat and there are long reaching views across the Wye flood plains toward the Black Mountains in the south. The site boundary in this direction is formed of a traditional hedgerow whilst boundaries to the east and west are formed of fencing. There is a public footpath (WW1) crossing the site in a broadly north to south direction. The site is within Flood Zone 1 as defined by the Environment Agency. The location of site relative to the built form of the village is indicated by the red line on the aerial image below:



**Figure 1: Proposal Site Location**

Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789

1.2 The current application is made in Outline and seeks permission for the erection of nine dwellings. The matters of access, layout and landscaping are for consideration at this stage. Scale and appearance are reserved for future consideration. For the avoidance of doubt, the Town and Country Planning (Development Management Procedure) (England) Order 2015 defines the matters for which approval is currently sought as follows:

- “access”, in relation to reserved matters, means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where “site” means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made;
- “landscaping”, in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—
  - a. screening by fences, walls or other means;
  - b. the planting of trees, hedges, shrubs or grass
  - c. the formation of banks, terraces or other earthworks
  - d. the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
  - e. the provision of other amenity features;
- “layout” means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;

1.3 Access to the site would be via the existing private road of Ramblers Way onto the A438 to the north. The proposed layout plan shows that the access road would be extended to the south and the dwellings themselves would then broadly be arranged in two linear rows running on an east-to-west axis. Although full details of the dwellings are not provided at the stage, the layout would infer that all principal elevations would face north creating a ‘front-to-back’ relationship between the existing dwellings facing the A438 and the new builds proposed on the land behind them. The proposed site layout plan is shown below:



**Figure 2: Proposed Site Layout Plan**

Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789

- 1.4 The layout plan shows that 5 units would be provided as detached dwellings, with the remaining four being delivered in two pairs of semi-detached dwellings. Although scale is a reserved matter, the plans indicate that the dwelling on Plot 1 would be delivered as a bungalow. The specified housing mix is 2 x two beds, 4 x three beds and 3 x four beds. The majority of the dwellings would be delivered for sale on the open market, however three units (equivalent to 35% of the scheme total) would be delivered as affordable housing. The specific affordable housing type proposed in this case would be Discounted Market units - which would be offered for sale to those meeting local eligibility criteria at a discount of 30% below open market value. That discount would be secure in perpetuity through a S106 agreement.
- 1.5 The site is crossed by a public footpath WW1. The alignment of this is subject to a proposal for a minor diversion so that it follows the eastern side of the access drive, before crossing the road and passing through an open corridor towards the open countryside to the south. Although not shown on the plans, the Planning Statement details that a pedestrian link would also be provided to the Vineyard residential estate to the east of the site. Foul water would be managed through the provision of individual package treatment plants within the curtilage of each plot, with individual soakaways also being proposed to manage surface water.
- 1.6 In addition to the plans, the application is supported by the following documents:
- Planning Statement – Amended February 2025
  - Foul and Surface Water Strategy Note – Amended 14/5/2024
  - EA Bespoke Permit EPR/VB3497NA – Sewerage Treatment Plant and Infiltration
  - Ecological Assessment and Ecological Enhancement Proposals
- 1.7 It is noted that a number of Viability Appraisal documents were submitted with the application as originally deposited, however following amendments to the nature of the (see Section 6.1) proposal made in February 2025 these are now longer considered to be relevant.

## 2. POLICIES

### 2.1 Herefordshire Local Plan – Core Strategy

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 Strategy
RA2	-	Housing in Settlements Outside Hereford and the Market Towns
RA3	-	Herefordshire's Countryside
H1	-	Affordable Housing – Thresholds and Targets
H2	-	Rural Exception Sites
H3	-	Ensuring an Appropriate Range and Mix of Housing
MT1	-	Traffic Management, Highway Safety Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Wastewater Treatment and River Water Quality

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

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

It is highlighted that the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)(the 2012 Regulations) and paragraph 34 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 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.

## 2.2 **Eardisley Group Neighbourhood Development Plan (made 13<sup>th</sup> June 2016)**

Policy SD1	– Sustainable Development
Policy T1	– Traffic Measures within Villages
Policy T2	– Transport Requirements related to Development
Policy T3	– Promotion of Sustainable Transport Measures
Policy E1	– Flooding
Policy E2	– Heritage Assets and Village Character
Policy E3	– Addressing Carbon Reduction
Policy E4	– Green Infrastructure
Policy H1	– Housing Numbers
Policy H2	– Settlement Strategy
Policy H5	– New Homes in Winforton
Policy H7	– Criteria for Housing Development in Eardisley Group

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

<https://www.herefordshire.gov.uk/directory-record/3055/eardisley-group-neighbourhood-development-plan-made-13-june-2016>

## 2.3 **National Planning Policy Framework (December 2024)**

1. Introduction
2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
14. Climate change, flooding and coastal change
15. Conserving and enhancing the natural environment

The NPPF can be viewed in full via the link below:

[https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF\\_December\\_2024.pdf](https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf)



## 2.4 National Planning Practice Guidance (NPPG)

The associated Planning Practice Guidance (NPPG) adds further context to the NPPF and it is intended that the two documents should be read together. The PPG can be accessed through the following link:

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

## 2.5 Supplementary Planning Documents

- Affordable Housing Supplementary Planning Document (SPD) 2 June 2021.
- Planning Obligations Supplementary Planning Document (SPD) April 2008

## 3. Planning History

- 3.1 The following applications are considered relevant to the current proposal. This includes the permission for the three existing dwellings fronting the A438 known as Ramblers Way (outline planning permission granted in 2015) and, more recently, applications made proposing the development of the current proposal site for housing:

REFERENCE	DESCRIPTION	DECISION	DATE
210131/O	Proposed residential development of seven dwellings	Refused Appeal Dismissed	April 2022 November 2022
P200796/O	Proposed residential development of nine dwellings	Refused	June 2020
P163896/F	Proposed detached dwellings on plots 1 and 2 (full application)	Approved	Feb 2017
P161405/RM	Reserved matters application for plot 3 of P151111/O	Approved	2016
P151111/O	Proposed construction of three self-build family homes, alterations to existing access and associated landscaping and drainage (outline)	Approved	2015

## 4. CONSULTATION SUMMARY

### 4.1 Statutory Consultations

#### 4.1.1 Natural England – 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.

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

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 Wye 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 Wye Site of Scientific Interest (SSSI) Please see the subsequent sections of this letter for our advice relating to SSSI features.

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Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789

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<sup>1</sup>. 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.

#### River Wye 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.

### 4.1.2 **Welsh Water – No Objections**

#### 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.

#### SEWERAGE

This application is located in an unsewered area and since the proposal intends on utilising an alternative to mains drainage, we would advise that the applicant seek advice from the Environment Agency and the Building Regulations Authority as both are responsible to regulate alternative methods of drainage.

### 4.2 **Internal Council Consultations**

#### 4.2.1 **Local Highways Authority – No Objections subject to conditions**

In terms of the access strategy for the site the intensification of the vehicular access to the A438 proposed is acceptable as the additional movements associated to the additional 10 dwellings will not result in a cumulative impact upon the existing network that would be classed as severe as set out in the NPPF para. 109.

The geometry of the existing access meets the requirements of a 'Shared Surface' as set out in Herefordshire Council's Highways Design Guide for New Developments, and includes a footway along its eastern side which can accommodate the service strip. The ten dwellings proposed do

not exceed the volume of properties that can be accessed from this types of road and as a result the access arrangements accord with the requirements of the Design Guide.

The parking spaces proposed on site would be acceptable in principle with the amount of parking to bedrooms per dwelling, however the exact parking arrangements would need to be formalised in the reserved matters application to ensure the correct parking space ratios are achieved. Secure Cycle provision would also need to be formalised in the reserved matters application.

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

#### Further Comments April 2025:

The following condition is recommended to secure a footway link to the neighbouring site:

'With the exception of site clearance and ground works, no further development shall take place until details of the proposed footpath link between the site and the public footway network on the adjacent Vineyards estate have been submitted to and approved in writing by the Local Planning Authority. The development shall subsequently not be occupied until the scheme of footpath works has been constructed in accordance with the approved details.'

#### **4.2.2 Landscape Officer – Qualified comments**

The visual connectivity from the A438 access to the countryside, wider landscape, and the hills (Merbach, Little Mountain and Cusop) is a defined urban rural edge transition, and an important characteristic of the village (refer to figure 1). The stunning view is experienced by villagers and visitors as they approach the footpath to walk across the field to the River Wye. There is no coincidence that the access to the walk is named 'Ramblers Way'.

In accordance with core strategy, policy LD1 (landscape and townscape), development should demonstrate that the character of the landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements.

Blocking a key view would not be a demonstration of landscape and townscape enhancement. Previous advice to the Applicant has been to retain a view corridor through the rear of the site.

The layout provides for an open corridor either side of the diverted footpath, however the alignment of this does not allow for the reinforcement of the visual corridor or countryside vista when approaching from the north. It would be better to redesign the layout or remove Plot 8.

The view back towards the village is also important (refer to figure 2), and should be protected and enhanced. The existing large tree is a visual cue that draws the eye into the settlement, and the gap between buildings provides a sense of connectivity into the village and beyond.

#### **4.2.3 Arboriculture Officer – No Objections subject to conditions**

No Objection with regard to existing trees but a tree protection will be required to ensure the mature Oak tree near the entrance is protected during development.

Softy Landscaping plan – Amendments are required with regard to the wording of the tree management - "The planting will be maintained for a period of five years following planting, ensuring adequate watering and fertilising is carried out to achieve good establishment and that all dead, diseased or damaged trees and plants are to be replaced annually where required."

What does adequate watering involve? The likelihood of tree failure is much reduced if a specific watering plan is incorporated. The applicant needs to specify when trees shall be watered and volumes. The current specification is too vague.

Conditions - CKB – Protection during Construction.

#### 4.2.4 **Planning Ecologist – No Objections subject to Conditions**

The site is within 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. 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.

