



Planning Statement

Outline planning application for the erection of four dwellings and associated works, with all other matters reserved for future determination except access.

Land at Green Acres, Canon Pyon Road, Hereford.
Herefordshire. HR4 9QW

On behalf of:

Laith and Diana Majeed
October 2023

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Appendices

- A Delegated Officers Report for Application Number: P212756/O - Outline application for the erection of 2 no. dwellings on land at Fayre Acres with all matters bar access reserved

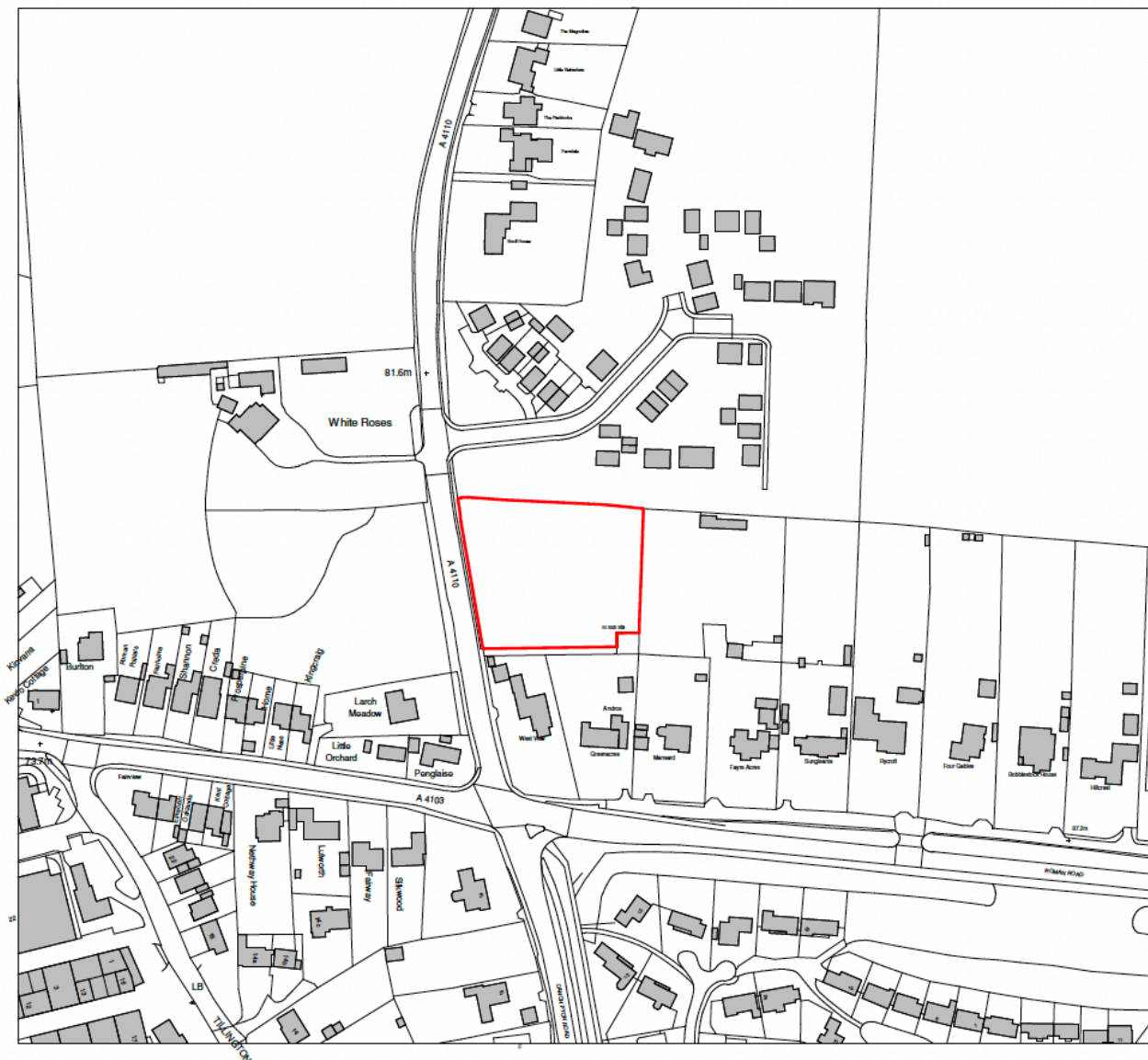
1.0 Introduction

- 1.1. Zesta Planning Ltd has been appointed by Laith and Diana Majeed (hereafter referred to as the Applicant) to submit an Outline Application for the erection of four detached dwellings with all matters reserved part from access on land at Green Acres, Canon Pyon Road, Herefordshire.
- 1.2. The site falls to the rear of Green Acres, a detached dwelling on the northern side of Roman Road. The site is on the fringes of Hereford City, which lies to the south of Roman Road. However, it is notable that the site falls within the Parish of Holmer and Shelwick, specifically within the settlement boundary for Holmer, as outlined in the Holmer and Shelwick Neighbourhood Development Plan (NDP).
- 1.3. The site falls between the built up area of Hereford/Holmer to the south and a newly constructed development from Taylor Wimpey, known as Elgar Place, to the north.
- 1.4. This statement sets out a comprehensive assessment of the proposal. It then sets out the relevant planning policies to the application and finally assesses the scheme against those policies. It makes the clear case as to why the proposed development should be permitted.
- 1.5. This statement should be read as part of a package of material that makes up the application. Where relevant, this document will refer to other material as necessary, including the package of application drawings.
- 1.6. The statement is structured as follows:
 - Section 2 – The application site and planning history
 - Section 3 – Description of the proposed development
 - Section 4 – Planning policy context
 - Section 5 – Analysis of planning considerations
 - Section 5 – Summary and conclusions.

2.0 The Application Site and Planning History

The application site and its surroundings

- 2.1. The site falls to the rear of Green Acres, a substantial detached dwelling on the Northern Side of Roman Road. The site is on the fringes of Hereford City, however, falls within the Parish of Holmer and Shelwick, specifically within the settlement boundary for Holmer.
- 2.2. The largely square parcel of land is bound to the north by ongoing development, the Taylor Wimpey Elgar Place development (P191770/O and P210123/RM), to the east by residential gardens which have Outline permission for two dwellings (ref P212756/O), to the south by the dwellings situated along Roman Road and to the west by the A4110 (Canon Pyon Road), onto which this proposed development seeks access.



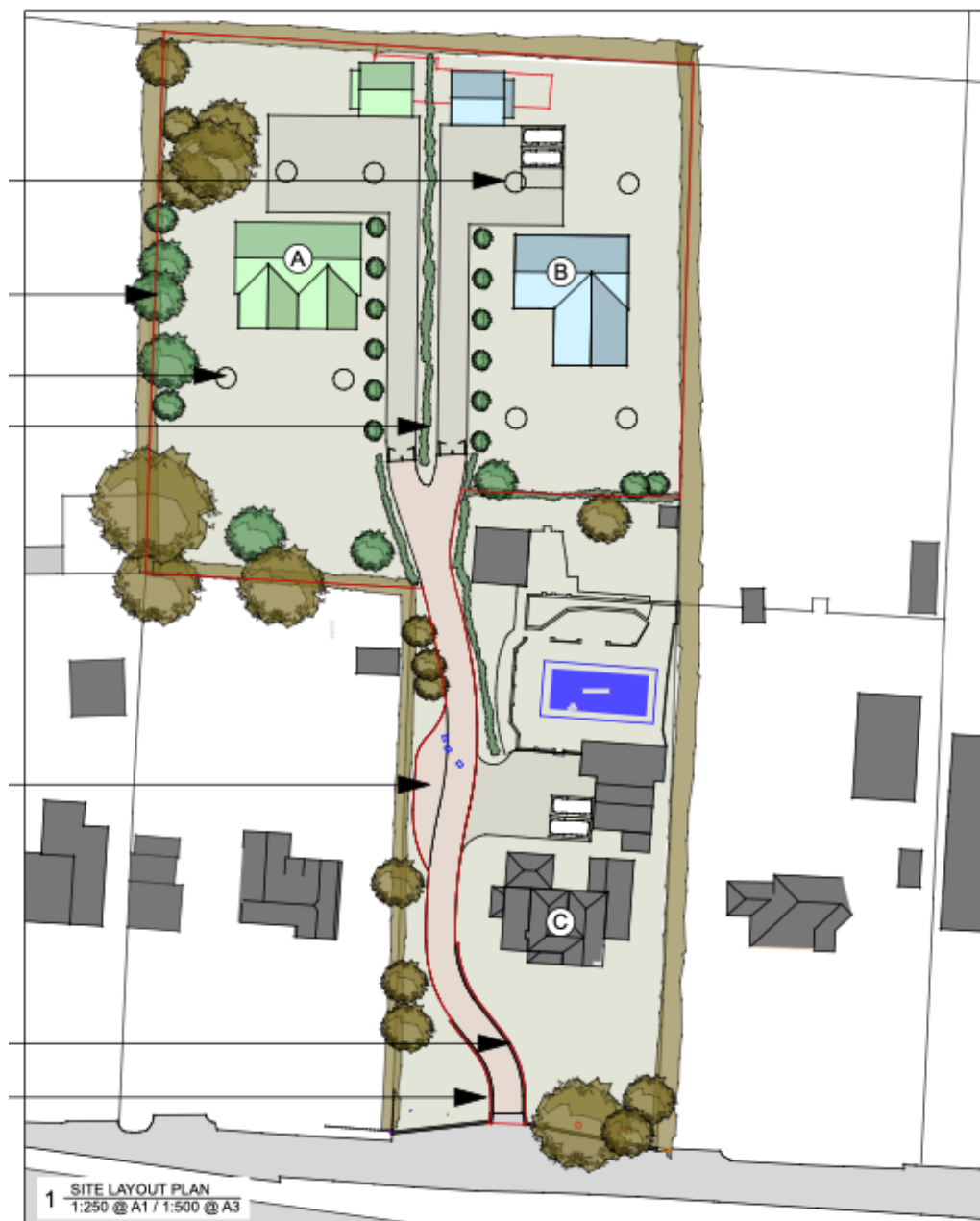
Extract plan showing location of the application site