*From the start of August 2023, there have been changes in the conservation status of the River Wye SSSI - downgraded to “unfavourable declining” by Natural England; and these comments have been completed based on this recent change and updated SSSI Impact Risk Zone information available from Natural England (River Wye SAC – bespoke buffer – Any discharge of water or liquid waste including to mains sewer). The applicant must demonstrate with scientific and legal certainty that the proposed development will create no significant nutrient pathways into the River Wye that may make the current situation worse or hinder any recovery.*

Additional guidance can be found in the FAQs available on the council's website.

#### Notes in Respect of HRA

- The proposal is for TEN new residential dwellings with associated new foul water flows (nutrient pathways) created. Surface water management is also a consideration in respect of new/expedited nutrient pathways created.
- The site is approx. 700m direct line from the River Wye SAC; and there are other hydrological connections in the locality.
- The drainage report by Collins Design & Build dated February 2024 and strategy update and amended plans dated 14/05/2024 refer.
- It is noted that an Environment Agency 'bespoke' permit to discharge foul water has been issued although this provides no scientific or legal certainty in respect of nutrient pathways for this HRA process it does help demonstrate that the proposed system is considered deliverable on the ground.
- The council's drainage consultants have agreed that the principle methodology of foul and surface water management proposed are acceptable and deliverable on any development approved by a planning permission.
- From an ecology-HRA perspective there is no evidence that the approved scheme cannot be implemented on this site and the agreed principles of the proposal can be secured by condition on any planning permission granted.

The proposed scheme (in general detail) is:

#### Foul Water

- The proposal is to manage foul water flows through plot specific private foul water systems comprising of package treatment plant discharging to a soakaway drainage field located within the garden of each dwelling.
- The future management of the foul water system will lie with each specific dwelling owner.



- The proposal is to use a modern efficient PTP (sized for each dwelling population) – HABA – Bio Easy Flow which naturally achieves a low Phosphate at outfall of 0.8mg/litre and is considered current best available technology.

#### Surface Water

- All surface water flows will be managed by appropriately sized and designed Sustainable Drainage Systems and no nutrient or pollutant pathways in to the River Wye Sac are identified as a result of this proposed development.

As each separate dwelling is achieving best available nutrient pathway mitigation and thus considered to have no significant nutrient pathways into the River Wye SAC; the combined/in-combination effect of the development as whole, as proposed under this planning permission is also considered to be the best available, with all nutrient pathways considered as mitigated for the development as whole.

#### Effects of actual construction

Due to the proximity of the River Wye there are potential effects from the wider environmental effects from the required on-site operations the ecological working measures should form part of a wider Construction Environmental Management Plan.. Helpful guidance on all the potential ecological and environmental matters a CEMP should address can be found at [https://www.designingbuildings.co.uk/wiki/Construction\\_environmental\\_management\\_plan](https://www.designingbuildings.co.uk/wiki/Construction_environmental_management_plan) A condition to secure an appropriate CEMP is suggested.

There are no other identified likely effects from the development as proposed at this location on the River Wye SAC.

Conditions are requested to secure the proposed foul and surface water schemes and the proposed best available technology PTP units. The requested CEMP should also be secured by a suitable worded condition.

#### General Ecology Comments

From supplied and available information, including the preliminary ecology report by Ecology Services dated February 2024, the LPA has sufficient information to consider that the development will not have a detrimental effect on the local population of protected species (eg bats) subject to condition to ensure no disturbance on recorded local populations due to additional lighting is included on any permission granted. Relevant ecological working methods are already secured through the requested CEMP.

As the site is an area that affords an intrinsically dark landscape that benefits local amenity and nature conservation; a condition to secure and manage any proposed or future external lighting is requested on any planning permission finally granted.

As identified in the NPPF, NERC Act, Core Strategy LD2 and action within the council's declared Climate Change & Ecological Emergency all developments should demonstrate how they are going to practically enhance ("Net Gain") the Species (Biodiversity) potential of the area. To secure these enhancements a relevant Condition is suggested.

#### **4.2.5 Strategic Housing Team – No Objections subject to conditions / S106 agreement**

The application was originally promoted as a rural exception site. In that case, Policy H2 applied and this required the applicant to provide an affordable housing needs survey. It also required that the developer justify the provision of any market units that were to be provided through a viability assessment

Following the changes made to the NPPF in December 2024, it is understood that the Council is no longer able to demonstrate a five year supply of housing and the relevant policy are out of date as result. As a result the Applicant no longer promoting the site a 'rural exception scheme'.

The size of the development is such that there is no policy obligation for it to provide affordable housing. However, I can see that the developer is looking to supply 35% (3 units) under affordable tenures. The 35% provision is in line with what would be sought by policy H1 (although this would only strictly apply to scheme for more than 10 dwellings). As outlined in the council's Affordable Housing Supplementary Planning Document incorporating the Technical Data, Strategic Housing would require the following tenure breakdown.

- 3 x 3 bedroom houses to be sold with the tenure of Discounted Market at 30% off the Open Market valuation.

The planning statement confirms that the affordable units will be offered on this basis.

There will be a requirement for local connection to the parish of Winforton in the first instance then the cascading parishes.

All of the above will be secured via a Section 106 Agreement.

As an outline application Strategic Housing would require a condition imposed on any planning permission that the exact mix and bed sizes for both the open market and affordable housing be agreed as part of the submission of any RM application.

On the basis of the above, I have no objections to the application.

#### 4.2.6 **Public Rights of Way Manager** – No Objections

Providing the proposed diversion is legally completed before work starts PROW will not object

#### 4.2.7 **Land Drainage** – No Objections subject to conditions

In principle we do not object to the proposals, however we recommend that the following information is provided within suitably worded planning conditions:

- Detailed Surface Water and Foul Water Drainage Design Plans/Construction Drawings in line with the distance requirements stated above.
- Confirmation of the infiltration rate used to size the soakaways.
- Confirmation that the access road is to remain private

*For full comment, refer to Planning Register on Council website.*

#### 4.2.8 **Archaeological Advisor** – No Objection

#### 4.2.9 **Waste Management** – No Objections / Standing Advice

## 5. REPRESENTATIONS

### 5.1 Eardisley Group Parish Council – Objection

#### Submission dated March 2025

Eardisley Group Parish Council (EGPC) has considered the revised version of outline planning application P240349, which proposes the development of 9 dwellings — 6 open market and 3 affordable. The number of affordable properties has reduced by two since the previous application, while the overall number of houses proposed has decreased by one.

The Parish Council fully recognises the altered housing targets imposed on Herefordshire Council by recent Government policy changes. It nevertheless remains convinced that previous overdevelopment of Winforton (acknowledged by HC Planning — see detailed Section 2 of the previous submission, below) should be taken into account when considering a further increase in housing numbers in this village.

All previous objections and observations submitted by the Parish Council remain extant and are repeated below for ease of reference.

NB: Should the Planning Department be minded to approve this outline application, EGPC strongly requests that it is referred to the Planning Committee. For a small village, this proposal has attracted a high number of local objections, and strong feelings have been aroused by this and previous proposals to further develop the Ramblers Way site.

The following updated observations are made in support of the Parish Council's existing objections to the revised proposal:

1. Rural exception justification: EGPC has still not seen the results of any survey to establish local need for affordable housing in Winforton, beyond the wider housing area of Kington. As has been stated many times, this village has only a pub (with part-time opening hours) and a church as community infrastructure. Residents are therefore dependent on car travel to access schools, shops, doctors, and other amenities. This lack of infrastructure and facilities applies equally to open market housing, especially in light of the aforementioned overdevelopment of the village.
2. Inappropriate housing density: The site is small, and the Parish Council does not believe the proposed housing density is in keeping with the character of the village. This is considered contrary to the adopted Neighbourhood Development Plan housing policies. The proposed layout is more akin to an urban development than one in a rural community—particularly one with no amenities.
3. Parking concerns: The number of parking spaces allocated appears to include garages. Given the typical number of cars per household and the overall lack of space or visitor parking, this is likely to lead to parking issues.
4. Access and highway safety: Despite measurements undertaken by the Highways Department, serious local concerns remain that the site entrance is too narrow—even under current usage with just 3 properties. Only one vehicle can safely enter or exit at a time onto the busy A438. If the number of dwellings increases, this issue will worsen.
5. Construction access limitations: The restricted size of the overall site, along with the narrow entrance directly off a major A road, presents likely access issues during construction if the proposal proceeds.

6. Recent developments in the parish: It is noted that construction is underway (March 2025) on Planning Application 193762 at Millstream Gardens, Eardisley HR3 6NR. This approved development will provide up to 18 dwellings, including 6 affordable homes. Eardisley, as the largest village in the parish, benefits from a shop, pub, school/pre-school, community green and play area, church, and local businesses/industry.

Objections raised previously by the Parish Council, which remain valid, are reiterated below.

#### EXECUTIVE SUMMARY (March 2024)

Eardisley Group Parish Council (EGPC) has considered application P240349/O – Proposed ‘rural exception’ housing development of ten dwellings (comprising 5 affordable dwellings and 5 open market dwellings).

The latest proposals relating to the Ramblers Way site have been fully reconsidered by the Parish Council. In reviewing this application, councillors took account of the significant number of representations by Winforton residents, which mirrors the strength of feeling toward previous applications on this site. On this occasion, Councillors also heard directly from the developer and their agent, who attended a parish council meeting to explain their rationale for the application and its proposed designation as a ‘rural exception’ site.

In conclusion, the Parish Council (EGPC) determined its principal objections to previous development proposals on this site remain valid. These concerns are restated below and updated as appropriate.

In addition, EGPC regards the classification of this application for development as a ‘rural exception’ site as not justified. The reasons for this are also set out below.

#### 1. Background

The Ramblers Way site is a small plot of land located at the western end of Winforton, outside the village’s defined settlement boundary and parallel to the main A438, Hereford to Brecon road.