- 2.3. The parcel of land is currently a grassed paddock with a privately used allotment on the southern side of the site. Along the southern boundary lies an access and electricity substation, which is outside of the applicant's ownership. There is an existing gated access point into the paddock in the north-western corner of the field.
- 2.4. There is much variation in the dwellings in the surrounding area, particularly given the development of 95 dwellings at the Elgar Place development to the north comprising a mixture of dwelling types. The dwellings along Roman Road are fairly sizable and all detached. On the western side of the A4110, White Roses is a large, detached dwelling with a number of outbuildings, all of which are set in substantial grounds.
- 2.5. The application site is within close proximity of a number of services and facilities, including a convenience store, a vet, a pub and employment opportunities. In addition, there are two bus stops within half a mile which provides access to the city centre and a wider number of services and facilities.
- 2.6. In terms of land use designations, the site is within Flood Zone 1 (low risk) as defined by the Environment Agency's Flood Maps for Planning. The site is not covered by any land use designations, and it not located within any national or local landscape designation. There are no heritage assets or other constraints restricting the development of this land.

Planning History

- 2.7. There is no specific planning history on the application site. However, the following planning history is relevant in terms of establishing the principle of development.
- 2.8. In relation to the Taylor Wimpey scheme known as Elgar Place to the north, the following applications are of relevance.
- 2.9. **P191770/O** – Outline application for residential development (with all matters reserved except for access), public open space, landscaping and associated infrastructure works. (For DOC 5 6 & 7 see 212721) (For DOC 8, 12 & 13 see 212800) (For DOC 14 see 213781) (For DOC 15 see 213782) – Approved with conditions 15 November 2019.
- 2.10. **P210123/RM** - (Reserved matters following outline approval 191770/O (appearance, landscaping, layout and scale) proposal for 92 houses (with 31 affordable with all matters reserved except for access), public open space, landscaping and associated infrastructure works. (For DOC 2 see 214076) – Approved with conditions 27 September 2021.

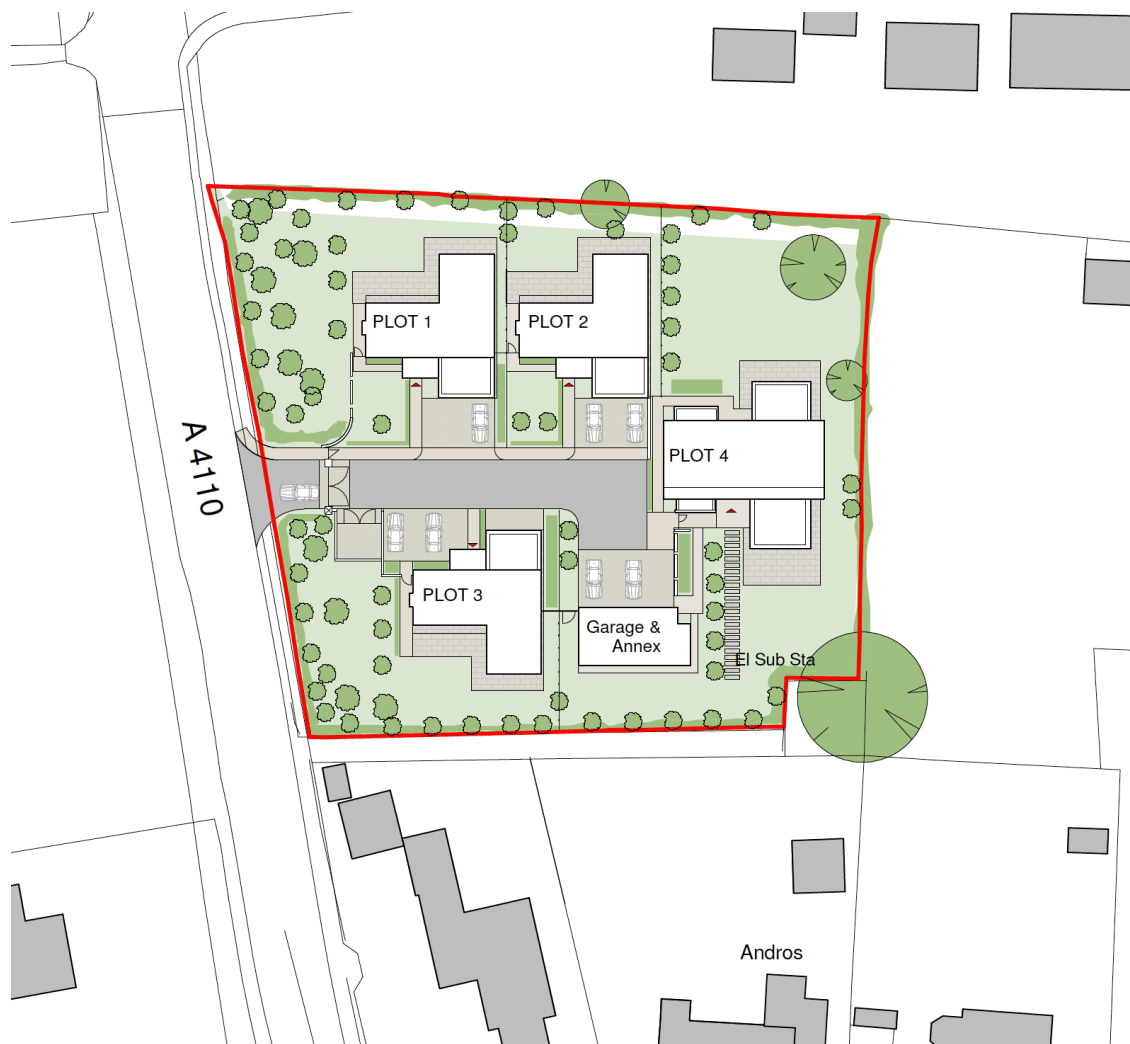
- 2.11. In relation to the Outline Application on the neighbouring site, directly to the east known at Fayre Acres, the following application is of relevance.
- 2.12. **P212756/O** - Outline application for the erection of 2 no. dwellings on land at Fayre Acres with all matters bar access reserved – Approved with conditions 14 February 2022. [Officers report found at **Appendix A**].
- 2.13. An extract of the proposed site layout plan for this extant approved scheme is shown below. The access onto Roman Road was approved in full as part of this application. A Reserved Matters application is yet to be submitted.



Extract of Site Layout Plan for development to rear of Fayre Acres (App Ref – P212756/O)

3.0 The Proposed Development

- 3.1. The proposed development seeks Outline Permission for four detached dwellings with associated garages, amenity space, landscaping and access. The means of access onto Canon Pyon Road (A4110) is to be determined in detail at outline stage and therefore detailed access drawings are included with this application.
- 3.2. All other matters are reserved for future consideration. However, an illustrative layout of the site, floor plans and elevations are submitted for indicative purposes to demonstrate how four dwellings could be integrated into the existing site, and to set out the underlying design principles of the scheme, upon which future detailed applications will be based.
- 3.3. An extract of the proposed site layout is shown below:



- 3.4. An illustrative street scene elevation showing how the proposed dwellings could appear in the future, is shown below:



- 3.5. The dwellings would be a mixture of 3 and four bed dwellings, all detached. All dwellings will be served off an internal road network, with the dwellings to have at least three car parking spaces each.
- 3.6. Although aspects of appearance, layout, scale and landscaping are not matters for consideration under this application, the applicant is anticipating that the proposals would come forward as a highly sustainable contemporary development with use of carbon neutral technologies, solar panels, heat pumps, green roofs etc.
- 3.7. The proposed access onto the A4110 will be located centrally within the site and has been fully designed to meet the necessary highway standards required by Herefordshire Council. The scheme would allow for two cars to pass throughout the site and adequate visibility in both directions has been confirmed following speed survey results.
- 3.8. There is ample space throughout the site for additional soft landscaping, biodiversity net gain, drainage requirements and the storage of waste and recycling.

4.0 Planning Policy Context

- 4.1. Planning law sets out that applications should be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 4.2. Herefordshire Council's Development Plan at the present time consists of the Local Plan-Core Strategy 2011-2031 (2015) and the associated Supplementary Planning Documents (SPDs) which include the Affordable Housing SPD (2021). The Development Plan for this area also includes the Holmer and Shelwick Neighbourhood Development Plan 2020-2031 (2020).

Herefordshire Local Plan – Core Strategy 2011-2031 (CS)

- 4.3. The Herefordshire Local Plan Core Strategy was adopted in October 2015 and forms part of the Development Plan for the area. The Core Strategy covers the plan period to 2031 and will act as an overarching spatial strategy for the area.
- 4.4. **Policy SS1: Presumption in favour of sustainable development** – the policy echoes the presumption in favour of sustainable development in the NPPF, setting out that where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, then permission should be granted unless material considerations indicate otherwise.
- 4.5. **Policy RA2: Housing in settlements outside Hereford and the market towns** – outside of the Housing Market Areas (HMAs) housing will be supported within or adjacent to the various settlements set out in Figures 4.14 and 4.15 listed in the Core Strategy.
- 4.6. **Policy SS4: Movement and transportation** - new developments should be designed and located to minimise the impacts on the transport network; ensuring that journey times and the efficient and safe operation of the network are not detrimentally impacted. Furthermore, development proposals should be accessible by and facilitate a genuine choice of modes of travel including walking, cycling and public transport.
- 4.7. **MT1: Traffic management, highway safety and promoting active travel** - Developments should have safe entry and exit, ensure the highway network can absorb the traffic impacts of the scheme and promote sustainable methods of transport.
- 4.8. **LD2: Biodiversity and geodiversity** – conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire.
- 4.9. **LD3: Green Infrastructure** – protect, manage and plan for the preservation of existing and delivery of new green infrastructure.

- 4.10. **SD3: Sustainable water management and water resources** – Development should incorporate measures for sustainable water management in order to reduce flood risk; to avoid an adverse impact on water quantity; to protect and enhance groundwater resources and to provide opportunities to enhance biodiversity and health and recreation.
- 4.11. **SD4: Wastewater treatment and river water quality** - Development should not undermine the achievement of water quality targets for rivers within the county, in particular through the treatment of wastewater. The policy also sets out a hierarchy for wastewater treatments.

Holmer & Shelwick Neighbourhood Development Plan

- 4.12. The NDP was made on 11th March 2020 and forms part of the development plan. Relevant policies are:
- 4.13. **Policy HS1: Meeting the housing requirement** - new housing will be supported on sites that lie within the Settlement Boundaries of Holmer, Munstone and Shelwick.
- 4.14. **Policy HS3: New housing development in Holmer** - support for the principle of new housing development within the settlement boundary.
- 4.15. **Policy HS4: Design** – notes that development within the neighbourhood area should be of good quality design sensitively integrated into both the existing urban fabric and the surrounding rural landscape. This is subject to several criteria.
- 4.16. **Policy HS5: Landscape and Natural Environment** – outlines the principles for the protection and enhancement of the surrounding landscape.

The National Planning Policy Framework (NPPF)

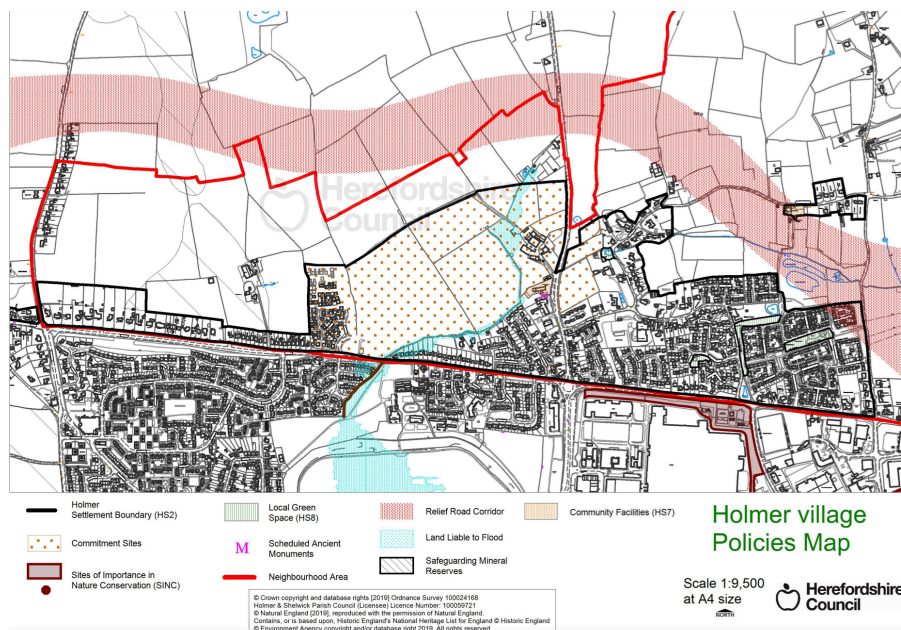
- 4.17. The NPPF 2023 sets out the Governments overarching planning policies and how it intends them to be applied at the local level. The NPPF provides guidance for local planning authorities in determining applications and is capable of outweighing the development plan.
- 4.18. **Paragraph 11** continues to provide a presumption in favour of sustainable development as per the previous version. This means approving development proposals that accord with the development plan without delay; and where the development plan is out-of-date granting planning permission, unless the adverse impacts of development significantly and demonstrably outweigh the benefits.

- 4.19. **Paragraph 60** sets out the Government's objective of significantly boosting the supply of new housing, and to achieve this it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without delay.
- 4.20. **Paragraph 110** requires safe and suitable access to be provided for all users. It indicates that development should only be refused on transport grounds where the cumulative impacts of development are considered to be severe.
- 4.21. **Paragraph 112** states that development should give priority to pedestrians and cyclists, both within the scheme and with neighbouring areas; and so far, as possible facilitate access to high quality public transport.
- 4.22. **Paragraph 119** requires planning decisions to promote an effective use of land in meeting the need for homes.
- 4.23. **Paragraph 130** is concerned with well-designed places and states that planning decisions should ensure that development adds to the quality of an area, is sympathetic to local character while optimising the potential of the site and promotes a high standard of amenity for existing and future users.

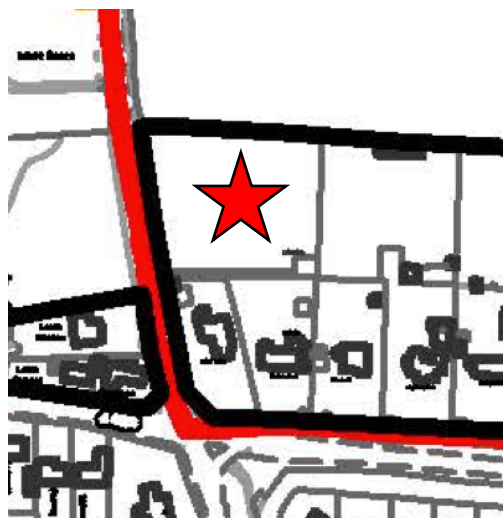
5.0 Analysis of Planning Considerations

Principle of Development

- 5.1. Whilst it is acknowledged that Policy RA2 of the Herefordshire Core Strategy (CS) does not identify Holmer as a settlement appropriate for residential development, the Holmer and Shelwick Neighbourhood Development Plan (NDP) at Policies HS1 and HS3 both support housing development within the settlement boundary for Holmer.
- 5.2. The site falls within the settlement boundary for Holmer, as shown in the plan and extract below and as a result, the principle of residential development in this location is supported.