Since 2004, this site has been the subject of nine planning applications, including the latest proposals. Of these, six were refused, withdrawn, or subject to dismissed appeals. In 2015, planning permission for three self-build homes was granted with conditions (application 151111). EGPC believes a statement from HC included in the Decision Notice, Item 4 – ‘Informatives’, remains highly relevant and significant. Namely, “4. The Planning Committee wishes it to be noted that they would not be supportive of further residential development on the land to the rear of the site.” This was not least because the then Environment Agency flood map showed Risk 2 on land close to the rear of the 3 permitted properties (see Flood Risk below).

All other subsequent attempts to further develop this small parcel of land have been unsuccessful, with proposals ranging from a further 5 to 9 dwellings being put forward. This is the first time any element of affordable housing has been included.

#### 2. Housing Development in Winforton & the Parish Group

The Eardisley Group Neighbourhood Development Plan (NDP) was made (adopted) in June 2016. Given Herefordshire Council (HC)’s housing land supply currently demonstrates a five-year supply, EGPC’s NDP housing policies continue to carry full weight in the planning balance at this time.

Since 2016, planning approvals for the development of housing in the parish group have exceeded numbers specified in Policy H1 of the NDP as illustrated in the table below.

Updated figures (February 2024) for Eardisley Group Parish are as follows:

Location	No. of houses pre-NDP	Min. No. of houses planned as per NDP (2016 - 2031)	No. of houses Built/ Approved (since 2016)	Est. Additional houses highly likely to be built	Est. Total Addit. houses by 2031
Eardisley	374	45	43	18**	61
Winforton/Willersley	94	11	29*	0	29
Whitney on Wye	59	7	4	0	4
<b>Group Parish Total:</b>	<b>527</b>	<b>63</b>	<b>76</b>	<b>18</b>	<b>94</b>

\*Excluding this outline application for Ramblers Way

\*\*Outline permission granted, includes 6 affordable homes (now under construction)

Compared with the 63 houses specified in the NDP, already in 2024, the number of houses approved to be built is 76, with a further 18 (including 6 affordable homes) in the pipeline. This means 94 houses are anticipated by 2031 – an over-achievement of 31 dwellings (approximately 49%).

While the PC uses the group total as its working basis, it is also useful to examine the Winforton figures alone. Using the NDP target of 11 houses, the village has already experienced an increase of 28 dwellings, with a recent approval bringing this total to 29. These figures exclude the further 10 houses proposed in this application and represent a 163% over-achievement.

The Parish Council strongly believes development capacity in Winforton has been reached and significantly exceeded. This view was supported by the NDP team at Herefordshire Council with the statement in the Delegated Decision report (June 2020):

“It is acknowledged that proportionally Willersley and Winforton have seen a greater level of growth than other areas of the parish... this could now be seen as disproportionate within the planning balance.”

The PC believes villages like Winforton, having exceeded their NDP contribution, should not be further developed if deemed unnecessary by the local community.

### 3. Sustainability, Infrastructure & Rural Exception Sites

Following significant development in recent years, Winforton's population has grown considerably, yet no new services, amenities, or facilities have been added. There is a pub (with part-time hours) and a church, but no shops, no school, and no children's play area. The PC believes this growing population has had a detrimental impact on village infrastructure.

None of the approved developments in Winforton have included affordable housing or Section 106 contributions. The current application proposes 3 affordable homes, but the PC views this as insufficient.

The site is outside the NDP settlement boundary. While a rural exception may be granted in such cases, the PC does not believe the local community's needs would be met by further development in Winforton. Eardisley, with its school and amenities, would be a more suitable location.

The PC also questions whether a proven need for affordable housing in Winforton has been demonstrated. Citing Old Hunstanton Parish Council, the PC notes that rural exception policy is meant to serve small communities, not broader county housing demand.

### 4. Highways, Access & Parking

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Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789



The site is said to be served by a 4.8m vehicular access and 2m footpath off the A438. However, residents report frequent access and safety concerns, with the road width measured locally at 4.5m and the pavement below 2m.

There are concerns about whether emergency or refuse vehicles could be accommodated, and no visitor parking appears to be provided. The Parish Council references Policies T1(g) and T2 of the NDP regarding traffic and transport requirements.

## 5. Public Right of Way (PROW)

Footpath WW1 was rerouted in 2016 around the site. The latest application proposes a new 'footpath link' to the Vineyards, but discrepancies exist between the developer's map and the land registry, raising doubts about feasibility.

Baker's Lane, a proposed pedestrian route, is in poor condition and used by heavy agricultural vehicles.

## 6. Flood Risk

Although the site is in Flood Zone 1 per current maps, high water levels in 2019–2020 suggest otherwise. The PC questions the developer's claim of no flood risk and invokes Policy E1(b). Increasing flood frequency along the River Wye adds to this concern.

## 7. Supplementary

The Parish Council supports previous reasons given by Herefordshire Council in refusing the original application. It maintains that the current proposal does not meet rural exception site criteria.

## 5.2 Letters of Representation

Letters of objection have been received 46 individuals. The key themes are as follows:

- The proposal is outside of the settlement boundary for Winforton and is contrary to the policies of the Eardisley Neighbourhood Development Plan
- Winforton has delivered housing significantly above its proportional growth target
- Winforton lacks services and facilities, which are otherwise available in Eardisley.
- The site is at risk of flooding and will increase flood risk to neighbouring properties
- The quantum of development is too dense for the site
- The proposed layout and design are out of keeping with the local area
- The scheme extends beyond the depth of existing development
- The scheme would lead to the loss of a valued area of green space
- Loss of privacy to existing dwellings at Ramblers Way, Poppins and Vineyards
- Concerns over safety and width of access road
- Concerns over internal layout and level of parking provision
- Concerns over footpath provision and link through Vineyards
- Concerns over loss of hedgerow and biodiversity habitats
- Lack of green space, recreation or play area within the scheme
- Lack of renewable energy or sustainability features in proposed design
- Urbanising effect on character of the village
- Affordable housing provision is not of a type that would genuinely meet local need
- Concerns over feasibility of individual drainage arrangements
- History of planning refusals on the site
- Lack of footway provision

- Impact on integrity of River Wye and wildlife value of the site.
- Scheme does not deliver good standards of amenity for occupiers
- Scheme would be detrimental to amenity value of the footpath
- Approval would contradict an earlier Planning Inspector's dismissed appeal
- Lack of community engagement
- The scheme does not make any contribution towards community infrastructure
- The development conflicts with emerging policies in the Regulation 18 draft March 2024

5.3 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=240349&search-term=240349](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=240349&search-term=240349)

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

## 6. OFFICER'S APPRAISAL

### 6.1 Procedural Background

6.2 It is highlighted to Members that the application was first submitted in February 2024 and originally promoted the development on the basis that it was a 'rural exception site' in line with the provisions of CS policy H2. In broad terms, this policy provides an 'exception' mechanism whereby development may be permitted on land which would not normally be released for housing (e.g. because it may be outside of a defined settlement) where the proposal would meet a recognised local need for affordable housing. The scheme as originally deposited was for ten dwellings, with five of these being affordable and the remaining five being proposed for sale on the open market to subsidise the affordable units. As required by policy H2, the application was supported by detailed Viability Assessments which sought to justify the need for the open market housing and Officers had begun the process of engaging with the District Valuation Office to independently scrutinise the supplied financial appraisals. The promotion of the development as a 'rural exception site' was, in part, as response to the fact that the site is located outside of the settlement boundary for Winforton and, at that the time the application was made, the relevant policies from the Eardisley Group NDP benefitted from full weight.

6.3 However, Members will be aware that Government planning reforms published in December 2024, which included changes to the NPPF and the introduction of new mandatory housing targets, have had significant implications for both plan making a decision making. In the context of Herefordshire, this includes a 70% increase in the new homes requirement over the plan period – rising from 16,100 to 27,600 new dwellings. These changes have also impacted the Council's housing land supply, which has now dropped below the required five years to **3.06 years**. The implications of this is that certain policies of the development plan are no longer considered 'up-to-date' and the 'tilted balance' in favour of sustainable development is engaged.

6.4 In light of these changes of circumstance, the Applicant submitted an amended proposal in February 2025. This confirmed that the application was no longer being promoted as a 'rural exception site', but instead as scheme for nine dwellings that would comprise six open market units and three affordable. A full re-consultation exercise in respect of the amended scheme was carried out in February – March 2025. For the avoidance of doubt, the following appraisal is made in relation to the amended scheme as submitted in February 2025.