Holmer Village Policies Map



Extract of Holmer Village Policies Map showing site within settlement boundary (black line)

- 5.3. In fact, the principle of development in this location has been established through other recent applications, particularly in relation to the immediate neighbouring scheme to the rear of Fayre Acres.
- 5.4. In reviewing the officer's report in relation to this neighbouring site, Planning Reference P212756/O (Officer's report found at **Appendix A**), they state Officer states at Page 11 (**our emphasis**):

*"Outside of Hereford and the Market Towns, Policy RA2 of the Core Strategy identifies the settlements which are to be the focus to meet housing needs in the county's rural areas. Holmer is not listed as a 'figure 4.14 or 4.15 settlement' in the Core Strategy, such that it could be considered to be found within the open countryside when having regard to policy RA2/RA3. **However, assessments of previous applications have done so on the basis of its relationship to Hereford, its inclusion in the Hereford Area Plan (which is not yet at a stage that can be attributed weight) and of course, the housing policies contained within the HNDP, as set out above.***

*With the forgone in mind, Policy HS3 of the HSNDP states that within the settlement boundary for Holmer, new housing development will be supported. Development outside of this boundary will be considered to be in the open countryside. **It is clear that the site is located within the settlement boundary for Holmer, as prescribed by the HSNDP.***

*Furthermore, the site is located off the A4103 (Hereford – Worcester) and within close proximity to the A4110 (Hereford – Leintwardine) and thus **offers extensive road links and bus services to most parts of the city and towards the villages and communities which lie to the north and west of Hereford. The application site is on the northern fringes and contiguous to the main built-up part of Hereford City and is within walking distance of the local centre of Bobblestock which has a range of local amenities including shops, surgery and a public house.***

*The development would retain the linear pattern of development along the northern side of Roman Road and **nevertheless would indeed adjoin the approved residential development on land to the east of Canon Pyon road to the immediate north (191770/O and 210123/RM refers).** Whilst it would loss in the result of the extended back garden, **there is no policies within the HSNDP which preclude this, nor is this land subject to any special designations.** The land serves little purpose aside from an extended garden to Fayre Acres and is noted not to host any protected species.*

Therefore, when having regard to the adjoining site to the north benefitting from extant permission for residential development, the site is therefore considered sustainable and is within the settlement boundary as written by the HSNDP and the principle of residential development can here be accepted given identified accordance with policy HS3.

- 5.5. It is important to note the Officer's assessment in relation to the adjacent site, as the overall discussion and principle of development is identical to that proposed under this application. This site is within Holmer, thus a settlement that is not recognised under RA2, but is within the Settlement Boundary defined in the NDP. As the officer concluded, the location within the settlement boundary and the proximity of the site to Hereford itself and its services results in a scheme which should be supported in principle. Ultimately, this is a sustainable location for residential development.
- 5.6. Additionally, the officer makes several references to the Taylor Wimpey Elgar Place scheme in coming to their conclusion on the neighbouring site. The proposed scheme on the Land at Green Acres equally abuts this site and this establishes the context. It is acknowledged that the proposal site is accessed from Canon Pyon Road, rather than Roman Road, but this principle is equally established following the permission and construction of the Elgar Place development.
- 5.7. Although a paddock/extended garden space for Green Acres, this land serves no real purpose and has become landlocked by surrounding residential development on all sides, noting the recent planning permissions. Ultimately, this is a sustainable location for residential development and the overall principle is acceptable.
- 5.8. Having established that the principle of residential development on the site is acceptable, it is necessary to assess the application against the other development management criteria contained within policy. These matters are assessed as follows.

Design & Character

- 5.9. Prior to the Taylor Wimpey development, Roman Road and Canon Pyon Road had a strong character of a row of linear development along the road frontage, fronting onto the road with large rear and front gardens. Additionally, the dwellings themselves were typically detached family homes dating from the inter-war and post-war periods.
- 5.10. The Taylor Wimpey site has introduced a substantial cul-de-sac development into the immediate setting which hosts a differing layout and offers a greater variety in dwelling types including flats, bungalows, semi-detached and detached dwellings. This development, as a result, altered the overall pattern of development seen on the northern side of Roman Road.

- 5.11. Furthermore, the backland development approved at Fayre Acres (App Ref – P212756/O) immediately to the east of the site has also introduced additional built form behind the traditional frontage development.
- 5.12. Due to these developments, both under construction and proposed, the character of the site itself has significantly altered, from a rural gateway site to being surrounded by residential development of differed design, scale and density. It has now developed into an infill plot within this part of Holmer village.
- 5.13. Whilst the appearance, landscaping, layout and scale of the scheme are to be addressed in detail at the reserved matters stage, the plans provided offer an indicative guide to the design approach.
- 5.14. The dwellings are sited in substantial plots with substantial curtilages to both the road and rear, reflecting that seen in the surrounding area. The proposals have a density of 9 dwellings per hectare (dph), which is lower than the 25 dph of the Taylor Wimpey development to the north but is more akin to the lower density traditional frontage development along Canon Pyon Road to which it addresses.
- 5.15. It is envisaged that the proposed dwellings will be two-storey and detached in design, with contemporary and sustainable design credentials, both in terms of façade treatments and use of technology such as solar panels, air source heat pumps, sustainable drainage systems etc. The north-south siting of each of the proposed dwellings has been shown indicatively on the plan to ensure that solar generation and solar gain would be highly efficient.
- 5.16. Given the mixed design seen locally, it is considered that this would be an appropriate way forward in this character context. The overall design approach would be fully established during the Reserved Matters stage, but the applicant is willing to discuss this form of design and associated conditions at this stage.
- 5.17. In this regard, it is considered that the proposals would meet the design requirements of the Core Strategy, Neighbourhood Plan and the provisions of the NPPF.

Neighbouring and Proposed Resident Amenity

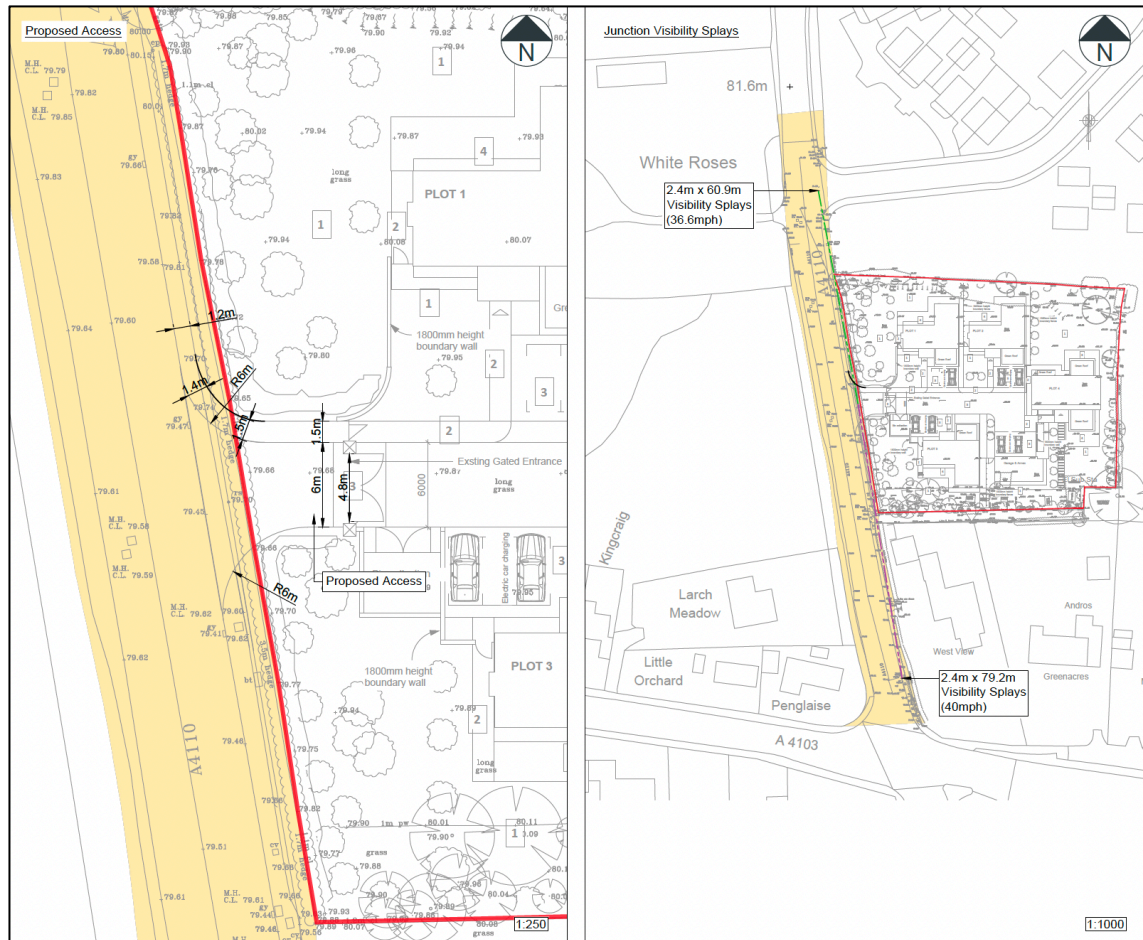
- 5.18. Policy SD1 of the CS requires the residential amenity of existing and proposed residents is safeguarded and Policy HS4 of the NDP requires the layout and form of new development to ensure the privacy, outlook, sunlight and daylight of existing residents on the site boundaries is not adversely affected.