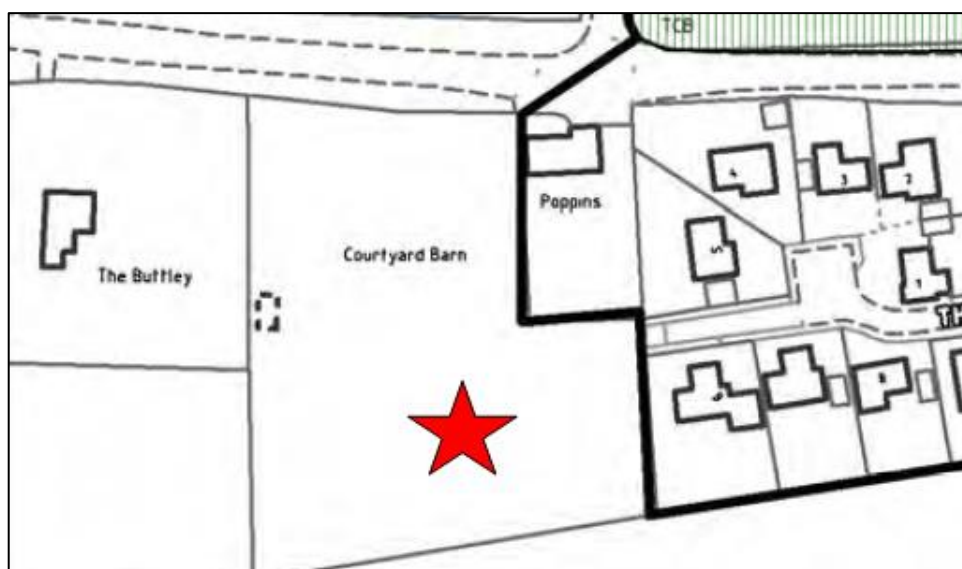
### 6.5 Policy Context

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

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

- 6.7 In this instance the adopted development plan comprises the Herefordshire Local Plan – Core Strategy (CS) and the Eardisley Neighbourhood Development Plan. The latter was made part of the statutory development plan in June 2016. The National Planning Policy Framework (NPPF) is also a significant material consideration.
- 6.8 A range of CS policies are relevant to development of this nature. Strategic policy SS1 of the CS sets out the presumption in favour of sustainable development, which is reflective of the positive presumption that lies at the heart of the NPPF. Policy SS1 confirms that proposals which accord with the policies of the Core Strategy (and, where relevant, other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.
- 6.9 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 9<sup>th</sup> November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case the relevant policies of the CS have been reviewed and are considered entirely consistent with the NPPF with regards to promoting sustainable types and patterns of development. As such, it is considered that they can still be attributed significant weight.
- 6.10 The Council is currently in the process of preparing a new local plan. A draft was published in the March 2024 for Regulation 18 consultation. Following the changes to the NPPF made at national level in December 2024 however, the Council decided to cease further work on the Draft Regulation 18 Local Plan because a new spatial strategy is required to address the significant uplift in housing growth. The council will now progress its Local Plan under the new plan making process introduced by the Levelling up and Regeneration Act (LURA) 2023. No draft of the plan under the new plan making system has yet been published. As such, there is no emerging plan to which any weight can currently be attributed.
- 6.11 The NPPF makes clear that all decisions need to apply the presumption in favour of sustainable development as set out at Paragraph 11 of the NPPF. This states that development which accords with an up-to-date development plan should be approved without delay. Where there are no relevant policies or the most relevant policies are considered to be ‘out-of-date’, then the presumption in favour of sustainable development as set out by Paragraph 11 d) (‘the tilted balance’) is engaged. This means that planning permission should be granted, unless:
- I. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
  - II. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 6.12 Footnote 8 makes clear that, for applications involving the provision of housing, policies should be regarded as being out of date if the Local Planning Authority is unable to demonstrate a five year supply of deliverable housing sites. Following changes to the standard method for calculating housing targets which accompanied the revised NPPF in December 2024, the Council is no longer able to demonstrate a five year supply of housing land. The current supply figure in the county is **3.06 years**. The relevant policies of the development plan should therefore be regarded as being ‘out of date’ and the positive presumption as set out at Paragraph 11 d) is engaged.

- 6.13 Paragraph 14 of the NPPF concerns the relationship between the Paragraph 11d presumption and Neighbourhood Development Plans. It states that where the presumption is engaged for applications involving the provision of housing, then the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:
- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
  - b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70).
- 6.14 The Eardisley Group NDP was made in 2016 and therefore is more than 5 years old. It also As such, the plan does not benefit from the enhanced provisions of Paragraph 14.
- 6.15 **Principle of Development**
- 6.16 CS Policy RA1 concerns housing delivery in rural areas and policy RA2 identifies rural settlements where new housing growth is considered to be appropriate. Winforton is identified at Figure 4.14 as a settlement which will be a main focus of proportionate housing growth. The policy states that new housing will be supported where it is located 'within or adjacent to' the main built up part of the settlement in question.
- 6.17 The CS is reflected by the Eardisley Group NDP, with policy H1 setting out the spatial strategy and confirming that growth will be directed to the three settlements within the plan area of Eardisley, Winforton and Whitney. Policy H2 goes on to further clarify the settlement strategy and under point b) states that *'to allow for required development and controlled growth, a settlement boundary is defined for Winforton, as shown on the Winforton Policies Map. Development should take place within this boundary in accordance with relevant policies set out in this Neighbourhood Plan.* Point d) of the policy states that outside of these areas, new homes will only be permitted in a number of specific circumstances. The circumstances reflect policy RA3 of the CS. Policy H5 also reinforces that new homes in Winforton will be accommodated within the defined settlement boundary where various criteria are met. The settlement boundary (thick black line) is shown in the map below relative to the proposal site (red star):



**Figure 3: Extract of Winforton Policies Map**

- 6.18 The settlement boundary is drawn around the edge of the cul-de-sac known as the Vineyards and around Poppins. It is noted that the three existing houses on Ramblers Way which front onto the A438, effectively as infill between Poppins and The Buttlely, fall outside of the settlement

boundary. The proposal site in this case is depicted broadly by the red star. Although immediately adjacent to it, the site clearly falls outside of the settlement boundary for Winforton.

The location of the site adjacent to the main built up form of Winforton is such that there is no conflict with policy RA2 of the CS. This indicates that the site is generally regarded as being a sustainable location for housing growth given that it is contiguous with a settlement that has been identified as an appropriate location for growth. However, it is contrary to policies H2 and H5 of the Eardisley NDP which seeks to limit development to within a defined boundary. The proposal also does not seek to fulfil any of the circumstances which would allow development outside of settlement boundary to be supported, as set out by policies RA3 or H2 d). As such, the principle of residential development on this site is contrary to policies H2, H5 and RA3.

- 6.19 However, it is recognised that these policies are ‘out-of-date’ and consequently attract reduced weight for decision taking. The harm associated with the policy tensions identified will have to be weighed in the planning balance by the decision maker, having regards to the ‘tilted balance’ that is embodied by the presumption in favour of development as set out by Paragraph 11 d).

## 6.20 Proportionate Growth

- 6.21 It is acknowledged that a common theme in the local representations received is a concern that the development would not represent proportionate growth and would thus be detrimental to the well-being of the settlement. In this sense, it is recognised that Winforton has performed strongly in the past and delivered housing at a rate which significantly exceeds the minimum growth target defined by the Core Strategy. It was noted in the 2019 annual monitoring exercise for instance that 32 dwellings had been delivered in the village since the start of the plan period, compared to a minimum growth target of 11 units across the whole plan period. In that context, the question of whether the proposal would constitute ‘proportionate growth’ (in combination with other material considerations and ‘cumulative’ harms), has been cited by the LPA as a factor in refusing previous proposals for housing development on the site.

- 6.22 However, the appeal decision in respect of the most recent refusal reinforced that the growth figures cited in the CS are a target and not a ceiling to development. As part of the decision in respect of APP/W1850/W/22/3296263, it was noted:

*‘In this case the proposal would provide seven dwellings towards housing land supply for the area, in a reasonably accessible location. This is a benefit, even when considering the amount of recent housing development within the village, as there is no cap on what level of housing should be delivered locally. The proposed housing would still provide a housing boost for the wider area with there being no maximum number of dwellings that policies say should be limited to’ (Officer Emphasis)*

- 6.23 The NDP also acknowledges at policy H1 b) that housing ‘*targets may be exceeded, in particular, should an additional Core Strategy need be identified and/or proposals incorporate measures to address significant community needs*’.
- 6.24 Moreover, it is a significant material consideration that a revised National Planning Policy Framework was published in December 2024 and this instigated a number of notable policy changes that have implications for how this application is to be assessed. Central amongst these is the introduction of new mandatory housing targets, which have increased Herefordshire’s housing requirement by 70% over and above the targets previously established by the Core Strategy (which are now out-of-date). This national policy change supports the Government’s broader agenda to promote growth and significantly accelerate housing delivery.
- 6.25 As noted earlier within this report, the effect of the new housing targets is that the Council is no longer able to demonstrate a five year supply of housing land. The current supply figures stands at 3.06 years and the housing policies of the development plan must be regarded as being ‘out-



of-date' as a result. This is highlighted to Members as a significantly different context to when the most recent application on the site was refused permission in 2022; as at that point in time the Council was able to demonstrate that it had a sufficient supply of housing to meet its identified housing needs and thus the policies of the development plan could be attributed full weight for decision making. However, this is no longer the case. It is instead evident that the Council has a sizeable shortfall in its housing land supply relative to the new housing targets.

- 6.26 With that in mind, it would not be considered justified to resist further development in Winforton based on a purely quantitative assessment of the level of growth relative to the now outdated targets within the Core Strategy. In the context of the current land supply shortfall and the need to increase housing delivery, the specific details of the scheme must instead be assessed with regards to wider policies of the development plan to establish whether the development (and the associated proportionality of growth) would give rise to clear and tangible harms that would demonstrably outweigh the benefits of the scheme. The key material considerations in this regard are assessed in the following paragraphs.