- 5.19. Whilst the plans are only indicative at this stage with more detail to follow through a Reserved Matters submission, they provide a loose guide to the layout of the site and approximate locations of each dwelling. There would be a distance of approximately 18 metres from building to building with Plot 3 and West View, the neighbouring property to the south west, and approximately 23 metres to the nearest neighbouring property to the north on the new Taylor Wimpy site with Plot 2. It is considered that these distances will ensure privacy is respected and no overlooking or overshadowing will occur.
- 5.20. Plot 4 is sited to ensure that the proposed dwellings approved to the rear of Fayre Acres would also not be harmed through overlooking or loss of light.
- 5.21. The scheme also intends on enhancing the hedgerow at the northern boundary of the site, having further species present, a height of two metres, no gaps and ground cover. This will provide visual screening, protecting the amenity of both the existing and future residents. Furthermore, the scheme intends on introducing other green infrastructure elsewhere around the site, again to provide an enhanced landscape and screening.
- 5.22. Substantial amenity spaces will be provided for each plot and their siting would ensure that there would be limited intervisibility between them. It is also envisaged that any first floor side facing windows would be kept to a minimum and where they would be installed, they would be obscurely glazed and non-opening below 1.7m from finished floor level to avoid any overlooking.
- 5.23. Overall, the plans provided make it clear that dwellings of this size and of this layout can be accommodated on the site without introducing a prejudicial residential relationship between buildings on site and to neighbouring dwellings off site.
- 5.24. Overall, the proposals would comply with the policies outlined within the NPPF, Core Strategy and Neighbourhood Development Plan in this regard.

Transport Considerations

- 5.25. The NPPF makes it clear that development should only be refused on highway safety grounds where the impacts of a proposed development would be 'cumulatively severe'. Policy MT1 of the Core Strategy requires an adequate and safe means of access is provided. Policy HS4 of the NDP requires adequate off-street parking, excluding garages, at a rate of one space per bedroom.
- 5.26. As outlined above, under these Outline proposals, access is to be considered in detail. As part of this application, a Transport Technical Note, inclusive of ATC Speed Survey data and detailed access plans has been prepared by Rappor (dated October 2023).

5.27. The proposed vehicular access to the site will consist of a new access in the form of a simple priority junction arrangement along the western boundary of the site from Canon Pyon Road (A4110). This access has been designed to the necessary standards required by Herefordshire Council and the visibility splays have been ratified following a dedicated speed survey undertaken in September 2023.



5.28. Pedestrian access will be achieved via the existing footways on Canon Pyon Road (A4110). A 1.5m wide footway will be provided on the northern side of the vehicular access, which connects with existing pedestrian infrastructure along Canon Pyon Road (A4110).

5.29. By virtue of planning permission being granted for the construction of 92 dwellings to the north of the site (LPA Refs: 191770/O and 210123/RM) the immediate local highway network has already been assessed as suitable to accommodate additional vehicular trips and the general area has been deemed sustainable in transportation terms.

5.30. The site is within a highly sustainable area with access to a range of primary facilities and services. The site is served by an excellent footpath network with two bus stops within 0.5 miles of the site. Moreover, the site is serviced by a secondary school, recreational ground / park, supermarket, selection of local shops, church, a vets and medical facilities which are all within a

2km walking distance. For this reason, the future occupiers will truly have a genuine choice of sustainable modes of travel including walking, cycling and public transport.

- 5.31. The proposed layout allows for between 3 and 4 car parking spaces, depending on the size of the dwelling proposed, in addition to internal garaging space. Furthermore, there is more than adequate space for the appropriate level of cycle parking on site or within the garaged. This level of provision would be more than sufficient to meet the Council's policies and requirements.
- 5.32. In relation to waste collection and services, the site has been designed to ensure that there is adequate turning space for vehicles and for collection at the roadside.
- 5.33. Overall, the proposals would comply with the transport and access policies outlined within the NPPF, Core Strategy and Neighbourhood Development Plan accordingly.

Ecology & Trees

- 5.34. This Outline application is supported by a Preliminary Ecological Appraisal (PEA) which has been prepared by ATW Ecology Ltd, dated August 2023.
- 5.35. Policies LD2 and LD3 of the CS are of relevance to this scheme. These policies require proposals to retain, conserve, restore and enhance the biodiversity and geodiversity features. The NDP does not contain a policy relating directly to biodiversity, however Policy HS5 requires proposals to maintain and extend native tree species, hedgerows and other important vegetation in order to protect and enhance the landscape of the area.
- 5.36. Overall, it was found that the site was not of high ecological interest with few features offering biodiversity rich or suitable habitats for species. The boundary hedgerows may be used for commuting (bats and other mammals), but these are poorly connected to the surrounding landscape and therefore are assessed as having 'low' suitability. The hedgerows would however provide excellent habitats for nesting birds. With this in mind however, The Wildlife and Countryside Act 1981 affords protection to nests and planning consent for development would not provide defence against prosecution under this act. The proposal does not include the removal of any hedgerow with the exception of that to accommodate the access.
- 5.37. The report sets out a number of recommendations within the Concluding Remarks chapter, which can be secured by condition. These are outlined as follows:
 - The orchard trees are retained, or if not possible, any wood from their removal should be retained and used to create habitat piles.

- Locally sources fruit trees of heritage varieties should be included in landscaping plans as compensation.
- No removal of hedgerows, trees, scrub, or buildings that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless checks are undertaken by a competent ecologist.
- No development should take place until a method statement for widespread reptiles has been submitted to and approved in writing by the local authority.
- An ecological design strategy addressing biodiversity compensation and enhancement shall be submitted to an approved in writing by the local planning authority.

5.38. With further detail in respect of the tress on the site, a tree report has been prepared by Cedarwood Tree Consultants dated August 2023. This report makes it clear that the proposed scheme would not result in the loss of any of the trees on the site and there would only be a small amount of hedgerow lost to accommodate the access at Canon Pyon Road. This loss can be mitigated through replacement hedgerow or enhanced planting of the existing feature. In any event, the loss would be outweighed by the potential for considerable enhancement.

5.39. The proposed enhancement includes a new boundary hedge to screen the site from the development to the north, made of mixed native species. In scoring the current hedgerow on the site as per The Tree Council National Hedgerow Survey Criteria, the hedgerow is scored three out of eight. It is foreseen that following the enhancements proposed the hedgerow would score seven out of eight.

5.40. Overall, the proposals would comply with the ecological and arboricultural policies outlined within the NPPF, Core Strategy and Neighbourhood Development Plan accordingly.

Flood Risk and Drainage

5.41. The site is located in Flood Zone 1 (low risk) according to the Environment Agency's Flood Maps, where there is less than 1 in 1,000 annual probabilities of river or sea flooding (0.1%). The site is therefore not at risk of flooding and development on this site would not increase the risk of flooding to thirty party properties.

5.42. There are no significant impediments to the use of sustainable drainage systems on this site. Consideration will be given to a variety of SuDS techniques to secure a suitable scheme. The area benefits from a public foul sewage system and it is intended that the development will connect to that system. There are no known issues with foul sewage capacity in this area. Further details can be secured by condition if necessary.

- 5.43. It is acknowledged that the site is located within the River Wye Special Area of Conservation (SAC) catchment and a Habitat Regulations Assessment (HRA) is triggered. The Council will undertake this assessment during the course of the application. However, it should be noted that on the neighbouring site at Fayre Acre, the officer acknowledged in their report (**Appendix A**) that connection to the public foul sewage system was acceptable and that there were no known capacity issues. Furthermore, they acknowledged that soakaways would be possible on site following infiltration testing. Given that these proposals are on the neighbouring site, this is also considered to be an acceptable solution in this instance. It was concluded at Fayre Acres that there were no likely significant effects on the integrity of the SAC and we would expect the same on the proposed development site.
- 5.44. In conclusion, the development complies with the NPPF, Core Strategy and NDP in that it proposes housing within Flood Zone 1 and there are sustainable drainage solutions that can be incorporated within the development.

6.0 Summary and Conclusions

- 6.1. This Planning Statement provides a clear case for why the development complies with the adopted policies of the Development Plan and should be supported.
- 6.2. The Statement establishes the principle of residential development is acceptable under the provision of NDP policies HS1 and HS3 given the application site is situated within the settlement boundary as set out in the NDP. The Statement sets out that a similar position on principle was taken by the Council on the neighbouring site, granting permission for two dwellings under application reference: P212756/O.
- 6.3. The Technical Note sets out that an acceptable access can be formed with an appropriate visibility. Moreover, the approved scheme to the north of the site (P191770/O and P210123/RM) made it clear that the A4110 is capable of accommodating additional trips.
- 6.4. The design, character, neighbouring amenity, drainage, ecology and trees have all been assessed as part of this report and it has been concluded that the proposals would accord with the necessary policies.
- 6.5. There are no environmental implications that could lead to a refusal of planning permission, and any adverse impacts of development can be adequately mitigated. Furthermore, the development would be acceptable in respect of flood risk given its location in Flood Zone 1, and the proposed foul and surface water drainage could be implemented in a policy compliant and sustainable manner.
- 6.6. We conclude that the development would constitute a sustainable development in the context of the NPPF and accords with adopted Development Plan policies. There are no adverse impacts that would significantly and demonstrably outweigh the benefits of the development. It follows that planning permission should be granted subject to appropriate conditions.