## **6.27 Local Character and Landscape Impacts**

- 6.28 Policy RA2 requires that all developments within or adjacent recognised settlements to be of a high quality and appropriate to their context whilst making a positive contribution to the surrounding environment and its landscape setting. This is further reinforced by policy LD1 which requires that schemes are positively influenced by the character of the townscape in terms of their design, scale and site selection. SD1 also requires that schemes are designed to maintain local distinctiveness by respecting scale, height, proportions and massing of surrounding development whilst making a positive contribution to the character of the area. Policies SD1, H7 and E2 of the NDP also set out similar principles which require that development protects, maintains and enhances the parish environment by (inter alia) achieving a high quality built environment, promoting local distinctiveness, and supporting features that contribute to local character. Dwellings should be of a scale and character reflecting the density and massing of existing properties in the vicinity, as per policy H7 e).
- 6.29 The site here lies on the western edge Winforton. It is enclosed by residential land uses on three sides; with the residential estate known as Vineyards being located to the east, the three dwellings on Ramblers Way being located to the north, and a single dwelling known as the Buttley being located to the west. The southern boundary of the site is enclosed by a hedgerow, which is a continuation of the hedgerow that demarks the southern limits of Vineyards. In spatial terms therefore, the site is reasonably well located to the existing built up form of the village as required by the relevant policies of the CS and NDP. The site's relationship with surrounding patterns of development is depicted on the aerial image on the next page:



**Figure 4: Proposal site relative to built form of Winforton**

- 6.30 The site would be visible from the A438, however these views would be screened by the existing housing fronting the highway and largely confined to the open corridor associated with the site access. The site is however also crossed by a public footpath WW1. It is evident 'on the ground' and from the representations received that this footpath is well used, providing a link for village residents to the surrounding countryside. The currently open nature of the site, akin to a rough pasture, affords attractive views of the countryside across the River Wye flood plain to the south towards the Black Mountains. The characteristics of the site in this regard are such that it contributes positively to the rural setting of the village, as noted by the Inspector in 210131/O.
- 6.31 The development of the site for housing will clearly change the character of the site from open and rural in nature to a more urbanised residential character. The envelope of the village would be expanded into the surrounding countryside and there would be an erosion of the site's rural character which contributes to the edge-of-settlement transition. However, the impact in this regard would be mitigated to some extent by the relationship with surrounding housing and the confinement of development to within existing landscape boundary features. The existing hedgerow to the south of the site for instance, which aligns with the rear boundary of Vineyards, is such that the parcel of land is reasonably well enclosed and any new housing here would not appear as a discordant protrusion into the countryside relative to its neighbours. Existing boundary hedgerows would be retained and protected during construction, as would the large oak tree to the north east of the site – providing further mitigation. The density of development, which is equivalent to approximately 18 dwellings per hectare, is also relatively low and not markedly different to that found on the immediately adjoining development at Vineyards.
- 6.32 Although the application is made in outline, the matter of layout is provided for consideration at this stage. Although proposing a similar quantum of development of dwellings to previous proposals on the site that gave rise to density concerns, the current scheme is considered to make more efficient use of land by increasing the number of smaller footprint units – such as four of the dwellings being provided in a semi-detached format. The layout plans also indicate that Plot 1, which is located at the central arrival point to the site, would be provided as a bungalow. The provision of a single storey dwelling in this location is considered to be beneficial from a design perspective, as the lower height and massing would contribute to a greater sense of

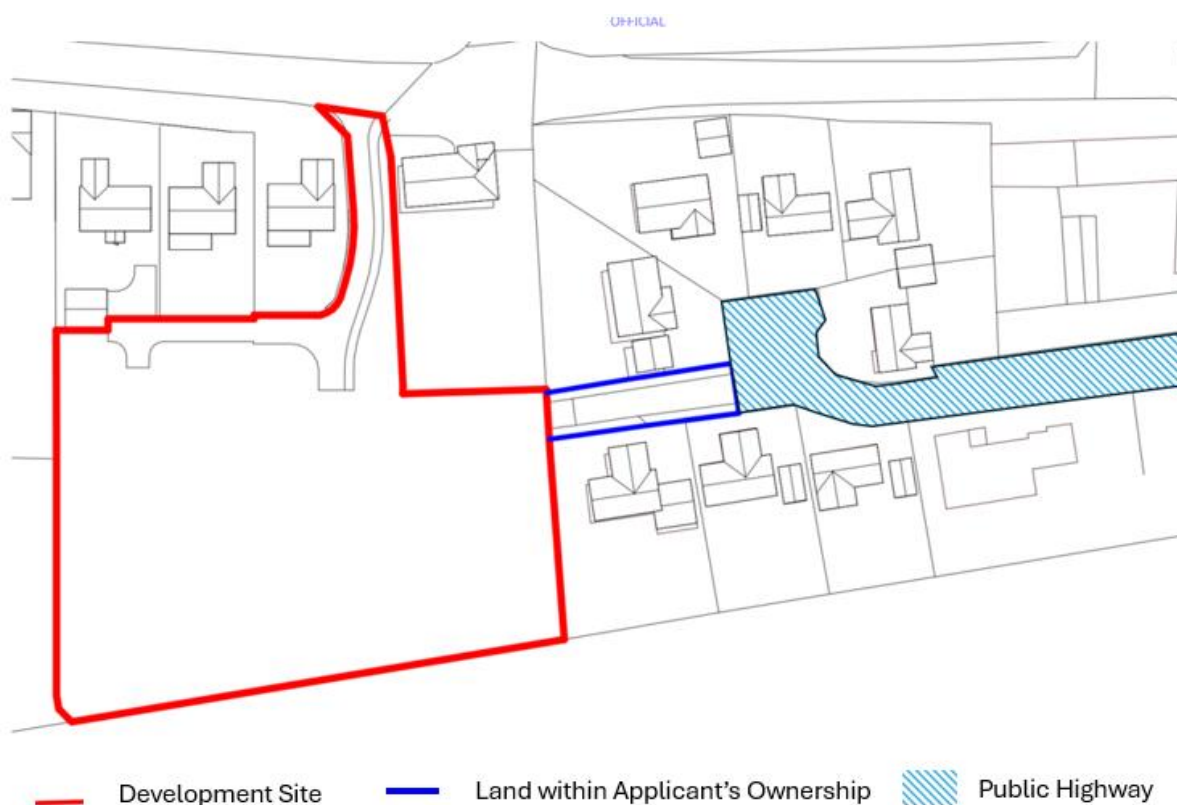
spaciousness and would limit the intrusion of built form in views through the site towards the wider landscape to the south. This is also assisted by the provision of an open corridor around the public footpath to the south, which would help reduce the urbanising effect of the development for footpath users and allow for tunnelled views of the countryside beyond. Although the Landscape Officer has suggested that the corridor may be more effective in an alternative location, Officers are satisfied that it would serve its intended purpose in its current location when the alignment with the wider site roads, footpaths and likely desire lines are taken into account. Beyond that suggestion with respect of site layout, it is noted that the Landscape Officer has not offered any explicit objections to the development proposed.

- 6.33 It is not considered that the proposal site lies with the setting of any heritage asset and thus no potential for impact is identified in this regard that may lead to conflict with LD4 or E2.
- 6.34 Overall, it is accepted that the scheme would urbanise the site and this would erode the rural setting of the village. There is a degree of policy tension associated with this, in particular with LD1, H2 and H7. However, the scheme has taken measures to mitigate the impact and Officers do not consider that levels of harm would be significant. This broadly aligns with the findings of the Inspector dealing with the appeal in respect of 210131/O, who whilst acknowledging the urbanising effect of the development, noted that the impacts of developing the land in landscape character terms were 'limited'. Nonetheless, harm is found and this must be weighed in the planning balance, having regards to the positive presumption as set out by the NPPF.

### **6.35 Access and Highways**

- 6.36 The application is made in outline, with details of access for approval at this stage. Core Strategy Policy MT1 relates to the highways impacts of new development, and requires that proposals demonstrate that the strategic and local highway network can absorb the traffic impacts of the of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development. It also requires under point (4) that developments are designed and laid out to achieve safe entrance and exit and have appropriate operational and manoeuvring space. From the NDP, policy H5 requires amongst other things that all development proposals in Winforton ensure appropriate access arrangement can be provided. More general policy T2 sets out a range of highways requirements for new developments which includes that all developments should;
- a) Make full and adequate provision for off-street parking within residential development, including parking for visitors;
  - b) design roads and parking areas within any site to minimise the effects on pedestrians, in particular safeguarding children in areas where they walk or play, and avoid the opportunity for indiscriminate parking by residents and visitors
  - c) not result in unacceptable road or highway risk, dangers to pedestrians, or traffic congestion and pollution especially in Eardisley;
  - d) provide permeable surface construction for parking facilities to reduce surface water run-off and contribute to local flood reduction
  - e) not restrict the ability to provide an appropriate car parking area and safe passenger dropping-off point for Eardisley Primary School;
  - f) provide appropriate public car-parking for employees and visitors in relation to proposals for employment, business and tourism uses;
  - g) include measures to support and encourage active travel modes as in T3.
- 6.37 Policy T3 also sets out a range of principles related to the promotion of sustainable transport measures. This includes that schemes should provide pavements and cycle paths which enable connections to existing footways in order to gain access to villages and facilities.

- 6.38 The development would be served via the existing access on the A438 to the north of the site, which currently serves three dwellings at Ramblers Way. The existing access is located within the 30mph village speed limit and benefits from good levels of visibility onto the main road. The Council's Transportation Manager confirms that the intensification in use of the existing access associated with the proposed development does not raise any safety concerns and advises that the internal configuration of the access road is also appropriate – adhering to the principles of 'Shared Surfaces' within the Highways Design Guide that are considered suitable to support up to 25 dwellings. It is therefore suitable to support the cumulative total of 12 dwellings. As such, it is not considered the proposed access arrangements would have any detrimental to the safe and efficient function of the network and no objections have been received from the Transportation Manager on that basis. No conflict with MT1, T2 or H5 is hence identified.
- 6.39 The definitions of the DMPO makes clear that approval of 'access' requires consideration by all modes of transport, including pedestrians. The existing site access to the A438 is flanked by a pedestrian footway and this would be available for use by new residents of the proposed development, however it is acknowledged that there are limited segregated footways available once they reach the main road in a manner that is typical of many rural villages. A further pedestrian link is however also proposed through the Vineyards housing development to the east of the site, which would provide better access to the village's dedicated footway network that runs alongside the A438 to the east of Bakers Lane. Although the deliverability of this link has been questioned in the representations received, it is evident that the road serving the Vineyards is adopted public highway as far as the turning head and the deposited plans indicate that the remaining strip of land which links this to the proposal site is within the ownership of the applicant (Figure 5). A link here would therefore appear to be feasible and the works would be conducive with the aspirations of policy Eardisley NDP policy T3, which seeks to increase connectivity within villages. It would also provide formalised access from the Vineyards to the public footpath crossing the proposal site and the wider countryside beyond, which would appear to already be a well-trodden route on an informal permissive basis. The Transportation Manager has advised that the proposed link is acceptable in principle and full details are recommended to be secured by condition, to be implemented prior to first occupation.



**Figure 5: Plan showing land control in area of proposed link to Vineyards**



- 6.40 In so far as access and highways considerations are relevant to 'layout', the internal site arrangements ensure that appropriate manoeuvring and parking space is provided for the nature of the development proposed. Off-road parking is provided at a minimum rate of two spaces per dwelling, which the Transportation Manager confirms accords with the relevant design standards. For the avoidance of doubt (following such references in representations received), there is no reliance on internal garages within the parking strategy.
- 6.41 The site is also crossed by a public footpath WW1. This appears to be well used, providing a link between the housing in the village and the wider countryside to the south. The layout of the site would require a diversion order to alter the alignment of the path in the southern portion, where it would run through an open corridor between two dwellings. The alternative alignment would maintain the function of the path and the Council's PRow Officer has confirmed that they do not object to the scheme, subject to a diversion order being made before the development is carried out. An informative note advising of the correct process will be attached to any decision.

## 6.42 Types and Mix of Housing

- 6.43 Amongst other things, policy H3 of the CS requires that developments should provide a range and mix of housing units which meet local needs and contribute to the social wellbeing of settlement. Policy H7 of the NDP sets out a similar requirement, with point a) also setting out that there should be an emphasis on family accommodation and good quality accommodation for older people. Policy SD1 of the NDP also requires that new housing should be in mixed groups in terms of type, size and tenure. Point f) of NDP policy SD1 is particularly relevant:

*'f) Housing development should be in numbers and types to promote strong, balanced communities meeting the needs of all ages and stages, including young families, the elderly and people with disabilities. New housing should be in mixed groups in terms of type, size and tenure. The precise housing mix should meet the long term needs of the group of parishes over the plan-period and, in particular provide family accommodation for working age households in order to support local community and economic resilience'*

- 6.44 With regards to affordable housing, policy H1 of the CS sets the expectation that sites of 10 dwellings or more will be expected to contribute towards meeting affordable housing needs. For qualifying development within this area of the county (Kington and West value area), it sets the target that 35% of units be provided under affordable tenures.
- 6.45 As referenced in earlier sections of this report, the application was originally promoted as a 'rural exception site' in accordance with CS policy H2. Following the changes made to the NPPF in December 2024 however, it is no longer being advanced on that basis. It is instead to be assessed as a general 'open market led' housing scheme and without reference to any of the circumstance in RA3 where development outside of settlements may be acceptable.
- 6.46 The proposal scheme is for nine dwellings. For the avoidance of doubt, this means the scheme is below the ten dwelling threshold whereby there would be a policy obligation for it to provide affordable housing in accordance with policy H1. Nonetheless, the Applicant proposes to supply three of the dwellings as affordable housing, which would be equivalent to the 35% of the scheme total (in alignment with the target sought by policy H1 on qualifying schemes).
- 6.47 The specific type of affordable accommodation being proposed has been arrived at following discussions with the Council's Strategic Housing Team, having regard to locally identified needs and affordability factors. The scheme proposes to provide three dwellings would be delivered as 'Discounted Market' units, whereby they would be sold to qualify persons at a 30% discount off the open market valuation. This discount would be secured in perpetuity through a S106 agreement, which would also include a local connection clause with preference given to those with links to Winforton in the first instance (followed by cascading parishes). A draft of the S106 agreement has been agreed and is included as an Appendix to this report (Appendix 1).



- 6.48 The provision of affordable housing when there is no policy obligation to do so (effectively on a 'voluntary' basis), is a benefit that attracts significant weight in favour of the scheme. There has historically been an under-delivery of affordable dwellings in rural areas and the provision of three 'family' homes on a Discounted Market basis would help to address this past trend, in particular aligning with the aims of the NDP policy SD1 f) to 'provide family accommodation for working age households in order to support local community and economic resilience'. The NDP also acknowledges in the background justification (p24) that the absence of affordable homes within the area to part-buy or to buy at lower than market cost is a serious disincentive for younger families who want to get onto the property ladder. Again, the scheme would help to address this and that would support achieving the social objective of sustainable development.
- 6.49 The remaining housing units would be provided for sale on the open market. The application provides an undertaking to deliver one of these units as a bungalow (Plot 1), which would assist in delivering a range of houses and accommodation to meet the needs of older people. This is an aim emphasised in the NDP through policies H7 and SD1 and, again, is a benefit which attracts weight in favour of the scheme. In the context that the matters of scale and appearance are reserved for future consideration, no plans for the dwellings are available at this stage and thus the delivery of the bungalow in the RM scheme will be secured by condition. Details of the mix of housing across the scheme as a whole will also be secured by condition, being mindful that detailed plans for the dwellings themselves are not to be secured at this stage given scale and appearance are reserved matters.
- 6.50 In summary therefore, the scheme is considered to propose an appropriate mix of housing in accordance with policies H3, H7 and SD1. The provision of three affordable dwellings on a voluntary basis is also a significant benefit that must be weighed in the planning balance.

#### **6.51 Landscaping**

- 6.52 Although made in outline, the application seeks approval for the matter of landscaping at this stage. Policies LD1 and H7 are most relevant in this regard, which broadly require that landscaping schemes form an integral part of new development to ensure development integrates appropriately into its surroundings. A scheme of hard and soft landscaping has been provided on PPA-W-03-D. The plan shows that existing boundary features such as the hedgerow to the south would be maintained and a buffer area would be provided around notable tree features such as the oak to the north east. The proposed landscaping scheme predominantly utilises hedgerows to define plot boundaries, along with some areas of fencing that is mainly found to rear gardens. A range of tree planting is proposed, both within private curtilages and in the shared area adjacent to the footpath corridor to the south. There is a particular focus on tree planting to reinforce the hedgerow to the south, which increase the effectiveness of this feature to help soften the appearance of the new housing when viewed from the south. As a whole, the strategy shown on the supplied plan is acceptable – however some details do require further information or clarification. There is for instance some ambiguity regarding the nature of fencing to be used, and the planting specification for hedgerows will need some refinement as the current native mix includes 'thorny' species that are undesirable as boundary treatments in domestic gardens and adjoin footways. Revised details can be secured by condition. A bespoke scheme of landscape maintenance will also be secured by condition, noting the comments from the Council's Arboriculture Officer regarding the lack of precision in the current details that may compromise the establishment of the new planting scheme if not adequately addressed. Subject to these conditions being imposed, there is not considered to be any conflict with policies LD1 or H7.

### **6.53 Residential Amenity**

- 6.54 Policies SD1 and H4 require that development proposals safeguard residential amenity for existing and proposed residents. This accords with the principles set out by the NPPF with regards to securing good standards of amenity for all existing and future occupants of land and buildings. Although the current application is in outline form, layout is fixed at this stage and positioning of dwellings broadly accords with surrounding patterns in terms of density, orientation of building and separation distances between plots. Details of landscaping area also provided for approval and this includes appropriate boundary treatments to ensure privacy to external areas, without unduly compromising living conditions or visual amenity through the use of insensitive 'hard' features. Officers are therefore satisfied that good standards of amenity would be delivered and have hence found no conflict with SD1 and H4 in this sense

### **6.55 Flood Risk**

- 6.56 It is noted that many of the representations received highlight a perceived risk of flooding to the site. No evidence, anecdotal or otherwise, has however been provided to suggest the site has previously suffered from flooding events and this would align with the Environment Agency mapping (NFRA2 updates March 2025), which identifies the site as being within the 'low risk' Flood Zone 1 for fluvial food risk. The site is also not identified as being at risk from pluvial flooding. There is hence no required for a Flood Risk Assessment and the site is considered suitable for development with regards to national guidance and policies E1 and SD3 of the Development Plan. No adverse comments have been offered from the Council's Land Drainage Team with respect of flood risk.

### **6.57 Foul and Surface Water Management**

- 6.58 In respect of foul water management, policy SD4 of the CS is applicable. This policy relates to waste water treatment and river water quality and broadly requires that development should not undermine the achievement of water quality targets by ensuring adequate arrangements are provided for the treatment of waste water. The policy sets out a hierarchal approach whereby a mains sewer connection is the preferred option. Where this is not practical, then alternative private options should be considered which includes the use of a package treatment plant in the first instance. Policy SD1 of the NDP is also relevant insofar as it states that schemes should include measures for sewage treatment and surface water management. From the CS, SD3 requires that sustainable water management methods for this are an integral part of new development in order to reduce runoff rates and avoid adverse impacts upon water quantity. This includes that developments should include appropriate sustainable drainage systems and ensure that surface water runoff rates are not increased.
- 6.59 The village of Winforton is not served by a mains sewer network and therefore the application proposes the use of package treatment plants and soakaways within the curtilage of each dwelling to manage foul water. Surface water would be managed through the use of individual soakaways. The current application is supported by the results of infiltration testing on site which confirms that these are a viable form of management, however infiltration rates are high and in the level where a permit to discharge would be required from the Environment Agency. As a demonstration that the means of management is feasible, a permit has been obtained by the Applicant for a single plot. The LPA is hence satisfied that suitable foul water management arrangements can be achieved and no objections have been received from the Council's Land Drainage Engineer, subject to a detailed design for the foul system to be secured by condition.
- 6.60 With regards to surface water management, on-site tests again show that infiltration methods are appropriate and this is reflected in the use of individual soakaways within the curtilage of each dwelling. Surface water from communal areas, such as the site road, would be managed through the use of impermeable surface and a shared soakaway located on the public green space

corridor to the south. Again, the Council's Land Drainage Engineer confirms that these arrangements are appropriate and no conflict is identified with CS policy SD3.