7.0 Appendix

Appendix A - Delegated Officers Report for Application Number: P212756/O - Outline application for the erection of 2 no. dwellings on land at Fayre Acres with all matters bar access reserved

DELEGATED DECISION REPORT

APPLICATION NUMBER 212756

Fayre Acres, Roman Road, Hereford, Herefordshire, HR4 9QW

CASE OFFICER: Mr Ollie Jones

**Relevant Development
Plan Policies:**

Herefordshire Local Plan – Core Strategy

SS1 Presumption in favour of sustainable development
SS2 Delivering new homes
SS4 Movement and transport
SS6 Environmental quality and local distinctiveness
HD1 Development in Hereford City
HD3 Hereford movement
H1 Affordable Housing
H3 Ensuring an appropriate range and mix of housing
OS1 Requirement for open space and recreation facilities
OS2 Meeting open space, sport and recreation needs
MT1 Traffic management, highway safety and active travel
LD1 Landscape and townscape
LD2 Bio-diversity and geodiversity
LD3 Green infrastructure
SD1 Sustainable design and energy efficiency
SD3 Sustainable Water Management and water resources
SD4 Waste water treatment and river quality

Holmer and Shelwick Neighbourhood Development Plan (HSNDP)

HS1 Meeting the housing requirement
HS3 New housing development in Holmer
HS4 Design
HS5 Landscape and natural environment

National Planning Policy Framework (NPPF)

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

Relevant Site History:

None

Site Description

The application site relates to a rectangular parcel of land which is located to the rear of Fayre Acres, a detached dwelling located to the northern side of Roman Road on the northern fringes of Hereford, although noting that Roman Road forms the parish boundary, the site lies within that of Holmer and Shelwick. The site is part of the extended curtilage associated with Fayre Acres (a particular characteristic of most dwellings located to the northern side of this stretch of Roman Road) and is essentially level, although slopes somewhat to the west with considerable open vistas to the west over the Canon Pyon Road (A4110). It is accessed directly from the tarmacked access which serves the dwelling and runs along the western boundary of the site. The site contains a low-level outbuilding which sits flush against the northern boundary of the site. The site is laid to grass which is well manicured, although a couple of orchard trees remain, remnant of their previous abundance on the site. All boundaries to the site are formed of well-established vegetation and a notably mature tree is located to the south-western corner of the site, on the boundary with neighbouring Mansard. It is worth noting that the aforementioned dwelling is unique insofar that it does not benefit from an extended rear curtilage and therefore, Fayre Acres benefits from essentially two rear parcels combined, wrapping around the rear of the property known as 'Mansard'.

Proposal

This application is made in outline and seeks permission for two dwellings on the land to the rear of Fayre Acres. All matters are reserved except for access. The proposal includes the re-alignment of the existing access. Indicative drawings have been supplied at this stage demonstrating how two single-storey dwellings with garages could be accommodated on the site.

Consultations

<u>Holmer and Shelwick Parish Council</u>	<p><u>10 December 2021</u></p> <p>Holmer and Shelwick Parish Council considered this application at their meeting 09/12/21. The Parish Council wished to maintain its previous objections and to reiterate the need to provide adequate visibility from the proposed access. It was thought that the visibility splay on the current plans encompass private third-party land.</p> <p><u>16 August 2021</u></p> <p>Holmer and Shelwick Parish Council considered this application at their meeting 12/08/21 and resolved to object to the proposals as follows:</p> <ul style="list-style-type: none"> ➤ The character of area is defined by extensive ribbon development, the proposed garden back-land development is out of character with adjacent properties and would have a significant detrimental impact on the uniformity and amenity of neighbouring dwellings and the
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	<p>wider area.</p> <ul style="list-style-type: none"> ➤ The visibility splay from the proposed development is inadequate and would require the use of third-party land. ➤ The proposed driveway is particularly narrow, leaving no room for vehicles to pass or for sufficient access for service or larger emergency vehicles. ➤ There is no mains drainage in the area and no consideration has been given to effluent. Any proposals should be considered in accordance with the River Lugg phosphate issues. ➤ The developer cites a shortfall in housing land supply but this is not correct as Herefordshire now has housing supply that exceeds five-years. ➤ If Herefordshire Council are minded to approve the application, it should be for single-storey dwellings only. <p>It was also noted that there had been a lack of consultation with residents and the statutory site notices had not been erected. This should be remedied and the consultation windows extended to allow parishioners and other interested parties time to fully consider the proposals. If the application is resubmitted/amended the Parish Council reserve the right to reconsider and resubmit comments / objections as appropriate.</p>
<u>Hereford City Council (Adjoining)</u>	No response.
<u>Burghill Parish Council (Adjoining)</u>	Burghill Parish Council agreed with Holmer & Shelwick Parish Councils objections.
<u>Area Engineer (Highways)</u>	<p><u>21 January 2022</u></p> <p>Further to receipt of revised visibility splay plans the local highway authority has no objection to the application subject to the below conditions.</p> <p>Conditions: CAB (2.4m x 22.5m to the west and 2.4m x 26m to the east), CAD (5m), CAG, CAE</p> <p><u>1 December 2021</u></p> <p>The plans provided demonstrating the visibility splays highlight that in order to achieve the required splay based on the 85th percentile speeds recorded via the speed survey three 'relaxations' have to be applied to the required splay of 2.4m x</p>

	<p>25m. These include:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Taking the splay to 1m into the carriageway; <input type="checkbox"/> Applying a 2m x distance rather than a 2.4m; and <input type="checkbox"/> Taking 2.4m off the y distance for bonnet length. <p>As this is a cycleway that is likely to become more popular once the 95 dwellings to the north of the site are occupied it is the local highway authority's view that the application of all three of the potential relaxations is not appropriate in this circumstance. At the very least the x distance provided should be 2.4m rather than 2m.</p> <p>Until the above amendment is made the LHA continue to object to the application.</p> <p><u>16 August 2021</u></p> <p>The local highway authority is of the view that visibility to the east is acceptable (subject to the removal of the wall and anything else over 0.6m in height within the splay), however, it is unacceptable to the west. The Agent provides the argument that the access is located towards the end of a dead-end road with only two properties beyond it, however, this route is also popular with both pedestrians and cyclists and is likely to get more popular with the introduction of a further 95 dwellings immediately north of this site. A splay of at least 25m (20mph) should be provided to the west. The introduction of 2 additional dwellings at this end of the road is almost doubling the number of dwellings from 3 to 5 and so would be considered to have a severe impact on the level of activity at this end of the road.</p> <p>Given the length of the private shared drive fire tender access should be confirmed with Building Control to ensure it complies with Building Regulations and at least one passing bay should be provided to reduce instances of reversing, particularly back onto the highway.</p> <p>Until the above are addressed the LHA object to the application.</p>
<p><u>Trees</u></p>	<p>I have no arboreal objections to proposed erection of two dwellings.</p> <p>However, there will be a need for a tree protection plan to ensure retained trees are unharmed during development.</p> <p>Should the application be successful there will be a need for landscape plan to be submitted at reserve matters.</p> <p>Conditions</p>

	CA1 - Landscape Scheme CKB - Protection during Construction
<u>Ecology</u>	<p>The proposed development is within the catchment of the River Wye SAC and a Habitat Regulations Assessment process is triggered. A relevant consultation process should be completed and a 'no objection' response received from Natural England PRIOR to any final grant of planning permission</p> <p>Notes in respect of HRA</p> <ul style="list-style-type: none"> • The proposed development is for TWO new residential dwellings. • At this location a mains sewer connection is available to manage additional foul water flows. • DCWW have confirmed that a foul water connection to their mains sewer system is possible and that the local network has sufficient technical capacity to manage the additional flows (Foul Water only) created by the development • The mains sewer network is managed through DCWW's Hereford (Eign) Wastewater Treatment Works. • The Hereford (Eign) WwTW discharges outfall in to the lower part of the 'English' Middle Wye SAC catchment. • Natural England have not currently advised the LPA that the 'English' River Wye SAC is failing its conservation status for any reason. • The additional phosphate pathways created can be accommodated within the Phosphate 'allowance' currently secured through the approved current Core Strategy. • All additional surface water created by the proposed development can be managed by appropriate on-site crated infiltration systems as detailed in supplied surface water (BRE365) report • The foul and surface water management scheme as proposed can be secured by condition on any planning permission that may be granted. <p>Subject to consultation response from Natural England – suggested condition:</p> <p>Habitat Regulations – foul and surface water management</p> <p>All foul water shall be managed by a connection to the local Welsh Water mains sewer network managed through the Hereford (Eign) Wastewater Treatment Works; and all surface managed through on-site infiltration features; unless otherwise</p>

agreed in writing by the Local Planning Authority.