## **6.61 Habitats Regulations**

- 6.62 It is noted that the site lies within the catchment of the River Wye Special Area of Conservation (SAC) where assessment under the Habitats Regulations is required. In such areas, there is a requirement for competent authorities to have regard to the regulations and ensure there would be no adverse effect on the integrity of the designated site when granting permission for plans or projects. In this case, the LPA is the competent authority.
- 6.63 The development proposed in this case has the potential to impact upon local water quality and consequently the integrity of the designated site through the generation of and surface water. There is also the potential for impact as a result of construction processes. The application has however put forward mitigation in the form of a policy compliant foul and surface water management strategy, whilst mitigation for the construction phase can be secured through a pre-commencement condition requiring a Construction Environmental Management Plan.
- 6.64 The LPA Ecologist has completed an Appropriate Assessment which, subject to mitigation measures being secured by condition, confirms that there would be no adverse impact upon the designated site. This has been subject to consultation with Natural England (the relevant statutory body) and they confirm they have no objections. The LPA's duties under the Habitats Regulations are hence fulfilled and there is no harm to these environmental assets identified.

## **6.65 Ecology and Green Infrastructure**

- 6.66 The application is supported by a preliminary ecological survey which notes the site is predominantly laid to grass with a hawthorn hedge to the southern boundary. Overall, it concludes that the site is of relatively low biodiversity value. Specialist advice has been sought from the Council's Ecologist and this confirms the LPA has sufficient information to conclude that the development will not have a detrimental effect on habitats or protected species, subject to mitigations measures being secured by condition. This includes a CEMP and external lighting condition. A scheme of biodiversity enhancement measures is also sought, however it is noted that these are already shown on the provided layout plan and their implementation prior to first occupation can be secured by condition. Subject to this, there is no conflict with LD2 and E4.
- 6.67 In respect of green infrastructure, the development is not likely to impact upon any significant trees and the existing hedgerow which forms the southern site boundary would be retained. There is a large oak tree outside of the site, but near to the development boundary, on the eastern flank and the road layout is delivered in a manner which avoids development within this root protection area. The Council's Arboriculture specialist consequently offers no objections to the scheme, subject to suitable protection measures being secured by condition. Further conditions are also recommended to secure an enhanced maintenance schedule to ensure that new landscaping measures are given the best chance of establishment. These conditions all pass the relevant tests and, subject to imposition, there would be no conflict with LD3 or E4.
- 6.68 For the avoidance of doubt, the validation date of the application is such that it is not required to deliver a mandatory 10% net gain to biodiversity value relative to pre-development conditions. This legislation came into force on 12th February 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) – however the application was made prior that date and hence is exempt from delivering BNG in accordance with the statutory exemptions and transitional arrangements.

## 6.69 Planning Balance and Conclusions

- 6.70 Both Core Strategy policy SS1 and Paragraph 11 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that developments should be approved where they accord with the development plan without delay. The NPPF is clear that the achievement of sustainable development is dependent on achieving three overarching objectives, which are interdependent and must be pursued in mutually supportive ways. These are an economic objective; a social objective; and an environmental objective.
- 6.71 The application here is to be considered in the context of the presumption in favour of sustainable development as set out by Paragraph 11 d) of the NPPF. The preceding appraisal has not identified any harm relating to the matters identified at Footnote 7 and hence Paragraph 11 d) i. is not engaged. The proposal is instead to be considered with regards to the 'tilted balance' at 11 d) ii, which directs that **permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.**
- 6.72 The starting point for decision making however remains with the statutory development plan. In this case, the site is located outside of the settlement boundary for Winforton and thus the principle of development is not supported by development plan policies H2, H5 and RA3. However, the inability to demonstrate a five year housing land supply is such that these policies must be regarded as being 'out-of-date' and the weight that can be given to them is reduced.
- 6.73 It has been identified that the proposal would urbanise the character of the site and erode the rurality of the edge-of-settlement location, however the scheme has taken steps to mitigate for this and it is not considered that it would appear incongruous in the context of existing neighboring development. It is also not considered that the scheme would be of a scale that it would lead to clearly demonstrable harm to the locale, for instance in terms of representing disproportionate growth relative to the size of the existing settlement or overwhelming the capacity of village infrastructure. Overall therefore, there is a limited adverse impact upon the character of the landscape and this leads to some conflict with LD1, H2 and H7.
- 6.74 The scheme incorporates measures to ensure there would be no adverse impact in respect of matters such as highway, flood risk, drainage, ecology and green infrastructure. There are no objections received from relevant technical consultees in relation to these issues, subject to the imposition of conditions. The absence of harm here is however neutral in the planning balance.
- 6.75 In terms of benefits, the scheme would provide new housing in a reasonably accessible location that is contiguous with a settlement that has been identified as a sustainable focus for growth within the development plan. The provision of nine dwellings towards housing supply is also a benefit that attracts weight in favour of the scheme, particularly in light of the current shortfall in the Council's supply against mandatory targets. The benefits of the scheme in this regard are not tempered by the exceedance of the village's housing target as defined within the Core Strategy, which are now outdated and not intended as a ceiling to development in any case.
- 6.76 The scheme here also makes provision for the delivery of affordable housing, with three units (equivalent to 35% of the scheme total) to be offered to qualifying local residents for purchase at a rate at least 30% below open market value. In the view of Officers, this is a benefit which should be afforded significant weight in favour of the scheme – particularly in the context that the affordable units are essentially offered by the developer on a 'voluntary basis' as there is no policy obligation for a scheme of this size to otherwise do so. The nature of the affordable dwellings proposed is such that it would align with the aspirations of the NDP to promote the delivery of family accommodation that enables local working people to stay in the area, which will in turn support the wellbeing of the local community and promote economic resilience. Delivery of the affordable units and retention in perpetuity will be secured by a S106 Agreement.

- 6.77 The scheme has also given an undertaking to provide one unit as a bungalow, which is useful inclusion to the housing mix and would again align with the aims of the NDP to provide accommodation that is suitable for older people. The delivery of a bungalow as part of the Reserved Matters can be secured by condition and the provision of a range of housing types to meet the varying need of the community is a further benefit that attracts positive weight.
- 6.78 The access strategy includes an undertaking to provide a secondary pedestrian access between the site and the Vineyards to the east, which provides onwards access to the rest of the village. This would be of benefit to future occupiers of the proposed development but also existing residents, who would appear to already use the route on an informal / permissive basis. The provision of a more formalised link will secure the use of that route going forwards and would align with policy T3 of the NDP in so far as this seeks to support development which increases connectivity within villages. Details are secured by condition.
- 6.79 More broadly, there would be economic benefits associated with the construction of the dwellings and future residents would bolster support for local businesses and services.
- 6.80 Weighing all of this together, and having regards to 'tilted balance' required by the NPPF, it is acknowledged that the scheme does lead to some tension with the policies of the development plan as a result of the site's location beyond the settlement boundary and the urbanising effect on the otherwise rural character of the location. However, the scale of harm identified in this regard is modest and it does not 'significantly and demonstrably' outweigh the benefits of the scheme. As such, the proposal benefits from the positive presumption as set out by Paragraph 11 of the NPPF and approval is recommended accordingly:

## **RECOMMENDATION:**

**It is recommended that subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Country Act to secure the delivery of affordable housing and the imposition of the conditions detailed below (and any other further conditions considered necessary by officers named in the scheme of delegation to officers), that Outline Planning Permission be granted:**

### **Standard Outline Planning Permission Conditions**

#### **1 Timescale for Submission of Reserved Matters**

**Application for approval of reserved matters (appearance and scale) shall be made to the local planning authority before the expiration of three years from the date of this permission.**

**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990**

#### **2 Timescale for Implementation**

**The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last reserved matters to be approved, whichever is the later.**

**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**



### 3 Reserved Matters to be Approved

Approval of the details of the scale and appearance of the development (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced. The development shall subsequently be carried out in accordance with the approved details.

Reason: To enable the local planning authority to exercise proper control over these aspects of the development and to secure compliance with policies RA2, SD1, LD1 and LD3 of the Herefordshire Local Plan – Core Strategy, policies SD1, H2, H5 and H7 of the Eardisley Neighbourhood Development Plan and the National Planning Policy Framework.

### 4 Development in accordance with Approved Plans

With regards to the matters of access, layout and landscaping, the development hereby approved shall be carried out strictly in accordance with the approved 'Proposed Site Plan PPA-W-03-D' except where otherwise stipulated by conditions attached to this permission.

Reason. To ensure adherence to the approved plans in the interests of delivering a satisfactory form of access and layout which complies with policies RA2, LD1 and MT1 of the Herefordshire Local Plan Core Strategy, policies SD1, T2, H5 and H7 of the Eardisley Neighbourhood Development Plan and the National Planning Policy Framework.

### Pre- Commencement Conditions

### 5 Construction Environmental Management Plan

No development shall commence on site until a detailed Construction Environmental Management Plan – including but not limited to an ecological working method statement; and details of the person responsible for the implementation of the CEMP – has been supplied to the LPA for written approval. The measures of the approved CEMP shall be implemented prior to any development commencing on site and all construction works shall thereafter be carried out in accordance with the approved details.

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.

### 6 Protection Measures for Retained Trees and Hedgerows

Prior to the commencement of the development, a protection plan for retained trees and hedgerows in accordance with BS5837:2012 'Trees in relation to design, demolition and construction' shall be submitted and approved in writing by the local planning authority. The approved protection measures shall subsequently be implemented prior to any development taking place on site and those measures shall remain in place for the duration of the construction phase.

**Reason:** To safeguard all retained trees during development works and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan Core Strategy, policies SD1, H7 and E4 of the Eardisley Group Neighbourhood Development Plan and the National Planning Policy Framework.

## **7 Construction Management Plan (Highways)**

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:** 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 and SS4 of Herefordshire Local Plan Core Strategy, policies H5 and T2 of the Eardisley Neighbourhood Development Plan and the National Planning Policy Framework

Conditions to be addressed at Reserved Matters stage and/or discharged separately

## **8 Details of Footway Link**

With the exception of site clearance and groundworks, no development shall take place until details of the proposed footway connection between the site and U90632 The Vineyards have been submitted to and approved in writing by the Local Planning Authority. None of the dwellings shall be occupied until the footway link has been constructed in accordance with the approved details and is available for use.