Reason: In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2, SD3 and SD4.

From supplied and available information, the LPA has no reason to consider that there are likely to be any effects on 'protected' species from the proposed development. The applicant and their contractors in respect of all demolition, site preparation and construction works have their own legal duty of care to wildlife protection as afforded by the Wildlife & Countryside Act that lies above any conditions the LPA could include; with any breach being investigated by the local Wildlife Crime Officer from West Mercia police. A relevant informative is suggested for inclusion on any planning consent granted.

Wildlife Protection Informative

The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special "protected species" such as all Bat species, Great Crested Newts, Badgers and other wildlife that are present and widespread across the County. All nesting birds and majority of wildlife are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that further advice from a local professional ecology consultant is obtained.

The site is in an area with an intrinsically dark landscape that benefits local amenity and nature conservation, including nocturnal protected species known to be present in the area. A condition to ensure all external lighting is kept to the essential minimum and any systems installed compliant with current best practice is requested:

CNS based on CKN:

Protected Species and Lighting (Dark Skies)

At no time shall any external lighting except in relation to the

immediate safe use of the approved development be installed or operated in association with the approved development and no permanently illuminated external lighting shall be operated at any time, without the written approval of this local planning authority.

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

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

As identified in the NPPF, council's core strategy polices and ethos of the soon to be enacted Environment Bill all development should clearly demonstrate how it will deliver/has delivered a secured, net gain in local biodiversity potential – this 'net gain' should be secured through condition. This 'net gain' is additional to any mitigation or compensation required by a species licence.

CNS based on Std condition CKR (modified to brexit) is relevant To obtain Biodiversity Net Gain

Prior to first use of any part of the development works approved under this planning decision notice, evidence of the suitably placed installation within the site boundary or on other land under the applicant's control of a range of 'permanent' bird nesting and bat roosting features, pollinating insect homes, hedgehog homes and access corridors through all solid boundary features should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement 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, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3. Compliance with council's declared Climate Change and Ecological Emergency.

<u>Environmental Health (noise)</u>	<p>From a noise and nuisance perspective our department has no objections in principle to this proposal.</p> <p>It is noted that in the outline application, the proposal is for two single storey buildings. Single storey buildings in this location would be less exposed to road traffic noise from the Roman Road or the Canon Pyon Road. Should outline planning permission be granted, it is expected that the acoustic environment will be taken into account in the layout and design of the individual dwellings so as to mitigate against road traffic noise.</p>
<u>Waste Management</u>	<p>No response.</p>
<u>Natural England</u>	<p>NO OBJECTION</p> <p>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.</p> <p>Notwithstanding the above, your authority should be aware of a recent Ruling made by the Court of Justice of the European Union (the CJEU) on the interpretation of the Habitats Directive in the case of Coöperatie Mobilisation (AKA the Dutch Case) (Joined Cases C-293/17 and C-294/17).</p> <p>The Coöperatie Mobilisation case relates to strategic approaches to dealing with nitrogen. It considers the approach to take when new plans/projects may adversely affect the ecological situation where a European site is already in 'unfavourable' conservation status, and it considers the acceptability of mitigating measures whose benefits are not certain at the time of that assessment.</p> <p>Competent authorities undertaking HRA should be mindful of this case and should seek their own legal advice on the implications of these recent ruling for their decisions.</p>
<u>Welsh Water</u>	<p>We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site.</p> <p>We can advise that Eign WwTW has a phosphate permit. This matter will need to be considered further by the local planning authority.</p> <p>With respect to the disposal of surface water flows from the proposed development, the developer is required to explore and fully exhaust all surface water drainage options outlined under</p>

Sections 3.2 and 3.4 of Part H of the publication 'Building Regulations 2000. Disposal should be made through the hierarchical approach, preferring infiltration and, where infiltration is not possible, disposal to watercourses in liaison with the Land Drainage Authority, Natural England and/or the Environment Agency.

No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

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

Advisory Notes

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

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

The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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

If you have any queries please contact the undersigned on 0800

	917 2652 or via email at developer.services@dwrcymru.com Please quote our reference number in all communications and correspondence.
<u>Site Notice</u>	<p>Four neighbours have made objections to the application. The comments can be summarised as follows; -</p> <ul style="list-style-type: none"> ➤ Impact on residential amenity ➤ Impact on ecology and biodiversity ➤ Loss of orchard ➤ 'Tilted balance' no longer applies now that Herefordshire Council can demonstrate a 5 year housing land supply ➤ Site is not 'previously developed land' as prescribed by the NPPF ➤ Proposal would result in the loss of the 'green buffer' to the north of Roman Road and set a precedent ➤ Outline application does not provide sufficient detail ➤ Insufficient and dangerous access arrangements ➤ Submission mentions the provision of four dwellings <p><i>The full comments are available to view on the Herefordshire Council website via the following link; -</i> https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=212756</p>
<u>Local Member (Cllr Millmore – Holmer)</u>	Updated via email dated 1 February 2022. No response received within the given timeframe.

Pre-application discussion:

203018/CE - The site is located in a sustainable location and therefore is somewhere in which the principle of residential development is accepted. The siting, design and overall layout of any forthcoming scheme will be predicated on satisfactorily addressing the constraints of the site which are identified to be mature species trees, noise and impact upon the amenity of neighbouring dwellings. Matters in respect of access and parking will also influence the layout of the site but more critically require careful consideration as to ensure that the development can be delivered. Comments from the Planning Ecologist are awaited, but these should also be duly considered.

Principle

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."

In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS) and the 'made' Holmer and Shelwick Neighbourhood Development Plan (HSNDP). The National Planning Policy Framework (NPPF) is also a significant material consideration.

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020. The 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 have been reviewed and are considered entirely consistent with the NPPF and can therefore be attributed significant weight.

Outside of Hereford and the Market Towns, Policy RA2 of the Core Strategy identifies the settlements which are to be the focus to meet housing needs in the county's rural areas. Holmer is not listed as a 'figure 4.14 or 4.15 settlement' in the Core Strategy, such that it could be considered to be found within the open-countryside when having regard to policy RA2/RA3. However, assessments of previous applications have done so on the basis of its relationship to Hereford, its inclusion in the Hereford Area Plan (which is not yet at a stage that can be attributed weight) and of course, the housing policies contained within the HNDF, as set out above.

With the forgone in mind, Policy HS3 of the HSNDF states that within the settlement boundary for Holmer, new housing development will be supported. Development outside of this boundary will be considered to be in the open countryside. It is clear that the site is located within the settlement boundary for Holmer, as prescribed by the HSNDF.

Furthermore, the site is located off the A4103 (Hereford – Worcester) and within close proximity to the A4110 (Hereford – Leintwardine) and thus offers extensive road links and bus services to most parts of the city and towards the villages and communities which lie to the north and west of Hereford. The application site is on the northern fringes and contiguous to the main built up part of Hereford City and is within walking distance of the local centre of Bobblestock which has a range of local amenities including shops, surgery and a public house.

The development would retain the linear pattern of development along the northern side of Roman Road and nevertheless would indeed adjoin the approved residential development on land to the east of Canon Pyon road to the immediate north (191770/O and 210123/RM refers). Whilst it would loss in the result of the extended back garden, there is no policies within the HSNDF which preclude this, nor is this land subject to any special designations. The land serves little purpose aside from an extended garden to Fayre Acres and is noted not to host any protected species. Therefore, when having regard to the adjoining site to the north benefitting from extant permission for residential development, the site is therefore considered sustainable and is within the settlement boundary as written by the HSNDF and the principle of residential development can here be accepted given identified accordance with policy HS3.

Impact on townscape / visual amenity

Policy HS4 of the HSNP promotes good quality design and requires the layout of new development creating a sense of incremental growth with individual dwellings be sited so as to provide strong, active frontages and to take advantage of the best position on a site to maximise environmental benefits and create opportunities for natural surveillance. Likewise, policy SD1 seeks to ensure that development proposal have regard to surrounding development and reference their massing, scale, height and

proportions. It also sets out that proposal should not cause harm to the amenity of any neighbouring dwellings.

Specifically regarding landscape matters, policy LD1 requires that proposals demonstrate that the character of the landscape and townscape has positively influenced the design scale, nature and site selection of the development, as well as the protection and enhancement of the setting of settlements and designated areas. Development proposals should conserve and enhance the natural, historic and scenic beauty of important landscapes and features (specifically designated assets) through the protection of the area's character and by enabling appropriate uses, design and management. New landscape schemes along with their management should ensure development integrates appropriately into its surroundings and maintains tree cover. In wider terms, policy SS6 sets out that development proposals should conserve and enhance environmental assets that contribute towards the county's distinctiveness, in particular its settlement pattern, landscape, biodiversity, heritage assets, and especially those with specific environmental designations.

The site forms an extended garden serving Fayre Acres and is valued by the immediate locality as what is referred to as being a 'green barrier' between development along Roman Road and open-countryside which lies to the immediate north; characteristic of the northern fringes of Hereford. However, regard is had to the site to the immediate north which benefits from extant permission for the erection of 33 no. dwellings, accessed off the eastern side of the A4110 Canon Pyon Road. The approved site plan (210123/RM refers) indicates that immediately to the north of the application site would be an access road, with two pairs of semi-detached bungalows lying to its north. Therefore, the form and quantum of development sought through this outline application is judged to be consistent with that approved to the north. Although there is no guarantee that the aforementioned scheme will be forthcoming, the proposed development of the site subject to this application in outline form is considered appropriate and inoffensive when having regard to the fact it would not be read as an unnatural intrusion into open-countryside, with reserved matters safeguarding landscape impacts further.

With layout, scale, landscaping and appearance, the indicative site plan logically suggests the intention of making use of the existing access route which serves the site, albeit with re-alignments to ensure that it is safe, as discussed below. It is suggested by the applicant that the proposed dwellings would be single-storey; officers consider this to be appropriate given the nature of the site although it would be for any forthcoming reserved matters application to address this. Overall however, at this stage there is no reason to consider that two appropriately scaled dwellings could not come forward on the site without resulting in harm to the character of the area.

Impact on residential amenity

Policy SD1 of the Core Strategy together with policy HS4 of the HSNDP set out that proposals should safeguard the residential amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing. In this case the dwellings would situate to the rear of Fayre Acres and Mansard. Given the benefit of large plots afforded to both Fayre Acres and Mansard, there would be considerable distance between these existing properties and the site for the proposed dwellings. Therefore, subject to the consideration of the reserved matters, the proposed development should be capable of being accommodated on the site without introducing a prejudicial residential relationship. Intervening existing and enhanced boundary treatments would help to reduce any overlooking or reduction in privacy between plots. The scale of the dwellings are suggested as single-storey and this would ensure they would not appear as overly dominant or overbearing on the site.

Furthermore, when having regard to the extant permission for the erection of 33 no. dwelling on the site to the north, accesses off Canon Pyon Road, it's not considered that the provision of suitably sized dwellings would conflict with the approved as mentioned. The dwellings to the north are single-storey and located to the north of an access road which lies beyond the existing hedgerow boundary. Appropriate landscaping and layout to be secured through the reserved matters stage would ensure that a harmonious residential relationship exists between the two sites, should they both be implemented fully.

Policy HS3 of the HSNDP states the design and layout of sites must take into account the acoustic environment with a view to mitigating any adverse effects of road traffic noise. When having regard to the comments of the Council's Environmental Health Team, single-storey dwellings would be less exposed to vehicle traffic noise from the A4103 Roman Road or the A4110 Canon Pyon Road. It would be for the reserved matters to demonstrate that the acoustics of the site have influenced the final layout of the site and indeed, the proposed dwellings themselves.

As such, at this stage the details submitted with the application are sufficient for officers to consider that the proposed dwellings would not prejudice residential amenity, in accordance with Core Strategy policy SD1 and policy HS3 and HS4 of the HSNDP.

Access and highways safety

As defined in article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 'Access' 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. The site for 2 dwellings is proposed to be served from one vehicular access point from the side road accessed off the A4103 Roman Road.

Core Strategy policy MT1 and the NPPF require developments to provide safe access for all users. This includes motorised and non-motorised vehicles and pedestrians. At paragraph 111 the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The applicant has submitted revised access layout drawings which would involve the re-alignment of the existing access road through and serving Fayre Acres together with the repositioning of the access point. This allows for achievable visibility splays of 22.5 metres to the west and 26 metres to the east. It is acknowledged that a local resident has raised concerns about their achievability however the Highways Engineer considers them acceptable for this environment, subject to safeguarding conditions which would include the stopping up and closure of the existing access.

Therefore, the proposed access arrangements are considered to be acceptable insofar they are not judged to be such which would result in any unacceptable harm to the local highway network and would accord with the requirements of the Core Strategy and the HSNDP. Layout, which would influence internal movement and site arrangements including parking provision would be secured at the reserved matters stage.

Ecology and trees

With regards to biodiversity considerations, the HSNDP is largely silent on requirements of development proposals in this respect and therefore policy LD2 of the Core Strategy is pertinent. The local concern raised with respect to the proposals impact on protected species and the loss of orchard.

The Council's Planning Ecologist has reviewed the submitted Ecology Survey and notes that there are no ecological records of important or protected species immediately on or adjacent to the site. Notwithstanding this, as to provide for a betterment, details of biodiversity and enhancement measures are requested and would be secured through condition. Moreover, given the sites location within an intrinsically dark landscape, a condition preventing permanently illuminated external lighting is recommended. As such, the proposal does not present any conflict with policy LD2 of the Core Strategy.

The site is no longer an Orchard although there are mature trees on the site, notably close to the boundary with Mansard. The Council's Tree Officer has reviewed the proposal and recommends a condition securing a tree protection plan and landscaping scheme to demonstrate retention of trees on site, together with the provision of further planting. Therefore, no conflict with Core Strategy policy LD3 is identified.

Habitat Regulations and drainage

The site is within the River Wye Special Area of Conservation (SAC) catchment and a Habitat Regulations Assessment (HRA) is triggered. As required, the Council have undertaken an appropriate assessment. The applicant has confirmed that all foul water will be managed through a connection to the Hereford (Eign WWTW) mains sewer network with Welsh water confirming that this connection is achievable and additional flows can be managed. With this in mind, the Council's HRA conclusions are that subject to the appropriate mitigation, the proposal would not result in any likely significant effects on the integrity of the River Wye Special Area of Conservation (SAC). It is noted that Natural England do not object to the Council's conclusions. This element of the proposal is therefore considered in accordance with Core Strategy policy SD4. The applicant has advised through infiltration testing that that surface water can be managed through onsite soakaway-infiltration features and therefore subject to conditions, no conflict with policy SD3 is found.

Conclusion

The proposed development for two dwellings is acceptable in principle since it is for housing and is found within the settlement boundary for Holmer as prescribed by the HSNDP. The site is broadly sustainable located on the northern fringes of Hereford, with active travel access to a wide range of services, together with sustainable road and public transport links. Although the scheme would introduce double-depth development to the northern side of Roman Road, the linear pattern of development would be preserved. The scheme is judged to be such that subject to an appropriate consideration of the reserved matters, there would be no undue impact on residential amenity. No demonstrable impact on protected species or the wider natural environment has been identified and there is no reason that a sustainable drainage strategy for the site cannot be achieved. The submission demonstrates the safe and efficient means of access can be achieved. Therefore, in the round the scheme is representative of a sustainable form of development and is accordingly recommended for approval subject to the conditions as set out below.

RECOMMENDATION:**PERMIT**☒**REFUSE**☐**CONDITION(S) & REASON(S)**

1. Application for approval of the reserved matters 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. 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. Approval of the details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To enable the local planning authority to exercise proper control over these aspects of the development and to secure compliance with Policy SD1 of the Herefordshire Local Plan - Core Strategy, policy HS4 and HS5 of the Holmer and Shelwick Neighbourhood Development Plan and the National Planning Policy Framework.

4. C06 (3558 P(0) 001 C, 3558 P(0) 003 E, SK02 C, SP01 B – received: 16 January 2022)

5. CBK

6. CK4

7. CKB - Protection during Construction

8. CAB (2.4m x 22.5m to the west and 2.4m x 26m to the east)

9. CAD (5m)

10. CAG

11. CAE

12. CE3

13. CE6

14. Prior to first use of any part of the development works approved under this planning decision notice, evidence of the suitably placed installation within the site boundary or on other land under the applicant's control of a range of 'permanent' bird nesting and bat roosting features, pollinating insect homes, hedgehog homes and access corridors through all solid boundary features should be supplied to and acknowledged by the local authority; and shall be

maintained hereafter as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement 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, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and policy HS5 of the Holmer and Shelwick Neighbourhood Development Plan.

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

Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3 and policy HS5 of the Holmer and Shelwick Neighbourhood Development Plan.

16. All foul water shall be managed by a connection to the local Welsh Water mains sewer network managed through the Hereford (Eign) Wastewater Treatment Works; and all surface managed through on-site infiltration features; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2, SD3 and SD4 and policy HS5 of the Holmer and Shelwick Neighbourhood Development Plan.

Informatives

1. IP1
2. The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special "protected species" such as all Bat species, Great Crested Newts, Badgers and other wildlife that are present and widespread across the County. All nesting birds and majority of wildlife are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that further advice from a local professional ecology consultant is obtained.

Signed:  Dated: 10 February 2022

TEAM LEADER'S COMMENTS:

DECISION:

PERMIT

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REFUSE

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Signed:

AB

..... Dated: 14/2/22

Is any redaction required before publication? No



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