**Reason:** To ensure the safe and free flow of traffic on the highway and to conform to the requirements of policies SS4 and MT1 of Herefordshire Local Plan Core Strategy Plan, policy T1 and T3 of the Eardisley Neighbourhood Development Plan and the National Planning Policy Framework

## **9 Housing Mix**

The reserved matters submission pursuant to Condition 1 shall include a scheme setting out the number, size and type of both open market and affordable dwellings to be provided. The scheme shall include a schedule outlining the number of 1, 2, 3 and 4(+) bedroom dwellings to be delivered in both open market and affordable tenures, with the overall mix being in general accord with the Herefordshire Housing Market Needs Assessment 2021 (or any successor document adopted by the LPA). The supplied scheme shall include provision for a minimum of 1 x open market bungalow.

**Reason:** To ensure the scheme provides a range of open market and affordable housing sizes which reflects local demand and contributes to the creation of balanced communities in accordance with the Council's Housing Market Needs Assessment, policies RA2 and H3 of the Herefordshire Local Plan Core Strategy, SD1 and H5 of the Eardisley Neighbourhood Development Plan and the National Planning Policy Framework.

**10 Approval of Driveway Specification**

Prior to the first occupation of any dwelling to which this permission relates an area for car parking shall be laid out within the curtilage of that property, in accordance with a specification which has first been submitted to and approved in writing by the Local Planning Authority. 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 and SS4 of Herefordshire Local Plan Core Strategy, policies H5 and T2 of the Eardisley Neighbourhood Development Plan and the National Planning Policy Framework.

**11 Approval of On-site Roads**

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

- Construction Specification and 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 and SS4 of Herefordshire Local Plan Core Strategy, policies H5 and T2 of the Eardisley Neighbourhood Development Plan and the National Planning Policy Framework.

**12 Approval of outstanding Landscaping**

Prior to the first occupation of any dwelling hereby approved, the following details shall be submitted to the Local Planning Authority for written approval:

- A detailed planting specification for all new boundary hedgerows
- Details of all new hard boundary features (fences or walls)

The details shall be based on the indicative locations shown on plan PPA-W-03-D.

**Reason:** In the absence of sufficient or adequate detail on the supplied plans, further information is required in relation to the proposed boundary treatments to ensure these are appropriate to the context and assist the development in assimilating with the surrounding area, as required by policies LD1, LD2 and LD3 of the Herefordshire Local Plan Core Strategy, policies SD1, H7 and E4 of the Eardisley Group Neighborhood Development Plan and the National Planning Policy Framework.

**13 Landscape Maintenance**

Prior to the first occupation of any dwelling hereby approved, a detailed schedule of landscape maintenance for a period of 10 years shall be submitted to and approved in writing by the local planning authority. The maintenance shall subsequently 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, policies SD1, H7 and E4 of the Eardisley Group Neighborhood Development Plan and the National Planning Policy Framework.

#### **14 Cycle Storage**

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

**Reason:** To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy, policy T3 of the Eardisley Neighbourhood Development Plan and the National Planning Policy Framework.

#### **15 Approval of Foul and Surface Water Drainage**

Prior to the first occupation of the development details of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first occupation of any of the dwellings hereby permitted and thereafter maintained in perpetuity.

**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, policy SD1 of the Eardisley Neighbourhood Development Plan and the National Planning Policy Framework.

### **Compliance and Monitoring Conditions**

#### **16 Implementation of Landscaping**

The scheme of landscaping shall carried out in accordance with the details shown on approved plan PPA-W-03-D, except where stipulated otherwise by conditions attached to this permission. All planting, seeding or turf laying in the approved landscaping scheme shall be carried out in the first planting season following the first occupation of any dwelling or the completion of the development, whichever is the sooner. Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans. The hard landscaping measures shall be carried out concurrently with the development and completed prior to first occupation.

**Reason:** To ensure implementation of the landscape scheme approved by local planning authority in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy; policies SD1, H5 and H7 of the Eardisley Neighbourhood Development Plan and the National Planning Policy Framework.

## 17 Implementation of Biodiversity Enhancement

The scheme of ecological enhancement measures shown on approved plan PPA-W-03-D shall be implemented in full prior to first occupation of any dwelling and thereafter shall be maintained in perpetuity, unless otherwise agreed in writing by the local planning authority.

**Reason:** To ensure that biodiversity enhancement measures are secured 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

## 18 External Lighting Restrictions

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

## 19 Hours of Working

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

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

### INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. A public right of way crosses the site of this permission. The permission does not authorise the stopping up or diversion of the right of way. The right of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990 provided that the Order is made before the development is carried out. If the

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Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789



right of way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed.

3. This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel: 01432 261800), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority. A minimum of 4 weeks notification will be required (or 3 months if a road closure is involved).

Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to coordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.

4. This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.
5. The attention of the applicant is drawn to the provisions of the Wildlife and Countryside Act 1981 (as amended). This gives statutory protection to a number of species and their habitats. Other animals are also protected under their own legislation. Should any protected species or their habitat be identified during the course of the development then work should cease immediately and Natural England should be informed. They can be contacted at: Block B, Government Buildings, Whittington Road, Worcester, WR5 2LQ. Tel: 0300 060 6000.

The attention of the applicant is also drawn to the provisions of the Conservation of Habitats and Species Regulations 2010. In particular, European protected animal species and their breeding sites or resting places are protected under Regulation 40. It is an offence for anyone to deliberately capture, injure or kill any such animal. It is also an offence to damage or destroy a breeding or resting place of such an animal.

6. The applicant's attention is drawn to the requirement for design to conform to Herefordshire Council's 'Highways Design Guide for New Developments' and 'Highways Specification for New Developments'.

## APPENDICES

Appendix 1 – Draft Section 106 Agreement

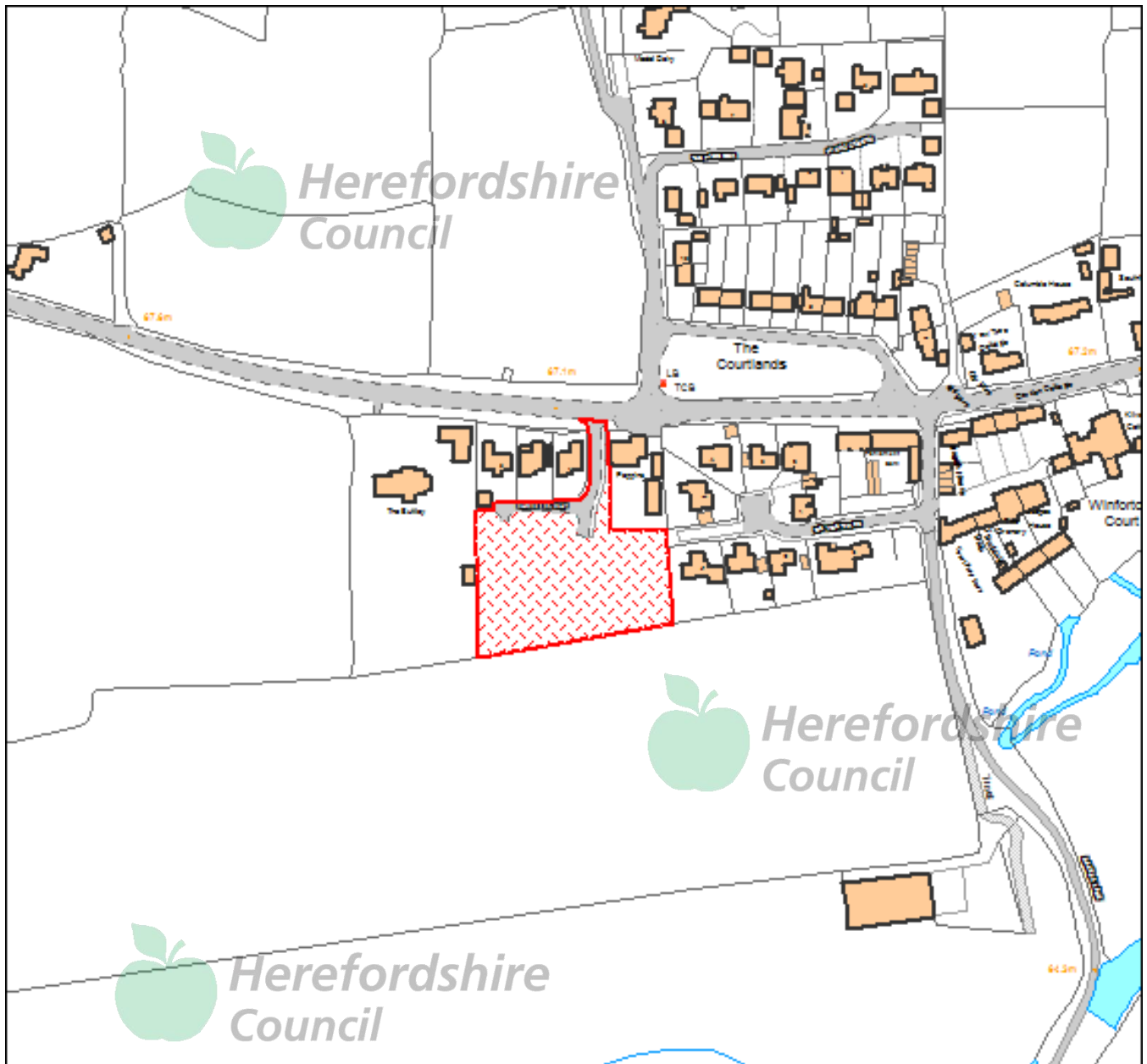
Decision: .....

Notes: .....

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**Background Papers**

None identified.



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**APPLICATION NO:** 240349

**SITE ADDRESS :** LAND AT RAMBLERS WAY, WINFORTON, HEREFORD, HR3 6EP

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